

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

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

)	
In the Matter of)	
)	
E.K. Ekcessories, Inc.,)	Docket No.
a corporation)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that E.K. Ekcessories, Inc. (“Respondent”), a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent E.K. Ekcessories, Inc. (“EK”), is a Utah corporation with its principal office or place of business at 575 West 3200 South, Logan, Utah 84321.
2. Respondent has advertised, labeled, offered for sale, and distributed products to consumers, including, but not limited to, outdoor equipment such as waterproof iPhone accessories, eyewear retainers, bottle holders, lens cleaners, ID and credential holders, dog collars and leashes, and tie-downs and tow straps (“Ekcessories”). Respondent advertises these products on its website, www.ekusa.com, and offers for sale, sells, and distributes them directly to the public throughout the United States.
3. Respondent provides third parties with marketing materials for use in the marketing and sale of Respondent’s Ekcessories.
4. 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.
5. Respondent has disseminated or has caused to be disseminated advertisements, packaging, and promotional materials for Ekcessories, including, but not necessarily limited to, the attached Exhibits A through F. These materials contain the following statements:

A. “Truly Made in the USA”;



(Exhibit A, iBob product packaging; Exhibit B, iCat Hang It product packaging; Exhibit C, www.ekusa.com homepage)

B. “For 28 years E.K. Ekcessories has been producing superior quality made accessories in our 60,000 sq. ft facility in Logan, Utah”;

(Exhibit C, www.ekusa.com homepage).

C. “[O]ur source of pride and satisfaction abounds from a true ‘Made in USA’ product.”

(Exhibit D, EK Product Catalogue).

D. “Made in the USA”

(Exhibit D, EK Product Catalogue; Exhibit E, www.ekusa.com product pages; Exhibit F, “News” section of www.ekusa.com).

6. In numerous instances, including but not limited to the promotional materials shown in Exhibits A-F, Respondent has represented that its products are made in the USA.

7. In reality, Respondent’s products are not all made in the USA.

COUNT I (False or Misleading Representation)

8. Through the means described in Paragraphs 5 and 6, Respondent has represented, expressly or by implication, that each of its products is all or virtually all made in the United States.

9. In truth and in fact, in numerous instances, Respondent’s products were made outside the United States. Therefore, the representation set forth in Paragraph 8 is false or misleading.

COUNT II (Unsubstantiated Representation)

10. Through the means described in Paragraphs 5 and 6, in numerous instances, Respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 8.

11. In truth and in fact, Respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 8, at the time the representation was made. Therefore, the representation set forth in Paragraph 10 is false or misleading.

COUNT III (Means and Instrumentalities)

12. Respondent has distributed the promotional materials described in Paragraphs 5 and 6 to third-party retailers for use in the marketing and sale of Respondent's products. In so doing, Respondent has provided the means and instrumentalities to these third-party retailers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5

13. The acts and practices of Respondent, as alleged in this Complaint, constitute unfair or 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 ____ day of _____ 2013, has issued this Complaint against Respondent.

By the Commission.

SEAL:

Donald S. Clark
Secretary