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**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 William E. Kovacic
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill

DanActive

5. Respondent has disseminated or caused to be disseminated advertisements for DanActive, including but not limited to the attached Exhibits A through D. These advertisements contain the following statements and depictions:

A. Television Advertisement: “Backpack” (Exhibit A - CDROM and storyboard)

On screen: A boy is shown taking a test in school, playing baseball in the rain, and being thrown to a mat repeatedly in martial arts training.

Female VO: “Between exams, after-school activities, and tons of homework, my kid never stops.”

On screen: The boy arrives home looking tired; he drops his backpack inside the front door, as his mother kneels down and greets him, and the color drains from his face and body.

Male VO: “Your kids have a hectic life and don’t always eat right, and you don’t want their defenses to be weak.”

On screen: Mom’s hand reaches into refrigerator and removes a DanActive.

Male VO: “Delicious DanActive can strengthen them.”

On screen: The boy drinks the DanActive; graphic shows small yellow circles going from the bottle down his throat; the circles are identified as L. casei immunitas.

Print superscript: As part of a balanced diet and healthy lifestyle. Learn more at DanActive.com.

Male VO: “Only DanActive has L. casei Immunitas cultures and

On screen: The yellow circles encircle pink balls, forming a barricade that stops all but one of the fuzzy green, germ-like globs that attempt to penetrate the barricade.

Male VO: is clinically proven to help strengthen your body’s defenses.”

On screen: The boy finishes the DanActive, returns to full color, surrounded by a newly acquired yellow penumbra, and runs out of the house the next morning surrounded by his yellow penumbra, which then morphs into a yellow DanActive bottle.

Female VO: “And a little strengthening can really help.”

On screen: DanActive bottle with tag line “Help strengthen your family’s bodies defenses” and “clinically proven” banner

Male VO: “Help strengthen your family’s bodies defenses.”

On screen: “Dannon.”

“Today. For Tomorrow.”

B. Television Advertisement: "Backpack- New" (Exhibit B - CDROM and storyboard)

On screen: A boy is shown taking a test in school, and being thrown to a mat in martial arts training. He arrives home looking tired, and drops his backpack inside the front door as his mother kneels down and greets him.

Male VO: "Exams, activities, homework; your kids never stop and don't always eat right

On screen: The color drains from the boy's face and body.

Male VO: and you don't want their defenses to be weak."

On screen: A bottle of DanActive rolls toward the viewer.

Male VO: "DanActive can help. How?"

On screen: Dramatization of the body appea

IMMUNITY

Helps Strengthen Your
Body's Defenses

7 + 1 Weekly Pack

6. Through the means described in Paragraph 5, including, but not limited to, the statements and depictions contained in the advertisements attached as Exhibits A through D, among others, respondent has represented, expressly or by implication, that drinking DanActive reduces the likelihood of getting a cold or the flu.

7. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 6, at the time the representation was made.

8. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 6, at the time the representation was made. Therefore, the representation set forth in Paragraph 7 was, and is, false or misleading.

9. Through the means described in Paragraph 5, including, but not limited to, the statements and depictions contained in the advertisements attached as Exhibits A through D, among others, respondent has represented, expressly or by implication, that DanActive is clinically proven to reduce the likelihood of getting a cold or the flu.

10. In truth and in fact, DanActive is not clinically proven to reduce the likelihood of getting a cold or the flu. Therefore, the representation set forth in Paragraph 9 was, and is, false or misleading.

Activia

11. Respondent has disseminated or caused to be disseminated advertisements for Activia, including, but not limited to, the attached Exhibits E through G. These advertisements contain the following statements and depictions:

A. **Television Advertisement:** "Mother & Daughter" (Exhibit E - CDROM and storyboard)

On screen: A young woman enters an antiques or curios shop, where an older woman is working.

Daughter: "Hey, mom. All work and no play?"

JLC: “First the bad news: Eighty-seven percent of this country suffers from digestive issues like occasional irregularity.”

On Screen JLC on couch.
Fine print superscript: “Helps relieve temporary symptoms of irregularity.”

JLC “No wonder. Our busy lives sometimes force us to eat the wrong things at the wrong time.”

On Screen close-up of JLC
JLC “Now the good news. I just discovered a yogurt called Activia that can help.”

On screen: Woman’s mid-section, on which are super-imposed yellow-green balls moving together in a clump
“CLINICALLY PROVEN WITH BIFIDUS REGULARIS”
Fine print superscript: “Scientifically proven to help with slow intestinal transit when enjoyed daily for two weeks as part of a balanced lifestyle and healthy diet.”

Male VO: “With the natural culture, Bifidus Regularis,

On Screen The yellow-green balls merge into a downward-facing arrow; calendar from which 14 separate pages are torn off in sequence.

Male VO: Activia eaten every day is clinically proven to help regulate your digestive system

On screen The arrow moves downward, off the screen
Male VO: in two weeks.”

On Screen JLC on couch holding container of Activia, and then tasting spoonful.
JLC “The other good news: Activia tastes great.”

On screen: overwraps from 4-packs of Activia and Activia Light, and Activia tub, with tag line “Helps naturally regulate your digestive system” and “clinically proven” banner

Female VO: “Activia” (singing).

On screen: “Dannon.”
“Today. For Tomorrow.”

C. **Internet Advertisement:** “Activia by Dannon” (Exhibit G, at p. 1)

Activia with Bifidus Regularis is scientifically proven to help with slow intestinal transit when eaten daily, as part of a balanced diet and healthy lifestyle.

[LEARN MORE](#)

12. Activia's webpage, www.activia.us.com, contains a link labeled "For Health Care Professionals" (Exhibit G, at p. 1). Clicking on that link takes the viewer to a page (Exhibit G, at p. 2) that is also entitled "For Health Care Professi

was made. Therefore, the representation set forth in Paragraph 15 was, and is, false or misleading.

17. Through the means described in Paragraphs 11 and 12, including, but not limited to, the statements and depictions contained in the advertisements attached as Exhibits E through G, among others, respondent has represented, expressly or by implication, that eating one serving of Activia daily is clinically proven to relieve temporary irregularity and help with slow intestinal transit time.

18. In truth and in fact, eating one serving of Activia daily is not clinically proven to relieve temporary irregularity and help with slow intestinal transit time. For example, as described in Paragraphs 12 and 13, (1) the two Meance et al. studies utilized placebo groups but that information was withheld from the scientific journal to which the studies were submitted for publication, thereby concealing the fact that there was no statistically significant difference in transit time between the active and placebo groups, and (2) eight of ten scientific studies conducted on Activia showed no statistically significant effect of Activia on transit time when compared to a placebo. Therefore, the representation set forth in Paragraph 17 was, and is, false or misleading.

19. 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.

THEREFORE, the Federal Trade Commission, this thirty-first day of January, 2011, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

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