

agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that the Port Washington Real Estate Board, Inc. ("PWREB"), in combination with its member brokers, has through its multiple listing service adopted certain rules and policies and engaged in certain practices that have restrained trade in the provision of residential real estate brokerage services in PWREB's service area. The complaint alleges that this conduct violates Section 5 of the Federal Trade Commission Act.

PWREB has signed a consent agreement to the proposed consent order that prohibits it from restricting or interfering with any member broker's offering or accepting exclusive agency listings, or restricting the publication on its multiple listing service of exclusive agency listings submitted by a member. An exclusive agency listing is defined as a listing under which a property owner appoints a broker as exclusive agent for the sale or lease of the property at an agreed commission, but reserves the right to sell the property to a direct purchaser (one not procured through the efforts of a broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

The proposed order also prohibits PWREB from suggesting or fixing the range or amount of any division or split of commissions between a listing broker and a selling broker, or restricting a property owner's participation in the determination of the commission split between the brokers. A selling broker is defined as any broker, other than the broker with whom the property is listed, who locates the purchaser for a listed property.

The proposed consent order further prohibits PWREB from restricting or interfering with the ability of member brokers or homeowners to hold open houses or place signs on a property (provided, however, that PWREB may require members to comply with any local ordinances covering open houses or signs). The order also prohibits PWREB from restricting or interfering with the ability of member brokers to advertise free services to property owners.

Finally, the proposed order prohibits PWREB from conditioning membership in or use of a PWREB multiple listing service on a broker operating a full-time office, or operating an office in the territory served by PWREB. The order provides, however, that PWREB may adopt a reasonable and nondiscriminatory policy to assure that members are actively engaged in real

estate brokerage and that listings published on the multiple listing service are adequately serviced.

The proposed order requires PWREB to mail a letter to its members (and for three years, to all new members, applicants, or persons who inquire about possible membership) summarizing the provisions of the proposed order. The order also requires PWREB to modify its by-laws, rules, and regulations to conform to the provisions of the proposed order, and to provide members with copies.

The proposed order provides that the order shall terminate 20 years after the date of its issuance by the Commission.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

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[Dkt. C-3585]

Schnuck Markets, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order—in connection with Schnuck Markets' proposed acquisition of supermarkets currently owned by National Holdings, Inc.—requires, among other things, the Missouri-based corporation to divest 24 stores in the St. Louis area to Commission-approved purchasers, and requires the respondent, for ten years, to obtain Commission approval before acquiring an interest in a supermarket, or another entity that operates a supermarket, in the relevant area.

DATES: Complaint and Order issued June 8, 1995.¹

FOR FURTHER INFORMATION CONTACT: Ronald Rowe, FTC/S-2105, Washington, D.C. 20580. (202) 326-2610.

SUPPLEMENTARY INFORMATION: On Wednesday, March 15, 1995, there was

¹ Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's Concurring Statement are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.

published in the **Federal Register**, 60 FR 13988, a proposed consent agreement with analysis. In the Matter of Schnuck Markets, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

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[Dkt. C-3587]

Taleigh Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, two marketing corporations and the owner from misrepresenting that any product is new or unique, the existence or conclusions of any test or study, or that an endorsement for any product represents the typical experience of people who use it. The consent order requires the respondents to have scientific evidence to substantiate any representation regarding the performance, benefits, efficacy or safety of any weight-loss or stop-smoking product, or for any food, dietary supplement, drug, or device. In addition, the consent order requires the owner to post a \$300,000 performance bond before marketing any weight-loss product or smoking deterrent or cessation product in the future.

DATES: Complaint and Order issued June 16, 1995.¹

FOR FURTHER INFORMATION CONTACT:

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.