UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: **Edith Ramirez, Chairwoman**
Maureen K. Ohlhausen
Terrell McSweeny

In the Matter of **MARS PETCARE US, INC.,** **a corporation.**	**Docket No. C-**

COMPLAINT

The Federal Trade Commission, having reason to believe that Mars Petcare US, Inc., ("Respondent") has violated 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 310 Cool Springs Boulevard, Franklin, Tennessee 37067.

2. Respondent has manufactured, advertised, labeled, promoted, offered for sale, sold and distributed dog food under the brand name Eukanuba, among others. Respondent's dog foods are "foods," within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

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.

Eukanuba Dog Foods

4. Respondent markets and promotes its Eukanuba brand dog food as a premium dog food. The retail price of Eukanuba brand dog foods ranges from $13.99 to $57.99, depending on the formulation and size of the packaging.

5. Beginning in May 2015, and continuing for approximately one month, Respondent disseminated or caused to be disseminated advertisements, packaging and promotional materials for its Eukanuba brand dog food, including but not necessarily limited to the television, online and print advertisements excerpted in the attached Exhibits A to C. These materials contain the following statements and depictions:

A. (Exhibit A – online video):

Man is always searching for the fountain of youth,

a way to live longer yet stay younger.

One decade ago, Eukanuba set out on the same quest. We launched a long life study, with a band of Labradors, their devoted caretakers, and enough Eukanuba to last them a lifetime.

Or so we thought. While the typical Labrador lives 12 years,
some dogs in the study even lived past the age of 16.

Like our relentless fetcher Iowa
Iowa at Age 17
Living 30% longer than her typical lifespan
Typical Labrador lifespan: 12 years

Or the water lover Utah
Utah at Age 17
Living 30% longer than his typical lifespan
Typical Labrador lifespan: 12 years

And not just them:
Georgia at Age 17
Living 30% longer than her typical lifespan
Typical Labrador lifespan: 12 years

Bunny at age 16
Typical Labrador lifespan: 12 years

Clown at age 16
Typical Labrador lifespan: 12 years

Each living an exceptionally long life and still full of vitality.

B. (Exhibit B – television commercial and online video):

10 Years ago, we launched a long life study.
What we observed was astonishing.
With Eukanuba and proper care,
Dogs in the study were able to live beyond their typical lifespan.

Iowa at Age 17
Living 30% longer than her typical lifespan
*typical Labrador lifespan: 12 years

Utah at Age 17
Living 30% longer than his typical lifespan
*typical Labrador lifespan: 12 years

Living an exceptionally long life
And still full of vitality

C. (Exhibit C – two-sided point-of-sale card):

Utah at age 17. Living 30% longer than his typical lifespan. He's enjoying an exceptionally long life, with many more adventures ahead.

Iowa at age 17. Living 30% longer than her typical lifespan. She's enjoying an exceptionally long life, with plenty of chase left to give.

6. Beginning in June 2015, Respondent disseminated or caused to disseminated advertisements, packaging and promotional materials for its Eukanuba brand dog food, including but not necessarily limited to the television and online advertisements excerpted in the attached Exhibit D. These materials contain the following statements and depictions:

A. (Exhibit D – television commercial and online video):

10 Years ago, we launched a long life study.
What we observed was astonishing.
With Eukanuba and proper care,
some dogs in the study were able to live exceptionally long lives.

Meet Iowa at Age 17, our relentless fetcher

Meet Utah at Age 17, our tireless explorer

This is the life we want for all dogs, to live long and be full of vitality.

Count I
False or Unsubstantiated Efficacy Claims

7. In connection with the advertising, promotion, offering for sale or sale of Eukanuba brand dog food, Respondent has represented, directly or indirectly, expressly or by implication, that

A. With Eukanuba, dogs live 30 percent or more longer than their typical lifespan; and

B. Eukanuba brand dog foods enable dogs to live exceptionally long lives.

8. The representations set forth in Paragraph 7 were, and are, false or misleading or were not substantiated at the time the representations were made.

Count II
False Establishment Claims

9. In connection with the advertising, promotion, offering for sale or sale of Eukanuba brand dog food, Respondent has represented, directly or indirectly, expressly or by implication, that

A. Scientific tests prove that, with Eukanuba, dogs live 30 percent or more longer than their typical lifespan; and

B. Scientific tests prove that Eukanuba brand dog foods enable dogs to live exceptionally long lives.

10. In fact,

A. Scientific tests do not prove that, with Eukanuba, dogs live 30 percent longer than their typical lifespan; and

B. Scientific tests do not prove that Eukanuba brand dog foods enable dogs to live exceptionally long lives.

Among other things, the evidence relied on by Respondent for its representations concerning the Eukanuba brand dog food consisted primarily of results from a single study, the results of which showed no significant difference in the median age at death of the dogs in the study relative to the typical age at death of dogs of the same breed. Therefore, the representations set forth in Paragraph 8 were, and are, false or misleading.

Violations of Sections 5 and 12

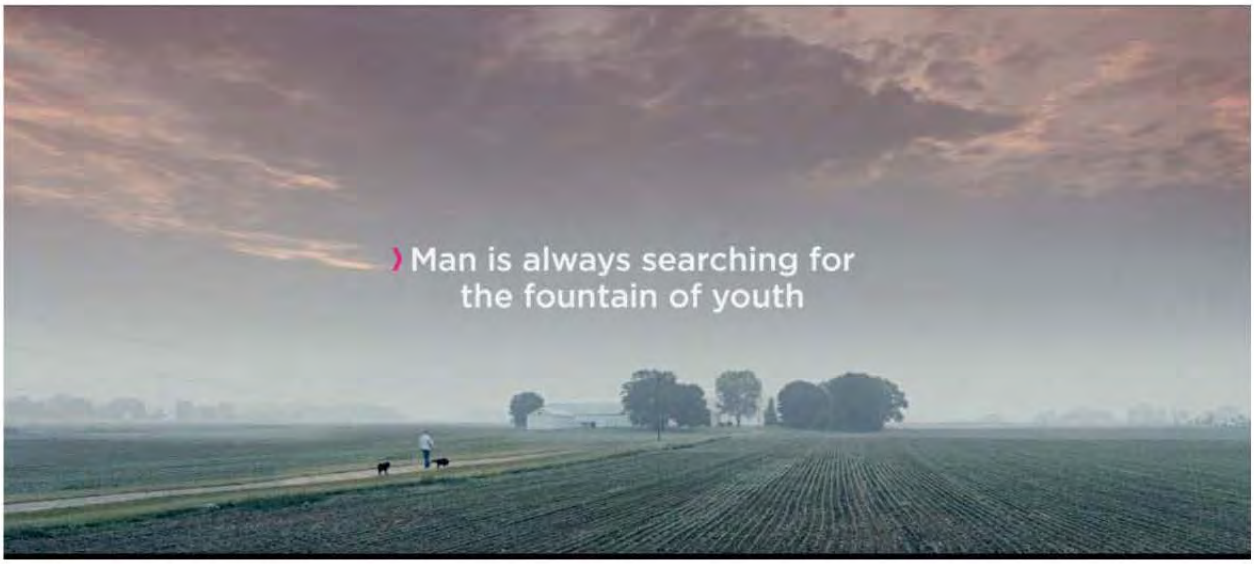
11. The acts and practices of Respondent as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this day of , 2016, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL:


Man is always searching for
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A way to live longer
yet stay younger

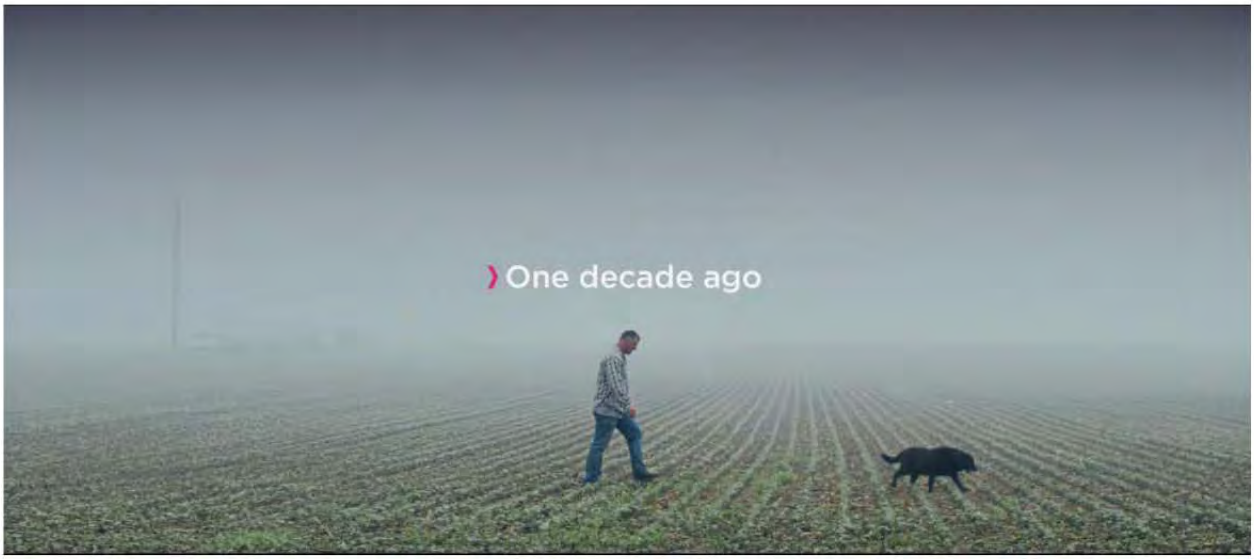
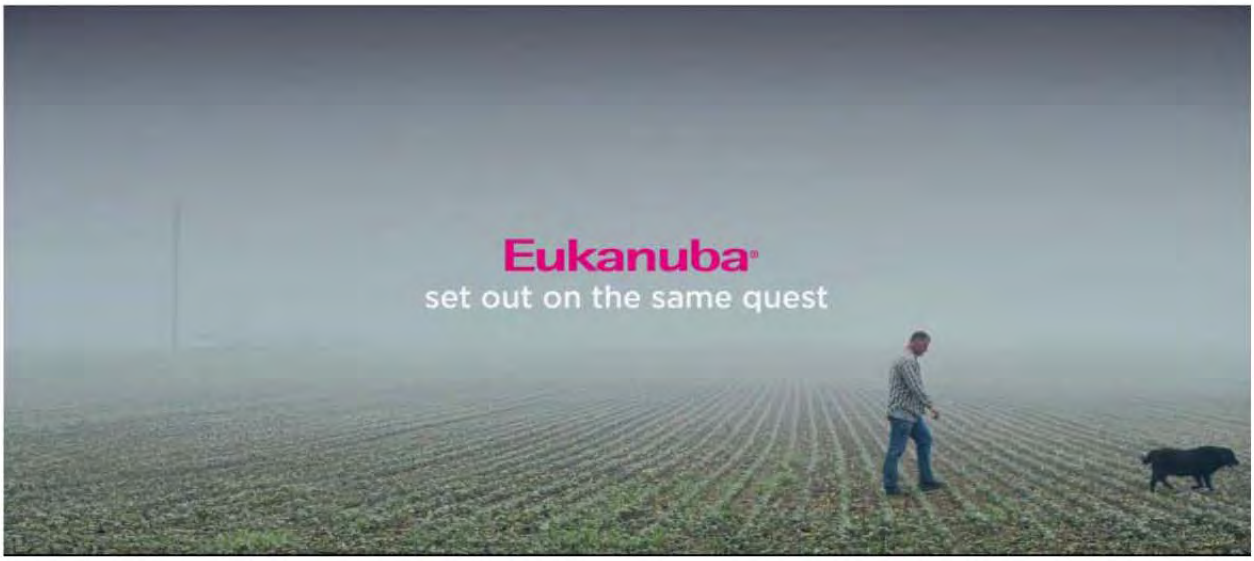
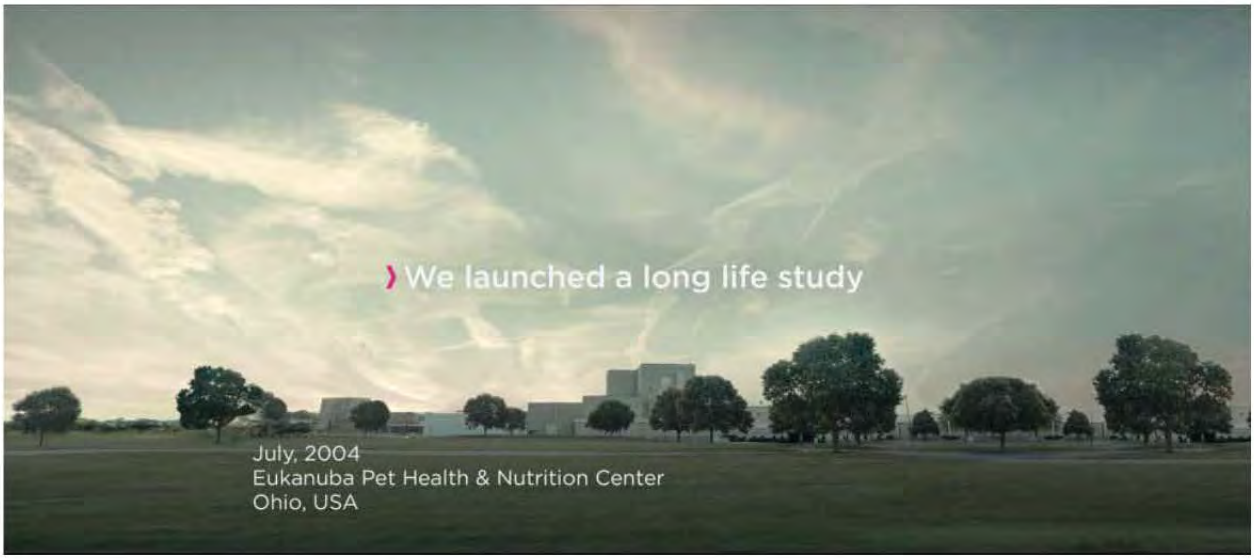

One decade ago

Exhibit A


Eukanuba®
set out on the same quest


We launched a long life study
July, 2004
Eukanuba Pet Health & Nutrition Center
Ohio, USA

