

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

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In the Matter of)		
)		
ENGINEERED PLASTIC SYSTEMS, LLC,)	DOCKET NO. C-4485	
a limited liability company.)		
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)		

COMPLAINT

The Federal Trade Commission, having reason to believe that Engineered Plastic Systems, LLC, a corporation (“Respondent”), has violated provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Engineered Plastic Systems, LLC is a limited liability company with its principal office or place of business at 885 Church Road, Elgin, IL 60123.
2. Respondent has advertised, offered for sale, sold, and distributed plastic lumber products, including picnic tables and benches.
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. Since at least June 2011, Respondent has disseminated one or more advertisements and promotional materials for plastic lumber products, including but not necessarily limited to the attached Exhibits A and B. These materials contain the following statements:
 - A. “Sports Bench . . . Made entirely of recycled plastic lumber” (Exhibit A, brochure, p. 11)

“Eco Table . . . Made entirely of recycled plastic synthetic lumber” (*Id.*, p. 13)

“Perennial Table . . . Made entirely of recycled plastic lumber” (*Id.*, p. 15)

“Hexagonal Table . . . Made entirely of recycled plastic lumber” (*Id.*, p. 16)

“Geneva Bench . . . All recycled plastic design” (*Id.*, p. 24)

“Garden Bench . . . Constructed using 2x4 recycled plastic lumber profiles . . .
Choice of recycled plastic-molded legs or ¼” steel legs” (*Id.*, p. 8)

“Trailside Bench . . . Constructed using 2x6 recycled plastic lumber profiles . . .
Choice of recycled plastic molded legs or ¼” steel legs” (*Id.*, p. 9)

B. “Eco Table . . . All recycled plastic construction” (Exhibit B, excerpt from www.epsplasticlumber.com)

“Hexagonal Table . . . All recycled plastic construction” (*Id.*)

5. A consumer acting reasonably under the circumstances is likely to interpret the representations described in Paragraph 4 to mean that Respondent’s tables and benches are made from all, or virtually all, recycled plastic.

6. In fact, Respondent’s tables and benches contained substantially less recycled plastic than Respondent represented. From June 2011 to early 2014, Respondent’s tables and benches, on average, contained only about 72% recycled plastic. The products also contained some non-recycled plastic and a mineral component.

False or Misleading Claims

7. In connection with the advertising, promotion, offering for sale, or sale of plastic lumber products, Respondent has represented, directly or indirectly, expressly or by implication, that its Eco, Hexagonal, and Perennial Tables and its Garden, Geneva, Sports, and Trailside Benches are all or virtually all recycled plastic.

8. In fact, Respondent’s tables and benches are not all or virtually all recycled plastic.

9. The representations set forth in Paragraph 7 are false or misleading, or were not substantiated at the time the representations were made.

Violations of Section 5

10. The acts and practices of Respondent as alleged in this complaint constitute 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 twentieth day of August, 2014, has issued this Complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: