

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright

In the Matter of

**L'OCCITANE, INC.,
a corporation.**

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that L'Occitane, 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 L'Occitane, Inc., is a New York corporation with its principal office or place of business at 1430 Broadway, Second Floor, New York, New York 10018.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed products to the public, including "Almond Beautiful Shape" and "Almond Shaping Delight." Almond Beautiful Shape and Almond Shaping Delight are "drugs" and/or "cosmetics" 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. Almond Beautiful Shape and Almond Shaping Delight are skin creams that contain almond extracts and other ingredients. Respondent promotes Almond Beautiful Shape and Almond Shaping Delight as able to slim and reshape the body.
5. Respondent disseminated or caused to be disseminated advertisements for Almond Beautiful Shape and Almond Shaping Delight, including but not necessarily limited to the attached Exhibits A to D. These advertisements contain the following statements:

- A. *Shape* magazine advertisement (Exhibit A)

***Body Sculpting Solved
with L'OCCITANE***

L'OCCITANE has harnessed nature's secret, with body sculpting almond extracts cultivated in the south of France. We've teamed up with the Shaping Experts to bring you a firmer, smoother body... and it's all just 4 weeks away!

....

**Almond
Shaping Delight**
*3 out of 4 women saw
firmer, lifted skin.**

This luxuriously lightweight
massage gel instantly melts
into the skin to help visibly
refine and sculpt the
silhouette.

{SCULPTING EXPERT}

*Reported by 25 women after 4 weeks.

....

Almond Beautiful Shape
*Trim 1.3 inches in just 4 weeks.**

This ultra-fresh gel-cream helps to visibly
reduce the appearance of cellulite, while
smoothing and firming the skin.

*Centimetric loss measurement of thigh circumference.

{CELLULITE FIGHTER}

- B. Direct mail advertisement (Exhibit B)

TIME TO SHAPE UP!
NEW Almond Shaping Delight

**CLINICALLY PROVEN
SLIMMING EFFECTIVENESS**

....

A noticeably **slimmer, firmer, you...**
(in just 4 weeks!)

NEW! ALMOND SHAPING DELIGHT

SCULPTING EXPERT

**3 OUT OF 4 WOMEN SAW
FIRMER, LIFTED SKIN.***

This luxuriously lightweight massage gel instantly melts into the skin to help visibly refine and sculpt the silhouette. Almond bud extracts and almond proteins naturally slim, smooth and lift the skin's surface.

*Reported by 25 women after 4 weeks.

NEW! ALMOND BEAUTIFUL SHAPE

CELLULITE FIGHTER

**TRIM 1.3 INCHES
IN JUST 4 WEEKS.***

Concentrated in a powerful combination of Almond and a NEW lemon micro-exfoliating extract, this ultra-fresh gel-cream helps to visibly reduce the appearance of cellulite, while smoothing and firming the skin.

*Centimetric loss measurement of thigh circumference.

C. Almond Beautiful Shape packaging (Exhibit C)

This ultra-fresh gel-cream helps to visibly reduce the appearance of cellulite and to slim the thighs and buttocks, while smoothing and firming the skin.

....

- **ANTI-FAT STORAGE:** slows the appearance of new fat cells on the thighs and buttocks with Peruvian liana, quinoa extract and carrot essential oil.

- **FAT RELEASE:** releases existing fat cells particularly with almond tree buds, rich in draining flavonoids, natural caffeine, immortelle, palmarosa and peppermint essential oils.

....

Effectiveness clinically proven on the Beautiful Shape formula:

- Trims up to 3,3cm from the circumference of thighs
- Cellulite is significantly reduced

D. Almond Shaping Delight packaging (Exhibit D)

This fresh massage gel instantly melts into the skin to contribute to visibly refine and reshape the silhouette, to resculpt and tone the body contours.

....

Slimming effectiveness clinically proven*

....

*25 women after 28 days

6. Through the means described in Paragraph 5, respondent has represented, directly or indirectly, expressly or by implication, that:
 - A. Topical use of Almond Beautiful Shape trims 1.3 inches from the user's thighs in just four weeks;
 - B. Topical use of Almond Beautiful Shape significantly slims the user's thighs and buttocks;
 - C. Topical use of Almond Beautiful Shape significantly reduces cellulite; and
 - D. Topical use of Almond Shaping Delight significantly slims the body in just four weeks.
7. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 6, at the time the representations were made.
8. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 6, at the time the representations were made. Therefore, the representation set forth in Paragraph 7 was, and is, false or misleading.
9. Through the means described in Paragraph 5, respondent has represented, directly or indirectly, expressly or by implication, that:
 - A. Scientific tests prove that topical use of Almond Beautiful Shape trims 1.3 inches from the user's thighs in just four weeks;

- B. Scientific tests prove that topical use of Almond Beautiful Shape significantly reduces cellulite; and
 - C. Scientific tests prove that Almond Shaping Delight significantly slims the body in just four weeks.
10. In truth and in fact:
- A. Scientific tests do not prove that topical use of Almond Beautiful Shape trims 1.3 inches from the user's thighs in just four weeks;
 - B. Scientific tests do not prove that topical use of Almond Beautiful Shape significantly reduces cellulite; and
 - C. Scientific tests do not prove that Almond Shaping Delight significantly slims the body in just four weeks.

Among other things, the evidence relied on by respondent for its representations concerning Almond Beautiful Shape consisted primarily of results from a single unblinded, uncontrolled clinical trial. Moreover, respondent exaggerated the results of the trial; the average reported reduction in thigh circumference was less than one quarter of an inch, and only one participant out of fifty was reported to have achieved a reduction of 1.3 inches. The evidence relied on by respondent for its representation concerning Almond Shaping Delight consisted primarily of results from a single nonrandomized, unblinded, uncontrolled clinical trial. Therefore, the representations set forth in Paragraph 9 were, and are, false or misleading.

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 , 2014, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: