

**Congress of the United States**  
**Washington, DC 20515**

December 7, 2011

Donald S. Clark  
Secretary  
Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex D)  
600 Pennsylvania Avenue NW  
Washington, DC 20580-0001

Re: In the Matter of Phusion Projects, LLC – FTC File No. 112 3084

Dear Mr. Clark:

We are writing to express our support for the proposed Consent Order reached between the Federal Trade Commission (FTC) and Phusion Projects, LLC. The proposed Order appropriately balances the responsibility of the government to protect the health and safety of the American public with the right of American businesses to compete in the marketplace.

The agreement reached between the parties will result in additional labeling information to educate consumers on the alcohol content of Phusion's products. In addition, the proposed Order requires Phusion to develop a resealable can which will allow the consumer to choose whether or not to finish the drink without having to discard unused product.

We also note that the Consent Order was reached with the support of all five Commissioners, a clear sign of a well reasoned, bipartisan agreement which, as you are well aware, is vital to the development of sound federal policy. We also recognize that there are some of good will and intent who would prefer the Commission go further in its Order. The Commission's unanimous support of the agreement is a recognition by the Commissioners of the scope of the FTC's legal authority in the area of deceptive advertisement and regulation of alcohol products, a desire to make genuine, practical advancements in the area of public health and safety, and a reluctance to weigh in intrusively in the competitive marketplace.

Finally, we commend the FTC for its swift action and reasonable resolution of this matter.

Sincerely,

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MARK S. CRITZ  
Member of Congress

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RON KIND  
Member of Congress

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DANNY DAVIS  
Member of Congress