

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

*In the Matter of*

BECK'S NORTH AMERICA, INC. a corporation

FILE NO. 982-3092

**AGREEMENT CONTAINING  
CONSENT ORDER**

The Federal Trade Commission has conducted an investigation of certain acts and practices of Beck's North America, Inc., a corporation ("proposed respondent"). Respondent is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

**IT IS HEREBY AGREED** by and between Beck's North America, Inc., by its duly authorized



A. All advertisements and promotional materials depicting the use or presence of alcoholic beverages on any boat;

B. All materials that were relied upon in disseminating the representation; and

C. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify or call into question the representation, or the basis relied on for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

### **III.**

IT IS FURTHER ORDERED that respondent and its successors and assigns shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

### **IV.**

IT IS FURTHER ORDERED that respondent and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Prumr drmeect rue9-84a s-2 Tc -0.02 Tw [(b,

complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this day of , 19

BECK'S NORTH AMERICA, INC.

By: \_\_\_\_\_  
WILLIAM J. YETMAN  
President

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JANET M. EVANS  
Counsel for the Federal Trade  
Commission

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RICHARD F. KELLY  
Counsel for the Federal Trade  
Commission

APPROVED:

\_\_\_\_\_  
C. LEE PEELER  
Associate Director  
Division of Advertising  
Practices

\_\_\_\_\_  
JOAN Z. BERNSTEIN

Director  
Bureau of Consumer Protection