



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising Practices

July 6, 2020

Via Electronic Mail (lbrett@bbbn.org)

Laura Brett, Esq.
Vice President
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising by Ceres Turf, Inc. for Miniquad turf aeration tines

Dear Ms. Brett:

We have reviewed the National Advertising Division's referral of Ceres Turf, Inc. ("Ceres") regarding advertising claims for its Miniquad turf aeration tines.¹ This referral arose out of an April 2020 NAD Challenge filed against Ceres by Trigon Turf Sciences, LLC ("Trigon"). Trigon challenged comparative claims about Miniquad, alleging they were made by Ceres based on a first-generation model of the Trigon Ninja Tine product that is no longer distributed or sold.² We understand that Ceres, while initially receptive to the NAD process, ultimately declined to participate. Accordingly, you referred this matter to the Federal Trade Commission for our review.

Following several communications with Ceres' counsel, we received confirmation that Ceres has discontinued the conduct that gave rise to this NAD Challenge; specifically, the company has removed the video containing the challenged claims from YouTube and from its website. Ceres's counsel further stated that Ceres will not make the challenged claims about the Ninja Tine product unless Ceres is able to substantiate that claim, and that Ceres will not make advertising claims about the first-generation model of the Ninja Tine unless that product is currently being distributed and/or sold. Accordingly, staff has determined not to take additional action at this time.

The staff's decision to forego a formal investigation at this time is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission

¹ FTC staff also received correspondence directly from Thomas M. Tremblay, Jr., the owner of Trigon Turf Sciences, LLC.

² These claims appeared in a Ceres video that appeared on YouTube and on the company's website.

Laura Brett, Esq.

July 6, 2020

Page 2

reserves the right to take such further action as the public interest may require. The FTC appreciates your referral and the opportunity to continue to assist in supporting the NAD.

Very Truly Yours,

s/ Carolyn L. Hann

Carolyn L. Hann
Chief of Staff for Advertising Practices

cc: Erica B. E. Rogers, Esq., Ward and Smith, P.A.