

Complaint

IN THE MATTER OF

**PHARMACEUTICAL FORMULATIONS, INC.**

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF  
SEC. 5 AND SEC. 12 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-4038; File No. 0123059*

*Complaint, February 19, 2002--Decision, February 19, 2002*

This consent order addresses claims on certain packaging and labeling for aspirin and acetaminophen tablets produced by Respondent Pharmaceutical Formulations, Inc. that such products are all or virtually all made in the United States. The order, among other things, prohibits the respondent from misrepresenting the extent to which any non-prescription drug product containing an analgesic is made in the United States, while permitting the respondent to represent that such products are made in the United States as long as all, or virtually all, of the ingredients or component parts of such products are made in the United States and all, or virtually all, of the labor in manufacturing such products is performed in the United States. The order also permits the respondent to represent that a product containing imported active ingredient(s) is "Processed in the United States with Foreign Ingredients" when describing a product that has been "significantly processed" in the United States.

*Participants*

For the Commission: *Laura D. Koss, Walter C. Gross, Joni Lupovitz, Elaine D. Kolish and Keith Anderson.*

For the Respondent: *James Ingram, pro se.*

**COMPLAINT**

The Federal Trade Commission, having reason to believe that Pharmaceutical Formulations, Inc. ("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:

## Complaint

1. Respondent is a Delaware corporation with its principal office or place of business at 460 Plainfield Avenue, Edison, New Jersey 08818.
2. Respondent has manufactured, labeled, offered for sale, sold, and distributed aspirin and acetaminophen tablets to the public, including but not limited to private label aspirin and acetaminophen brands.
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 packaging and labeling for certain of its aspirin and acetaminophen products, including but not necessarily limited to the attached Exhibits A through J. The packaging and labeling contain the following statements or depictions:
  - A. **American Fare Allergy/Sinus Headache Caplets, Exhibit A**  
  
“Made in the **USA** for  
Kmart Corporation”
  - B. **DG Maximum Strength Non-Aspirin Flu Medicine, Exhibit B**  
  
“**MADE IN**  
**USA**”
  - C. **DR Duane Reade Enteric Coated Aspirin, Exhibit C**  
  
“**Made in U.S.A. . . .**  
**Distributed By: DUANE READE . . .**”
  - D. **Eckerd Maximum Strength Non-Aspirin Allergy**

Complaint

**Sinus, Exhibit D**

“ECKERD BRAND Promise . . .  
Made in U.S.A.”

**E. Harris Teeter Non-Aspirin Maximum Strength Pain  
Reliever Sinus/Allergy, Exhibit E**

“Made in U.S.A.  
PROUDLY DISTRIBUTED BY  
HARRIS TEETER® MATTHEWS . . .”

**F. Osco Maximum Strength Allergy Sinus Gelatin  
Caplets, Exhibit F**

“Made in U.S.A.  
DISTRIBUTED BY: AMERICAN PROCUREMENT  
AND LOGISTICS CO.”

**G. Our Family No Drowsiness Sinus Tabs, Exhibit G**

“Made in U.S.A.  
DISTRIBUTED BY  
NASH FINCH COMPANY.”

**H. Sav-on Enteric Coated Aspirin, Exhibit H**

“Made in U.S.A. . . .  
DISTRIBUTED BY AMERICAN PROCUREMENT  
AND  
LOGISTICS CO.”

**I. Select Brand® Multi-Symptom Cold Medicine  
Tablets, Exhibit I**

“Dist. by: SELECT BRAND DISTRIBUTORS . . .  
Made in U.S.A.”

## Complaint

**J. Walgreens Maximum Strength No-Aspirin Sinus  
Formula, Exhibit J****“Distributed by: Walgreen Co. . . . Made in U.S.A.”**

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that certain of its aspirin and acetaminophen products are made in the United States, *i.e.*, that all, or virtually all, of the ingredients of such products are made in the United States, and that all, or virtually all, of the labor in manufacturing such products is performed in the United States.

6. In truth and in fact, a significant portion of the ingredients of certain of respondent's aspirin and acetaminophen products is, or has been, of foreign origin. The active ingredients, bulk aspirin or acetaminophen compounds, that respondent processed into aspirin or acetaminophen tablets are or were made outside the United States. Therefore, the representation set forth in Paragraph 5 was, and is, false or misleading.

7. 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, 15 U.S.C. §§ 45(a) and 52.

THEREFORE, the Federal Trade Commission this nineteenth day of February, 2002, has issued this complaint against respondent.

By the Commission.

# Pharmaceutical Formulations

012 3059



**FLU MEDICINE** MAXIMUM STRENGTH NON-ASPIRIN

**OG 100% SATISFACTION GUARANTEE**  
*Guarantee* MCD 55010 410

**DOLLAR  
GENERAL  
\$1.50**

**MAXIMUM STRENGTH  
NON-ASPIRIN**

# FLU MEDICINE

\*Compare to the active ingredients of Tylenol® Flu

FOR THE WORK-PROGRESS TEMPORARY AGREEMENT

- Fever
- Headaches / Body Aches
- Coughing
- Nasal Congestion
- Sore Throat

## 10 GELATIN CAPLERS

22115  
500  
BX30815-G

**FLU MEDICINE** MAXIMUM STRENGTH NON-ASPIRIN



0161791601

**WE GUARANTEE YOUR SATISFACTION**  
You have our personal guarantee of quality or your money back!

*Carl Hammer, Jr.*  
President

Medical Evaluation of Vision Center  
Call toll-free 1-800-676-9200  
For a free information kit, write to:  
Vision Center, P.O. Box 1000, Littleton, CO 80120

THE UNIVERSITY OF CHICAGO PRESS

19574-04 07



**DR** duane reade

ENTERIC COATED

# Aspirin

100 TABLETS 325 mg EACH

Prevents stomach upset caused by aspirin

6100-00025



22  
00286

**DR** duane reade

ENTERIC COATED

# Aspirin

100 TABLETS 325 mg EACH

Prevents stomach upset caused by aspirin

**DR** duane reade

ENTERIC COATED

# Aspirin

100 TABLETS 325 mg EACH

DO NOT USE IF THE IMPRINTED FOIL SEAL UNDER THE CAP IS BROKEN OR MISSING.  
DISKHOLED BY DUANE READE, 440 NINTH AVE., NEW YORK, NY 10001

Do not take this product if you are allergic to aspirin, have asthma, have stomach problems such as heartburn, upset stomach, or stomach pain, or if you have ulcers or bleeding problems, unless advised by a doctor. If ringing in the ears or a loss of hearing occurs, consult a doctor before using any more of this product. As with any drug, it may be harmful or cause a body to react in a way that is not expected. It is especially important not to use aspirin during the last 3 months of pregnancy. In the unborn child, it can cause bleeding problems. Do not take this product if you are taking a prescription drug for anticoagulation (thinning of the blood), diabetes, gout or arthritis, unless directed by a doctor. Keep this and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or contact a Poison Control Center immediately. KEEP TIGHTLY CLOSED IN A DRY PLACE. DO NOT EXPOSE TO EXCESSIVE HEAT.

**INDICATIONS:** For the temporary relief of the minor aches, pains, and inflammation of joints and rheumatism.  
**EACH TABLET CONTAINS:** Aspirin 325 mg. Each tablet is white, slightly oval to help prevent the stomach upset caused by aspirin.  
**CAUTIONS:** Adults and children 12 years of age and over: 2 tablets every 4 hours as needed, or as directed by a doctor. Do not exceed 12 tablets in 24 hours. Drink 8 full glasses of water with each dose. Children under 12 years of age: consult a doctor. **CONTRAINDICATIONS:** Adults and children 12 years of age and over: 2 tablets every 4 hours as needed, or as directed by a doctor. Do not exceed 12 tablets in 24 hours. Drink 8 full glasses of water with each dose. **ADVERSE EFFECTS:** Stomach upset, heartburn, indigestion, loss of hearing, ringing in the ears, or a loss of hearing. **WARNINGS:** Do not take this product if you are allergic to aspirin, have asthma, have stomach problems such as heartburn, upset stomach, or stomach pain, or if you have ulcers or bleeding problems, unless advised by a doctor. If ringing in the ears or a loss of hearing occurs, consult a doctor before using any more of this product. As with any drug, it may be harmful or cause a body to react in a way that is not expected. It is especially important not to use aspirin during the last 3 months of pregnancy. In the unborn child, it can cause bleeding problems. Do not take this product if you are taking a prescription drug for anticoagulation (thinning of the blood), diabetes, gout or arthritis, unless directed by a doctor. Keep this and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or contact a Poison Control Center immediately. KEEP TIGHTLY CLOSED IN A DRY PLACE. DO NOT EXPOSE TO EXCESSIVE HEAT.

**DR** duane reade

# Aspirin

100 TABLETS 325 mg EACH

Prevents stomach upset caused by aspirin

LOT  
EXP

DO NOT USE IF THE IMPRINTED FOIL SEAL UNDER THE CAP IS BROKEN OR MISSING.  
DISKHOLED BY DUANE READE, 440 NINTH AVE., NEW YORK, NY 10001

2

WFO-218458-9C33-01

## Maximum Strength

# ALLERGY SINUS

Pain Reliever,  
Antihistamine,  
Nasal Decongestant

Purely nose  
sneezing, why  
#3105 / 1703  
same long story  
same pain &  
pressure

## Night Time Relief

24 CAPLETS

EACH DOGE IS INDIVIDUALLY BEATED BY PLACING OVER A POOL BACKWARDS  
DO NOT USE IF THING ARE TORN OR BROKEN.

EXP

22411F  
5024  
BX19451 OF EP

6 1 9 2 2 9 5 1 5 4 3 0

**Allyl 1,3-bis(4-chlorophenyl)propane**  
 Allyl 1,3-bis(4-chlorophenyl)propane is a white, crystalline solid. It is soluble in most organic solvents, including chloroform, carbon tetrachloride, and benzene. It is used as a monomer in the synthesis of polymers and as a reagent in organic synthesis.

**Other Information**

It is requested that you fill out this form as completely as possible. It will be used for statistical purposes only and will not be made available to the public.

**Demographic Information**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Occupation: \_\_\_\_\_

**Medical History**

Do you have any chronic medical conditions? \_\_\_\_\_  
If yes, please list them: \_\_\_\_\_  
Do you take any medications? \_\_\_\_\_  
If yes, please list them: \_\_\_\_\_  
Do you have any allergies? \_\_\_\_\_  
If yes, please list them: \_\_\_\_\_

**Current Health Status**

How would you describe your overall health? \_\_\_\_\_  
Do you experience any symptoms related to your condition? \_\_\_\_\_  
If yes, please describe them: \_\_\_\_\_

**Family History**

Do any family members have a history of \_\_\_\_\_? \_\_\_\_\_  
If yes, please specify: \_\_\_\_\_

**Other Information**

Do you smoke? \_\_\_\_\_  
If yes, how much? \_\_\_\_\_  
Do you drink alcohol? \_\_\_\_\_  
If yes, how much? \_\_\_\_\_  
Do you exercise regularly? \_\_\_\_\_  
If yes, how often? \_\_\_\_\_

**Consent**

I hereby consent to the collection and use of my information for research purposes. \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Researcher's Signature**

\_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Study Information**

Study Title: \_\_\_\_\_  
Principal Investigator: \_\_\_\_\_  
Funding Source: \_\_\_\_\_

**Notes**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



DISTRIBUTED SYSTEMS OF RECORDS, INC. COMPANY, CLEVERLY, ILL. 62428

◎ 21世紀の日本





maximum strength  
allergy sinus  
gelatin caplets

7  
TOTAL  
PAGE 10

EACH DOSE IS INDIVIDUALLY SEALED IN PLASTIC OVER A FOIL BACKING. DO NOT USE IF THESE ARE TORN OR BROKEN.

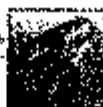


maximum strength  
**allergy sinus**  
gelatin caplets

*Nasal Decongestant, Analgesic, Antihistamine*

Relieves runny nose, sneezing, itchy, watery eyes, nasal and sinus congestion, sinus pain & pressure

**24 GELATIN CAPLETS**



ENCLOSURE 300-24

## NON-ASPIRIN

maximum strength  
**allergy sinus**  
relaxin caplets



222009  
6124  
0029005 ET AM



maximum strength  
**allergy sinus**  
gelatin caplets



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 08-19-2010 BY 60322 UCBAW/SJS

1. The first step in the process is to identify the problem. This involves gathering information about the situation and understanding the needs of the stakeholders involved.

2. Once the problem is identified, the next step is to develop a plan. This involves setting goals, identifying resources, and determining the steps that need to be taken to address the problem.

3. The third step is to implement the plan. This involves putting the plan into action and monitoring progress. It is important to stay flexible and make adjustments as needed.

4. Finally, the fourth step is to evaluate the results. This involves assessing the effectiveness of the plan and determining whether the problem has been resolved. If not, the process may need to be repeated.



**FE2013004**

**24**  
CAPLETS

**Acetaminophen/Pseudoephedrine Hydrochloride**  
**Pain Reliever + Nasal Decongestant**

**SAFETY SEALED**

Compare to the Active  
Ingredients of  
Simulab® Simu-

24  
CAPLETS

**NO DROWSINESS**  
**Sinus**  
**MAXIMUM STRENGTH**  
**Tab**

**Pharmaceutical Division**

# NO DROWSINESS Sinus Tabs

**Acetaminophen/Pseudoephedrine Hydrochloride**  
**Pain Reliever • Nasal Decongestant**

**For Temporary Relief of:**  
**Headache • Nasal Congestion • Sings Pain**

## MAXIMUM STRENGTH

## 24 CAPLETS

## NO DROWSINESS Sinus Tabs

**MAXIMUM STRENGTH**

**24**  
**CAPLETS**

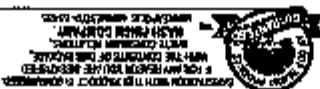
**Acetaminophen/Pseudoephedrine Hydrochloride**  
**Pain Reliever • Nasal Decongestant**

EACH DOBBIE IS INDIVIDUALLY SEALED FOR HYGIENE, COVER A FULL BACKLINK

121824  
5024  
BL24700 GR NH



Вопросы, связанные с деятельностью органов государственной власти и управления, а также с деятельностью органов местного самоуправления, рассматриваются на заседаниях Комиссии по правам человека при Президенте Российской Федерации.

[illegible]

distributed by  
 NASH FINCH COMPANY,  
 4596 KINNEDY AVENUE,  
 MINNEAPOLIS, MINNESOTA 55425

2000 年 12 月 11 日

## ENV

3  
1997

MULTI-SYMPOM  
**COLD  
MEDICINE**  
14 TABLETS



**select brand®**  
the lower price name brand

MULTI-SYMPOM  
**COLD MEDICINE  
TABLETS**

Compare to the active ingredients of Tylenol® Cold\*

MULTI-SYMPOM  
**COLD  
MEDICINE**

Each dose is sealed in plastic over a full backing.  
Do not use if these are torn or broken.

12182A  
5024  
BX107E, NY



USE PROOF OF PURCHASE  
0 13127 000394 0

Each dose is sealed in plastic over a full backing. Do not use if these are torn or broken.



Each dose is sealed in plastic over a full backing. Do not use if these are torn or broken.





Decision and Order

**DECISION AND ORDER**

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violations of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, and admission by the respondent of all the jurisdictional facts set forth in the draft complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, and having duly considered the comment filed thereafter by an interested person pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Pharmaceutical Formulations, Inc. is a Delaware corporation with its principal office or place of business at 460 Plainfield Avenue, Edison, New Jersey 08818.

Decision and Order

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

I.

IT IS ORDERED that respondent, Pharmaceutical Formulations, Inc., its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any non prescription drug product containing an analgesic in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44, shall not misrepresent, in any manner, directly or by implication, the extent to which any such product is made in the United States. For purposes of this Order, "drug" shall mean as defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55, and "analgesic" shall mean an agent used to alleviate pain.

PROVIDED, however, that a representation that any such product is made in the United States will not be in violation of this order so long as all, or virtually all, of the ingredients or component parts of such product are made in the United States and all, or virtually all, of the labor in manufacturing such product is performed in the United States.

PROVIDED FURTHER, that a representation that any such product containing imported active ingredient is "Processed in the United States with Foreign Ingredients" will not be in violation of this Order when such representation is true and is used to describe a product that has been significantly processed in the United States.

