



December 16, 2008

ATTORNEY GENERAL MADIGAN REACHES SETTLEMENT WITH MAKERS OF AIRBORNE OVER DECEPTIVE ADVERTISING ALLEGATIONS

Chicago - Attorney General Lisa Madigan today announced a settlement with Airborne Health Inc., the Florida-based maker of the Airborne Effervescent Health Formula, and its original founders, Victoria Knight-McDowell and her husband Thomas John McDowell, over allegations that the company made unsubstantiated and unlawful marketing claims about its products' health effects. Airborne manufactures a range of herbal health supplements that claim to boost the immune system.

"Consumers who purchased Airborne to treat their colds were not getting their money's worth as there is no proof that Airborne can lessen your cold symptoms," Madigan said. "I am pleased this settlement will curb these misleading practices and protect Illinois consumers."

The settlement resolves allegations that the defendants marketed and sold their health remedies without adequate scientific or medical substantiation and that they failed to adequately warn consumers about potential health risks to select populations, including pregnant women. Older formulations of Airborne contained high amounts of Vitamin A, which could be toxic in large doses and could pose health risks for pregnant women.

Madigan was joined by 32 other Attorneys General in the \$7 million settlement, of which Illinois will receive approximately \$394,000 to fund consumer education and enforcement initiatives.

As part of the agreement, the Airborne manufacturer agreed to cease making claims about the products' health benefits and effects without competent and reliable scientific evidence to substantiate each claim. Specifically, the defendants are prohibited from saying "take at the first sign of a cold symptom," and other claims that imply that Airborne can mitigate, prevent, treat, or cure colds, the flu, respiratory infections or allergies. By law, advertisements for dietary supplements like Airborne cannot make such claims even if they can provide substantiation, unless and until the U.S. Food and Drug Administration approves the product.

Attorney General Madigan's office participated in the Executive Committee of states that led the investigation along with Tennessee, the lead state. The other Executive Committee participants were California, Florida, Indiana, Nevada, Ohio and Texas. The Attorneys General of Alaska, Arkansas, Connecticut, Delaware, the District of Columbia, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Washington and Wisconsin also filed settlements today.

Consumers who have complaints about unsubstantiated health or advertising claims or any consumer matter should contact the Illinois Attorney General's Consumer Fraud Hotline at (800) 243-0618.

Assistant Attorney General Cassandra Karimi handled the case for Madigan's Consumer Fraud Bureau.

-30-

[Return to December 2008 Press Releases](#)

