

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

9623069  
B220032

In the Matter of  
**ABBOTT LABORATORIES,**  
a corporation.

DOCKET NO. C-3745

COMPLAINT

The Federal Trade Commission, having reason to believe that Abbott Laboratories, 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 Abbott Laboratories ("Abbott") is an Illinois corporation with its principal office or place of business at One Abbott Park Road, Abbott Park, Illinois 60064.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed nutritional products to the public, including Ensure products. Ensure products are marketed through Abbott's Ross Products Division and include Ensure, Ensure High Protein, Ensure Plus, Ensure With Fiber, Ensure Pudding, and Ensure Light. These products are "foods" and/or "drugs" 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 disseminated or has caused to be disseminated advertisements for Ensure, including but not necessarily limited to the attached Exhibits A through D. These advertisements contain the following statements and depictions:

A.

VIDEO

Close-up of a graduation photograph of man and woman.

Man and woman who appear to be in their middle thirties.

AUDIO

Man: For 15 years, we've taken good care of each other.

Woman: We sure have.

Can of Ensure being poured into glass.

Man and woman jogging in a park.

Cans of Ensure. Super: RECOMMENDED #1 BY DOCTORS.

Man: And to take better care of our health, we started drinking Ensure.

Woman: More than a vitamin supplement, Ensure is a delicious drink with all the nutrients adults need to help stay healthy, active, be energetic.

Man: Drink Ensure as a meal.

Woman: Or in between meals.

Man: Ensure is even recommended number one by doctors as a source of complete balanced nutrition.

Woman: Ensure, to your health honey.

Man: Uh, uh, to our health.

(Exhibit A, television advertisement entitled “Younger Husband/Wife”).

B.

VIDEO

AUDIO

Close-up of black and white photograph of little girl and young father fishing.

Father and adult daughter fishing on dock.

Three cans of Ensure. Super: RECOMMENDED #1 BY DOCTORS.

Can of Ensure being poured into glass.

Father and daughter in boat with father casting.

Woman: When I was young, you and mom made sure I ate right.

Man: Well you were my little girl.

Woman: Well today we’re listening to our doctors and taking better care of our health with Ensure.

Man: Ensure is recommended number one by doctors as a source of complete balanced nutrition.

Woman: More than a vitamin supplement, Ensure has all the nutrients adults need to help stay healthy, active, be energetic.

Man: Drink Ensure as a meal.

Woman: Or in between meals.  
Ensure, to your health dad.

Mother: Uh, uh, to our health.

Three cans of Ensure. Super:  
RECOMMENDED #1 BY DOCTORS.

Announcer: Ensure, doctors  
recommend it number one.

(Exhibit B, television advertisement entitled “Father/Daughter”).

C. Wife: Oh boy, that water felt great!

Husband: Sure did. I always feel so good after a swim.

Wife: For 15 years, we’ve shared a pretty active life.

Husband: I’ve loved every minute.

Wife: And to help make sure we stay active, one thing we’ve done lately is to drink Ensure.

Husband: Hm Hmm. See, our doctor told us that a key to being energetic and in good health is good nutrition.

Wife: Right. And one way to help guarantee that you’re getting the nutrition you need, is by drinking Ensure.

Husband: More than a vitamin supplement, Ensure is a delicious drink that provides complete balanced nutrition.

Wife: It’s got the protein, carbohydrates, minerals and vitamins your body needs everyday to help you stay healthy, active, be energetic.

Husband: Drink Ensure anytime.

Wife: I like it as a delicious meal.

Husband: I like it in between meals. Ensure is even recommended number one by doctors and nutritionists for complete balanced nutrition.

Wife: So make sure the ones you love get the nutrition they need. Ensure. To your health, dear.

Husband: Uh, uh, to our health.

(Exhibit C, radio advertisement entitled “Younger Husband/Wife”).

- D. Depiction: Snapshots of a young man and a young woman. *“Back then we promised to make the most out of life...today we’re enjoying every moment.”*

**DRINK TO YOUR HEALTH WITH ENSURE.**<sup>®</sup> Depiction: Man and woman who appear to be in their thirties holding glasses of Ensure.

### **The #1 Doctor Recommended Source of Nutrition.**

Most doctors will tell you that a key to good health is good nutrition. But even if you’ve improved your diet by eating more lean meats, fruits and vegetables, you still may not be getting the balanced nutrition you need.

So how can you help guarantee that you and the ones you love get the right nutrition?

With Ensure and *New* Ensure High Protein.

Ensure is more than a vitamin supplement. It’s complete balanced nutrition in a delicious ready-to-serve drink that provides an excellent balance of protein, carbohydrate, vitamins, and minerals. In addition, *New* Ensure High Protein is low in cholesterol and low in saturated fat while being high in the nutrients you need everyday to help stay healthy, be energetic and more active. Drink your favorite Ensure anytime. Enjoy it as a healthy meal by itself or as a healthy between-meal snack. Ensure is even recommended #1 by doctors as a complete source of nutrition.

So make sure the ones you love get the right nutrition. Drink Ensure and drink to your health.

(Exhibit D, print advertisement).

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that many doctors recommend Ensure as a meal supplement and as a meal replacement for healthy adults, including those in their thirties and forties.
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 representation set forth in Paragraph 5, at the time the representation was made.
7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 5, at the time the representation was made. Among other reasons, a survey of doctors relied upon by respondent was not designed to elicit whether many doctors actually recommend Ensure as a meal supplement or meal replacement for healthy adults, as opposed to for adults who are ill or elderly and may have

nutritional deficiencies. The survey merely asked doctors to assume that they would recommend a supplement for adults who were not ill, and then to select the brand they would most recommend. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that one serving of Ensure provides vitamins in an amount comparable to typical multivitamin supplements.

9. In truth and in fact, one serving of Ensure does not provide vitamins in an amount comparable to typical multivitamin supplements. While the typical multivitamin supplement provides at least 100% of the recommended daily intake (RDI) of vitamins for which RDIs have been established, at the time the advertisements were first disseminated, one serving of Ensure provided 62% of the RDI of Vitamin C and between 12% and 26% of the RDIs of the other vitamins for which RDIs have been established. Ensure has been reformulated and currently one serving provides 50% of the RDI of Vitamin C and 25% of the RDIs of the other vitamins for which RDIs have been established. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. 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.

THEREFORE, the Federal Trade Commission this thirtieth day of May, 1997, has issued this complaint against respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL:

[Exhibits A-D attached to paper copies of complaint, but not available in electronic form.]