affected by the amendments described in this notice.

The Commission is not seeking public comment on these amendments to repeal §§ 14.2, 14.4, 14.7, 14.11 and 14.17, and to revise § 14.16. These interpretations, guidelines and policy statements are not regulations, only interpretative guides and general statements of policy. Therefore, the Commission does not need to seek public comment before repealing or revising them.3 Further, because the Commission's determinations to repeal or revise these interpretations, guidelines and policy statements are based upon changes in the law and regulations, the existence of other laws, regulations or legal decisions, facts concerning current industry practices that do not appear to be in controversy, or current Commission policy, public comment is not likely to aid the Commission significantly in making these determinations. The amendments become effective upon publication in the Federal Register.

II. Sections Revised or Repealed

A. Section 14.2

Section 14.2 states that it is not the Commission's policy to consider the use of the word "tile" in the designation of non-ceramic products to be false and misleading, provided that either the true composition of such products or the fact that they are not ceramic products is plainly disclosed. The Commission issued this policy statement in 1950 as guidance to industry and to amend certain stipulations covering specific companies that the Commission published between 1937 and 1945.

The Commission has no reason to believe that sellers of non-ceramic tile products currently fail to disclose the composition of their products or misrepresent their composition. In any event, the Commission can prosecute misrepresentations of product composition, or the failure to disclose, prior to sale, information that is material to a consumer's purchasing decision, as unfair or deceptive acts or practices under section 5 of the FTC Act, 15 U.S.C. 45.

For these reasons, the Commission has determined that § 14.2 is unnecessary and superfluous.

B. Section 14.4

Section 14.4 contains the Commission's interpretation of the requirements of section 5 of the FTC Act concerning yarn and fabric that contain metallically weighted silk fiber. The Commission issued this interpretation in 1960 to supplement the fiber identification requirements of the Textile Fiber Products Identification Act ("Textile Act"), 15 U.S.C. 70, and the rules and regulations issued under the Textile Act.⁴

Specifically § 14.4 states that the fiber identification required by the Textile Act shall be immediately accompanied by a clear and non-deceptive disclosure that the silk fiber present is weighted, along with the percentage of the total weight of the silk fiber content in its finished state that the weighting represents. Section 14.4 further states that the disclosure shall appear on the same label that contains the fiber identification required by the Textile Act, and the rules and regulations issued under it, and in immediate conjunction with any representation in advertisements, sales promotional literature, or invoices that relates to fiber content.

During at least the past 15 years, the Commission has not been aware of any problems concerning the sale of "metallically weighted silk" yarn and fabric products. In any event, the Commission can prosecute misrepresentations concerning "metallically weighted silk" products, or the failure to disclose, prior to sale, information that is material to a consumer's purchasing decision, as unfair or deceptive acts or practices under section 5 of the FTC Act.

For these reasons, the Commission has determined that § 14.4 is unnecessary and superfluous.

C. Section 14.7

Section 14.7 contains interpretations of legal requirements concerning the payment by industry members of so-called "push money." ⁵ These interpretations, which the Commission issued in 1962, prohibit industry members from providing anything of value to a salesperson employed by a customer of the industry member as inducement to obtain greater effort in promoting the resale of the industry member's products when: (i) The agreement or payment is made "without the knowledge and consent of the salesperson's employer," (ii) the benefit

to the salesperson or customer is dependent on lottery; (iii) "any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering the sales of products of competitors * * *;" (iv) "the effect may be to substantially lessen competition or tend to create a monopoly;" or (v) "similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act," 15 U.S.C. 13 (d) and (e).

To the extent that the interpretations prohibit industry members from surreptitiously compensating employees of their customers in exchange for greater effort on the part of those employees, they address commercial bribery, which may be prohibited under section 2(c) of the Clayton Act, 15 U.S.C. 13(c), and is proscribed by many state criminal statutes.6 To the extent that they prohibit bonus plans dependent on lottery, they address business conduct which may be proscribed by section 5 of the FTC Act and by state statutes relating to lotteries and similar promotions. 7 To the extent the interpretations require payments to salespersons of competing customers to be on proportionally equal terms, they restate general principles of competition law that are set forth in section 2 of the Clayton Act and the Guides for Advertising Allowances and Other Merchandising Payments and Services ("Fred Meyer Guides"), 16 CFR part 240.

For these reasons, the Commission has determined that § 14.7 is unnecessary and superfluous.

D. Section 14.11

Section 14.11, which the Commission issued in 1979, contains guidelines designed to prevent deception and to advise manufacturers and dealers of motor vehicles built for use upon public highways about how they can avoid violating the FTC Act. These vehicles include truck chassis and incomplete vehicles used in building motor homes. The Commission issued the guidelines because it was concerned about misleading practices some manufacturers had used to identify the model years of heavy duty trucks and other vehicles whose features changed little from year to year.

³ See section 553(b)(A) of the Administrative Procedure Act, 15 U.S.C. 553(b)(A).

⁴ See Rules and regulations under the Textile Fiber Products Identification Act, 16 CFR part 303.

⁵ Section 14.7 is, in all substantive respects, identical to § 248.8 of the Commission's Guides for the Beauty and Barber Equipment and Supplies Industry ("Beauty/Barber Guides"), 16 CFR part 248. For the same reasons the Commission has determined to eliminate section 14.7, it has determined that § 248.8 of the Beauty/Barber Guides also should be eliminated. The Commission is publishing its determination concerning § 248.8 in a separate notice.

⁶ See e.g., Cal. Penal Code sec. 641.3 et seq. (Deering 1995); Ill. Rev. Stat., Ch. 38, para. 29A–1 (1995); N.Y. Penal Law sec. 180.00 (McKinney

⁷ See e.g., Tex. Penal Code sec. 32.42 (West 1995); Cal. Bus. & Prof. Code sec. 17539.1 (Deering 1995); Cal. Penal Code sec. 319 *et seq.* (Deering 1995).