



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

Office of the Secretary

August 19, 2005

Ms. B. Sachau  
15 Elm Street  
Florham Park, New Jersey 07932

Re: *Tropicana Products, Inc.*  
Matter No. 0423154

Dear Ms. Sachau:

Thank you for your email commenting on the proposed consent order accepted by the Federal Trade Commission for public comment in the above-captioned matter. You object to the proposed order's failure to require Tropicana Products, Inc. to pay a monetary penalty, and you state that Tropicana should pay at least a \$1 million penalty. You also state that the 30-day period for submission of public comments on this settlement was not sufficient. The Commission has reviewed your comment in connection with its decision concerning whether to accord final approval to the proposed consent order, and also has placed your comment on the public record.

After considering your comments, the Commission has determined that the public interest would be served best by issuing the Decision and Order in final form without modification. First, regarding your suggestion that Tropicana should pay a civil penalty, the Commission does not have legal authority to seek civil penalties in this case. Please note that Section 5(1) of the FTC Act, 15 U.S.C. § 45(1), provides that the Commission may seek up to \$11,000 for each violation of a final Commission order. Tropicana will be required to file compliance reports with the Commission and will be subject to civil penalties of up to \$11,000 per violation if it violates the Order. As is the case with all Commission orders, Commission staff will monitor closely Tropicana's future activity to determine whether any violations occur. Furthermore, the Commission does not believe that the facts of this case warrant consumer redress.

Second, regarding your suggestion that the comment period be extended, we believe that the 30-day period was sufficient to allow interested parties to submit comments.

It helps the Commission's analysis to hear from a variety of sources in its work, and we appreciate your interest in this matter. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's website at [www.ftc.gov](http://www.ftc.gov).

By direction of the Commission.

Donald S. Clark  
Secretary