

IN THE MATTER OF

CC POLLEN COMPANY, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3419. Complaint, March 16, 1993--Decision, March 16, 1993

This consent order prohibits, among other things, a Phoenix-based firm, and its owners, from making false claims about the effect consumption of their bee pollen products has in regard to allergies, aging, impotence, sexual dysfunction, weight loss and antibiotic treatment, and requires that they have scientific evidence to support any other health-benefit claims they make about any food or other product for human consumption, in the future. In addition, the respondents are prohibited from producing or distributing any advertisement that is represented to be something other than a paid ad, and are required to prominently disclose in all future infomercials they create that the programs are paid ads. Finally, the respondents are required to pay \$200,000 as disgorgement of profits.

Appearances

For the Commission: *Brinley H. Williams, Michael Milgrom and Melissa R. Sternlicht.*

For the respondents: *Daniel C. Smith, Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that CC Pollen Company, a corporation, and Bruce R. Brown, Carol M. Brown, and Royden Brown, individually and as officers and/or directors of said corporation ("respondents") have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent CC Pollen Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Arizona, with its office or principal place of business located at 3627 East Indian School Road, Suite 209, Phoenix, Arizona.

Respondents Bruce R. Brown, Carol M. Brown, and Royden Brown are officers and/or directors of the corporate respondent named herein. They formulate, direct and control the acts and practices of said corporate respondent, including the acts and practices hereinafter set forth. Their addresses are the same as that of the corporation.

PAR. 2. Respondents have advertised, offered for sale, sold and/or distributed food products, including bee pollen products (various products containing bee pollen, and/or bee propolis, and/or royal jelly) intended for human consumption. Bee pollen products are "foods" or "drugs" within the meaning of Section 12 of the Federal Trade Commission Act, 15 U.S.C. 52.

PAR. 3. The acts and practices of respondents alleged in this Complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44.

PAR. 4. Respondents have disseminated or caused to be disseminated advertisements for bee pollen products. These advertisements have been disseminated by various means in or affecting commerce, including, but not limited to, television signals transmitted across state lines, for the purpose of inducing the purchase of bee pollen products by members of the public. These advertisements include, but are not necessarily limited to, two television productions, "The Search for the Fountain of Youth" (transcript attached hereto as Exhibit A, copy of program attached as Exhibit D) and "TV Insiders" (transcript attached hereto as Exhibit B, copy of program attached as Exhibit C), and the print advertisements attached hereto as Exhibits E and F.

PAR. 5. The aforesaid television productions contain the following statements and depictions:

