

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

**In the Matter of  
A & S PHARMACEUTICAL CORP.,  
a corporation.**

**DOCKET NO. C-4036**

COMPLAINT

The Federal Trade Commission, having reason to believe that A & S Pharmaceutical 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, alleges:

1. Respondent is a Connecticut corporation with its principal office or place of business at 480 Barnum Avenue, Bridgeport, Connecticut 06608.
2. Respondent has manufactured, labeled, offered for sale, sold, and distributed aspirin tablets to the public, including but not limited to private label aspirin 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 products, including but not necessarily limited to the attached Exhibits A through G. The packaging and labeling contain the following statements or depictions:

**A. Food Lion Aspirin Tablets, Exhibit A**

“DISTRIBUTED BY FOOD LION, INC. . . .  
Made in U.S.A.”

**B. Price Chopper Coated Aspirin Tablets, Exhibit B**

“Made in U.S.A. . . .  
DISTRIBUTED BY THE  
PRICE CHOPPER, INC. . . .”

C. **Berkley & Jensen Aspirin, Exhibit C**

**“DISTRIBUTED BY  
BJWC . . .  
Made in U.S.A.”**

D. **FormuCare Aspirin Tablets, Exhibit D**

**“Made in U.S.A.  
Mfd. for Amway Corp.”**

E. **AAFES Aspirin, Exhibit E**

**“Manufactured in the U.S.A. for:  
Army & Air Force Exchange Service”**

F. **Western Family Aspirin, Exhibit F**

**“Proudly Distributed By: WESTERN FAMILY FOODS, INC. . . .**



**.”**

G. **Fred’s Aspirin, Exhibit G**

**“DISTRIBUTED BY: FRED’S, INC. . . .  
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 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 products is, or has been, of foreign origin. The active ingredient, bulk aspirin compound, that respondent processed into aspirin tablets is or was 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: