UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

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In the Matter of

Abt Electronics, Inc., d/b/a abt.com, a corporation. FILE NO. 102 3038

AGREEMENT CONTAINING CONSENT ORDER

The Federal Trade Commission ("FTC" or "Commission") has conducted an investigation of certain acts and practices of Abt Electronics, Inc., d/b/a abt.com ("proposed respondent"). Proposed respondent is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Abt Electronics, Inc., d/b/a abt.com, by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent is an Illinois corporation with its principal office or place of business at 1200 N. Milwaukee Avenue, Glenview, IL 60025. Respondent maintains a website at <u>www.abt.com</u>, which advertises, offers for sale, and sells a variety of products to retail customers, including refrigerators, freezers, clothes washers, dishwashers, room air conditioners, and water heaters.

- 2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.
- 3. Proposed respondent waives:
 - a. Any further procedural steps, including but not limited to those described in Sections 1.92-1.97 of the Commission's Rules of Practice, 16 C.F.R. §§ 1.92-1.97, and the Energy Policy and Conservation Act, 42 U.S.C. § 6303(d);
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, the Commission will issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5. This agreement contemplates that, if it is accepted by the Commission, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

6. Proposed respondent has read the draft complaint and consent order.

<u>ORDER</u>

DEFINITIONS

1. Unless otherwise specified, "respondent" shall mean Abt Electronics, Inc., d/b/a abt.com and its successors and assigns.

I.

IT IS ORDERED that, within 5 days from the date of issuance of this order, respondent shall pay, pursuant to 42 U.S.C. § 6303(a) and FTC Rules of Practice, 16 C.F.R. §§ 1.97-1.98, a civil penalty in the amount of \$<u>137,500</u>. Respondent shall make this payment by electronic fund transfer to the Treasurer of the United States, pursuant to a procedure to be specified by

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Commission staff in writing. In the event of default, respondent shall be liable for interest calculated in accordance with 28 U.S.C. § 1961.

Signed this _____ day of _____, 2010

Abt Electronics, Inc., d/b/a abt.com By:

JON ABT President, Abt Electronics, Inc.

LAURA SCHNEIDER MATTHEW J. WILSHIRE Counsel for the Federal Trade Commission

APPROVED:

JAMES A. KOHM Associate Director for Enforcement Bureau of Consumer Protection

DAVID C. VLADECK Director Bureau of Consumer Protection