

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)
)
)
SPLITFIRE, INC.,)
a corporation.) DOCKET NO. C-3737
)
)

COMPLAINT

The Federal Trade Commission, having reason to believe that SplitFire, Inc., a corporation ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

1. Respondent SplitFire, Inc. is an Illinois corporation with its principal office or place of business at 4065 Commercial Avenue, Northbrook, Illinois, 60062-1851.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed automotive products to the public, including the "SplitFire Spark Plug," an internal combustion engine spark plug with one split or forked electrode.
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 SplitFire Spark Plugs, including but not necessarily limited to the attached Exhibits A through D. These advertisements contain the following statements and depictions:

1. "Good [Depiction of a conventional spark plug]
Conventional Plugs

...

Better [Depiction of a platinum-tipped spark plug]

Platinum Plugs

...

BEST [Depiction of a SplitFire Spark Plug]

SplitFire Plugs

...

Experts say improved combustion of the fuel/air mixture results in:

MORE POWER · MORE MILEAGE · LOWER EMISSIONS

The SplitFire Advantage

'It Only Costs More Until You Use It!'TM

Equipped with conventional spark plugs, up to 15% of the combustion cycles in a modern engine end up in 'partial misfires.' SplitFire's larger flame kernel helps reduce partial misfires, and experts say it helps improve:

PERFORMANCE

· More horsepower

...

ECONOMY

· More M.P.G.

...

EMISSIONS

· Lower emissions

...

Improved combustion efficiency means that a higher percentage of fuel is converted to power, not partially-burned exhaust. Higher efficiency means you get more out of every ounce of fuel, so you use less of it."

(Exhibit A, consumer brochure)

2. **"CONSUMER RESEARCH RESULTS**

SplitFire conducts continuous consumer surveys to constantly monitor 'real life' performance in all vehicle types, coast-to-coast.

...

Of all users (regardless of vehicle type, age, condition, and use) responding:

...

70% reported a gas mileage increase of from 1 to 6 more miles per gallon."

(Exhibit B, product catalog)

3. Consumer Endorser: "Yeah, I went from probably 300 miles on a full tank to almost 400."

...

Consumer Endorser: "I probably was getting, I would say about 20 miles more per tankful, and that's a lot for me!"

...

Consumer Endorser: "And when you're driving a four-wheel drive vehicle, you need all the extra gas mileage you can get."

(Exhibit C, television ad)

4. "SplitFire. At \$5.99, America knows it only costs more 'til you use it!

...

Consumer Endorser: 'I can say I've saved at least \$3 - \$4 a week.'

...

Consumer Endorser: "They'll pay for themselves, basically, in the first 6 months you own 'em."

(Exhibit D, television ad)

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that:

1. Use of SplitFire Spark Plugs will result in significantly better fuel economy than will use of either conventional spark plugs or platinum-tipped spark plugs.
2. Use of SplitFire Spark Plugs will result in significantly lower emissions than will use of either conventional spark plugs or platinum-tipped spark plugs.
3. Use of SplitFire Spark Plugs will result in significantly greater horsepower than will use of either conventional spark plugs or platinum-tipped spark plugs.
4. Use of SplitFire Spark Plugs will result in significant cost savings over use of either conventional spark plugs or platinum-tipped spark plugs.

5. The testimonials or endorsements from consumers appearing in advertisements and promotional materials for SplitFire Spark Plugs reflect the typical or ordinary experience of members of the public who use SplitFire Spark Plugs.

6. 70% of SplitFire Spark Plug users achieve a gas mileage increase of from 1 to 6 more miles per gallon.

6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, 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 5, at the time the representations were made. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that competent and reliable studies or surveys show that 70% of SplitFire users achieve a gas mileage increase of from 1 to 6 more miles per gallon.

9. In truth and in fact, competent and reliable studies or surveys do not show that 70% of SplitFire users achieve a gas mileage increase of from 1 to 6 more miles per gallon. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this twenty-eighth day of April, 1997, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL:

[Exhibits A-D attached to paper copies of complaint, but not available in electronic form.]