

**ANALYSIS OF PROPOSED CONSENT ORDER
TO AID PUBLIC COMMENT**

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from BBDO Worldwide, Inc. ("BBDO").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreements's proposed order.

This matter concerns advertising claims made by BBDO, an advertising agency, for Häagen-Dazs frozen yogurts. A separate consent agreement with Häagen-Dazs relating to the same advertisements was given final approval by the Commission on June 2, 1995.

The Commission's complaint in this matter charges BBDO with engaging in unfair or deceptive practices in connection with the advertising of Häagen-Dazs frozen yogurt products, which are sold in both carton and bar forms.

According to the complaint, BBDO falsely represented that the frozen yogurt is 98 percent fat free and low fat. The complaint also alleges that BBDO falsely represented that the frozen yogurt bars contain one gram of fat per serving and are low fat.

The complaint further alleges that BBDO falsely represented that the frozen yogurt bars contain 100 calories per serving. Finally, the complaint alleges that BBDO knew or should have known that these claims were false and misleading.

The consent order contains provisions designed to remedy the violations charged and to prevent BBDO from engaging in similar deceptive and unfair acts and practices in the future.

Part I of the order prohibits BBDO from misrepresenting the existence or amount of fat, saturated fat, cholesterol or calories in any frozen yogurt, frozen sorbet or ice cream product (excluding all other food or confection products in which ice cream is an ingredient comprising less than fifty percent of the total weight of the involved product). Part I also requires that any representation covered by that Part that conveys a nutrient content claim defined for labeling by any regulation of the Food and Drug Administration ("FDA") must comply with the qualifying amount set forth in that regulation.

Part II of the order provides that representations that would be specifically permitted in food labeling, under regulations issued by the FDA pursuant to the Nutrition Labeling and Education Act of 1990, are not prohibited by the order.

Part III of the order requires BBDO to maintain copies of all materials relied upon in making any representation covered by the order.

Part IV of the order requires BBDO to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part V of the order requires BBDO to distribute copies of the order to its operating divisions and to various officers, agents and representatives of BBDO.

Part VI of the order is a "sunset" provision, dictating that the order will terminate twenty years from the date it is issued or twenty years after a complaint is filed in federal court, by either the United States or the FTC, alleging any violation of the order.

Part VII of the order requires BBDO to file with the Commission one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify any of their terms.