



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA

Gerald C. Benito
District Attorney

PRESS RELEASE
December 19, 2008

**MUCINEX SETTLES CONSUMER PROTECTION CASE FOR \$300,000
FOR ALLEGED PACKAGING VIOLATIONS**

Shasta County District Attorney Jerry Benito announced today that his office joined with the District Attorneys of Sacramento and Los Angeles Counties to settle a consumer protection case filed against Reckitt Benckiser, the makers of “Mucinex” medication. The initial investigation arose out of inspections of Mucinex packaging by Shasta County Weights and Measures officials. Investigators found that the packaging contained excessive non-functional slack fill, in violation of California law. The investigation broadened, and the prosecutors joined forces to undertake statewide legal action to eradicate the problem. Retail packaging which contains false walls, false bottoms, or excessive amounts of non-functional “slack fill” violate California law because they are inherently deceptive to prospective buyers, by possibly misleading the customer into thinking they are receiving more for their money.

Reckitt Benckiser cooperated with prosecutors during the investigation and agreed to change their packaging to comply with the law. Under the terms of the settlement, without admitting any wrongdoing, Reckitt Benckiser, Inc., agreed to pay \$228,461.17 in civil penalties and \$77,538.83 to reimburse costs of investigation, for a total settlement of \$300,000.00. Reckitt Benckiser acquired the Mucinex business from Adams Respiratory Therapeutics, Inc. in January 2008, while the investigation was on-going.

The Shasta County Department of Weights and Measures routinely monitors local businesses and investigates products to ensure compliance with state law. By agreement, the District Attorney’s Office returns this money to the county’s general fund. The District Attorney’s Office brings actions such as this to ensure that local and national businesses comply with their responsibilities under the law.

The counties and cities involved will equally split the civil penalties paid by Reckitt Benckiser. This means that Shasta County will receive approximately \$100,000.00. The Department of Weights and Measures will be reimbursed for all of the costs of their investigation.

In Shasta County, the case was investigated by Shasta County Department of Weights and Measures and prosecuted by Deputy District Attorney Erin M. Dervin of the Consumer Protection Unit

of the District Attorney's Office. The Consumer Protection Unit exists to help consumers with problems they may have with services provided by local businesses or individuals.

For more information about the prosecution, contact District Attorney Jerry Benito or Deputy District Attorney Erin M. Dervin at 245-6310 and for information about the investigation contact Shasta County Agricultural Commissioner/Sealer of Weights & Measures Mary Pfeiffer at 224-4949.