

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
Pamela Jones Harbour
William E. Kovacic
J. Thomas Rosch

In the Matter of)
)

h a s o v v i i o d s l l e i t c r o t e a n e a s d i m o e i r f h t i t e a h p g e t t F e
Commission that this proceeding is in the public interest, alleges: ed for sale, sold, and distributed beverage

alcohol products to the public, including Wide Eye a caffeinated snacks introduced by the
company in 2007. Wide Eye is a "food" within the meaning of Sections 12 and 15 of the Federal
Trade Commission Act.

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. To induce customers to purchase Wide Eye, respondent has disseminated, or
caused to be disseminated, advertisements, including but not necessarily limited to the attached
Exhibits A through D. These advertisements contain the following statements and depictions

- A. Video appearing on www.wideeye.com and vids.myspace.com (Exhibit A, transcript, and Exhibit B, DVD containing ad).

[Music, with alarm sounds, plays in the background.]

CLOSE UP IMAGE OF AN UNIDENTIFIED WOMAN: Come on, take your shot.

ON SCREEN: I am your wake up call. Wide Eye

WOMAN: Take it cold.

ON SCREEN: Finely Distilled Schnapps Combined with Caffeine

WOMAN: Take it crisp.

ON SCREEN: Caffeinated Schnapps is here. [images of product logo, people partying and dancing, and a boxer, flash on the screen]

WOMAN: Take it now.

ON SCREEN: Wide Eye

WOMAN: I demand to be served as coldly as your soul.

ON SCREEN: I demand to be served as coldly as your soul. Get Yours @ WideEye.com

WOMAN: Take your shot.

ON SCREEN: Wake Up @ WideEye.com

WOMAN: Cold as your soul.

ON SCREEN: Cherry Bomb [product image]

WOMAN: Cold as your soul.

ON SCREEN: Mango Chili [product image]

WOMAN: Cold as your soul.

ON SCREEN: Pomegranate Spice [product image] [images of product logo, people partying and dancing, and a boxer, flash on the screen]

WOMAN: Cold as your soul.

ON SCREEN: Wide Eye. Wake Up @ WideEye.com

- B. Text on www.wideeye.com (Exhibit C).

3 Rounds of Flavor. Introducing caffeinated schnapps. Wakes up sweet, then goes off like an alarm.

When you party with the world's first caffeinated schnapps it'll seem like the rest of the world is sleepwalking through life.

- C. Print ad (Spin magazine) (Exhibit D).

[depiction of a woman boxer holding a bottle of Wide Eye]

This is your wake up call. Caffeinated schnapps is here. Get yours at wideeye.com.

5. Throug