



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

Bureau of Consumer Protection
Division of Enforcement

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VIA EMAIL

Mr. Steven Pursley
Secretary/Treasurer
American LED Technology, Inc.
304 Racetrack Rd., NE
Fort Walton Beach, FL 32547

Dear Mr. Pursley:

We received your submissions on behalf of American LED Technology, Inc. (“American LED” or the “Company”). During our review, we raised concerns that certain marketing materials may have overstated the extent to which American LED displays are made in the United States. Specifically, although American LED assembles certain displays in Florida, those displays incorporate significant imported content.

As we discussed, unqualified “Made in USA” or “Made in Florida” 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.¹ Furthermore, the FTC’s Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims explains that “‘Assembled in USA’ claims should be limited to those instances where the product has undergone its principal assembly in the United States and that assembly is substantial. In addition, a product should be last substantially transformed in the United States to properly use an ‘Assembled in USA’ claim.”²

Accordingly, to avoid deceiving consumers, American LED removed all U.S.-origin claims and logos from marketing materials. The Company also confirmed that future sales calls would no longer include U.S.-origin claims.

¹ Federal Trade Commission, *Issuance of Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63768 (Dec. 2, 1997). Additionally, beyond express “Made in USA” claims, “[d]epending on the context, U.S. symbols or geographic references, such as U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories, may, by themselves or in conjunction with other phrases or images, convey a claim of U.S. origin.” *Id.*

² *Id.* at 63770.

As discussed, it is appropriate for the Company to promote the fact that it employs workers and performs certain processes in the United States. However, marketing materials should not overstate the extent to which American LED's products are made in the United States, and should clearly differentiate U.S.-assembled products from wholly imported products. FTC staff is available to work with companies to craft qualified claims that serve the dual purposes of conveying non-deceptive information to consumers and highlighting work done in the United States.

Based on American LED's 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,



Julia Solomon Ensor
Staff Attorney