

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)
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)
YOUNG & RUBICAM INC.,) DOCKET NO. C-3680
 a corporation.)
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)

COMPLAINT

The Federal Trade Commission, having reason to believe that Young & Rubicam Inc., a corporation ("Young & Rubicam" or "respondent"), has 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 ONE: Respondent Young & Rubicam is a New York corporation, with its principal office or place of business located at 285 Madison Avenue, New York, New York 10017.

PARAGRAPH TWO: Young & Rubicam is now, and at all times relevant to this complaint has been an advertising agency for Ford Motor Company ("Ford") and the Lincoln-Mercury Dealers Associations ("LMDAs"). Young & Rubicam has prepared and disseminated advertising materials to promote the sale of Ford's Mercury Mystique and Lincoln Continental automobiles. These advertisements have included claims regarding the efficacy of the MicronAir Filtration System, a cabin air filter installed in Mercury Mystique and Lincoln Continental automobiles.

PARAGRAPH THREE: The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

PARAGRAPH FOUR: Young & Rubicam has prepared and disseminated or has caused to be disseminated advertisements for the MicronAir Filtration System, including but not necessarily limited to the attached Exhibits A-H. These advertisements contain the following statements:

A. "Eat No One's Dust.

All-New Mercury Mystique With Exclusive MicronAir Filter.

Here, quite literally, is a breath of fresh air in automotive design. The new Mercury Mystique. The only car in its class with a MicronAir filter that removes virtually all dust, pollen and other impurities from the interior." (Exhibit A: print ad).

B. "**MicronAir Filtration System** screens out virtually all pollen, road dust and potentially harmful air pollutants before they enter the car. This means allergy sufferers, and anyone concerned with air pollution, can breathe easier." (Exhibit B: promotional material).

C. "Dear Mr. Sample,

...

Do you like clean air? Mystique's standard MicronAir Filtration System removes virtually all pollen, road dust and other pollutants from air entering the car. It's an especially nice feature if you happen to be bothered by allergies." (Exhibit C: promotional material).

D. "ANNCR: Introducing, the all-new Mercury Mystique. A car that can help bar pollutants and pollen from your environment. With an air filtration system ordinarily found in cars costing thousands more." (Exhibit D: television commercial).

E. "MALE ANNCR: How about the all-new Mercury Mystique...It's loaded with features unique to its class.

FEMALE ANNCR: (SARCASTICALLY) Magical features?

MALE ANNCR: Well Mystique's air filter does remove dust, pollen and harmful pollutants from the air before they reach the car's interior.

FEMALE ANNCR: Pretty impressive!"

(Exhibit E: radio commercial).

- F. "And you can breathe easy thanks to the MicronAir Filtration System that removes all pollen and other pollutants...a decided advantage when you're driving in dusty desert air...and an advantage you can't get from either Accord or Altima." (Exhibit F: print ad).

- G. "*MicronAir Filtration System
Removes virtually all pollutants from the cabin."
(Exhibit G: print ad).

- H. "A MicronAir Filtration System to keep the passenger compartment virtually air-pollutant and pollen free."
(Exhibit H: print ad).

PARAGRAPH FIVE: Through the use of the statements contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements attached as Exhibits A-H, respondent has represented, directly or by implication, that the MicronAir Filtration System removes virtually all pollutants likely to be encountered by a driver.

PARAGRAPH SIX: In truth and in fact, the MicronAir Filtration System does not remove virtually all pollutants likely to be encountered by a driver. For example, the MicronAir Filtration System has no effect on gaseous pollutants, such as hydrocarbons, carbon monoxide, and nitrogen oxides. Therefore, the representation set forth in PARAGRAPH FIVE was, and is, false and misleading.

PARAGRAPH SEVEN: Through the use of the statements contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements attached as Exhibits A-H, respondent has represented, directly or by implication, that at the time it made the representation set forth in PARAGRAPH FIVE, respondent possessed and relied upon a reasonable basis that substantiated such representation.

PARAGRAPH EIGHT: In truth and in fact, at the time it made the representation set forth in PARAGRAPH FIVE, respondent did not possess and rely upon a reasonable basis that substantiated such representation. Therefore, the representation set forth in PARAGRAPH SEVEN was, and is, false and misleading.

PARAGRAPH NINE: Respondent knew or should have known that the representations set forth in PARAGRAPHS FIVE and SEVEN were, and are, false and misleading.

PARAGRAPH TEN: The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices and the making of false advertisements in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission on this twenty-second day of August, 1996, issues this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

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