



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

Division of
Advertising Practices

Mary Koelbel Engle
Associate Director

January 16, 2003

Barry J. Cutler, Esq.
Baker & Hostetler, LLP
1050 Connecticut Avenue, NW
Suite 1100
Washington, DC 20036

Re: The Clorox Company
Matter No. 002-3198

Dear Mr. Cutler:

The staff of the Federal Trade Commission has conducted an investigation of The Clorox Company ("Clorox"). Our inquiry concerned whether Clorox had violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. §45(a)(1), in connection with certain pesticide claims made for Ultra Clorox Regular Liquid Bleach.

Unlike store brand bleaches, Clorox has registered its bleach with the United States Environmental Protection Agency, under the Federal Insecticide Fungicide and Rodenticide Act. Because of this registration, Clorox can make disinfection and other pesticide claims on the label of its bleach. Clorox ran television advertisements emphasizing that its labels contain a "promise to kill germs," but the labels of store brand bleaches do not.

FTC staff was concerned about whether these advertisements may have deceptively implied that while Clorox bleach kills germs, store brand bleaches do not. All bleaches kill germs to some extent because they all contain sodium hypochlorite, also known as "chlorine."

Soon after staff contacted Clorox about this matter, it discontinued its dissemination of the aforementioned ads. The staff recommends that Clorox be careful in the future about comparing the germ-killing ability of its bleach with any others. In the staff's view, Clorox should continue to review its advertising to ensure that all its claims are accurate and non-misleading.

After careful review, the staff has decided to not to recommend enforcement action at this time. Accordingly, the investigation has been closed. This action is not to be construed as a determination that a violation did not occur, just as the pendency of an investigation should not

be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

Mary Koelbel Engle