With a band of Labradors

Exhibit A

Their devoted caretakers

And enough Eukanuba to last them a lifetime

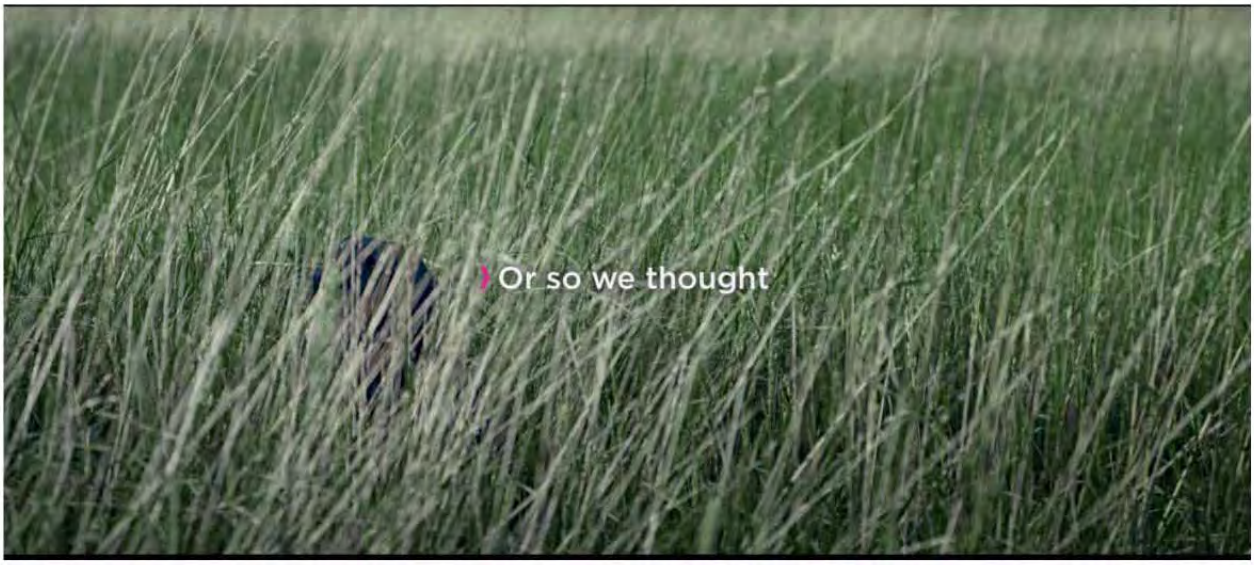

Or so we thought

Exhibit A

While the typical Labrador
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Some dogs in the study even
lived past the age of 16

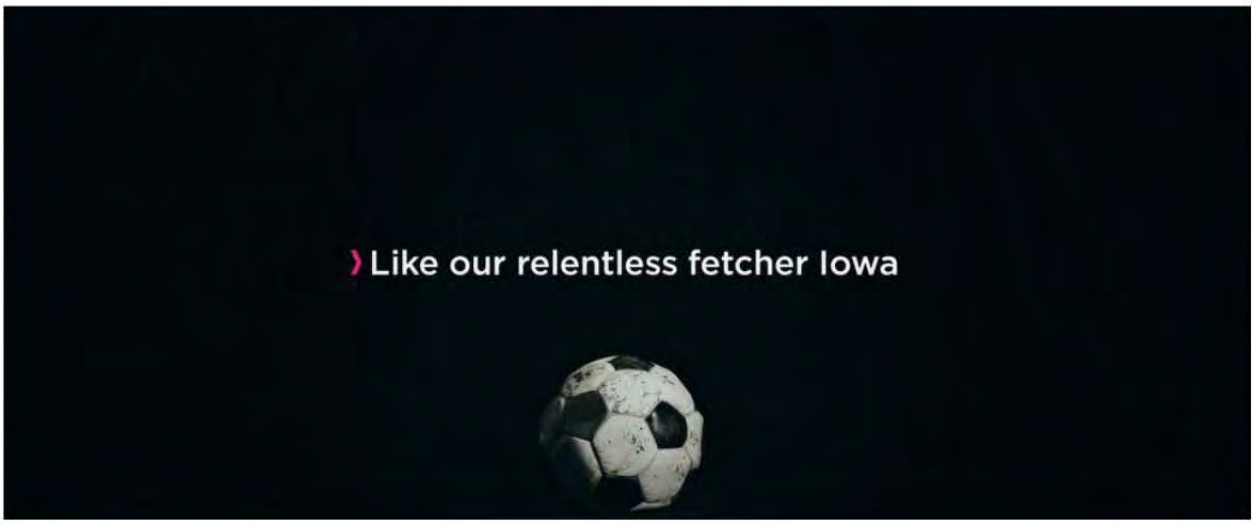
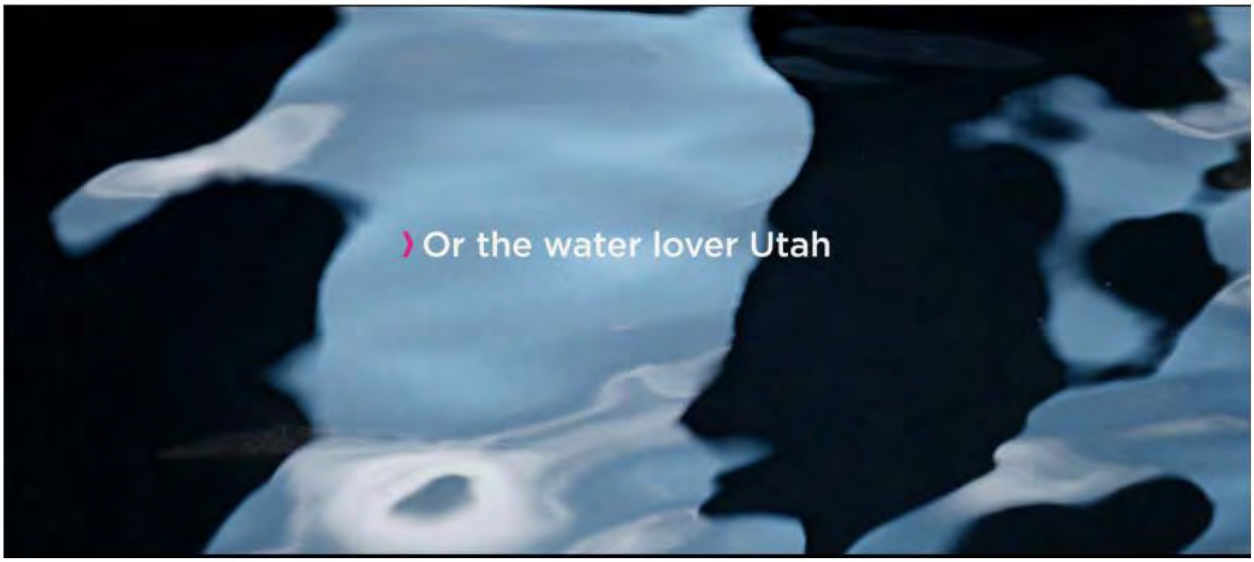

Like our relentless fetcher Iowa

Exhibit A

IOWA AT AGE 17
Living 30% longer than her typical lifespan
Typical Labrador lifespan: 12 years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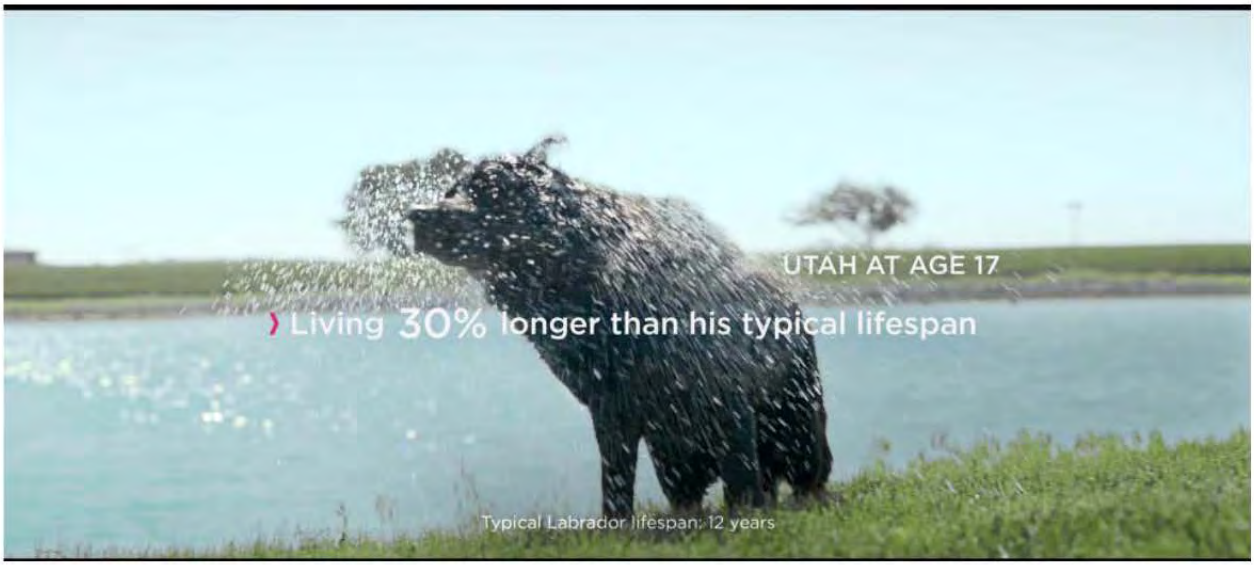

UTAH AT AGE 17
Living 30% longer than his typical lifespan
Typical Labrador lifespan: 12 years

Exhibit A

And not just them

GEORGIA AT AGE 17
Living 30% longer than her typical lifespan
Typical Labrador lifespan: 12 years

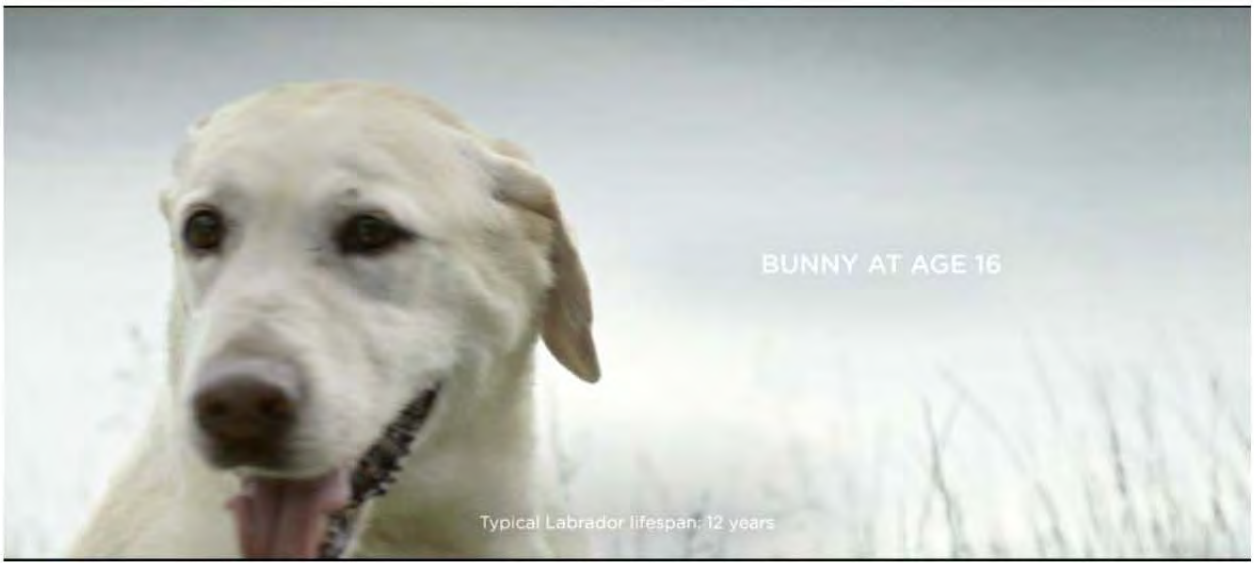

BUNNY AT AGE 16
Typical Labrador lifespan: 12 years

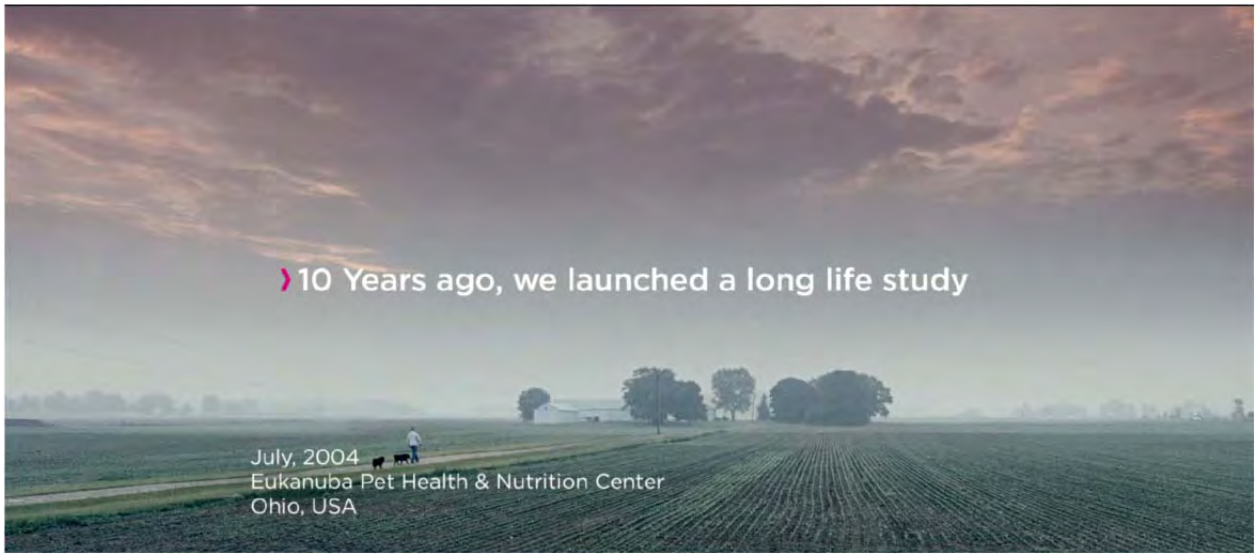
Exhibit A

CLOWN AT AGE 16
Typical Labrador lifespan: 12 years

Each living an exceptionally long life
and still full of vitality

Eukanuba®
Dedicated to healthier, longer lives™
Available at your local pet store
Learn more at Eukanuba.com

Exhibit A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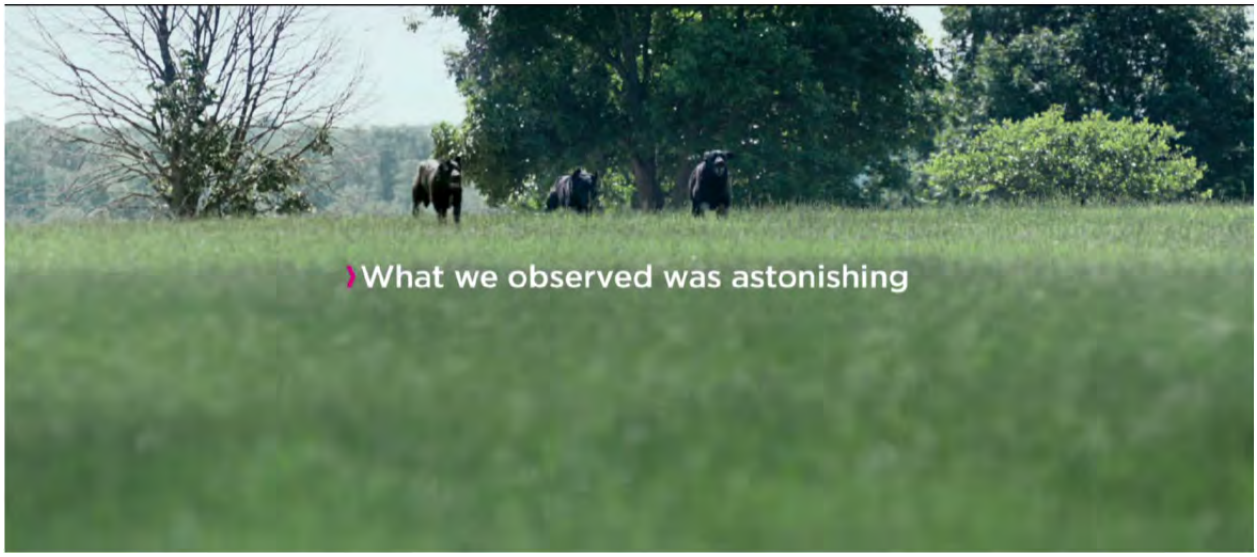
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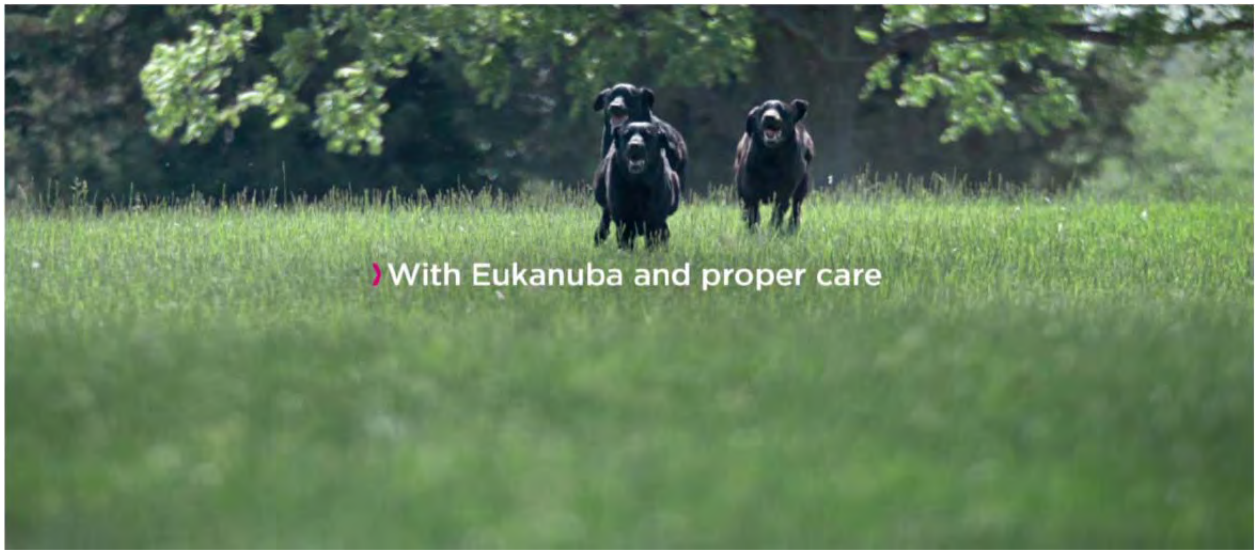
With Eukanuba and proper care

Exhibit B

Dogs in the study were able to live
beyond their typical lifespan

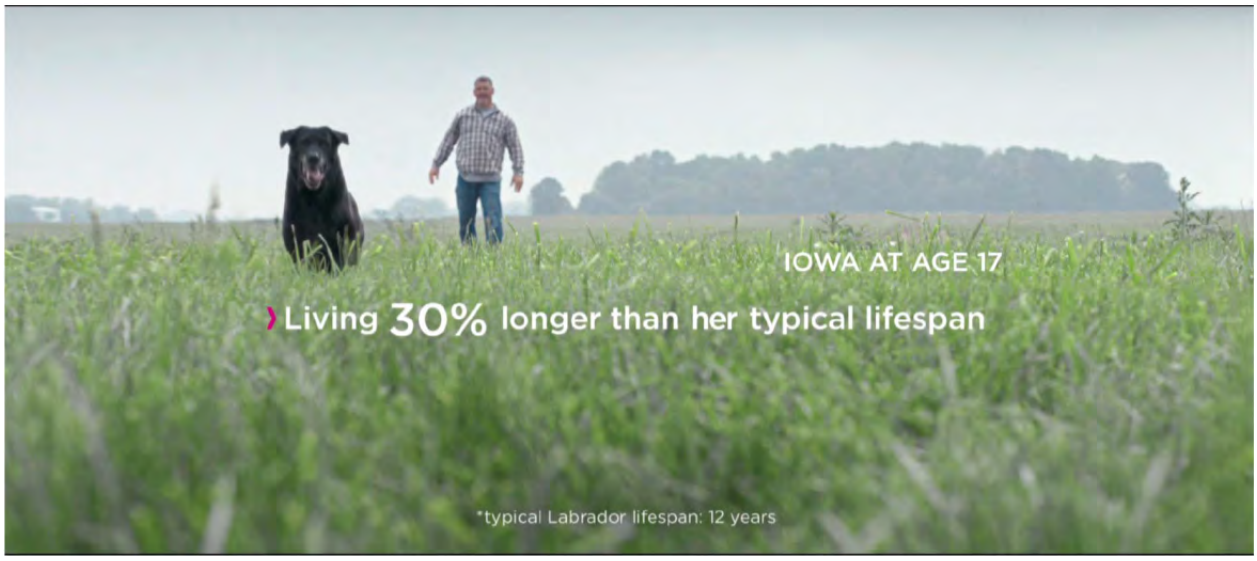
IOWA AT AGE 17
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Exhibit B

