

Complaint

126 F.T.C.

IN THE MATTER OF

HONEYWELL INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3823. Complaint, Aug. 17, 1998—Decision, Aug. 17, 1998

This consent order, among other things, prohibits the Minnesota-based manufacturer of air purifiers from making certain claims regarding the benefits, performance, or efficacy of its air purifiers, filters, or any other air cleaning product which is normally used for personal, family, or household purposes, unless at the time of making the claims it possesses and relies upon competent and reliable scientific evidence.

Participants

For the Commission: *Linda Badger, Kerry O'Brien, Jeffrey Klurfeld, and Carolyn Cox.*

For the respondent: *Pamela Deese, Robins, Kaplan, Miller & Ciresi, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Honeywell Inc., a 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 Honeywell Inc. is a Delaware corporation with its principal office or place of business at Honeywell Plaza, Minneapolis, MN.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed air treatment products to the public, including "Honeywell Air Purifiers" and the "enviracaire® True HEPA filter" used in its air purifiers. These "HEPA" (high-efficiency particulate air) filters have a particle removal efficiency rating of 99.97 percent for particles of 0.3 micron diameter. Honeywell Air Purifiers and enviracaire® True HEPA filters are "devices," 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.

4. Respondent has disseminated or has caused to be disseminated advertisements for Honeywell Air Purifiers, including but not necessarily limited to the attached Exhibits A through I. These advertisements contain the following statements and depictions:

A. "There are some places a wash cloth just can't clean.

Even squeaky clean on the outside, your kids are still exposed to mold spores, dust mite allergens - even bacteria and viruses. They're in the air inside your home. But you can help protect your children with a Honeywell Air Purifier. Our exclusive enviraicare® True HEPA filter can remove 99.97% of these impurities And while you're keeping their ears clean, we'll help do the same for their lungs." (Exhibit A).

B. "Don't your children's lungs deserve as much care?"

Think of all you do to keep their clothes clean. Now consider this. No matter how good a housekeeper you are, your children are exposed to mold spores, dust mite allergens - even bacteria and viruses. They're in the air inside your home. But you can help protect your children with a Honeywell Air Purifier. Our exclusive enviraicare® True HEPA filter can remove 99.97% of these impurities And while you're washing their clothes, we'll be washing their air." (Exhibit B).

C. "There are some places a washcloth just can't reach. Like her lungs. The filter in a Honeywell Air Purifier removes nearly all impurities from the air."

[A super "99.97%" appears on the screen and dissipates like dust]

"Honeywell. A home's not clean without it."

[Super: "Honeywell. A Home's Not Clean Without It."] (Exhibit C).

D. "While you're busy cleaning everything in sight, we could be taking care of what you can't see. The filter in a Honeywell Air Purifier removes nearly all impurities from the air."

[A super "99.97%" appears on the screen and dissipates like dust]

"Honeywell. A home's not clean without it."

[Super: "Honeywell. A Home's Not Clean Without It."] (Exhibit D).

E. "You do the laundry, we'll clean the really tough spot. The filter in a Honeywell Air Purifier removes nearly all impurities from the air."

[A super "99.97%" appears on the screen and dissipates like dust]

"Honeywell. A home's not clean without it."

[Super: "Honeywell. A Home's Not Clean Without It."] (Exhibit E).

F. "Hard as you try, there's some dirt you just can't shake. To remove nearly all impurities from the air,

[A super "99.97%" appears on the screen and dissipates like dust] you need the filter in a Honeywell Air Purifier. Honeywell. A home's not clean without it."

[Super: "Honeywell. A Home's Not Clean Without It."] (Exhibit F).

G. "Ideal for allergy and asthma sufferers. **Exclusive Patented 360 degree Airflow**. Efficiently scrubs the room free of air pollutants." (Exhibit G).

H. "*How to Select the Right Size enviraicare® Portable Air Cleaner*

....

6 to 7 ACH: Changing the air in a room six to seven times per hour will yield a 70 percent reduction in contaminant levels, resulting in noticeable relief from many allergy symptoms and seasonal respiratory problems. Expect excellent air quality improvement.

8-Plus ACH: Changing the air in a room eight or more times per hour yields a dramatic 85 percent reduction in contaminant levels, resulting in noticeable symptom relief from severe allergies, asthma and other chronic respiratory problems. Expect superior air quality improvement.

....

How can you tell that it's working?

Allergy sufferers should notice a decrease in symptoms such as coughing, sneezing and wheezing, and should be able to sleep better." (Exhibit H).

I. "Honeywell air cleaners provide proven relief of allergy symptoms." (Exhibit I).

5. Through the means described in paragraph four, respondent has represented, expressly or by implication, that:

A. The filter in a Honeywell Air Purifier removes 99.97% of mold spores, dust mite allergens, bacteria and viruses from the air that people breathe under household living conditions.

B. The filter in a Honeywell Air Purifier removes nearly all or 99.97% of impurities from the air that people breathe under household living conditions.

C. Consumers who use a Honeywell Air Purifier that changes the air in a room six or more times per hour will experience noticeable symptom relief from allergies and other respiratory problems.

D. Honeywell Air Purifiers provide proven relief from allergy symptoms.

6. Through the means described in paragraph four, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in paragraph five, at the time the representations were made.

7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in paragraph five, at the time the representations were made. The 99.97% figure refers to the filter's expected efficiency in removing

particles that actually pass through the filter. While the filter's efficiency is a factor in assessing the effectiveness of an air purifier in particulate removal, this figure overstates the actual effectiveness of the air purifier in removing pollutants from the air in a user's environment. The actual effectiveness of an air purifier depends on a variety of factors including, the amount of air that the air purifier processes, the nature of the pollutant, and the rate at which the pollutant is being introduced into the environment.

Additionally, there is no guarantee that an individual who suffers from allergies or other respiratory problems will derive a discernible reduction in symptoms through the use of these or other air purifiers. Whether individuals will derive such relief depends on many variables, including the source and severity of their allergies, whether the allergens at issue tend to remain airborne, the rate at which the allergens are emitted into their homes or offices, and other environmental factors.

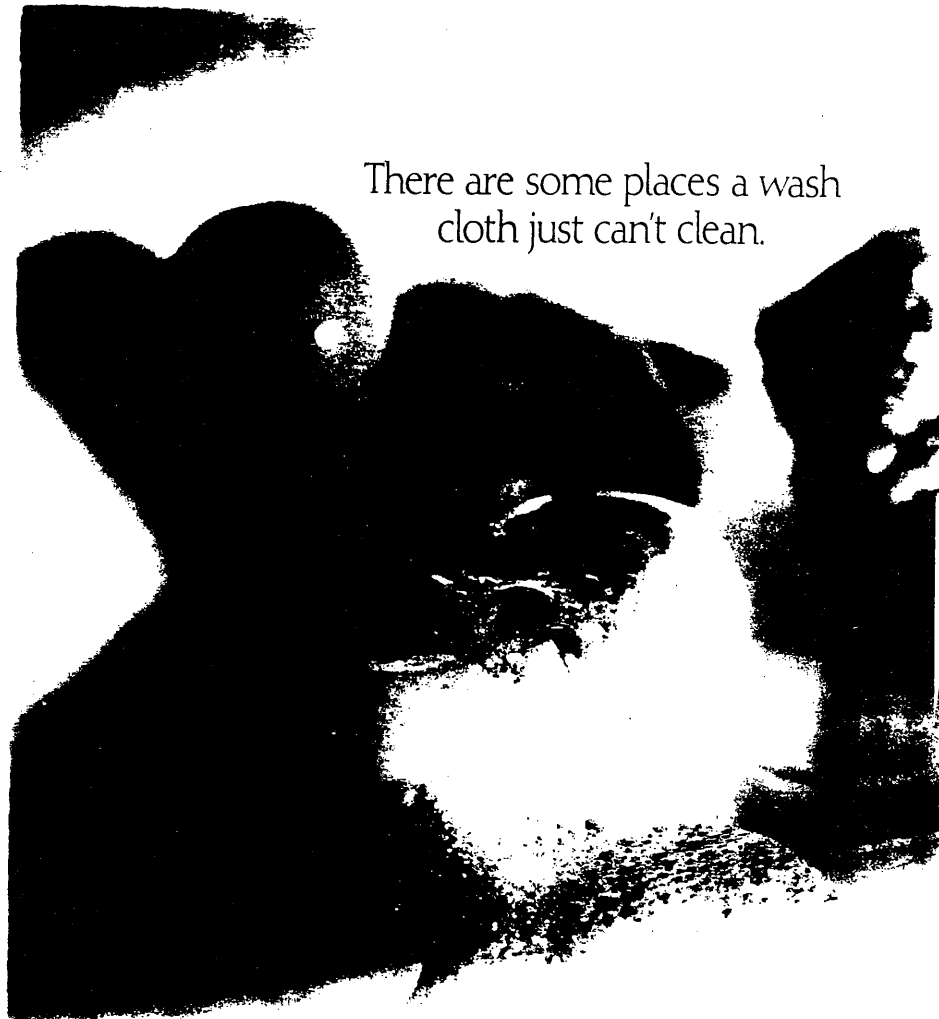
Therefore, the representation set forth in paragraph six was, and is, false or misleading.

