

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
SCHERING-PLOUGH HEALTHCARE)	DOCKET NO. C-3741
PRODUCTS, INC.,)	
a corporation.)	
)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Schering-Plough Healthcare Products, Inc., a corporation, ("respondent"), has 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 Schering-Plough Healthcare Products, Inc. is a Delaware corporation, with its principal office or place of business at 3030 Jackson Avenue, Memphis, Tennessee 38151.

PARAGRAPH TWO: Respondent has manufactured, advertised, labeled, promoted, offered for sale, sold, and distributed over-the-counter health care products, including "Coppertone Kids" sunblock lotion, to consumers. Coppertone Kids is a "drug" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

PARAGRAPH THREE: 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.

PARAGRAPH FOUR: Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for Coppertone Kids, including but not necessarily limited to the attached Exhibits A through H. These advertisements and promotional materials contain the following statements and depictions:

A. (Depiction: child performing cannonball dive off of diving board)

Coppertone Kids sunblock lasts through 32 back flips,
64 cannonballs and 52 belly flops.

Introducing new Coppertone Kids 6-Hour Waterproof Sunblock. It goes on. And goes on protecting.

In and out of the water, all day long.

Because it's the sunblock that keeps kids protected from the sun, and waterproof for a full six hours.

As proven by kids themselves in test after test. Coppertone Kids 6-Hour Waterproof Sunblock.

It goes on. And stays on.

Read and follow label directions

(Exhibit A)(magazine ad)

B. (Depiction: child performing cannonball dive off of diving board)

Coppertone KIDS sunblock lasts through 32 back flips,
64 cannonballs and 52 belly flops.

Coppertone KIDS 6-Hour Waterproof Sunblock goes on and stays on. In and out of the water.

All day long. Because it's the waterproof sunblock that keeps kids protected from the sun for a full six hours. As proven by kids themselves in test after test.

Coppertone KIDS 6-Hour Waterproof Sunblock.

It goes on and stays on.

Read and follow label directions

(Exhibit B)(magazine ad)

C. (Sound effects: kids playing in pool)

... Kids can last in the water for hours...But all sunblocks can't. That's why there's Coppertone Kids Waterproof Sunblock. It lasts 6 full hours, in and out of the water, so you don't have to reapply it as often. Which means your kids get great protection, and you get peace of mind...Coppertone Kids 6-Hour Waterproof Sunblock. It goes on and stays on. Use as directed.

(Exhibit C) (radio ad)

D. (Sound effects: kids playing in pool; mother repeating herself)

Billy, time for more sunblock.

...time for more sunblock.

...time for more sunblock...

Coppertone Kids waterproof sunblock is made to last a full 6 hours, in and out of the water, so you won't have to reapply it as often. That means your kids get great protection, and you can stop repeating yourself...Coppertone Kids 6 hour waterproof sunblock. It goes on. And stays on.

(Exhibit D) (radio ad)

E. (Depiction: Three mothers fishing at the ocean. One mother reels in her son from the water, applies sunscreen on the child, and then cuts the fishing line holding him)

...Mom's gotta keep a line on her kids...

'cause she's gotta keep re-applying that sunblock

every time they come out of the water.

But now there's new Coppertone Kids

6 Hour Waterproof Sunblock. (super: USE ONLY AS DIRECTED)

It keeps a kid protected from the sun, and waterproof for a full six hours.

So Mom puts it on...and cuts them loose...

New Coppertone Kids 6 Hour Waterproof Sunblock.

It goes on and stays on.

(Super: It goes on. And stays on.)

(Exhibit E) (tv ad)

F. Coppertone Kids sunblock is uniquely formulated to provide long-lasting waterproof protection. This waterproof formula lasts for a full **6 HOURS** in and out of the water, and keeps kids protected from the sun's burning UVA and UVB rays.

6-HOUR WATERPROOF - Ideal for water active kids.

LONG LASTING - Kid tested to go on and stay on...

(Exhibits F & G) (label and promotion sample)

G. Dear Doctor:

...
Coppertone, the most trusted name in sun care, now provides a complete line of sunblocks specially formulated for children...Coppertone KIDS offers 6-hour waterproof protection.

...
Coppertone KIDS

- Waterproof for a full 6 hours
- Long-lasting protection...
- Available in SPF 15 and 30

...
All Coppertone Children's Sunblocks are clinically tested on children, so you can be confident your patients are getting safe, effective sun protection.

(Exhibit H) (promotional letter to doctors)

PARAGRAPH FIVE: Through the use of the statements and depictions contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A through H, respondent has represented, directly or by implication, that a single application of Coppertone Kids provides six hours of protection from the sun for children engaged in sustained vigorous activity in and out of the water.

PARAGRAPH SIX: Through the use of the statements and depictions contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A through H, respondent has represented, directly or by implication, that at the time it made the representation set forth in PARAGRAPH FIVE, respondent possessed and relied upon a reasonable basis that substantiated such representation.

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

PARAGRAPH EIGHT: Through the use of statements contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A, B, F, G and H, respondent has represented, directly or by implication, that it has conducted tests demonstrating that a single application of Coppertone Kids provides six hours of protection from the sun for children engaged in sustained vigorous activity in and out of the water.

PARAGRAPH NINE: In truth and in fact, respondent has not conducted tests demonstrating that a single application of Coppertone Kids provides six hours of protection from the sun for children engaged in sustained vigorous activity in and out of the water. Among other reasons, none of the tests relied upon by respondent evaluated a single application of the product under the advertised conditions of use, i.e., sustained vigorous activity in and out of the water. Therefore, the representation set forth in PARAGRAPH EIGHT was, and is, false and misleading.

PARAGRAPH TEN: 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 sixteenth day of May, 1997, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL:

[Exhibits A-H attached to paper copies of complaint, but not available in electronic form.]