Living an exceptionally long life

And still full of vitality

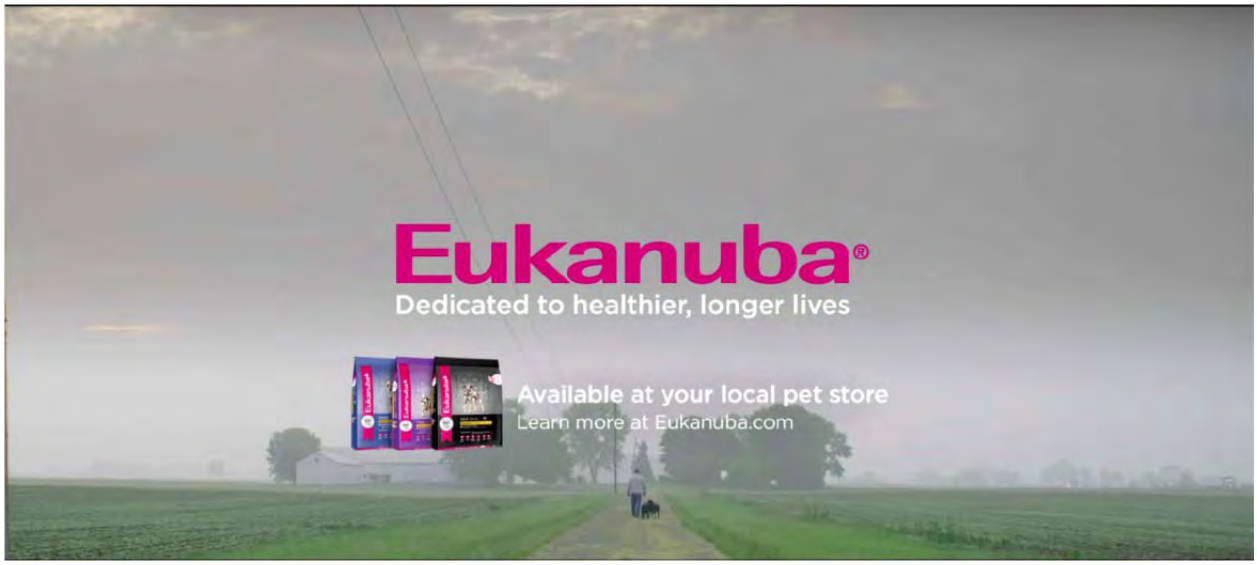
Eukanuba®
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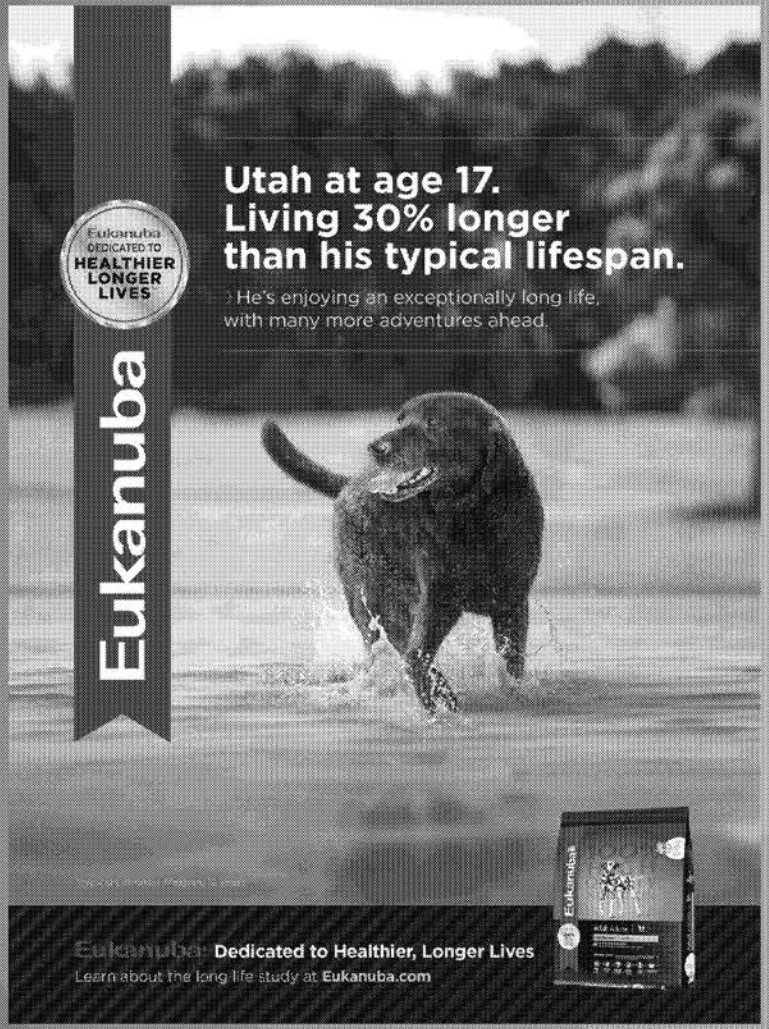
Exhibit B

