

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of

PERRIGO COMPANY,

a corporation.

DOCKET NO. C-4039COMPLAINT

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:

1. Respondent is a Michigan corporation with its principal office or place of business at 515 Eastern Avenue, Allegan, Michigan 49010.
2. Respondent has manufactured, labeled, offered for sale, sold, and distributed aspirin, acetaminophen, and ibuprofen tablets to the public, including but not limited to private label aspirin, acetaminophen, and ibuprofen 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, acetaminophen, and ibuprofen products, including but not necessarily limited to the attached Exhibits A through D. The packaging and labeling contain the following statements or depictions:
 - A. **Equate Adult Low Strength 81 mg Enteric Coated Aspirin**
[Exhibit A]

"MANUFACTURED BY PERRIGO CO. . . . [image of American flag] Made
in the USA"

B. American Fare Ibuprofen Tablets [Exhibit B]

“Made in U.S.A. for Kmart Corporation.”

C. Target Brand Junior Strength Soft Chewable Tablets Acetaminophen [Exhibit C]

“Distributed By Target Corporation . . . Made in USA”

D. Safeway Junior Strength Non-Aspirin Acetaminophen Chewable Tablets [Exhibit D]

“DISTRIBUTED BY SAFEWAY, INC. . . . PRODUCT OF U.S.A.”

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that certain of its aspirin, acetaminophen, and ibuprofen 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, acetaminophen, and ibuprofen products is, or has been, of foreign origin. The active ingredients, bulk aspirin, acetaminophen, and ibuprofen compounds, that respondent processed into aspirin, acetaminophen, or ibuprofen 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.

Donald S. Clark
Secretary

SEAL: