

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Order Granting Application to Strike from Listing and Registration on the American Stock Exchange LLC (Avitar, Inc., Common Stock, \$.01 par value) File No. 1-15695

September 23, 2005

On September 14, 2005, the American Stock Exchange LLC ("Amex" or "Exchange") filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 12d2-2(c) thereunder,² to strike the common stock, \$.01 par value ("Security"), of Avitar, Inc. ("Company") from listing and registration on Amex.

Amex listing standards provide, among other things, that Amex may consider removing the security of an issuer from listing and registration when: (i) the financial condition and/or operating results of the issuer appear to be unsatisfactory; (ii) the issuer has failed to comply with its listing agreements with the Exchange; or (iii) any other event shall occur or any condition shall exist which makes further dealings on the Exchange unwarranted.

In applying these standards, Amex considers delisting the securities of a company that has: (i) shareholders' equity of less than \$2,000,000 if the company has reported losses from continuing operations and/or net losses in two of its past three most recent fiscal years (Section 1003(a)(i) of the Amex Company Guide ("Company Guide")); (ii) shareholders' equity of less than \$4,000,000 if the company has reported losses from continuing operations and/or net losses in three of its past four most recent fiscal years (Section 1003(a)(ii) of the Company Guide); and (iii) shareholders' equity of less than \$6,000,000 if the company has reported losses from

¹ 15 U.S.C. 78j(d).

² 17 CFR 240.12d2-2(c).

continuing operations and/or net losses in its five most recent fiscal years (Section 1003(a)(iii) of the Amex Company Guide).

In addition, the Exchange will normally consider suspending dealings in, or removing from the list, a security of a company that: (i) is financially impaired (Section 1003(a)(iv) of the Company Guide); or (ii) has been trading at low price per share for a significant period of time (Section 1003(f)(v) of the Company Guide).

Amex stated in its application filed with the Commission that the Security no longer qualifies for continued listing and registration, listing the following reasons:

1. The Company has incurred net losses as follows:

<u>Fiscal years ended</u>	<u>Net (loss)</u>
September 30, 2004	(\$2,968,760)
September 30, 2003	(\$6,462,101)
September 30, 2002	(\$4,146,066)
September 30, 2001	(\$6,088,976)
September 30, 2000	(\$6,360,783)

2. For the nine-month period ended June 30, 2005, the Company reported additional losses of \$2,976,795, a shareholders' deficit of \$1,628,144, a working capital deficit of \$676,320, and an accumulated deficit of \$54,589,913.
3. The Security has traded below \$.20 since April 14, 2004.

By letter dated January 30, 2004, in accordance with Section 1009 of the Company Guide, Amex advised the Company of its status in relation to the standards of the Exchange and offered the Company an opportunity to submit a business plan in support of continued listing. The Exchange's letter advised the Company that it would need to regain compliance with the Exchange's continued listing standards by July 30, 2005. The company submitted its plan by letter dated March 2, 2004. The Exchange accepted the Company's plan by letter dated March

17, 2004 and granted the Company an extension until July 30, 2005 to regain compliance with the Exchange's continued listing standards.

The Company failed to regain compliance with the Exchange's continued listing standards by July 30, 2005. Subsequently, the Exchange determined that the Security did not qualify for continued listing. This determination, along with the Company's right to appeal, was communicated to the Company by letter dated August 10, 2005. The Company did not appeal the Exchange's determination within the requisite time period or thereafter.

The Commission, having considered the facts stated in Amex's application and having due regard for the public interest and protection of investors, orders that the application be, and it hereby is, granted, effective at the opening of business on September 26, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.³

Jonathan G. Katz
Secretary

³ 17 CFR 200.30-3(a)(1).