Exhibit C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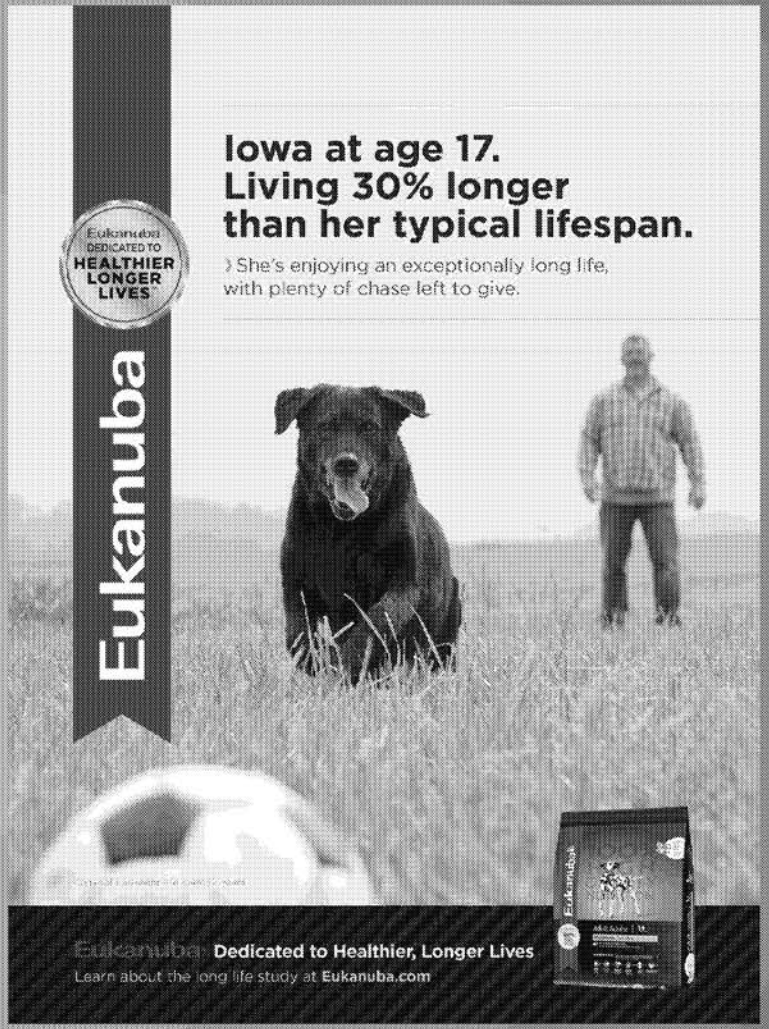
Learn about the long life study at Eukanuba.com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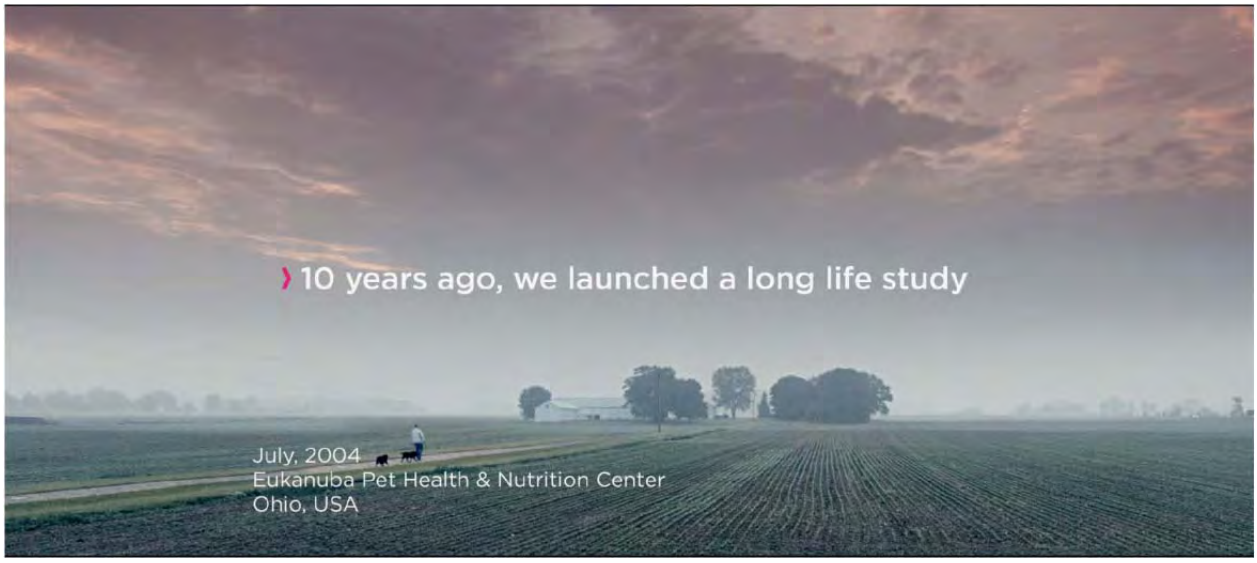
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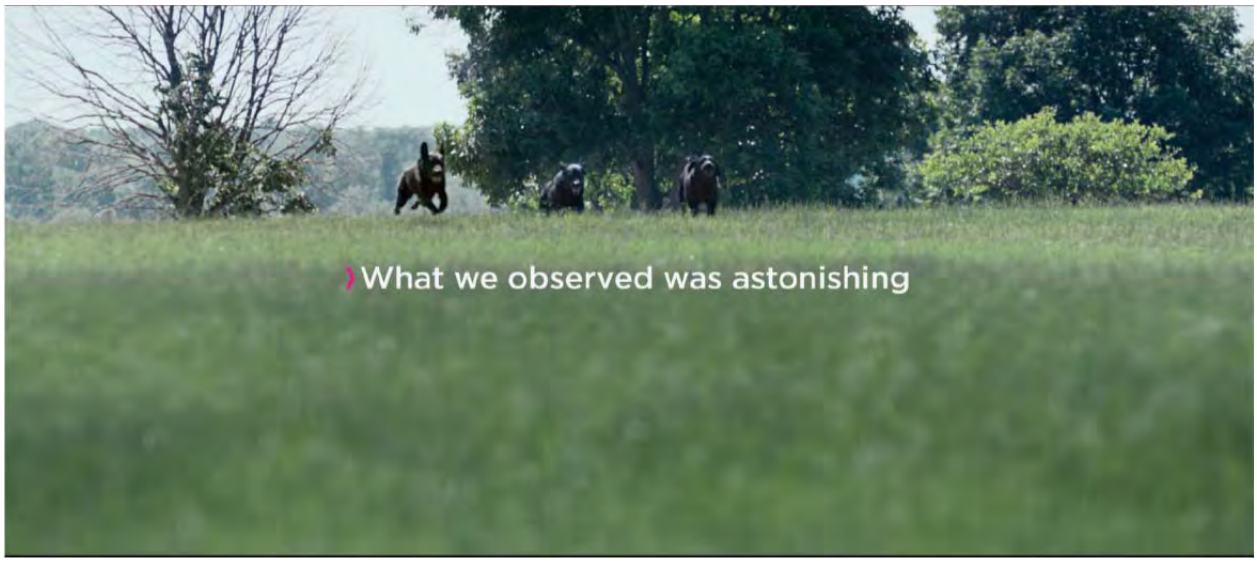
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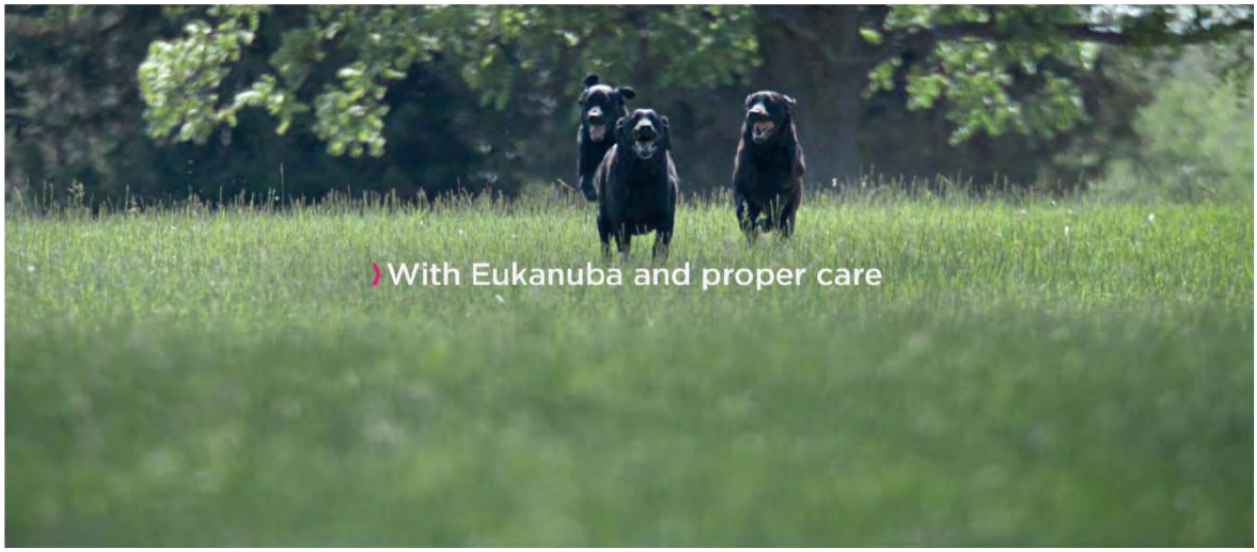
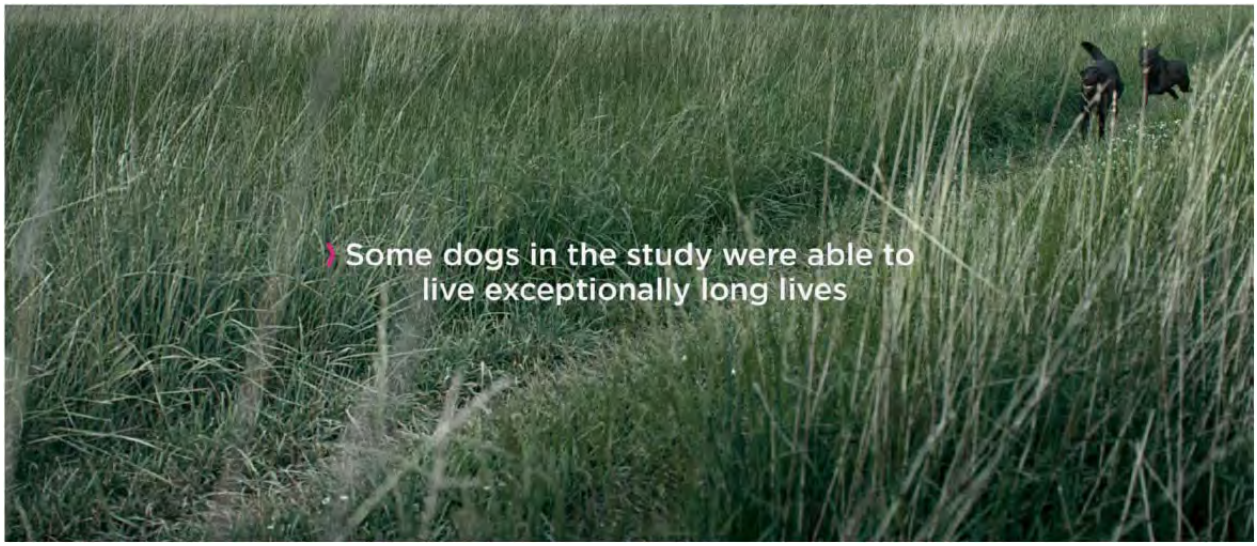