8. 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.

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EXHIBIT A



There are some places a wash
cloth just can't clean.

Even squeaky clean on the outside, your kids are still exposed to mold spores, dust mite allergens – even bacteria and viruses. They're in the air inside your home. But you can help protect your children with a Honeywell Air Purifier. Our exclusive enviraicare® True HEPA filter can remove 99.97% of these impurities – something vacuum cleaners and furnace filters can't do. So call 1-800-332-1110 for more information and a store near you. And while you're keeping their ears clean, we'll help do the same for their lungs.

Honeywell

AMERICAN LUNG ASSOCIATION

Partners in indoor air quality education.

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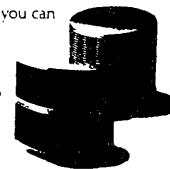
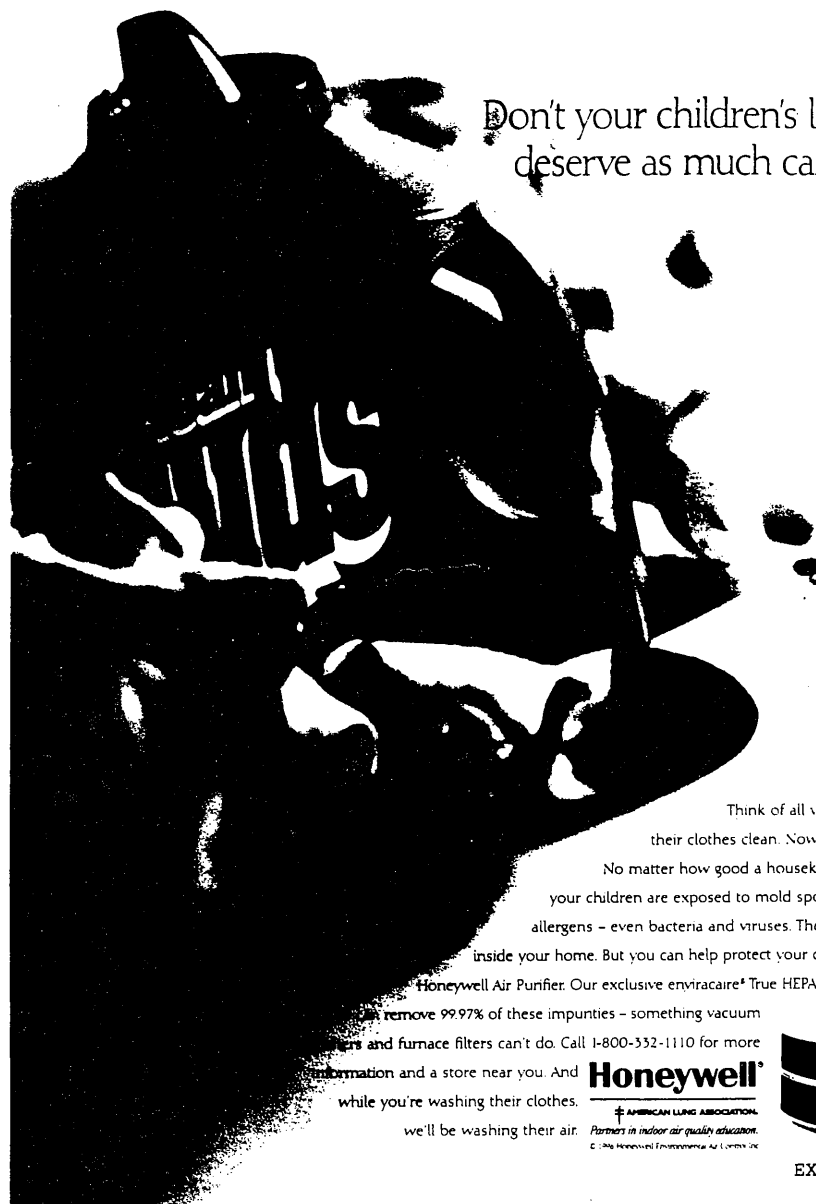


EXHIBIT A

EXHIBIT B



Don't your children's lungs
deserve as much care?

Think of all you do to keep their clothes clean. Now consider this: No matter how good a housekeeper you are, your children are exposed to mold spores, dust mite allergens - even bacteria and viruses. They're in the air inside your home. But you can help protect your children with a

Honeywell Air Purifier. Our exclusive enviraicare® True HEPA

filters can remove 99.97% of these impurities - something vacuum

suckers and furnace filters can't do. Call 1-800-332-1110 for more

information and a store near you. And

while you're washing their clothes,

we'll be washing their air.

Honeywell®

AN AMERICAN LUNG ASSOCIATION

Partners in indoor air quality education.

© 1994 Honeywell Environmental Air Control Inc.

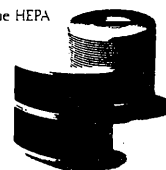


EXHIBIT B

EXHIBIT C

Television Advertisement: "Bath"

There are some places a washcloth just can't reach. Like her lungs. The filter in a Honeywell air Purifier removes nearly all impurities from the air.

[SUPER: 99.97%]

Honeywell. A home's not clean without it.

[SUPER: Honeywell. A Home's Not Clean Without It.]

EXHIBIT D

Television Advertisement: "Vacuum"

While you're busy cleaning everything in sight, we could be taking care of what you can't see. The filter in a Honeywell Air Purifier removes nearly all impurities from the air.

[SUPER: 99.97%]

Honeywell. A home's not clean without it.

[SUPER: Honeywell. A Home's Not Clean Without It.]

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EXHIBIT E

Television Advertisement: "Washing Machine"

You do the laundry, we'll clean the really tough spot. The filter in a Honeywell Air Purifier removes nearly all impurities from the air.

[SUPER: 99.97%]

Honeywell. A home's not clean without it.

[SUPER: Honeywell. A Home's Not Clean Without It.]

EXHIBIT F

Television Advertisement: "Shaking Rug"

Hard as you try, there's some dirt you just can't shake. To remove nearly all impurities from the air,

[SUPER: 99.97%]

you need the filter in a Honeywell Air Purifier. Honeywell. A home's not clean without it.

[SUPER: Honeywell. A Home's Not Clean Without It.]

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EXHIBIT G

Honeywell

enviraire®
Portable air cleaners

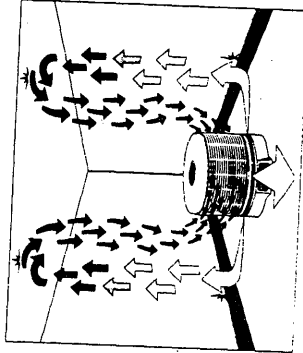
TRUE
HEPA 99.97%
FILTER EFFICIENT

CLASS II MEDICAL DEVICE
(Registration No. K872359)

The Air Cleaner most recommended by physicians:
Ideal for allergy and asthma sufferers.

**Exclusive,
Patented 360°
Airflow**

Efficiently scrubs
the room free of
air pollutants.



*McNamee & Wilkins Survey, October 1963

EXHIBIT G

CONFIDENTIAL
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