PROVIDED FURTHER, that nothing in the order shall prohibit respondent from depleting the inventory of packaging and

## Decision and Order

labeling for such products bearing a marking or labeling otherwise prohibited by this order and existing on the date this order is signed, in the normal course of business, provided that no such existing inventory is shipped from respondent later than December 31, 2001.

## II.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All labeling, packaging, advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation; and
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

## III.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, shall deliver a copy of this order to all current and future officers and directors, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

Decision and Order

IV.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

V.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, shall, within sixty (60) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

VI.

This order will terminate on February 19, 2022, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of this order if such complaint is filed after the order has terminated pursuant to this Part. Provided, further, that if such complaint is

## Decision and Order

dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Analysis

**Analysis of Proposed Consent Order to Aid Public Comment**

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Pharmaceutical Formulations, Inc. (“PFI”).

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement’s proposed order.

This matter concerns “Made in U.S.A.” claims on packaging and labeling for PFI’s aspirin and acetaminophen tablets sold at retail bearing private brand names. The Commission’s complaint alleges that respondent misrepresented on packaging and labeling that certain of these products, manufactured for customers such as Kmart, Duane Reade, Eckerd, and Harris Teeter, are all or virtually all made in the United States. According to the complaint, these products are actually made with significant foreign content. The products’ active ingredients, bulk aspirin and acetaminophen compounds, that respondent processed into aspirin and acetaminophen tablets, are or were made outside the United States. The imported bulk aspirin and acetaminophen comprise a substantial percentage of total manufacturing costs and impart the crucial analgesic quality to the OTC products at issue. The Commission’s complaint does not allege that all of PFI’s private label aspirin and acetaminophen brands or products are mislabeled, but only that certain products for certain customers have been improperly labeled.

The proposed consent order contains a provision that is designed to remedy the charges and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits PFI from misrepresenting the extent to which any non-prescription drug product containing an

## Analysis

analgesic is made in the United States. The order defines “analgesic” as an agent used to alleviate pain. The proposed order would allow PFI to represent that such products are made in the United States as long as all, or virtually all, of the ingredients or component parts of such products are made in the United States and all, or virtually all, of the labor in manufacturing such products is performed in the United States. The proposed order also would allow PFI to represent that a product containing imported active ingredient(s) is “Processed in the United States with Foreign Ingredients” when describing a product that has been “significantly processed” in the United States.

The draft order also includes a provision that would allow PFI to use its current packaging inventory until December 31, 2001.

Part II of the proposed order requires the respondent to maintain materials relied upon in disseminating any representation covered by the order. Part III of the proposed order requires the respondent to distribute copies of the order to certain company officials and employees. Part IV of the proposed order requires the respondent to notify the Commission of any change in the corporation that may affect compliance obligations under the order. Part V of the proposed order requires the respondent to file one or more compliance reports. Part VI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Complaint

IN THE MATTER OF

**PERRIGO COMPANY**

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF  
SEC. 5 AND SEC. 12 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-4039; File No. 0123121*

*Complaint, February 19, 2002--Decision, February 19, 2002*

This consent order addresses claims on certain packaging and labeling for aspirin, acetaminophen, and ibuprofen tablets produced by Respondent Perrigo Company that such products are all or virtually all made in the United States. The order, among other things, prohibits the respondent from misrepresenting the extent to which any non-prescription drug product containing an analgesic is made in the United States, while permitting the respondent to represent that such products are made in the United States as long as all, or virtually all, of the ingredients or component parts of such products are made in the United States and all, or virtually all, of the labor in manufacturing such products is performed in the United States. The order also permits the respondent to represent that a product containing imported active ingredient(s) is "Processed in the United States with Foreign Ingredients" when describing a product that has been "significantly processed" in the United States.

*Participants*

For the Commission: *Laura D. Koss, Walter C. Gross, Joni Lupovitz, Elaine D. Kolish and Keith Anderson.*

For the Respondent: *George N. Grammas and George C. McKann, Gardner, Carton & Douglas.*

**COMPLAINT**

The Federal Trade Commission, having reason to believe that Perrigo Company ("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: