



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

Bureau of Consumer Protection
Division of Enforcement

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FEDERAL EXPRESS

Mary Ann L. Wymore, Esq.
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, Missouri 63102

Dear Ms. Wymore:

We received your submissions on behalf of your client, Associated Equipment Corp. ("AEC"). During our review, we raised concerns that certain marketing materials may have overstated the extent to which AEC's battery chargers and other products are made in the United States. Specifically, although AEC performs some manufacturing functions in the United States, some of AEC's products incorporate significant imported content.

As discussed, unqualified "Made in the USA" claims on marketing materials likely suggest to consumers that all products advertised in those materials are "all or virtually all" made in the United States. Accordingly, to avoid deceiving consumers, you explained that AEC implemented a remedial action plan to clarify its representations. This plan included: (1) identifying claims that should be qualified or limited; (2) removing general "Made in the USA" language from marketing materials; (3) qualifying claims as appropriate to state products are "assembled in the United States with domestic and foreign parts," "made in the USA of imported parts," or "manufactured in the United States of domestic parts that may contain foreign components"; (4) revising previously-distributed marketing materials; (5) removing the current product catalogue from the website; (6) issuing takedown demands to third parties posting out-of-date marketing materials; and (7) implementing an ongoing review process.

Based on your actions and other factors, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Ensor".

Julia Solomon Ensor
Staff Attorney