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UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

PARAGRAPH FIVE: Respondent has disseminated or has caused to be disseminated advertisements for the Colorblaster Design Toy ("Colorblaster"), including but not necessarily limited to the attached Exhibits A and B. These advertisements contain the following statements and depictions:

A. VIDEO

Children playing with a Colorblaster.

Tight shot of hand spraying stencil and removing it to reveal a picture of a car followed by a scene of children using the

removing stencil to reveal multi-colored picture of car followed by shot of boy free spraying the car picture.

Song: The super hot way to spray with a blast of air.

Split-screen image of hand pumping toy four times.

Boy: Wow!

Song: Pump, pump. Spray.

Several scenes of the Colorblaster spraying stencils and quickly creating multi-colored pictures.

Song: Blast away. The real Colorblaster.

Hand pumping toy three times.

Super: FEEL

Announcer: Get the feel...

Super: REAL

Announcer: Of the real...

The Colorblaster.

Announcer: Colorblaster.

(Exhibit B, television advertisement).

PARAGRAPH SIX: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FIVE, including but not necessarily limited to the advertisements attached as Exhibits A and B, respondent has represented, directly or by implication, that the demonstrations in the television advertisements of the operation of the Colorblaster Design Toy were unaltered and that the results shown accurately represent the performance of actual, unaltered Colorblaster Design Toys under the depicted conditions.

PARAGRAPH SEVEN: In truth and in fact, the demonstrations in the television advertisements of the operation of the Colorblaster Design Toy were not unaltered and the results shown do not accurately represent the performance of actual, unaltered Colorblaster Design Toys under the depicted conditions. Among other things, the Colorblaster Design Toy depicted in the advertisements was not manually pumped to provide the air pressure necessary to operate the paint sprayer. Instead, a motorized air compressor was attached to the Colorblaster Design Toy to provide the air pressure necessary to operate the paint sprayer, making it appear that children can operate the Colorblaster Design Toy and complete multi-part stencils with a small amount of pumping and little effort. Therefore, the representations set forth in PARAGRAPH SIX were, and are, false and misleading.

PARAGRAPH EIGHT: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FIVE, including but not necessarily limited to

the advertisements attached as Exhibits A and B, respondent has represented, directly or by implication, that children can operate the Colorblaster Design Toy and complete multi-part stencils with a small amount of pumping and little effort.

PARAGRAPH NINE: In truth and in fact, children cannot operate the Colorblaster Design Toy and complete multi-part stencils with a small amount of pumping and little effort. To operate the Colorblaster Design Toy and complete multi-part stencils, children must engage in substantial pumping and significant manual effort. Therefore, the representation set forth in PARAGRAPH EIGHT was, and is, false and misleading.

PARAGRAPH TEN: Respondent knew or should have known that the representations set forth in PARAGRAPHS SIX and EIGHT were, and are, false and misleading.

PARAGRAPH ELEVEN: The acts and practices of the 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.

Therefore, the Federal Trade Commission this thirtieth day of October, 1996, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: