

UNITED STATES OF AMERICA
 FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez Chairwoman
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright

In the Matter of
 TBWA WORLDWIDE, INC.,
 a corporation.

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that TBWA Worldwide, 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:

1. Respondent TBWA Worldwide, Inc., is a Delaware corporation with its principal office or place of business at 488 Madison Avenue, New York, New York 10022.
2. Respondent, at all times relevant to this complaint, was an advertising agency of Nissan North America, Inc., and prepared and disseminated advertisements to promote the sale of the Nissan Frontier pickup truck.
3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4(e) of the Federal Trade Commission Act, including the sale of Nissan Frontier pickup trucks, including “Hill Climb,” a commercial that was disseminated on television and over the internet. (Exhibit A, transcript, and Exhibit B, DVD containing ad)
5. The Hill Climb advertisement depicts a Nissan Frontier pickup truck rescuing a dune buggy that is trapped in sand on a steep hill. The Nissan Frontier speeds up and immediately behind the dune buggy. The Nissan Frontier then pushes the dune buggy up and over the top of the hill. Onlookers are portrayed observing the feat in amazement. A narrator subsequently states, “The mid-size Nissan Frontier with full-size horsepower and torque. Innovation for doers, innovation for all.” The demonstration is portrayed in a realistic, “YouTube” style, as if shot with a mobile phone video camera. A statement appears onscreen in small type for the first three seconds of the video.

advertisement and disappears before the Nissan Frontier enters the frame. The statement reads, "Fictionalization. Do not attempt."