

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)
)
THE DANNON COMPANY, INC.,)
a corporation.)
_____)

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that The Dannon Company, Inc., a corporation, ("respondent"), has violated Section 5(a) of the Federal Trade Commission Act (15 U.S.C. § 45(a)), and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH ONE: Respondent is a Delaware corporation, with its office and principal place of business located at 120 White Plains Road, Tarrytown, NY 10591.

PARAGRAPH TWO: Respondent has manufactured, advertised, promoted, offered for sale, sold and distributed a frozen yogurt known by the product name Pure Indulgence. This product is a "food" within the meanings of Sections 12 and 15 of the Federal Trade Commission Act.

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: Respondent has disseminated or has caused to be disseminated advertisements for Pure Indulgence, including, but not limited to, the following television advertisement, which contained, inter alia, the following statements:

Beware: the following graphic images
may prompt feelings of guilt among viewers.

Hey. It's OK.

It's Frozen Yogurt.

Proceed Without Caution.

PARAGRAPH FIVE: Through the use of the statements contained in the advertisement referred to in PARAGRAPH FOUR, respondent has represented, directly or by implication, that Dannon Pure Indulgence is low in fat, low in calories, and lower in fat than ice cream.

PARAGRAPH SIX: In truth and in fact, at the time the advertisement was disseminated, certain flavors of Dannon Pure Indulgence were not low in fat, not low in calories, and not lower in fat than many ice creams. Therefore the representations set forth in PARAGRAPH FIVE were false and misleading.

PARAGRAPH SEVEN: 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) and 12 of the Federal Trade Commission Act.

Therefore, the Federal Trade Commission this _____ day of _____, 199__, issues this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL