The complaint also alleges that respondents made unsubstantiated representations that the SuperMind enables users to learn foreign languages overnight, lose weight, and stop smoking; treats stress and jet lag; improves the functioning of the immune system; increases I.Q.; gives users the equivalent of eight hours of sleep after twenty minutes of use; and improves users' ability to learn and retain information. The complaint further alleges that respondents falsely represented that the SuperMind has been proven in a university study to teach foreign languages in one-third the time of traditional methods.

In addition, the complaint alleges that respondents represented without substantiation that the SuperBrain Nutrient Program improves users' memory, intelligence, concentration, and cognitive and mental functions, and that when taken by pregnant women, will enhance the intelligence of their children. According to the complaint, respondent's claims that Fat Burner pills could enhance the body's ability to burn fat and enable users to lose weight were also unsubstantiated. Regarding Day and Night Eyes pills, the complaint alleges that respondents made unsubstantiated claims that the product could improve night blindness and give users clearer vision during the day.

The complaint also alleges that respondents misrepresented that consumers who returned products within thirty (30) days would receive a full refund within a reasonable period of time. According to the complaint, in numerous instances, refunds were not provided within a reasonable period of time or at all. These practices are alleged to be deceptive.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent respondents from engaging in similar acts and practices in the future.

Part I of the order requires respondents to possess competent and reliable scientific evidence to support any claim that a product or program affects the user's health, bodily structure or function, or smoking behavior. Part II requires respondents to possess adequate substantiation for any claims that a product or program affects the user's cognitive or mental functions, including reading, vocabulary, learning, foreign languages, math skills, intelligence, I.Q., concentration levels, or memory. The substantiation level required is competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Part III.A requires respondents to possess competent and reliable scientific evidence to substantiate performance, benefits, efficacy or safety claims for foods, drugs, devices, or dietary supplements. Part III.B requires that similar claims for all other products or services be supported by competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Part IV prohibits respondents from misrepresenting the existence, contents, results, conclusions, or interpretations of any test or study. Part V requires respondents to honor the terms of any advertised refund policy, including an obligation to make refunds within a reasonable period of time.

Part VI outlines a program to give refunds totalling up to $195,000 to eligible consumers. Refunds will be sent to Zygon customers who returned products for a refund between October 15, 1995 and the date the order becomes final, but never received a refund. Any remaining funds may be returned to purchasers of the Learning Machine who seek a refund from the Commission or respondents within sixty (60) days after the order is final, and to other purchasers who sought a refund prior to October 15, 1995, but never received it.

Parts VII through XII and XIV relate to respondents' obligations to make available to the Commission records concerning consumer refunds and future substantiation materials; to provide copies of the order to certain Zygon personnel; to notify the Commission of changes in corporate structure, or, in the case of the Mr. Spotts, changes in employment that would involve the advertising, sale, or distribution of any consumer product or service; and to file compliance reports with the Commission. Part XIII provides that the order will terminate after twenty years under certain circumstances.

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.

[FR Doc. 96–9280 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Jamal Z. Farooqui, Ph.D., University of Cincinnati College of Medicine (UCCM): Based on an investigation conducted by the institution as well as information obtained by ORI during its oversight review, ORI found that Jamal Z. Farooqui, Ph.D., Research Associate Professor, Department of Dermatology at UCCM, committed scientific misconduct by plagiarizing material in a Public Health Service (PHS) grant application from an application another research as submitted to the National Science Foundation (NSF). Dr. Farooqui received the NSF application from another faculty member at UCCM while that application was undergoing confidential peer review. Dr. Farooqui included the plagiarized material in the ''Prospective Significance'' and ''Methodology'' sections of his application entitled ''Proopimelanocortin expression in human epidermis,'' submitted to the National Institute of Arthritis and Musculosketetal and Skin Diseases.

Dr. Farooqui has entered into a Voluntary Exclusion Agreement with ORI in which he has voluntarily agreed, for the three (3) year period beginning April 3, 1996:

(1) that he is required to certify in every PHS research application or report that all contributors to the application or report are properly cited or otherwise acknowledged, that an institutional official must endorse the certification, and that the institution must send a copy of the certification to ORI; and

(2) to exclude himself from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

No scientific publications were required to be corrected as part of this Agreement.

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigations, Office of Research

Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

[FR Doc. 96–9388 Filed 4–16–96; 8:45 am]

BILLING CODE 4160–17–M

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Danya J. Vardi, Harvard Medical School: Based on an investigation conducted by the institution as well as information obtained by ORI during its oversight review, ORI found that Danya J. Vardi, former Harvard Medical School Research Associate in Psychology in the Department of Psychiatry at the Massachusetts Mental Health Center and former part-time Research Assistant at the Cambridge Hospital, committed scientific misconduct. ORI found that Ms. Vardi fabricated subject responses regarding recall and recognition of words having an emotional valence in research supported by a Public Health Service (PHS) grant entitled ''Psychophysiologic study of child abuse imagery in adults'' at the Manchester, New Hampshire VA Research Center.

Ms. Vardi has entered into a Voluntary Exclusion Agreement with ORI in which she has agreed to exclude herself voluntarily, for the three (3) year period beginning March 28, 1996, from:

(1) contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government, as defined in 45 CFR Part 76 (Debarment Regulations); and

(2) serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

The above voluntary exclusion, however, shall not apply to Ms. Vardi's future clinical training or practice whether as a student, resident, fellow, or licensed practitioner, as the case may be, unless that practice involves research or research training.

No scientific publications were required to be corrected as part of this Agreement.

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

[FR Doc. 96–9387 Filed 4–16–96; 8:45 am]

BILLING CODE 4160–17–M

Health Care Financing Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Current Beneficiary Survey: Round–16; *Form No.:* HCFA–P–15A; *Use:* The Office of the Actuary, HCFA, proposes to supplement the questionnaire and sample for the September, 1996 Round–16 of the Medicare Current Beneficiary Survey (MCBS) to facilitate comparisons of the experiences of beneficiaries using managed care and those in the fee-for-service medical care delivery system. The MCBS, is a national survey of persons served by Medicare, used to support policy and research by measuring use and cost of services, sources of payment, insurance coverage, health status, access, satisfaction and other information; *Frequency:* Annually; *Affected Public:* Individuals and households; *Number of Respondents:* 1,900; *Total Annual Hours:* 1,900.

To obtain copies of the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 3, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–9395 Filed 4–16–96; 8:45 am]

BILLING CODE 4120–03–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collection for public comment. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Medicare Geographical Classification Review Board (MGCRB) Procedures and Criteria; *Form No.:* HCFA–R–138; *Use:* This regulation sets up an application process for prospective payment system hospitals who choose to appeal their geographic status to the Medicare Geographic Classification Review Board (MGCRB). This regulation also establishes procedural guidelines for the MGCRB. *Frequency:* Annually; *Affected*