



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

Office of the Secretary

May 1, 2014

Benjamin Cenatus
State of Florida

Re: *Nissan North America, Inc., File No. 122 3010, Docket No. C-4454*

Dear Mr. Cenatus:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment 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), and has given it serious consideration.

In your comment, you state that you believe that the Nissan Frontier "Hill Climb" commercial was deceptive if Nissan was representing the Frontier's strength in order to raise the price of the vehicle. Please note, however, that under the Federal Trade Commission Act, an act is deceptive if there is a material representation, omission, or practice that is likely to mislead a consumer acting reasonably under the circumstances. The Commission's investigation concluded that consumers could reasonably interpret the advertisement as representing that the pick-up truck was capable of performing the depicted feat, when, in fact, it was not. It is well established that an advertisement may not use a deceptively altered demonstration as supposed proof of a material product quality.

Accordingly, 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 from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission, Commissioner McSweeney not participating.

Donald S. Clark
Secretary