

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

_____)	
In the Matter of)	
)	DOCKET NO.
NUTRAMAX LABORATORIES, INC.,)	
a corporation.)	
_____)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Nutramax Laboratories, Inc., a corporation, (“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 Nutramax Laboratories, Inc. is a Maryland corporation with its principal office or place of business at 2208 Lakeside Boulevard, Edgewood, MD 21040.
2. Respondent has advertised, labeled, offered for sale, sold, and distributed the dietary supplement Senior Moment. According to the package label, Senior Moment contains cerebral phospholipids and docosahexaenoic acid (DHA).
3. Senior Moment is a “food” or “drug” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
4. The acts and practices of respondent alleged in this complaint has been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.
5. Respondent has disseminated or has caused to be disseminated advertisements for Senior Moment, including but not limited to the attached Exhibits A through F. These advertisements contain the following statements:

A. (Exhibit A: Television advertisement)

Opening Visual: An envelope reading: “Happy Belated Birthday”

Daughter: "Senior Moment. I'm not a senior"
Mother: "It's for adults of all ages."
Daughter: "This isn't one of the trendy herbal kind of . . ."
Mother: "No, no, no. This is a nutritional supplement just for the brain. It helps us remember. And it's safe."
Daughter: "Well, thanks mom. With Senior Moment, I won't miss your birthday next year."

B. (Exhibit B: Radio advertisement)

Dr. Anna Marie: I'm sure this has happened to you. You try to recall a name and it's right there on the tip of your tongue, but you just can't remember it. As we get older, our memory seems to play tricks on us more and more. I'm Dr. Anna Marie. I've been a television medical reporter for over ten years, and I have exciting news about a new nutritional supplement specially formulated to enhance memory in adults of all ages. Don't laugh, the name of the product is Senior Moment. It's a serious product with a name that's easy to remember. It's not one of those trendy herbal products. Senior

9. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that scientific studies prove that Senior Moment restores lost memory function in adults of all ages.

10. In truth and in fact, scientific studies do not prove that Senior Moment restores lost memory function in adults of all ages. Therefore, the representation set forth in Paragraph 9 was, and is, false or misleading.

11. 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.

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 _____ day of _____, 2004.

By the Commission.

Donald S. Clark
Secretary

ISSUED:

SEAL