



Announcer: Yes we are! New Exxon 93 Supreme keeps your engine cleaner.  
Woman #2: Clean is good.  
Announcer: So it can help drive down maintenance costs.  
Man #2: Could gas do that?  
Announcer: New Exxon 93 Supreme can, with the power to drive down maintenance costs.  
Woman #2: Gas that can save you money.  
Announcer: For more reliable performance.  
Woman #3: Okay, I'll try it.

[Exhibit A. Television Advertisement]

B. Announcer: There's a new gasoline. . .  
Man: What's new about it?  
Announcer: With the power to drive down maintenance costs.  
[Video: Flashing display of consecutive words in large bold type across width of screen:  
WITH THE POWER TO DRIVE DOWN MAINTENANCE COSTS]  
Man #2: Really?  
Woman: Are you serious?  
Announcer: Yes we are! New Exxon gasoline keeps your engine cleaner.  
Woman #2: Clean is good.  
Announcer: So it can help drive down maintenance costs.  
Man #2: Could gas do that?  
Announcer:

Announcer: So it can help drive down maintenance costs.  
Man: Can gas do that?  
Announcer: Exxon gasoline can, with the power to drive down maintenance costs.  
Woman: Good idea.  
Announcer: And so is this. Cash and credit prices are the same.  
Woman: Okay, I'll try it.

[Exhibit C. Television Advertisement]

D.           Announcer: There's a hard-working gasoline. . .  
              Man: You kiddin' me?  
              Announcer: With the power to drive down maintenance costs.  
              Man: Really?  
              Woman: Are you serious?  
              Announcer: Yes, we are. Exxon 93 Supreme gasoline keeps your engine cleaner.  
              Woman: Clean is good.  
              Announcer: So it can help drive down maintenance costs.  
              Man: Could gas do that?  
              Announcer: Exxon 93 Supreme can. With the power to drive down maintenance costs.  
              Woman: Gas that can save you money.  
              Announcer: For more reliable performance.  
              Woman: Ok, I'll try it.

[Exhibit D. Radio Advertisement]

E.           Announcer: There's a hard working gasoline. . .  
              Man: You sure about this?  
              Announcer: With the power to drive down maintenance costs.  
              Man: Really?  
              Woman: Are you serious?  
              Announcer:

5. Through the means described in Paragraph 4, including but not necessarily limited to Exhibits A and D, respondent has represented, expressly or by implication, that:

- A. Switching to Exxon 93 Supreme gasoline from other brands of gasoline will significantly reduce automobile maintenance costs for consumers generally; and
- B. Switching to Exxon 93 Supreme gasoline from lower octane grades of Exxon gasoline will significantly reduce automobile maintenance costs for consumers generally.

6. Through the means described in Paragraph 4, including but not necessarily limited to Exhibits B, C and E, respondent has represented, expressly or by implication, that switching to Exxon gasolines from other brands of gasoline will significantly reduce automobile maintenance costs for consumers generally.

7. 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 representations set forth in Paragraphs 5 and 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 Paragraphs 5 and 6, at the time the representations were made. Therefore, the representation set forth in Paragraph 7 was, and is, false or misleading.

9. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5 (a) of the Federal Trade Commission Act.

**NOTICE**

Notice is hereby given to the respondent hereinbefore named that the seventh day of November, 1996, at 10:00 a.m. o'clock, or such later date as determined by an Administrative Law Judge of the Federal Trade Commission, is hereby fixed as the time and the Federal Trade Commission Offices, 6th Street & Pennsylvania Avenue, N.W., Room 532, Washington, D.C., 20580, as the place when and where a hearing will be had before an Administrative Law Judge,

## ORDER

### DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
2. Unless otherwise specified, “respondent” shall mean Exxon Corporation, its successors and assigns, and its officers, agents, representatives and employees.
3. “In or affecting commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

#### I.

**IT IS ORDERED** that respondent, 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 Exxon Supreme 93 octane gasoline, Exxon Plus 89 gasoline, Exxon Regular 87 octane gasoline or any other gasoline in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, that:

- A. Switching to Exxon 93 Supreme gasoline from other brands of gasoline will significantly reduce automobile maintenance costs for consumers generally;
- B. Switching to Exxon 93 Supreme gasoline from lower octane grades of Exxon gasoline will significantly reduce automobile maintenance costs for consumers generally;
- C. Switching to any Exxon gasoline from any other brand of gasoline will significantly reduce automobile maintenance costs for consumers generally; or
- D. Concerns the relative or absolute attributes of any gasoline with respect to engine performance, power, acceleration, or engine cleaning ability,

unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Provided that, nothing in this order shall prohibit respondent from truthfully representing the numerical octane rating of any gasoline.

II.

**IT IS FURTHER ORDERED** that respondent Exxon Corporation, 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 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 Exxon Corporation, and its successors and assigns, shall deliver a copy of this order to all current and future principals, officers, directors, and managers, 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.

IV.

**IT IS FURTHER ORDERED** that respondent Exxon Corporation, 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**



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 eleventh day of September, 1996.

By the Commission, Commissioner Starek recused.

Donald S. Clark  
Secretary

SEAL

[Exhibits A-E attached to paper copies, but not available in electronic format.]