

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of)
CAMPBELL MITHUN LLC,)
a corporation.)

DOCKET NO. C-4043

COMPLAINT

The Federal Trade Commission, having reason to believe that Campbell Mithun LLC, a corporation ("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:

1. Respondent Campbell Mithun LLC is a Delaware corporation with its principal office or place of business at 222 South Ninth Street, Minneapolis, Minnesota, 55402.
2. Respondent, at all times relevant to this complaint, was an advertising agency of Interstate Bakeries Corporation and prepared and disseminated advertisements to promote the sale of Wonder Bread. Wonder Bread is a "food" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
3. 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.
4. Respondent has prepared and disseminated or caused to be disseminated advertisements for Wonder Bread, including, but not necessarily limited to, the attached Exhibit A. These advertisements contain the following statements and depictions:
 - A. "PROFESSOR WONDER: Moms know calcium helps build strong bones. But did you know it helps build strong minds, too? * Neurons in your brain need calcium to transmit signals. Without it, they can be, well, a little slow. [Inside Missy's brain, Professor Wonder sees tired neurons that have obviously not gotten enough calcium] Let's see what happens when you give them soft, delicious Wonder Bread. [Professor Wonder, with the help of Mom,

constructs a demonstration that will allow Missy to get her calcium.] A good source of calcium with vitamins and minerals.

WOMAN: [After Missy takes a bite of her sandwich, Mom directs Missy to do her homework in order to show how well the calcium worked. Professor Wonder looks into her brain again.] Missy, go do your homework. [Inside Missy's brain we see lively, active neurons.]

NEURON: Let's go, guys, time to do homework.

PROFESSOR WONDER: Wow! I've never seen anything like it! Calcium helps you remember things, too. So remember, Wonder helps build strong bodies and minds."

* The following superscript appears in small, white type, on varying backgrounds, at the bottom of the screen, for approximately three (3) seconds: "With regular exercise and a balanced diet."

(Exhibit A) (Exhibit A is a storyboard of a thirty-second television advertisement) (*See also* Exhibit B, a videotape version of the advertisement)

5. Through the use of the statements and depictions contained in the advertisements referred to in paragraph 4, including but not necessarily limited to the advertisements attached as Exhibit A, respondent has represented, expressly or by implication, that:

- A. As a good source of calcium, Wonder Bread helps children's minds work better, and
- B. As a good source of calcium, Wonder Bread helps children remember things.

6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.

7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. Respondent knew or should have known that the representation set forth in paragraph 6 was and is false or misleading.

9. 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 and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission on this sixteenth day of April, 2002, has issued this complaint against respondent.

By the Commission, Commissioner Anthony recused.

Donald S. Clark
Secretary

SEAL: