



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising Practices

December 21, 2015

Andrea C. Levine, Esq.
Senior Vice President, Director
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: NAD Referral of Takari International about Danisa Butter Cookies

Dear Ms. Levine:

Last month, you referred to the FTC the NAD's compliance investigation of Takari International, Inc. for claims about Danisa Traditional Butter Cookies, distributed by Takari and produced by an Indonesian company. Your letter indicates that in a March 2015 NAD decision, the NAD determined that the "Traditional Butter Cookies" claim could mislead consumers to believe that butter was the only shortening in the cookies, when in fact they also contained another shortening ingredient. In addition, the NAD determined that the express claim that the cookies were "Produced and packed in Denmark," combined with language such as "Danish Specialty Foods" and imagery depicting Danish costumes, crowns, and other Scandinavian settings suggested that the cookies were produced in Denmark. Your letter stated that Takari failed to discontinue/modify its advertising claims despite having agreed to do so.

After you referred this matter, FTC staff contacted Takari to follow up on its recent representation to the NAD that current advertising is for a new cookie product that uses butter as the exclusive shortening ingredient, completely different than the product at issue in the March 2015 NAD proceeding. In response, P.T. Mayora Indah Tbk, the Indonesian manufacturer of Danisa Butter Cookies, produced results from independent, third-party testing confirming that samples of cookies recently manufactured by Mayora and distributed by Takari contain pure butter and no other shortening.

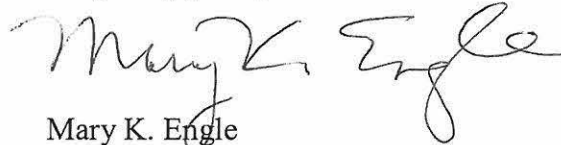
Moreover, we understand that prior to your referral, Mayora discontinued using the express claim that Danisa Butter Cookies are "Produced and packed in Denmark." Although advertisements for the cookies continue to contain Danish-themed imagery, absent the claim that the cookies are produced or packed in Denmark, we do not find the advertising to be deceptive. Reasonable consumers likely understand that the cookies are Danish cookie-style but not made in Denmark.¹

¹ See FTC Policy Statement on Deception, appended to *Cliffdale Assocs., Inc.*, 103 F.T.C. 110, 178 (1984) (not actionable deception to advertise "Danish pastry" when it is made in the U.S.

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For the aforementioned reasons, it appears that no additional FTC action is warranted at this time. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and the last name "Engle" clearly distinguishable.

Mary K. Engle
Associate Director for Advertising Practices

Cc: John R. Fleder
Hyman, Phelps & McNamara, P.C.

merely because it will be unreasonably misunderstood by an insignificant and unrepresentative segment of the class of persons to whom the representation is addressed (citing *Heinz W. Kirchner*, 63 F.T.C. 1282, 1290 (1963))).