



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

October 2, 2009

Edwin Moldauer  
State of California

Re: *In the Matter of Constellation Brands, Inc.*  
*FTC File No. 092-3035, Docket No. C-4266*

Dear Mr. Moldauer:

Thank you for your comment regarding the proposed consent order accepted by the Federal Trade Commission ("Commission") in the above-captioned matter. Your comment was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34, and was given serious consideration by the Commission. You oppose Commission acceptance of the order with respondent Constellation Brands, Inc., ("CBI"), given previous investigations of CBI and related entities that you state have been undertaken by other governmental agencies.

The Commission staff monitor respondent compliance with orders. Further, the Commission's decision is enforceable in federal district court, pursuant to Section 5(m) of the FTC Act, 15 U.S.C. § 45(m). If CBI violates the Commission's final order, it would be liable for civil penalties of up to \$16,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After considering your comment, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The order addresses the serious consequences of the Wide Eye advertising campaign. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's website at <http://www.ftc.gov>.

It helps the Commission's analysis to hear from a variety of sources in its work, and we appreciate your interest in this matter.

By direction of the Commission, Commissioner Harbour recused.

Donald S. Clark  
Secretary