

School Boy: “We were on the third paragraph of page 57 and you were explaining that the stone structures made by Ancient Romans were called aqueducts. And as you were writing that up on the board, your chalk broke. Into three pieces.”

Teacher: “Right.”

Mini-Wheat: “I’ve never been so proud.”

Female
Announcer: “A clinical study showed kids who had a filling breakfast of Frosted Mini-Wheats cereal improved their attentiveness by nearly 20 percent.”

On screen: [appears in small, white font, for five seconds, against two different backgrounds, the first of which is in motion]

“Based upon independent clinical research, kids who ate Frosted Mini-Wheats cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast. For more information, visit www.frostedminiwheats.com.”

On screen: “20%”

Mini: “Nearly twenty percent? Okay, even I’m impressed by me.”

Female
Announcer: “Keeps ‘em full. Keeps ‘em focused.”

B. Television Advertisement: “Crossing Guard” (Exhibit B – CDROM and storyboard)

Mini-Wheat 1: “Ah, the first day of school. New pencils, new books.”

Mini-Wheat 2: “New backpack. Looks good.”

Mini-Wheat 1: “Just trying to look our best.”

Mini-Wheat 2: “It’s going to take more than looks. From what I hear, Ms. Haskins is a toughie.”

Mini-Wheat 1: “Oh, we had a good breakfast, so we’re ready.”

Mini-Wheat 3: “Gonna be another great year, huh guys?”

Mini-Wheat 1: “You bet your eight layers.”

Mini-Wheat 2: “Oh, yeah, long distance high five.”

Mini-Wheat 3: “Whoa.”

Female
Announcer: “A clinical study showed kids who had a filling breakfast of Frosted Mini-Wheats cereal improved their attentiveness by nearly 20 percent when compared to kids who missed out on breakfast.”

On Screen: [appears in small, white font, for approximately five seconds, against three different backgrounds, the first of which is in motion]

“Based upon independent clinical research, kids who ate Frosted Mini-Wheats cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast. For more information, visit www.frostedminiwheats.com.”

On Screen: “Nearly 20%”

Mini-Wheat 3: “Look, a new kid.”

Female
Announcer: “Now available in blueberry muffin. Keeps ‘em full, keeps ‘em focused.”

C. Product Packaging (Exhibit C)

Appearing at the top of the front and back panels of Frosted Mini-Wheats cereal boxes:



Appearing at the bottom of the back panel of Frosted Mini-Wheats boxes, in small type:

“Based upon independent clinical research, kids who ate Kellogg’s® Frosted Mini-Wheats® cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast. For more information, visit www.frostedminiwheats.com”

D. Internet Website www.mini-wheats.com (excerpts) (Exhibit D)

From the homepage:

“A breakfast of Frosted Mini-Wheats® cereal is clinically shown to improve kids’ attentiveness by nearly 20%.*

* Based upon independent clinical research, kids who ate Kellogg’s® Frosted Mini-Wheats® cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast.”

From the “News” page:

“The Daily Wheat: Attentiveness Put to the Test:

This is Mini™, reporting from an event that has captured our attention. A team of kids are attempting to show that a breakfast of Kellogg’s® Frosted Mini-Wheats® cereal can help keep them attentive all morning long.

It was apparent from the first test that the Frosted Mini-Wheats® team’s attentiveness was strong. And as the morning progressed, it didn’t waiver.

In the end, a round of enthusiastic cheers could be heard coming from the moms’ viewing section as the 8-layers of whole grain fiber in Frosted Mini-Wheats® cereal proved to improve kids’ attentiveness by nearly 20%*!

* Based upon independent clinical research, kids who ate Kellogg’s® Frosted Mini-Wheats® cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast.”

E. Other Internet Advertising (Exhibit E)

Sponsored Link on Google.com – results of search for “frosted mini-wheats”:

“Frosted Mini Wheats®
www.mini-wheats.com Frosted Mini-Wheats® has clinically improved kids’ attentiveness by 20%”

F. **Milk Carton Labels** (Exhibit F)

**Clinically Shown
to Improve Kids'
Attentiveness
By Nearly ...
20%***

* Based upon independent clinical research, kids who ate Kellogg's® Frosted Mini-Wheats® cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast. For more information, visit www.frostedminiwheats.com.

G. **Print Advertising** (Exhibit G)

**“3 Strategies to
Start Their Day
Off Right**

Does your child need to pay more attention in school? Use the following tips to help keep your little ones ahead of the class:

* * *

✓ **Start the Day with Breakfast.**

Kids need an energy boost after a long night's sleep. A recent clinical study showed that a whole grain and fiber-filled breakfast of Frosted Mini-Wheats helps improve children's attentiveness by nearly 20%.*

* * *

* Based upon independent clinical research, kids who ate Kellogg's® Frosted Mini-Wheats® cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast. For more information, visit www.frostedminiwheats.com.”

H. **Press Release** (Exhibit H)

**“HELP YOUR KIDS EARN AN “A” FOR ATTENTIVENESS
WITH A BOWL OF FROSTED MINI-WHEATS® CEREAL FOR BREAKFAST**
Eating a Bowl May Increase Attentiveness by Nearly 20 Percent

Battle Creek, Mich., March 12, 2008 – Today’s parents are going to great lengths to help their kids do their best in school. They sign them up for tutoring services, buy special learning software and pack their schedules with enrichment activities. While all of these things are great, it’s important that parents not neglect one of the simplest ways to help ensure their kids do their best – a healthy breakfast.

A recent study commissioned by Kellogg helps demonstrate how eating a healthy, nutritious breakfast can help kids stay full and avoid the distraction of mid-morning hunger to help them do their best in school. The study, conducted by an independent research group, shows that eating a breakfast of *Frosted Mini-Wheats*® cereal helped improve kids’ attentiveness by nearly 20 percent.*

* * *

Keeping ‘Em Full and Focused

Kellogg recently commissioned research to measure the effect on kids of eating a breakfast of *Frosted Mini-Wheats*® cereal. An independent research group conducted a series of standardized, cognitive tests on children ages 8 to 12 who ate either a breakfast of *Frosted Mini-Wheats*® cereal or water. The result? The children who ate a breakfast of *Frosted Mini-Wheats*® cereal had a nearly 20% improvement in attentiveness.

* * *

* Based upon independent clinical research, kids who ate Kellogg’s® Frosted Mini-Wheats® cereal for breakfast had up to 18% better attentiveness three hours after breakfast than kids who ate no breakfast. For more information, visit www.frostedminiwheats.com.”

6. Through the means described in Paragraph 5, including the statements contained in the advertisements attached as Exhibits A and C through H, among others, respondent has represented, expressly or by implication, that eating a bowl of Kellogg’s® Frosted Mini-Wheats® cereal for breakfast is clinically shown to improve kids’ attentiveness by nearly 20%.

7. In truth and in fact, eating a bowl of Kellogg’s® Frosted Mini-Wheats® cereal for breakfast is not clinically shown to improve kids’ attentiveness by nearly 20%. In the clinical study referred to in respondent’s advertisements, for example, only about half the kids who ate Frosted Mini-Wheats® cereal showed any improvement after three hours as compared to their pre-breakfast baseline. In addition, overall, only one in seven kids who ate the cereal improved their attentiveness by 18% or more, and only about one in nine improved by 20% or more. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. Through the means described in Paragraph 5, including the statements contained in the advertisement attached as Exhibit B, among others, respondent has represented, expressly or by implication, that eating a bowl of Kellogg's® Frosted Mini-Wheats® cereal for breakfast is clinically shown to improve kids' attentiveness by nearly 20% compared to kids who ate no breakfast.

9. In truth and in fact, eating a bowl of Kellogg's® Frosted Mini-Wheats® cereal for breakfast is not clinically shown to improve kids' attentiveness by nearly 20% compared to kids who ate no breakfast. In the clinical study referred to in respondent's advertisements, for example, kids who ate Frosted Mini-Wheats® had an average of 10.6% better attentiveness three hours later than kids who had skipped breakfast; relatively few kids experienced better attentiveness near the 20% level. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. 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 twenty-seventh day of July, 2009, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary