012-3059

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of PHARMACEUTICAL FORMULATIONS, INC., a corporation.	**DOCKET NO. C-4038**

COMPLAINT

The Federal Trade Commission, having reason to believe that Pharmaceutical Formulations, Inc. ("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 is a Delaware corporation with its principal office or place of business at 460 Plainfield Avenue, Edison, New Jersey 08818.

2. Respondent has manufactured, labeled, offered for sale, sold, and distributed aspirin and acetaminophen tablets to the public, including but not limited to private label aspirin and acetaminophen brands.

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. Respondent has disseminated or has caused to be disseminated packaging and labeling for certain of its aspirin and acetaminophen products, including but not necessarily limited to the attached Exhibits A through J. The packaging and labeling contain the following statements or depictions:

A. **American Fare Allergy/Sinus Headache Caplets, Exhibit A**

"Made in the **USA** for
Kmart Corporation"

B. **DG Maximum Strength Non-Aspirin Flu Medicine, Exhibit B**

"**MADE IN**
USA"

C. **DR Duane Reade Enteric Coated Aspirin, Exhibit C**

"**Made in U.S.A.** . . .
Distributed By: DUANE READE . . . "

D. **Eckerd Maximum Strength Non-Aspirin Allergy Sinus**, **Exhibit D**

"ECKERD BRAND Promise . . .
Made in U.S.A."

E. **Harris Teeter Non-Aspirin Maximum Strength Pain Reliever Sinus/Allergy, Exhibit E**

"**Made in U.S.A.**
PROUDLY DISTRIBUTED BY
HARRIS TEETER® MATTHEWS . . ."

F. **Osco Maximum Strength Allergy Sinus Gelatin Caplets, Exhibit F**

"**Made in U.S.A.**
DISTRIBUTED BY: AMERICAN PROCUREMENT AND LOGISTICS CO."

G. **Our Family No Drowsiness Sinus Tabs, Exhibit G**

"**Made in U.S.A.**
DISTRIBUTED BY
NASH FINCH COMPANY."

H. **Sav-on Enteric Coated Aspirin, Exhibit H**

"**Made in U.S.A.** . . .
DISTRIBUTED BY AMERICAN PROCUREMENT AND LOGISTICS CO."

I. **Select Brand® Multi-Symptom Cold Medicine Tablets, Exhibit I**

"Dist. by: **SELECT BRAND DISTRIBUTORS** . . . **Made in U.S.A.**"

J. **Walgreens Maximum Strength No-Aspirin Sinus Formula, Exhibit J**

"**Distributed by: Walgreen Co.** . . . **Made in U.S.A.**"

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that certain of its aspirin and acetaminophen products are made in the United States, *i.e.*, that all, or virtually all, of the ingredients of such products are made in the United States, and that all, or virtually all, of the labor in manufacturing such products is performed in the United States.

6. In truth and in fact, a significant portion of the ingredients of certain of respondent's aspirin and acetaminophen products is, or has been, of foreign origin. The active ingredients, bulk aspirin or acetaminophen compounds, that respondent processed into aspirin or acetaminophen tablets are or were made outside the United States. Therefore, the representation set forth in Paragraph 5 was, and is, false or misleading.

7. 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, 15 U.S.C. §§ 45(a) and 52.

THEREFORE, the Federal Trade Commission this nineteenth day of February, 2002, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: