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UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of	)	
CIBA-GEIGY CORPORATION, and	)	
CIBA SELF-MEDICATION, INC., corporations.	)	DOCKET NO. 9279

COMPLAINT

The Federal Trade Commission, having reason to believe that Ciba-Geigy Corporation, and CIBA Self-Medication, Inc., corporations ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH ONE: Respondent Ciba-Geigy Corporation ("Ciba-Geigy") is a New York corporation with its principal office or place of business at 444 Saw Mill River Road, Ardsley, New York 10502.

Respondent CIBA Self-Medication, Inc. ("CIBA Self-Medication"), is a Delaware corporation with its principal office or place of business at 581 Main Street, Woodbridge, New Jersey 07095. CIBA Self-Medication is a wholly-owned subsidiary of Ciba-Geigy.

PARAGRAPH TWO: Respondents have manufactured, labeled, advertised, offered for sale, sold, and distributed drug products, including Doan's analgesic products, to the public. Doan's analgesic products are "drugs" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

PARAGRAPH THREE: Ciba-Geigy acquired the Doan's analgesic product line in 1987. Between 1987 and 1994, Ciba-Geigy advertised and sold Doan's analgesic products through its CIBA Consumer Pharmaceuticals division. CIBA Self-Medication was incorporated in December 1994, at which time Ciba-Geigy transferred the assets of CIBA

Consumer Pharmaceuticals to CIBA Self-Medication. Since December 1994, CIBA Self-Medication has advertised and sold Doan's analgesic products.

PARAGRAPH FOUR: The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

PARAGRAPH FIVE: Respondents have disseminated or caused to be disseminated advertisements for Doan's analgesic products, including, but not necessarily limited to, the attached Exhibits A - I. Respondents have disseminated these or substantially similar advertisements for at least eight years. These advertisements contain the following statements and depictions:

A. Doctors measure back pain by how far you can bend. Extra Strength Doan's is made for back pain relief with an ingredient these pain relievers don't have. [Depiction of large package of Doan's in front of smaller packages of Bayer, Advil and Tylenol] Doan's makes back pain go away. Extra Strength Doan's. The Back Specialist. ors meas09 of D

D. If nothing seems to help, try Doan's. It relieves back pain no matter where it hurts. Doan's has an ingredient these pain relievers don't have. [Depiction of large package of Doan's in front of smaller packages of Bayer, Aleve, Advil and Tylenol] [Superscript: Magnesium Salicylate]. Doan's. The Back Specialist[Superscript: The Back Specialist]

[Exhibit D: "Activity - Pets" 15-Second Television]

E. There are hundreds of muscles in the back. Any one can put you in agony. That's when you need Doan's[Depiction of Doan's package on top of packages of Tylenol, Bayer, Aleve and D: t: Magnesid-42. /e of Doan's in fUd "AccTD -0.1

I. WHY TREAT GENERAL ACHES?
[Depiction of packages of Bayer, Tylenol, Advil, and Aleve].

BACK PAIN NEEDS THE SPECIALIST
[Depiction of packages of Regular Strength Doan's, Extra Strength Doan's, and Extra Strength Doan's P.M.].

DOAN'S. WITH A UNIQUE INGREDIENT THE OTHERS DON'T HAVE.

[Exhibit I: Print Advertisement]

PARAGRAPH SIX: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FIVE, including but not necessarily limited to the advertisements attached as Exhibit A - I, respondents have represented, directly or by implication, that Doan's analgesic products are more effective than other analgesics, including Bayer, Advil, Tylenol, Aleve, and Motrin, for relieving back pain.

PARAGRAPH SEVEN: Through the use of the statements and depictions contained in the advertisements referred to in PARAGRAPH FIVE, including, but not necessarily limited to, the advertisements attached as Exhibits A - I, respondents have represented, directly or by implication, that at the time they made the representation set forth in PARAGRAPH SIX, respondents possessed and relied upon a reasonable basis that substantiated such representation.

PARAGRAPH EIGHT: In truth and in fact, at the time they made the representation set forth in PARAGRAPH SIX, respondents did not possess and rely upon a reasonable basis that substantiated such representation. Therefore, the representation set forth in PARAGRAPH SEVEN was, and is, false and misleading.

PARAGRAPH NINE: The acts and practices of respondents 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 and 12 of the Federal Trade Commission Act.

NOTICE

Notice is hereby given to the respondents hereinbefore named that the twenty-sixth day of August, 1996, at 10:00 a.m. o'clock is hereby fixed as the time and the Federal Trade

II.

IT IS FURTHER ORDERED that respondents Ciba-Geigy Corporation, and CIBA Self-Medication, Inc., corporations, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any over-the-counter analgesic drug in or affecting commerce, as "drug" and "commerce" are defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication, regarding such product's efficacy, safety, benefits, or performance, unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III.

Nothing in this Order shall prohibit respondents from making any representation for any drug that is permitted in labeling for any such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration.

IV.

IT IS FURTHER ORDERED that for a period of five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A.

B. For a period of ten (10) years from the date of entry of this Order, provide a copy of this Order to each of their future principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order who are associated with them or any subsidiary, successor, or assign, within three (3) days after the person assumes his or her position.

VI.

IT IS FURTHER ORDERED that respondents shall notify the Commission at least thirty (30) days prior to any proposed change in their corporate structures, including, but not limited to, dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, or any other corporate change that may affect compliance obligations arising out of this Order.

VII.

IT IS FURTHER ORDERED that this Order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a 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 paragraph 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 Paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondents 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 Paragraph as though the complaint was never 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.

VIII.

IT IS FURTHER ORDERED that respondents shall, within sixty (60) days from the date of entry of this Order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

IN WITNESS WHEREOF, the Federal Trade Commission has caused this complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, D.C. this twenty-first day of June, 1996.

By the Commission, Commissioner Azcuenaga dissenting.

Donald S. Clark
Secretary

SEAL

Attachment: Dissenting Statement of Commissioner Azcuenaga

[Exhibits A-I attached to paper copies, but not available in electronic form]