

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Deborah Platt Majoras, Chairman
Orson Swindle
Thomas B. Leary
Pamela Jones Harbour
Jon Leibowitz**

In the Matter of)	
)	
KFC CORPORATION,)	DOCKET NO. C-4118
)	
a corporation.)	

COMPLAINT

The Federal Trade Commission, having reason to believe that KFC Corporation, a corporation, (“respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent KFC Corporation (“KFCC”) is a Delaware corporation with its principal office or place of business at 1441 Gardiner Lane, Louisville, Kentucky 40213-1914.
2. Respondent has advertised, labeled, offered for sale, sold, and distributed food products to the public, including fried chicken sold under the “KFC” name.
3. Fried chicken is a “food” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
4. 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.
5. Respondent has disseminated or has caused to be disseminated advertising and promotional materials for its fried chicken, including but not limited to the attached Exhibits A and B. These advertisements and promotional materials contain the following statements:

A. (Exhibit A: Television advertisement)

Visual: A man watching a football game on television while his wife arrives at home carrying a shopping bag.

Husband: Hey, honey.

Wife: Hey. Remember how we talked about eating better. Well, it starts today!

Fine Print Superscript: A balanced diet and exercise are necessary for good health.

Visual: Wife puts a bucket of KFC chicken down in front of husband.

Announcer: The secret's out. Two Original Recipe chicken breasts have less fat than a BK Whopper. Or go skinless for just 3 grams of fat per piece.

Fine Print Superscript: Comparing edible portions. 2 Original Recipe breasts 38 g fat, Whopper 43 g fat. . . .

Visual: **2 KFC BREASTS
LESS FAT
THAN 1 WHOPPER**

Announcer: And now, get a 12-piece bucket of kitchen-fresh chicken for just \$9.99.

Fine Print Superscript: Not a low sodium, low cholesterol food. 12-piece bucket also contains legs, thighs and wings. . . .

Husband: You know, I'm doing this for you.

Wife: Hmm.

Announcer: For a fresh way to eat better, you've gotta KFC what's cookin'!

B. (Exhibit B: Television advertisement)

Visual: A man is sitting on the tailgate of a truck with his back to the camera. Another man walks by, then backs up as he recognizes him.

Man: Jack? Is that you? Man, you look fantastic! What the heck you been doing!?

Jack: Eatin' chicken.

Fine Print Superscript: A balanced diet and exercise are necessary for good health.

Visual: Jack takes a bite of fried chicken. Next to him on the tailgate is a KFC box containing at least one other piece of chicken.

Announcer: The secret's out. One Original Recipe chicken breast has just 11 grams of carbs and packs 40 grams of protein. So if you're watching carbs and going high-protein, go KFC.

Visual: **11GRAMS OF CARBS**
40 GRAMS OF PROTEIN

Fine Print Superscript: Not a low fat, low sodium, low cholesterol food. 12-piece bucket also contains legs, thighs and wings. . . .

Announcer: And now, get a 12-piece bucket of kitchen-fresh chicken for just \$9.99.

Man: Chicken?

Jack: Chicken.

Announcer: For a fresh way to eat better, you gotta KFC what's cookin'!

6. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that eating KFC fried chicken, specifically two Original Recipe fried chicken breasts, is better for a consumer's health than eating a Burger King Whopper.

7. In truth and in fact, eating KFC fried chicken, specifically two Original Recipe fried chicken breasts, is not better for a consumer's health than eating a Burger King Whopper. While compared to Burger King's Whopper, two KFC Original Recipe fried chicken breasts have slightly less total fat (38 g. v. 43 g.) and saturated fat (12 g. v. 13 g.), they have more trans fat (3.5 g. vs. 1 g.), more cholesterol (290 mg. v. 85 mg.), more sodium (2300 mg. vs. 980 mg.), and more calories (760 v. 710). Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that eating KFC fried chicken is compatible with "low carbohydrate" weight loss programs.

9. In truth and in fact, eating KFC fried chicken is not compatible with “low carbohydrate” weight loss programs. “Low carbohydrate” weight loss programs such as the Atkins Diet and the South Beach Diet advise against eating breaded, fried foods. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. 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 Sections 5(a) and 12 of the Federal Trade Commission Act.

IN WITNESS WHEREOF, the Federal Trade Commission has caused its complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, D.C. this ninth day of September, 2004.

By the Commission.

Donald S. Clark
Secretary

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