

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580



Office of the Secretary

November 10, 2014

Jon Biddle
State of Indiana

*Re: In the Matter of Made in the USA Brand, LLC
File No. 142 3121, Docket No. C-4497*

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has considered your comment and placed it on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

In your comment, you question the adequacy of the terms in the consent agreement. In particular, you are concerned that the proposed order ultimately forces the individual consumer to verify the origins of the items he or she purchases.

The consent agreement in this matter is tailored to prevent Respondent from making future representations unless those representations are true, not misleading, and substantiated by competent and reliable evidence. Specifically, the agreement prevents Respondent from misrepresenting that it has independently or objectively evaluated that entities meet its accreditation standard, and from making unsubstantiated country-of-origin claims.

The definition of "accreditation standard" set forth in the agreement does not specifically reference "made in USA" or U.S.-origin claims in order to allow for enforcement even if Respondent creates an accreditation standard not related to U.S.-origin claims. However, to the extent that Respondent uses its accreditation standard to validate U.S.-origin claims, that standard must confirm that certified entities make non-deceptive claims consistent with the Commission's Enforcement Policy Statement on U.S. Origin Claims, which provides that marketers should not make unqualified made in USA claims unless their products are all or virtually all made in the USA.

Therefore, after considering your comment, the Commission has determined that the relief set forth in the consent agreement is appropriate and sufficient to remedy the violations alleged in the complaint. At this time, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available on the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary