

legally required by FTC Rule § 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule § 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <http://www.ftc.gov> to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before March 24, 2023. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("FTC" or "Commission") has accepted, subject to final approval, an agreement containing a consent order from The Bountiful Company ("Bountiful"). The proposed consent order ("proposed order") has been placed on the public record for thirty days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves Bountiful's alleged manipulation of the *Amazon.com* product pages for a number of its Nature's Bounty and Sundown brand dietary supplement products. Bountiful is a vendor to Amazon, Inc., which allows its vendors to create or submit requests to create "variation" relationships between products sold on *Amazon.com* that are substantially similar, like a shirt which is available in different sizes and colors. The product detail page of products that are in a variation relationship displays the total number of ratings and reviews, the average star rating, and the individual reviews for all the products in the variation relationship. All the products in a variation relationship also share any "#1 Best Seller" or "Amazon's Choice" badges.

According to the Commission's proposed complaint, during 2020 and 2021, Bountiful submitted requests to Amazon to create numerous variation

relationships involving products with different formulations. The proposed complaint quotes a Bountiful employee explaining that they did this with new products to "try and ramp them faster as they were NOT selling and we wanted to give them a little boost in R[atings]&R[evIEWS] to gain visibility and allow them to also borrow the 'amazon choice' badge and best seller badge which worked."

The proposed complaint alleges that Bountiful violated Sections 5(a) and 12 of the FTC Act by misrepresenting that: (a) the apparent reviewers of certain of its products sold on *Amazon.com* had used and endorsed the products; (b) certain of its products sold on *Amazon.com* had received the numbers of customer ratings appearing on their *Amazon.com* product pages; (c) certain of its products sold on Amazon.com had obtained the average star ratings displayed on their *Amazon.com* product pages; (d) certain of its products sold on *Amazon.com* were number one best sellers; and (e) certain of its products sold on *Amazon.com* had earned an Amazon's Choice badge.

The proposed order contains provisions designed to prevent Bountiful from engaging in similar acts and practices in the future and to provide monetary relief.

Provision I prohibits Bountiful from making any misrepresentation about or through the ratings, reviews, badges, or endorsements of any of its products or services, including false claims that someone reviewed or used the product or service or about the number of ratings or reviews the product or service has, its average star rating, its having earned an Amazon's Choice badge, or its being a best seller. Provision II prohibits Bountiful from distorting or otherwise misrepresenting what consumers think of its products or services by creating relationships between different products sold online or by procuring, suppressing, boosting, organizing, selectively publishing, up-voting, down-voting, or editing consumer reviews or ratings of its products or services.

Provision III requires Bountiful to pay the Commission \$600,000 within eight days of the effective date of the order. Provision IV sets out additional requirements related to the monetary relief.

Provisions V through VIII of the proposed order are reporting and compliance provisions. Provision V requires acknowledgement of the order and dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Provision VI ensures notification to the FTC of changes in

corporate status and mandates that the company submit an initial compliance report to the FTC. Provision VII requires the company to create and retain certain documents relating to its compliance with the order. Provision VIII mandates that the company make available to the FTC information or subsequent compliance reports, as requested. Provision IX states that the proposed order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

April J. Tabor,
Secretary.

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FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Trade Commission (FTC) requests that the Office of Management and Budget (OMB) extend for three years the current Paperwork Reduction Act (PRA) clearance for information collection requirements of its Affiliate Marketing Rule, which applies to certain motor vehicle dealers, and its shared enforcement with the Consumer Financial Protection Bureau (CFPB) of the provisions (subpart C) of the CFPB's Regulation V regarding other entities (CFPB Rule). That clearance expires on February 28, 2023.

DATES: Comments must be received by March 24, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. The reginfo.gov web link is a United States Government website produced by OMB and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT:

David Walko, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326-2880.

SUPPLEMENTARY INFORMATION:

Title: Affiliate Marketing Rule (16 CFR part 680).

OMB Control Number: 3084-0131.

Type of Review: Extension of currently approved collection.

Likely Respondents: Motor vehicle dealers, financial institutions, trade associations.

Estimated Annual Burden: The total estimated burden is 7,795 hours and \$367,176 in associated labor costs. Commission staff estimates that the capital and non-labor costs associated with the Affiliate Marketing Rule's disclosure requirements are de minimis, because covered entities can consolidate affiliate marketing notices with other notices they already provide to their customers such as notices issued pursuant to the Commission's Gramm-Leach-Bliley Act Financial Privacy Rule (16 CFR part 313). On December 8, 2022, the Commission sought comment on the disclosure requirements associated with the Rule. 87 FR 75271. No relevant comments were received. For more details about the Rule requirements, the background behind these information collection provisions, and the basis for these calculations, see 87 FR 75271 (Dec. 8, 2022).

Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.*, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for those information collection requirements.

Request for Comments

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not

include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

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GENERAL SERVICES ADMINISTRATION

[Notice-MY-2023-02; Docket No. BSC-PMF-2023-0001; Sequence No. 1]

Public Review of Shared Services Performance Management Framework; Request for Public Comment

AGENCY: Office of Government-wide Policy (OGP); General Services Administration, (GSA).

ACTION: Notice; request for public comment.

SUMMARY: This notice informs the public of the opportunity to provide input on the performance management framework that has been created in support of the Quality Service Management Offices (QSMOs). This input will be considered as GSA OGP updates the performance management framework.

DATES: The performance framework is available on *regulations.gov*. Interested parties can review the framework and submit comments via the method outlined in the **ADDRESSES** section on or before March 24, 2023.

ADDRESSES: Submit comments in response to Notice BSC-PMF-2023-0001 by <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "Notice BSC-PMF-2023-0001." Select the link "Comment Now" that corresponds with "Notice BSC-PMF-2023-0001." Follow the instructions provided at the screen. Please include your name, company name (if any), and "Notice BSC-PMF-2023-0001" on your attached document.

• *Instructions:* Please submit comments only and cite "Notice BSC-PMF-2023-0001," in all correspondence related to this notice. Comments received generally will be posted without change to <http://www.regulations.gov>, including any

personal and/or business confidential information provided. To confirm receipt of your comment(s), please check <http://www.regulations.gov>, approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT:

Courtney Anderson, Program Manager, Office of Shared Solutions and Performance Improvement (OSSPI), OGP, at 202-368-2681, or by email at courtney.anderson@gsa.gov.

SUPPLEMENTARY INFORMATION: On April 26, 2019, the Office of Management and Budget (OMB) published OMB memorandum 19-16, Centralized Mission Support Capabilities for the Federal Government (available at <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-16.pdf>). This memo states that "The success of this strategy will require strong, collaborative governance and an operating model that responds to varying levels of maturity within agencies, continuous engagement of agency operational teams, establishment and adherence to common business standards, and assessment of QSMO performance (including the investments made over time to improve QSMO quality and effectiveness)." The OSSPI within OGP has worked to develop a phased approach to measuring QSMO performance as mandated by Memo 19-16. The purpose of this framework is to measure the effectiveness of the QSMOs in key areas—customer, financial, standards adoption, marketplace operations, and IT modernization.

GSA is seeking public feedback on this performance framework, including comments on understandability of the standards, suggested changes, and usefulness of the framework to the QSMO marketplace.

Guiding questions include:

- Is this framework easy to understand?
- What would you change about the framework? Is there anything missing?

Comments will be used to make updates to the performance framework as needed.

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

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