

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



Office of the Secretary

November 10, 2014

Deborah Clay
State of California

*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 request that the Commission require marketers to substantiate their U.S.-origin and other claims. You do not propose any revisions to the draft complaint or the consent agreement.

Section 5 of the FTC Act requires companies to possess substantiation for their marketing claims, and the Commission's Enforcement Policy Statement on U.S.-Origin Claims provides specific guidance to marketers on how to substantiate those claims.¹ In particular, the Policy Statement provides that when a marketer makes an unqualified "Made in USA" claim, the marketer should – at the time the representation is made – possess and rely upon a reasonable basis establishing that the product is "all or virtually all" made in the United States. In this case, Section II of the consent agreement specifically requires Made in the USA Brand, LLC either to possess competent and reliable evidence substantiating its representations that products are made in the USA, or to disclose that it relies on self-certification to substantiate its clients' claims.

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

¹ See 15 U.S.C. § 45(a) and *Federal Trade Commission, Issuance of Enforcement Policy Statement on "Made in USA" and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63766 (December 2, 1997), available at <http://www.ftc.gov/os/fedreg/1997/december/971202madeinusa.pdf>.