

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

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

<p>In the Matter of</p> <p>BEIERSDORF, INC., a corporation.</p>	DOCKET NO.
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COMPLAINT

The Federal Trade Commission, having reason to believe that Beiersdorf, 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 Beiersdorf, Inc., is a Delaware corporation with its principal office or place of business at Wilton Corporate Center, 187 Danbury Road, Wilton, Connecticut 06897.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed products to the public, including Nivea My Silhouette! Redefining Gel-Cream ("My Silhouette"). My Silhouette is a "drug and/or cosmetic" 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. My Silhouette is a skin cream that contains "B-slim Complex" a combination of ingredients that includes white tea and anise. Respondent promoted My Silhouette as able to slim and reshape the body.
5. Respondent has disseminated or has caused to be disseminated advertisements for My Silhouette, including but not necessarily limited to the attached Exhibits A to C. These advertisements contained the following statements and depictions:

- A. TV advertisement (Exhibit A, transcript, and Exhibit B, DVD containing ad)

“[Narrator]: New Nivea My Silhouette! with Bio-Slim Complex helps redefine the appearance of your silhouette and noticeably firm skin in just four weeks. [Depicts woman getting jeans out of rear of closet, and trying them on to discover that they fit.] So you can rediscover your favorite jeans. And how they still get his attention. New Nivea My Silhouette! with Bio-Slim Complex. Touch and be touched.”

- B. Sponsored Search Engine Keywords (Exhibit C)

Respondents also entered into agreements with Google, an Internet search engine, to preferentially identify a webpage marketing My Silhouette in response to consumer searches for information relating to body size. As a result, if a consumer entered the terms “stomach fat,” “nivea slim silhouette,” or “thin waist” into Google, a link to this My Silhouette webpage would appear as a sponsored result at the top of the search results, such as follows:

Excerpts from Google sponsored search results

[User search term: “stomach fat”]

Want a Toned Stomach?

Sponsored Link

[URL] NIVEA My Silhouette Can Redefine The Appearance of Your Curves!

[User search term: “nivea slim silhouette”]

Want to Slim Down?

Sponsored Link

[URL] NIVEA My Silhouette Redefines the Appearance of the Body's Contours!

[User search term: “thin waist”]

Thin Waist

Sponsored Link

[URL] Try NIVEA My Silhouette Body Gel Cream and Redefine Your Curves!

6. Through the means described in Paragraph 5, respondent represented, expressly or by implication, that regular use of My Silhouette results in significant reductions in body size.

7. In truth and in fact, regular use of My Silhouette does not result in significant reductions in body size. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. 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    day of    , 2011, has issued this complaint against respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL: