

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
William E. Kovacic
J. Thomas Rosch
Edith Ramirez
Julie Brill

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)
In the Matter of)
)
Pinnacle Marketing Group, Corp.,)
d/b/a Homeeverything.com,)
a corporation.)
_____)

DOCKET NO. C-4304

DECISION AND ORDER

The Federal Trade Commission having conducted an investigation of certain acts and practices of the Respondent named in the caption hereof, and the Respondent having been furnished thereafter with a copy of a draft Complaint that the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the Respondent with violation of the Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Under the Energy Policy and Conservation Act, 16 C.F.R. Part 305 (“Appliance Labeling Rule”); and

The Respondent, its attorney, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order (“Consent Agreement”), containing (1) an admission by the Respondent of all the jurisdictional facts set forth in the aforesaid draft Complaint, (2) a statement that the signing of said Consent Agreement is for settlement purposes only; (3) a statement that the Respondent denies that the law has been violated as alleged in the draft Complaint, and that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true; and (4) a statement that the Respondent waives any further procedural steps, the requirement that this Decision and Order contain a statement of findings of fact and conclusions of law, and all rights to seek judicial review or otherwise to challenge or contest the validity of this Decision and Order entered pursuant to the Consent Agreement; and

The Commission having thereafter considered the matter and having determined that it has reason to believe that the Respondent has violated the Appliance Labeling Rule, and that a Complaint should issue stating its charges in that respect, and having thereupon accepted the executed Consent Agreement, the Commission hereby issues its Complaint, makes the following jurisdictional findings and enters the following Order:

1. Respondent Pinnacle Marketing Group, Corp. d/b/a Homeeverything.com is a New York corporation with its principal office or place of business at 1273 Coney Island Avenue, Brooklyn, New York 11230. Respondent maintains a website at www.homeeverything.com, which advertises, offers for sale, and sells a variety of products to retail customers, including refrigerators, freezers, clothes washers, dishwashers, and room air conditioners.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondent, and this proceeding is in the public interest.

ORDER

DEFINITIONS

1. Unless otherwise specified, "Respondent" shall mean Pinnacle Marketing Group, Corp. d/b/a Homeeverything.com and its successors and assigns.

I.

IT IS ORDERED THAT, within five days after the date of service of this Order, Respondent shall pay, pursuant to 42 U.S.C. § 6303(a) and FTC Rules of Practice, 16 C.F.R. §§ 1.97-1.98, a civil penalty in the amount of \$100,000. Respondent shall make this payment by electronic fund transfer to the Treasurer of the United States, pursuant to a procedure to be specified by Commission staff in writing. In the event of default, Respondent shall be liable for interest calculated in accordance with 28 U.S.C. § 1961.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: October 20, 2010