



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

Division of Advertising Practices

March 3, 2004

VIA FEDEX

Stuart Lee Friedel, Esq.
Davis & Gilbert
1740 Broadway
New York, NY 10019

Re: Advertising for Loop-Loc Pool Covers
Pool Cover Corporation, File No. 042 3034

Dear Mr. Friedel:

As you know, the staff of the Federal Trade Commission has conducted an investigation into possible violations of Section 5 of the FTC Act by Pool Cover Corporation in connection with certain claims regarding the Loop Loc pool cover. Specifically, advertising claims made by the company about the ability of the pool cover to support the weight of a small elephant raised concerns under the Commission's advertising substantiation standard which requires the company to possess adequate substantiation for all claims made in its advertisements. Advertising claims regarding safety generally raise particular concerns.

The staff has decided to close this investigation, based in part upon the company's evidence that the Loop Loc pool cover can support 3800 pounds of weight. In addition, the company has evidence that the advertising depiction of a small elephant on top of the Loop Loc pool cover was conducted without the use of any structural or other support beneath the pool cover. This action is not to be construed as a determination that a violation of the FTC Act may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take further action as the public interest may require.

Very truly yours,

Mary K. Engle
Associate Director