

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

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In the Matter of
 PREMIER PRODUCTS, INC., and
 T.V. PRODUCTS, INC., and
 T.V.P. CORPORATION,
 corporations, and
 MICHAEL SANDER,
 individually and as an officer
 of the corporations, and
 ISSIE KROLL,
 individually and as an officer
 of the corporations.

DOCKET NO. C-3720

COMPLAINT

The Federal Trade Commission, having reason to believe that Premier Products, Inc., T.V. Products, Inc., and T.V.P. Corporation, corporations, and Michael Sander and Issie Kroll, individually and as officers of the corporations ("respondents"), have 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 Premier Products, Inc. is a New Jersey corporation with its principal office or place of business at 23 Vreeland Road, Florham Park, New Jersey 07932.
2. Respondent T.V. Products, Inc. is a New Jersey corporation with its principal office or place of business at 23 Vreeland Road, Florham Park, New Jersey 07932.
3. Respondent T.V.P. Corporation is a New Jersey corporation with its principal office or place of business at 23 Vreeland Road, Florham Park, New Jersey 07932.
4. Respondent Michael Sander is an officer of the corporate respondents. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the corporations, including the acts or practices alleged in this complaint. His principal office or place of business is the same as that of the corporations.

5. Respondent Issie Kröll is an officer of the corporate respondents. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the corporations, including the acts or practices alleged in this complaint. His principal office or place of business is the same as that of the corporations.

6. Respondents have advertised, labeled, offered for sale, sold, and distributed products to the public, including Miracle Thaw, a food defrosting or thawing tray.

7. The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

8. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for Miracle Thaw, including but not necessarily limited to the attached Exhibits A and B. These advertisements and promotional materials contain the following statements and depictions:

- A. "After a hard day at work, it 's time for a nice juicy steak. Oh, no! You forgot to defrost.

You need MIRACLE THAW, the incredible new defrosting tray that perfectly thaws any frozen food like magic in just minutes.

No chemicals. No batteries. No wires. No microwave rays. Just a space-age metal from Mother Nature that thaws frozen food faster and better than anything in the world.

Look! This thick frozen steak could take all day to defrost! But watch! Simply place it on Miracle Thaw and incredibly, in just 30 minutes, it 's butcher block fresh.

[Super: Thaws Food in Minutes.]

These rock hard chicken breasts are perfectly tender in only 13 minutes!

That's frozen fish. 12 minutes later, it's the catch of the day.

Frozen pork chops are thawed, cool and juicy in just 14

minutes.

The secret is in the superconductive metal tray. It absorbs the natural heat energy in the air and then releases it directly into the frozen food.

[Super: Natural Heat C onductor. Absorbs Heat From Air.]

Now, you can defrost any frozen food, just minutes before cooking. Just watch this ice cube demonstration. The tray is cool to the touch, but the ice cube melts away like it was on a hot griddle. The Miracle Thaw defrosting tray simply speeds up the natural thawing process. Incredibly, the ice cube has melted down in just seconds. Amazing!

All day thawing could cause bacteria burgers. But with Miracle Thaw, burgers are safely defrosted in just 10 minutes.

[Visual: Six spoiled thawed hamburger patties on a plate; Six unspoiled thawed hamburger patties on Miracle Thaw.]

[Super: No Dangerous Bacteria.]

Most important, it's lab tested for product and food safety.

[Super: Miracle Thaw . . . Laboratory Tested . . . 100% Safe.]

Microwave defrosting could ruin your food. You get dry cooked edges, causing poor stale flavor. But Miracle Thaw defrosts perfectly every time. Food retains the natural juices for the best flavor.

[Super: Thaws evenly and safely.]

Miracle Thaw. Instant defrosting. "

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(Exhibit A, television commercial transcript).

B. "Amazing Tray Thaws Food In Minutes! "

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"Laboratory SAFETY Tested. "

. . . .

"Space-age metal thaws frozen foods safely, evenly,
perfectly . . . EVERY TIME! "

. . . .

"Before . . . Rock-hard frozen chicken breasts
[depiction of two frozen boneless chicken breasts being
placed on tray]. . . . After . . . Perfectly thawed . .
. moist and tender in as little as 7 MINUTES!
[depiction of two fully thawed boneless chicken breasts
being removed from tray]. "

. . . .

"Up until now you really only had two choices for
defrosting or thawing foods. Either in the microwave
or on the counter top. . . . So what about defrosting
food by leaving it on the counter top all day? This
option is not highly recommended or very safe due to
bacterias found in most foods which is why safe
handling guidelines recommend that you keep raw meat,
poultry and fish refrigerated or frozen until you're
ready to cook it. **The safest, most convenient choice
is Miracle Thaw . . .**"

. . . .

(Exhibit B, product package).

9. Through the means described in Paragraph 8, respondents have represented, expressly or by implication, that laboratory testing proves that food items defrosted or thawed on Miracle Thaw will not develop harmful or unsafe levels of bacteria.

10. In truth and in fact, laboratory testing does not prove that food items defrosted or thawed on Miracle Thaw will not develop harmful or unsafe levels of bacteria. At the time respondents made the representations set forth in Paragraph 9, no tests relating to bacteria buildup on food had been conducted on Miracle Thaw. Therefore, the representation set forth in Paragraph 9 was, and is, false or misleading.

11. Through the means described in Paragraph 8, respondents have represented, expressly or by implication, that:

- A. There is no risk of buildup of harmful or unsafe levels of bacteria on perishable frozen food items defrosted or thawed on Miracle Thaw.
- B. Miracle Thaw will defrost or thaw frozen food items in the following times: steak in 30 minutes; chicken breasts in 7 to 13 minutes; fish fillets in 12 minutes; pork chops in 14 minutes; and hamburgers in 10 minutes.
- C. Miracle Thaw achieves the accelerated defrosting or thawing depicted in the advertisements referred to in Paragraph 8 because it is a superconductive metal tray that transfers heat energy from the air into frozen food items, thereby speeding up the natural defrosting or thawing process.

12. In truth and in fact:

- A. There is a potential risk of buildup of harmful or unsafe levels of bacteria on perishable frozen food items defrosted or thawed on Miracle Thaw. Miracle Thaw operates at room temperature, and defrosting or thawing perishable food at room temperature, even for relatively short periods of time, increases the risk of harmful or unsafe bacteria buildup.
- B. In many cases, Miracle Thaw will not defrost or thaw frozen food items in the claimed time periods. Defrosting or thawing times will vary depending on several factors, including the size, shape, and thickness of the food item, the number of items placed on the tray at one time, the number of times the tray is reheated during defrosting or thawing, and room temperature. In some cases actual defrosting or thawing times may be three or more times longer than the claimed defrosting or thawing times.
- C. Miracle Thaw does not achieve the accelerated defrosting or thawing depicted in the advertisements referred to in Paragraph 8 by superconducting or transferring heat energy from the air into frozen food items. Miracle Thaw is a Teflon-coated aluminum tray that can only achieve the accelerated defrosting or thawing depicted in the advertisements referred to in Paragraph 8 if it is preheated before use and reheated during use. Similar results could be achieved with any aluminum pan.

Therefore, the representations set forth in Paragraph 11 were, and are, false or misleading.

13. Through the means described in Paragraph 8, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 11, at the time the representations were made.

14. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 11, at the time the representations were made. Therefore, the representation set forth in Paragraph 13 was, and is, false or misleading.

15. In their advertising and sale of Miracle Thaw, respondents have represented that Miracle Thaw is effective, useful, or appropriate for defrosting or thawing frozen food items. Respondents have failed to disclose that defrosting or thawing perishable food on Miracle Thaw may pose a risk of buildup of harmful or unsafe bacteria on the food. These facts would be material to consumers in their purchase or use of the product. Respondents' failure to disclose these facts, in light of the representation made, was, and is, a deceptive practice.

16. The acts and practices of respondents 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 twenty-sixth day of February, 1997, has issued this complaint against respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL:

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