With Eukanuba and proper care

Exhibit D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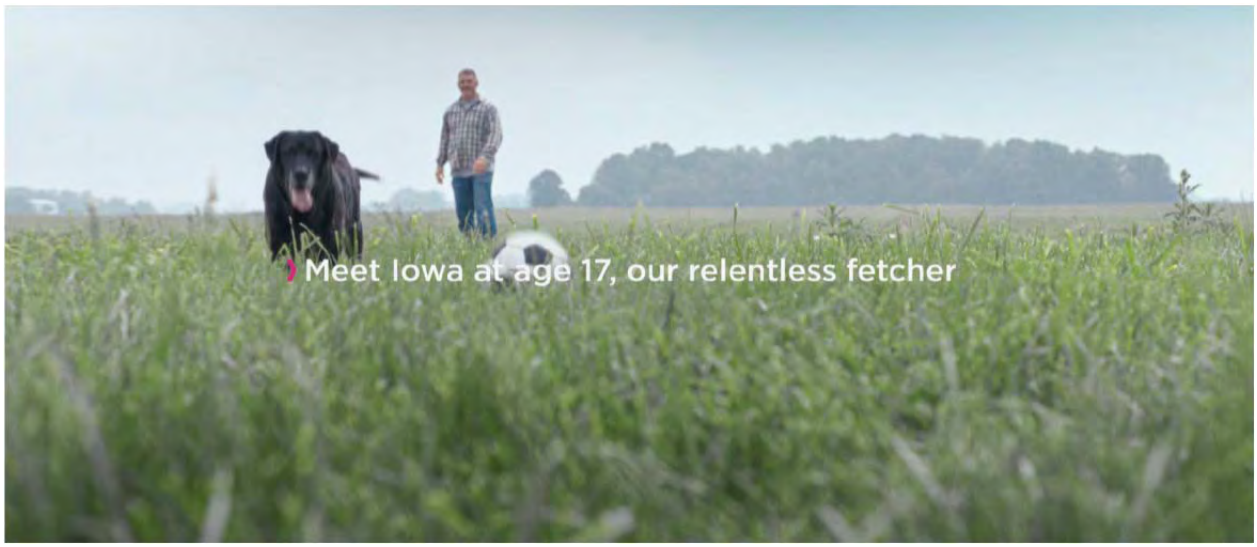
Meet Iowa at age 17, our relentless fetcher

Meet Utah at age 17, our tireless explorer

Exhibit D

This is the life we want for all dogs

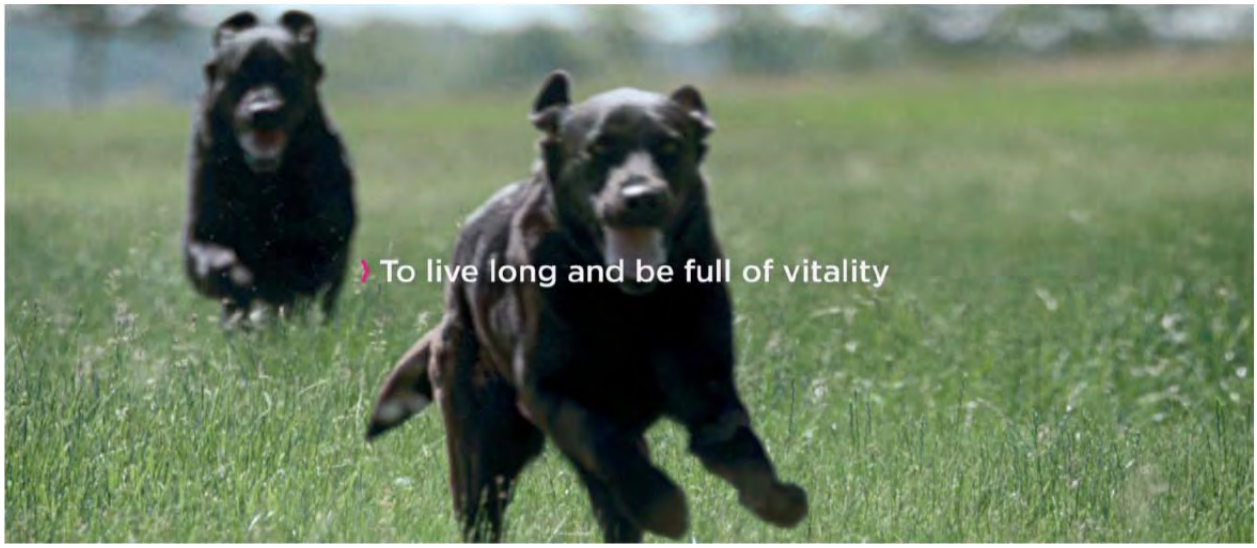
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Exhibit D