

FEDERAL TRADE COMMISSION

S: Robert Pitofsky, Chairman
Sheila F. Anthony
Mazella W. Thompson

COMMISSIONER

MICHAEL W. THOMPSON
Orson Swindle

In the Matter of

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NOVARTIS CORPORATION, ET AL
a corporation.

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the Order.

requirements imposed in our Order of May 13, 1999 were to continue until Novartis expended on Doan's advertising a sum equal to the average spent annually during the eight years preceding the Order. If the corrective advertising commission order in any event expires in less than one year, Novartis now contends that, in light of its current business plans, the existing Order may have the practical effect of imposing requirements lasting many years. Relying upon the declaration of Larry J. O'Brien, Director of Analgesics, Novartis asserts that it has substantially reduced its advertising and other promotional expenditures for Doan's products and plans greatly to reduce its advertising and other promotional expenditures for Doan's products in the future. In light of these changed circumstances, claims Novartis, is that our corrective advertising requirement of these changed circumstances, claims Novartis, is that our corrective advertising requirement including the requirement that Doan's products be advertised in a certain manner.

den to ensure that the corrective advertising requirements we

Lambert Co., 392 F.2d 204 (1968)

with a similar purpose, the Commission has held that the

caused or substantially reinforced by Novartis' deceptive advertising campaign are likely to

