

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

_____)	
In the Matter of)	
TROPICANA PRODUCTS, INC.,)	DOCKET NO.
)	
a corporation.)	
_____)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Tropicana Products, Inc., a corporation, (“respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is a Delaware corporation with its principal office or place of business at 555 Monroe Street, Chicago, Illinois 60661.
2. Respondent has advertised, labeled, offered for sale, sold, and distributed food products to the public, including orange juice sold under the “Tropicana” name.
3. Orange juice is a “food” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
4. 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.
5. Respondent has disseminated or has caused to be disseminated national advertising and promotional materials for its orange juice, including but not limited to the television and print advertisements attached as Exhibits A-C. The advertisements contain the following statements and depictions:

- | | | |
|----|---------|--|
| A. | VISUAL: | Carton of Tropicana orange juice with blood pressure gauge attached. |
| | TEXT: | Lowering your blood pressure never tasted so good. |
| | VISUAL: | Two small glasses of orange juice. |

TEXT: A new clinical study shows enjoying two glasses of Tropicana Pure Premium every day can lower your blood pressure an average of ten points.

FINE PRINT: Two 8-oz. glasses daily over 6 weeks resulted in an average reduction of 10 pts. Consult your physician. Results may vary.

Full page, color print advertisement, *New York Times*, March 20, 2002 (Exhibit A)

B. ON SCREEN: Older man sings and dances around doctor's examining room while drinking Tropicana orange juice. Camera shots alternate between man and various pieces of medical equipment, including blood pressure monitor.

MUSIC: Everybody's smiling. Sunshine day.

VOICEOVER: A new study finds that 2 glasses of great tasting Tropicana Pure Premium every day can significantly lower your blood pressure.

SUPERSCRIPIT: Two 8 oz glasses daily over 6 weeks resulted in an average of 10 pt. reduction. Results may vary. Consult your physician on how a healthy diet can help lower your blood pressure.

ON SCREEN: Carton of Tropicana orange juice.

ON SCREEN: Arm on dial of blood pressure gauge lowers from 140 points to below 128 points.

ON SCREEN: Man dances out of doctor's office.

Television advertisement (Exhibit B)

C. TEXT: Over the past few years, researchers have tied America's favorite breakfast beverage to a bonanza of health perks. Besides being fat-, sodium- and cholesterol-free, orange juice has been shown to improve heart health. And there's growing evidence it may have other benefits, including helping to stave off cancer. . . .

TEXT: Most research on o.j. links a juice habit to healthier hearts. For instance, researchers recently showed that drinking three glasses of Tropicana orange juice a day for four weeks raised HDL, the

“good” cholesterol, by 21 percent and improved the ratio of good cholesterol to bad (LDL) cholesterol by 16 percent. . . .

TEXT: Hearts also benefit from folic acid (folate), which lowers levels of a harmful substance called homocysteine. High amounts of this amino acid are associated with increased risk of cardiovascular problems, but drinking orange juice may counter its ill effects. A study from the Medical College of Wisconsin found that drinking 20 ounces of orange juice a day increased blood levels of folate by almost 45 percent and decreased homocysteine by 11 percent. . . .

TEXT: Orange juice also appears to lower blood pressure and stroke risk, which appears to be at least partly due to its high potassium levels. When researchers at the Cleveland Clinic Heart Center asked 24 people to drink two glasses of Tropicana each day for eight weeks, study participants experienced a significant lowering of blood pressure: Systolic blood pressure (the upper number) dropped an average of 10 points.

VISUAL: Orange with wrist heart monitor strapped around it and straw sticking out of it.

Multi-page print advertisement, *Newsweek*,
February 9, 2004 (Exhibit C)

6. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that

- A. Drinking three cups of Tropicana orange juice a day for four weeks will raise HDL cholesterol by 21 percent and improve the ratio of HDL to LDL cholesterol by 16 percent;
- B. Drinking 20 ounces of Tropicana orange juice a day will increase blood levels of folate by almost 45 percent and decrease homocysteine by 11 percent; and
- C. Drinking two cups of Tropicana orange juice a day for six or eight weeks will lower systolic blood pressure an average of 10 points.

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

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

9. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that:

- A. A clinical study shows that drinking Tropicana orange juice will reduce the risk of heart disease by substantially raising HDL (good) cholesterol levels and substantially improving the ratio of HDL cholesterol to LDL (bad) cholesterol, including specifically that drinking three cups of Tropicana orange juice a day for four weeks will raise HDL by 21 percent and improve the ratio of HDL to LDL cholesterol by 16 percent;
- B. A clinical study shows that drinking Tropicana orange juice will reduce the risk of heart disease by substantially increasing the levels of folate in the blood and substantially decreasing the levels of homocysteine in the blood, including specifically that drinking 20 ounces of Tropicana orange juice a day will increase blood levels of folate by almost 45 percent and decrease homocysteine by 11 percent; and
- C. A clinical study shows that drinking Tropicana orange juice will reduce the risk of stroke by substantially lowering blood pressure, including specifically that drinking two cups of Tropicana orange juice a day for six or eight weeks will lower systolic blood pressure an average of 10 points.

10. In truth and in fact:

- A. A clinical study does not show that drinking Tropicana orange juice will reduce the risk of heart disease by substantially raising HDL (good) cholesterol levels and substantially improving the ratio of HDL cholesterol to LDL (bad) cholesterol, including specifically that drinking three cups of Tropicana orange juice a day for four weeks will raise HDL by 21 percent and improve the ratio of HDL to LDL cholesterol by 16 percent;
- B. A clinical study does not show that drinking Tropicana orange juice will reduce the risk of heart disease by substantially increasing the levels of folate in the blood and substantially decreasing the levels of homocysteine in the blood, including specifically that drinking 20 ounces of Tropicana orange juice a day will increase blood levels of folate by almost 45 percent and decrease homocysteine by 11 percent; and
- C. A clinical study does not show that drinking Tropicana orange juice will reduce the risk of stroke by substantially lowering blood pressure, including specifically that drinking two cups of Tropicana orange juice a day for six or eight weeks will lower systolic blood pressure an average of 10 points.

Therefore, the making of the representations set forth in Paragraph 9 was, and is, false or misleading.

11. 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(a) and 12 of the Federal Trade Commission Act.

IN WITNESS WHEREOF, the Federal Trade Commission has caused its complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, D.C. this _____ day of _____, 2005.

By the Commission.

Donald S. Clark
Secretary

ISSUED:

SEAL