

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

In the Matter of  
BBDO WORLDWIDE, INC.,  
a corporation.

DOCKET NO. C-3637

COMPLAINT

The Federal Trade Commission, having reason to believe that BBDO Worldwide, Inc., a corporation ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH ONE: Respondent BBDO Worldwide, Inc. is a New York corporation, with its principal office or place of business at 1285 Avenue of the Americas, New York, NY 10019.

PARAGRAPH TWO: Respondent, at all times relevant to this complaint, was an advertising agency of Häagen-Dazs Company, Inc., and prepared and disseminated advertisements to promote the sale of Häagen-Dazs Frozen Yogurt, a "food" within the meaning 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 Häagen-Dazs Frozen Yogurt, including but not necessarily limited to the attached Exhibits 1-3. These advertisements contain the following statements and depictions:

A. [In a 70-point type headline:]

**WHY IS HÄAGEN-DAZS®  
FROZEN YOGURT  
BETTER THAN YOUR  
FIRST TRUE LOVE?**

[Depiction of "Honeymooners"]

**HÄAGEN-DAZS IS STILL  
98% FAT FREE\*.**

[In 15-point text below the headline:]

Imagine pineapple sorbet tantalizingly wrapped around a coconut frozen yogurt bar. And now imagine that this bar has 100 calories. Or imagine a pint of vanilla frozen yogurt swirled with heavenly raspberry sorbet. And that these and all the rest of our irresistible frozen yogurt and sorbet combinations are 98% fat free. But they're still totally Häagen-Dazs. What could be better?

[Depiction of frozen yogurt carton container and box of frozen yogurt bars]

[In 8-point type at the bottom right side of the page:]

(Exhibit 1) 'frozen yogurt and sorbet combinations

B. [In a 70-point type headline:]

**WHY IS HÄAGEN-DAZS®  
FROZEN YOGURT  
BETTER THAN YOUR  
FIRST TRUE LOVE?**

[Depiction of "Honeymooners"]

**HÄAGEN-DAZS IS STILL  
98% FAT FREE\*.**

[In 20-point text below the headline:]

Try new Raspberry  
Rendezvous™ and Orange  
Tango™ Frozen Yogurt. Both  
are 98% fat free and still  
totally Häagen-Dazs.

[Depiction of frozen yogurt carton container]

[In 8-point type at the bottom right side of the page:]

\*frozen yogurt and sorbet combinations

(Exhibit 2)

C. [In a 110-point type headline:]

**NOW DISAPPEARING AT A STORE NEAR YOU.**

[Depiction of frozen yogurt bar]

[In 15-point text below the headline:]

Take a good look. This is what a Häagen-Dazs Frozen Yogurt bar looks like. We thought we'd point that out, just in case you have some trouble finding them in your store. Because it seems that people are demanding them faster than we can supply them. Not that we're really surprised. After all, we're the ones who made them so irresistible in the first place -- with flavors like Raspberry & Vanilla, Peach, Strawberry Daiquiri and Piña Colada. And each with just 1 gram of fat and 100 calories. So now that you know what they look like -- go ahead and try one. And you'll find out for yourself just how quickly they can disappear.

(Exhibit 3)

PARAGRAPH FIVE: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements attached as Exhibits 1 and 2, respondent has represented, directly or by implication, that Häagen-Dazs Frozen Yogurt is 98 percent fat free.

PARAGRAPH SIX: In truth and in fact, in most cases Häagen-Dazs Frozen Yogurt is not 98 percent fat free. Seven of the nine Häagen-Dazs Frozen Yogurt flavors sold in cartons and three of the eight Häagen-Dazs Frozen Yogurt Bar flavors contained more than two percent fat content at the time of dissemination of the advertisements referred to in PARAGRAPH FOUR. Therefore, the representation set forth in PARAGRAPH FIVE was, and is, false and misleading.

PARAGRAPH SEVEN: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements attached as Exhibits 1 and 2, respondent has represented, directly or by implication, that Häagen-Dazs Frozen Yogurt is low fat.

PARAGRAPH EIGHT: In truth and in fact, in most cases Häagen-Dazs Frozen Yogurt is not low fat. Three of the nine Häagen-Dazs Frozen Yogurt flavors sold in cartons and three of the eight Häagen-Dazs Frozen Yogurt Bar flavors contained from eight to twelve grams of fat per serving at the time of dissemination of the advertisements referred to in PARAGRAPH FOUR. In addition, four of the nine Häagen-Dazs Frozen Yogurt flavors sold in cartons contained from four to six grams of fat per serving. Therefore, the representation set forth in PARAGRAPH SEVEN was, and is, false and misleading.

PARAGRAPH NINE: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisement attached as Exhibit 3, respondent has represented, directly or by implication, that Häagen-Dazs Frozen Yogurt Bars contain one gram of fat per serving.

PARAGRAPH TEN: In truth and in fact, in many cases Häagen-Dazs Frozen Yogurt Bars contain more than one gram of fat per serving. Three of the eight Häagen-Dazs Frozen Yogurt Bar flavors contained from eleven to twelve grams of fat per serving at the time of dissemination of the advertisements referred to in PARAGRAPH FOUR. Therefore, the representation set forth in PARAGRAPH NINE was, and is, false and misleading.

PARAGRAPH ELEVEN: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisement attached as Exhibit 3, respondent has represented, directly or by implication, that Häagen-Dazs Frozen Yogurt Bars are low fat.

PARAGRAPH TWELVE: In truth and in fact, in many cases Häagen-Dazs Frozen Yogurt Bars are not low fat. Three of the eight Häagen-Dazs Frozen Yogurt Bar flavors contained from eleven to twelve grams of fat per serving at the time of dissemination of the advertisements referred to in PARAGRAPH FOUR. Therefore, the representation set forth in PARAGRAPH ELEVEN was, and is, false and misleading.

PARAGRAPH THIRTEEN: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisement attached as Exhibit 3, respondent has represented, directly or by implication, that Häagen-Dazs Frozen Yogurt Bars contain 100 calories per serving.

PARAGRAPH FOURTEEN: In truth and in fact, in many cases Häagen-Dazs Frozen Yogurt Bars contain more than 100 calories per serving. Three of the eight Häagen-Dazs Frozen Yogurt Bar flavors contained from 210 to 230 calories per serving at the time of dissemination of the advertisements referred to in PARAGRAPH FOUR. Therefore, the representation set forth in PARAGRAPH THIRTEEN was, and is, false and misleading.

PARAGRAPH FIFTEEN: Respondent knew or should have known that the representations set forth in PARAGRAPHS FIVE, SEVEN, NINE, ELEVEN and THIRTEEN were, and are, false and misleading.

PARAGRAPH SIXTEEN: The acts and practices of the 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, on this twenty-fourth day of January, 1996, has issued this complaint against respondent.

By the Commission.



DONALD S. CLARK  
Secretary