

## IN THE MATTER OF

## AMOCO OIL COMPANY

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF  
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-3655. Complaint, May 7, 1996--Decision, May 7, 1996*

This consent order requires, among other things, the Chicago-based corporation to possess competent and reliable scientific evidence to substantiate claims regarding the environmental benefits, engine performance, power, acceleration, or engine cleaning ability of any gasoline.

*Appearances*

For the Commission: *Michael Dershowitz and Sidney N. Knight.*

For the respondent: *Elroy H. Wolff, Sidley & Austin, Washington, D.C. and James M. Amend, Kirkland & Ellis, Chicago, IL.*

## COMPLAINT

The Federal Trade Commission, having reason to believe that Amoco Oil Company, a corporation, hereinafter sometimes referred to as 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 1. Respondent Amoco Oil Company is a Maryland corporation, with its offices and principal place of business located at 200 East Randolph Drive, Chicago, Illinois.

PAR. 2. Respondent Amoco Oil Company has advertised, offered for sale, sold, and distributed gasoline and other petroleum products including Amoco Silver 89 octane gasoline, and Amoco Ultimate 92 and 93 octane gasolines.

PAR. 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.

PAR. 4. Respondent has disseminated or caused to be disseminated advertisements for Amoco Silver and Amoco Ultimate

gasolines, including but not necessarily limited to the advertisements attached hereto as Exhibits A through I. The aforesaid advertisements contain the following statements and depictions:

A. A television advertisement for Amoco Ultimate:

Announcer: What's clear? Crystal clear Amoco Ultimate.

[Video: Depiction of clear liquid being poured]

What isn't? All other premium gasolines.

[Video: Depiction of colored liquids in laboratory flasks]

What's clear? Amoco Ultimate is the only premium refined an extra step to remove harmful impurities. Harmful impurities you, as a premium user, don't want.

[Video: Depiction of laboratory flask containing a dark colored viscous liquid]

[Super #1: PNA Impurities Simulated]

[Super #2: Based On Reduction In Hydrocarbon Exhaust Emissions From Extra Refining Step.]

What's clear?

Why we do it?

For unsurpassed performance and a cleaner environment. Crystal clear. Crystal clear Amoco Ultimate.

[Exhibit A]

Superscript #1 appears on the screen for approximately 1.5 seconds.

Superscript #2 appears on the screen for approximately 2.5 seconds.

B. A television advertisement for Amoco Ultimate:

Announcer: What's clear? Crystal clear Amoco Ultimate.

[Video: Depiction of clear liquid being poured]

What isn't? All other premium gasolines.

[Video: Depiction of colored liquids in, laboratory flasks]

What's clear? Amoco Ultimate is the only premium refined an extra step to remove harmful impurities other premiums leave in. Impurities that can rob your engine of performance and pollute the air.

[Video: Depiction of laboratory flask containing a dark colored viscous liquid]

[Super: Based On Reduction In Hydrocarbon Exhaust Emissions From Extra Refining Step. PNA Impurities Simulated]

What's Clear? If you use premium, now you have a reason to switch. Crystal clear. Crystal Clear Amoco Ultimate.

[Exhibit B]

Superscript appears on the screen for approximately 2.5 seconds.

C. A television advertisement for Amoco Silver:

Announcer: Hop into Amoco and take the Silver one tank test.

[Video: Depiction of dirty rabbit on top of full gas gauge]

Fill up with one Tankful of Amoco Silver; it'll clean up the filthiest fuel injectors. Not five tankfuls. Not three tankfuls. New and improved Amoco Silver with even more cleaning power does it in just one tankful or your money back.

[Video: Depiction of dirty rabbit becoming clean as fuel gauge goes to empty]

So take the Silver One Tank Test and bring back the acceleration. Bring back the power.

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[Super: For your purchase of one tankful of Amoco Silver. Eight Gallon Minimum. See your Amoco dealer for details.]

Video tagline: BRING BACK THE POWER

[Exhibit C]

D. A television advertisement for Amoco Ultimate:

Announcer: It's your car. Your baby. Your one and only. Everything about it has to be as good as gold. And when you're runnin' on Amoco Ultimate, you're running clean. Amoco Ultimate is refined an extra step for quality. And like all Amoco gasolines, Ultimate cleans clogged fuel injectors in one tankful. To keep your entire fuel intake system running clean.

[Exhibit D]

E. A radio advertisement for Amoco Silver:

Bert: Can I help you sir?

Guy: I'm here to take your test

Bert: Oh, our Amoco Silver One-Tank-Test.

\* \* \* \*

Bert: Sir, sir, you want an empty gas tank so you can fill-up with Amoco Silver.

Guy: I guess now's as good a time as any to take the test.

\* \* \* \*

Bert: Look, just one tankful of new and improved Amoco Silver...

Guy: Yes?

Bert: ... can help solve dirty-engine problems.

Guy: Solve engine problems? Oh no, science.

Bert: Now with even more cleaning power...

Guy: Ooh.

Bert: ... Amoco Silver cleans your fuel injectors as simple as A-B-C.

Guy: A-B-C! I always pick "D" -- all of the above.

Bert: Amoco Silver cleans fuel injectors in one tankful, not five or three like some gasolines.

Guy: Wow.

Bert: Or Amoco pays you back for your purchase.

\* \* \* \*

[Exhibit E]

F. A radio advertisement for Amoco Ultimate:

\* \* \* \*

Engine: ... I'm a dirty little engine. OK? There I admit it!

Woman: And you want to clean up your act.

Engine: Well that's where you come in.

Woman: Me? (TO A GUEST) Be right with you! Now, what is it?

Engine: Just give me Amoco Ultimate

Woman: Change gasolines?

Engine: Exactly. One fill-up of Amoco Ultimate will clean up my clogged fuel injectors just like that. And I won't run as sluggish as I do now.

Woman: Well, there is something to be said for clean living. Engine Then give me the good stuff!

Woman: Listen to your engine. Not only does Amoco Ultimate clean clogged fuel injectors in one tankful, it keeps your entire fuel intake system running clean.

\* \* \* \*

[Exhibit F]

G. A television advertisement for Amoco Silver:

Announcer: Ever since Ed got his new car, Streaker the dog next door, has been racing him down the road. Regular unleaded gasoline was all Ed needed to teach this dog a few tricks.

[Video: Depiction of dog chasing a new car with the car ahead of the dog]

But around 15,000 miles, a car can start to lose acceleration.

'Cause regular unleaded gasoline may not be enough.

[Video: Depiction of odometer approaching 15,000 miles as car begins to slow down and dog catches up and passes car]

Now's the time to turn to Silver. Higher octane Amoco Silver can bring back the acceleration. Bring back the power

[Exhibit G]

H. A radio advertisement for Amoco Silver:

Announcer: Remember what happened when you pressed on the accelerator when your car was new? Remember?

It ran like the wind! Charged like a champ! Even on regular unleaded gasoline. But as you put on the miles, your engine's appetite for octane can grow. Your car can begin to act sluggish. Unresponsive. And sooner than you think, as early as 15,000 miles, your car can begin to lose acceleration. Regular unleaded may not be enough. That's the time to turn to Silver! Amoco Silver is a step up from pure regular unleaded gasoline. Its higher octane can bring back the power that was there when your car was brand new. Amoco Silver may be all you'll ever need to keep your car's engine running the way it was designed to run. Amoco Silver. Bring back the power.

[Exhibit H]

I. A print advertisement for Amoco Silver:

AROUND 15,000 MILES,  
YOU'RE BOUND TO LOSE SOMETHING.  
FORTUNATELY, CARS DON'T HAVE HAIR.

As we rack up the miles, most of us start to feel sluggish. We slow down. Hair starts to thin. With the exception of this last point, the same may be true of your car. In fact, after 15,000 miles or so, some cars may actually sustain a loss of power if they run on regular gasoline. At this point, you're ready for Silver. Higher octane Amoco Silver gasoline can bring back the acceleration, bring back the power. And while we can't do a thing for thinning hair, we can provide the fuel to properly blow it back.

YOU EXPECT MORE FROM A LEADER.  
SILVER. BRING BACK THE POWER.

[Exhibit I]

PAR. 5. Through the use of the statements and depictions contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits A through I, respondent has represented, directly or by implication, that:

A. Amoco Ultimate gasoline is superior to all other brands of premium gasoline with respect to engine performance and environmental benefits because it is refined more than all other such brands.

B. The clear color of Amoco Ultimate gasoline demonstrates the superior engine performance and environmental benefits Amoco Ultimate provides compared to other premium brands of gasolines that are not clear in color.

C. A single tankful of Amoco Silver or Amoco Ultimate gasoline will make dirty or clogged fuel injectors clean.

D. Amoco Silver or Amoco Ultimate gasoline provides superior fuel injector cleaning compared to other brands of gasolines.

E. Automobiles driven more than 15,000 miles with regular gasoline generally suffer from lost engine power or acceleration which will be restored by the higher octane of Amoco Silver gasoline.

PAR. 6. Through the use of the statements contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits A through I, respondent has represented, directly or by implication, that at the time it made the representations set forth in paragraph five, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 7. In truth and in fact, at the time it made the representations set forth in paragraph five, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph six was, and is, false and misleading.

PAR. 8. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of section 5 (a) of the Federal Trade Commission Act.

Commissioner Starek recused.

Complaint

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EXHIBIT A

**RADIO  
TV REPORTS**

41 East 42nd Street, New York, NY 10017 (212) 309-1400

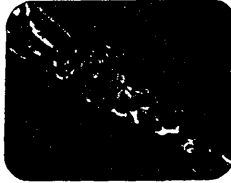
PRODUCT: AMOCO ULTIMATE GASOLINE  
TITLE: "BOY FLYING KITE"  
PROGRAM: WORLD NEWS  
STATION: ABC

**EXHIBIT A**

9/04/92 :30  
(NEW YORK) 6:59PM



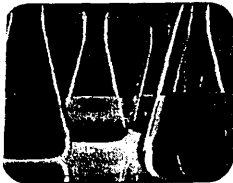
(MUSIC) ANNCR: What's clear?



Crystal clear Amoco Ultimate.



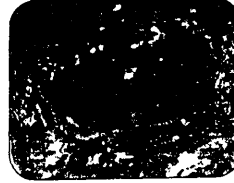
What isn't?



All other premium gasolines.



What's clear? Amoco Ultimate is the only premium



refined an extra step



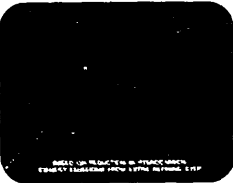
to remove harmful impurities.



Harmful impurities



you, as a premium user, don't want.



What's clear? Why do we do it?



For unsurpassed performance and a cleaner environment. Crystal clear.



Crystal clear Amoco Ultimate. (MUSIC OUT)

ALSO AVAILABLE IN COLOR VIDEO-TAPE CASSETTE

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EXHIBIT B

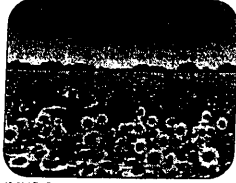
**RADIO  
TVREPORTS**

41 East 42nd Street, New York, NY 10017 (212) 309-1400

PRODUCT: AMOCO ULTIMATE GASOLINE  
TITLE: "WHAT'S CLEAR?"  
PROGRAM: HARD COPY  
STATION: CBS

**EXHIBIT B**

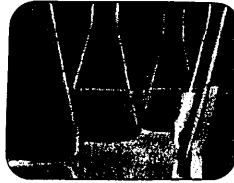
9/04/92 :30  
(NEW YORK) 7:27PM



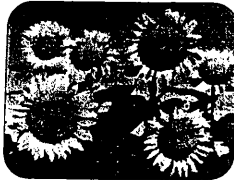
(MUSIC) ANNCR: What's clear?



Crystal clear Amoco Ultimate.  
What isn't?



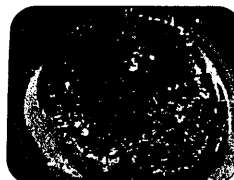
All other premium gasolines.



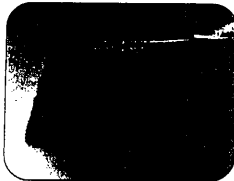
What's clear?



Amoco Ultimate is the only  
premium



refined an extra step to remove  
harmful impurities



other premiums leave in.



Impurities that can rob your engine



of performance and pollute the air.



What's clear? If you use premium.



now you have a reason to switch.  
Crystal clear.



Crystal clear Amoco Ultimate.  
(MUSIC OUT)

ALSO AVAILABLE IN COLOR VIDEO-TAPE CASSETTE

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EXHIBIT C

**RADIO  
TVREPORTS**

41 East 42nd Street New York, NY 10017 (212) 309-1400

PRODUCT: AMOCO SILVER GASOLINE  
TITLE: "TANK TEST"  
PROGRAM: NEWS  
STATION: WXYZ

**EXHIBIT C**  
05/22/91 :30  
(DETROIT) 6:36PM



(MUSIC) ANNCR: Hog into Amoco and take the Silver One Tank Test.



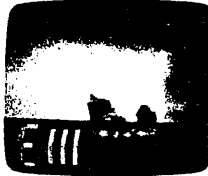
Fill up with one tankful of Amoco Silver;



it'll clean up the filthiest fuel injectors.



Not five tankfuls not three tankfuls.



New and improved Amoco Silver with even more cleaning power



does it in just one tankful



or your money back.



So take the Silver One Tank Test and bring back the acceleration.



Bring back the power. (MUSIC OUT)

ALSO AVAILABLE IN COLOR VIDEO-TAPE CASSETTE

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Complaint

## EXHIBIT D

EXHIBIT D

AS PRODUCED 3/25/92

**DMB&B**

Amoco Oil Co.

Gasoline

"Runnin' Clean/East/NY"

:30 SNA 3163

3/25/92 Rev. 3

JS:mo A02P002

AORCENY

**TELEVISION CONTINUITY**

VIDEO	AUDIO
WS BEACH W/WOMAN AT SUNSET MS WOMAN SITTING BY PONTIAC WOMAN DRIVING PONTIAC MAN WIPING STEERING WHEEL WS MAN W/PICK UP TRUCK	CHORUS: YOU'RE JUST AS GOOD AS GOLD
WOMAN DRIVING CAR (& HOOD)	ANNCR: It's your car. Your baby.
MOM & BALLERINAS (WS)	Your one and only.
CU ULTIMATE SIGNAGE CAR ON ROAD (FOREST)	Everything about it has to be as good as gold. And when you're runnin' on Amoco
CU ULTIMATE SIGNAGE & PUMP (PUMP DECAL: REFINED AN EXTRA STEP)	Ultimate, you're running
WOMAN DEALER FILLING CAR	clean. Amoco Ultimate is
CU WOMAN DEALER	refined an extra step for
CU ULTIMATE SIGNAGE	quality. And like all Amoco
CU WOMAN'S FACE SMILING WS CAR DRIVING	gasolines, Ultimate cleans
CU WOMAN DRIVING	clogged fuel injectors in
CU WOMAN SMILING	one tankful. To keep your
POV OF ROAD ZOOM/CU ULTIMATE SIGNAGE WOMAN ON BEACH W/SUPER (SUPER: YOU EXPECT MORE FROM A LEADER)	entire fuel intake system
	running clean.
	CHORUS: YOU'RE JUST AS GOOD AS GOLD
	(FADE OUT)

Complaint

121 F.T.C.

## EXHIBIT E

**DMB&B**AS PRODUCEDEXHIBIT E

Amoco Oil Co.

Gasoline

"Nervous One Tank Test"

40 RA-185-60

10 9092 Rev. 7

US:bd AO1R374

AONOTT

**RADIO CONTINUITY**

SFX: GAS STATION DING DING

BERT: Can I help you, sir?

GUY: I'm here to take your test.

BERT: Oh, our Amoco Silver One-Tank-Test.

GUY: I've taken every test there is...the S.A.T., I.Q....

BERT: Sir, it's not that kind of test.

GUY: Got my number 2 pencils, 3-ring binder, and a good night's sleep.

BERT: Is your tank empty?

GUY: No, mommy always said have a big breakfast before a test. I had hash-browns, pancakes...

BERT: Sir, sir, you want an empty gas tank so you can fill-up with Amoco Silver.

GUY: I guess now's as good a time as any to take the test.

BERT: Well, that's true.

GUY: True? It's true/false. Good. That means I got a 20/20 chance.

BERT: Look, just one tankful of new and improved Amoco Silver...

GUY: Yes?

BERT: ...can help solve dirty-engine problems.

GUY: Solve engine problems? Oh no, science.

BERT: Now with even more cleaning power...

GUY: Don't.

BERT: ...Amoco Silver cleans your fuel injectors as simple as A-B-C.

EXHIBIT E

DMB&B

AS PRODUCED

Amoco Oil Co.  
Headline  
"Nervous One Tank Test"  
Ad RA-085-80  
10/9/82 Rev. 0  
CS:bd AO1R374  
AONOTT

RADIO CONTINUITY

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GUY: A-B-C! I always pick "D" -- all of the above.

BERT: Amoco Silver cleans fuel injectors in one tankful, not five or three like some gasolines.

GUY: Wow.

BERT: Or Amoco pays you back for your purchase.

GUY: So, it's not True/False.

BERT: No.

GUY: Or multiple choice.

BERT: No.

GUY: Oh, no!

BERT: What?

GUY: Essay! Let me use your pen.

BERT: That's my tire-gauge, sir.

GUY: Well, let me use it anyway.

ANNCR: Take the one-tank-test by filling up with 8 gallons or more of engine-cleaning Amoco Silver.

Complaint

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## EXHIBIT F

EXHIBIT

DMB&amp;B

AS PRODUCED 4/12/91

Amoco Oil Co.  
 Ultimate  
 "The Party"  
 :60 RA-053-60  
 5/9/91 Rev. 6  
 PB:bd A01R378  
 AOTP

**RADIO CONTINUITY**


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MUSIC: UNDER

SFX: SMALL GATHERING VOICES IN BACKGROUND

ENGINE: Pardon me. Coming through.

WOMAN: You are one unbelievable engine! You climb out from under the hood and walk right into my party because you want to talk?

ENGINE: That's right. But I'm not sure...oh what the heck? I'm a dirty little engine. OK? There I admit it!

WOMAN: And you want to clean up your act.

ENGINE: Well that's where you come in.

WOMAN: Me? (TO A GUEST) Be right with you! Now, what is it?

ENGINE: Just give me Amoco Ultimate.

WOMAN: Change gasolines?

ENGINE: Exactly. One fill-up of Amoco Ultimate will clean up my clogged fuel injectors just like that.

SFX: SNAPS FINGERS

ENGINE: And I won't run as sluggish as I do now.

WOMAN: Well, there is something to be said for clean living.

ENGINE: Then give me the good stuff!

WOMAN: Listen to your engine. Not only does Amoco Ultimate clean clogged fuel injectors in one tankful, it keeps your entire fuel intake system running clean.

Complaint

EXHIBIT F

DMB&B

AS PRODUCED 4/12/91

**RADIO CONTINUITY**

Amoco Oil Co.

Ultimate

"The Party"

:60 RA-053-60

5/9/91 Rev. 6

PB:bd AO1R378

AOTP

ENGINE: (To party guest) Hey, buddy. You hear the one about the fan belt and the radia...

WOMAN: Hey! I thought you wanted to clean up your act!

ENGINE: Oh, right. Sorry.

BOWMAN: Amoco Ultimate. Your car knows.

Complaint

121 F.T.C.

## EXHIBIT G

AS PRODUCED 7-2

DMB&amp;B

## TELEVISION CONTINUITY

Amoco Oil Co. EXHIBIT G

Silver Gasoline

"Odometer/Streaker/Long Copy

Rev."

:30 AO2T516

7/22/92 SNA 3323

AOOSLCR

VIDEO	AUDIO
MAN DRIVING CAR - DOG CHASING CAR CAR WAY AHEAD OF DOG	ANNCR: Ever since Ed got his new car,  Streaker the dog next door, has been racing him down the road. Regular unleaded gasoline was all Ed needed to teach this dog a few tricks. But around 15,000 miles, a car can start to lose acceleration. 'Cause regular unleaded gasoline may not be enough. Now's the time to turn to Silver. Higher Octane Amoco Silver can bring back the acceleration. Bring back the power.
DOG CATCHES UP TO CAR AND PASSES CAR	SFX: <u>DOG BARK</u>
ODOMETER TURNS TO SILVER LETTERS	
CUT TO CU OF AMOCO SILVER PUMP	
CAR ACCELERATES WITH DOG IN CAR	
SUPER: YOU EXPECT MORE FROM A LEADER	

EXHIBIT H

EXHIBIT H

DMB&B

REVISED 3/14/91

Amoco Oil Co.  
Silver  
"Silver Symphony/Non-New"  
150  
A09R254 RA 956-60  
3/14/91

**RADIO CONTINUITY**

ANNCR:	Remember what happened when you pressed on the accelerator when your car was new? Remember?
MUSIC:	<u>POWERFUL SYMPHONY (TCHAIKOVSKY)</u> It ran like the wind! Charged like a champ! Even on regular unleaded gasoline.
MUSIC:	<u>SEGUES...</u> But as you put on the miles, your engine's appetite for octane can grow.
MUSIC:	<u>TO A 2ND SYMPHONY, SLOWER IN PACE</u> Your car can begin to act sluggish. Unresponsive.
MUSIC:	<u>SEGUES...</u> And sooner than you think.
MUSIC:	<u>TO A 3RD SYMPHONY, GLOOM AND DOOM</u> as early as 15,000 miles, your car can begin to lose acceleration. Regular unleaded may not be enough.
MUSIC:	<u>SEGUES...</u> That's the time...
MUSIC:	<u>TO THE WILLIAM TELL OVERTURE</u> to turn to Silver!

