

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill
 Maureen K. Ohlhausen

)	
In the Matter of)	
WINCHESTER INDUSTRIES,)	Docket No. C-4362
a partnership.)	
)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Winchester Industries (“respondent”) 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 Winchester Industries is a Pennsylvania partnership with its principal office or place of business at 500 Leech Avenue, Saltsburg, Pennsylvania 15681. The partnership was formed in 1983 by Steel Bridge, LTD, LLC, a Canadian corporation, and Winchester Industries, Inc., a Pennsylvania corporation.
2. Respondent manufactures, advertises, offers for sale, sells, and/or distributes windows, including its “Bristol” and “WinterLock Super Triple-E A-Plus with Alpha-10” windows. Respondent distributes these windows to independent dealers and installers who in turn sell them to consumers for residential use.
3. 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.
4. Respondent has disseminated or has caused the dissemination of advertising and promotional materials, such as advertising on its website as well as brochures and other promotional materials it provided to window dealers and installers, including but not necessarily limited to the attached Exhibits A through H. Respondent’s dealers and installers disseminated or caused the dissemination of these advertising and promotional materials to consumers. The advertising and promotional materials contain the following statements or depictions:

A. Bristol Windows Internet Promotional Material

Manufacturer 47% Energy Savings Pledge

Replace your old drafty, Energy Wasting windows and doors NOW and SAVE, SAVE, SAVE

Exhibit A (www.bristolwindows.com).

[T]he triple-paned design of some replacement windows, such as Bristol windows, can also produce energy savings up to 50% per year.

Exhibit B (www.bristolwindows.com).

Since replacing the double-paned windows, according to Simon, the triple-paned windows have cut his family's heating and cooling bills in half. 'With the Bristol windows, we save over \$2,500 a year in heating and cooling costs . . .

Exhibit C (www.bristolwindows.com).

B. Bristol Windows Energy Saving Pledge

47% Energy Savings Pledge

This pledges a savings of at least 47% of energy consumption for heating and cooling the residence at the address shown hereon during the 12 month period beginning with the first full month after completed installation of Bristol units . . . it is hereby agreed and understood that this Pledge only [sic] be effective if the homeowner, located at the address shown hereon, has purchased a complete installation of Bristol Triple-E, A-Plus with ALPHA-10 insulated replacement windows, and is effective for a one year period after installation.

Exhibit D.

C. WinterLock windows Promotional Materials

"Reduce energy costs by up to 47%"

Exhibit E.

"Energy savings up to 47%"

Exhibit F.

D. Bristol Windows Promotional Materials

“Stop Wasting Money On Your Energy Bills!”

“47% Energy Savings Pledge!”

Exhibit G.

However, after reviewing my consumption of gas and electric one year after the installation, I have to admit that investing in three panes of glass worked for us. We consumed 53.2% less energy after getting the windows.

Exhibit H.

5. Many factors determine the savings homeowners can realize by replacing their windows, including the home’s geographic location, size, insulation package, and existing windows. Consumers who replace single or double-paned wood or vinyl-framed windows – common residential window types in the United States – with Winchester replacement windows are not likely to achieve a 47% reduction in residential energy consumption or heating and cooling costs.

6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that:

- A. Consumers who replace windows with Bristol or WinterLock Super Triple-E A-Plus with Alpha-10 windows are likely to achieve residential energy savings of 47%; or
- B. Consumers who replace windows with Bristol or WinterLock Super Triple-E A-Plus with Alpha-10 windows are likely to save 47% on residential heating and cooling costs.

7. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation(s) set forth in Paragraph 6 at the time the representation(s) were made.

8. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representation(s) set forth in Paragraph 6 at the time the representation(s) were made. Therefore, the representation set forth in Paragraph 7 was false or misleading.

9. Respondent provided to its independent dealers and installers promotional materials referred to in Paragraph 4. By doing so, respondent provided them with the means and instrumentalities for the commission of deceptive acts or practices. Therefore, respondent’s provision of such materials to its dealers and installers, as described in Paragraph 4 above, constitutes a deceptive act or practice.

10. 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 sixteenth day of May, 2012, has issued this complaint against respondent.

By the Commission, Commissioner Rosch and Commissioner Ohlhausen not participating.

Donald S. Clark
Secretary

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