



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

Bureau of Consumer Protection  
Division of Enforcement

Julia Solomon Ensor  
Attorney

Email: [jensor@ftc.gov](mailto:jensor@ftc.gov)  
Direct Dial: (202) 326-2377

May 8, 2013

**FEDERAL EXPRESS**

Susan E. Foster, Esq.  
Perkins Coie LLP  
Chair, Antitrust & Unfair Competition Litigation Practice; Consumer Protection Practice  
1201 Third Avenue  
Suite 4900  
Seattle, Washington 98101  
[SFoster@perkinscoie.com](mailto:SFoster@perkinscoie.com)

Dear Ms. Foster:

We received your submissions dated February 7, 2013, February 15, 2013, March 18, 2013, and March 29, 2013, on behalf of PetSmart, Inc. ("PetSmart" or the "Company"). In correspondence and discussions, you identified several instances where PetSmart inadvertently made misleading "Made in the USA" claims for some of its Great Choice™ pet products on the Company's website. You explained that the misleading claims resulted from manual errors made in connection with posting and updating information about some products on PetSmart's website, and that all on-product claims for the affected products were accurate.

After receiving Commission staff's letter, you explained that PetSmart implemented a remedial action plan to correct its representations. This plan included: (1) removing all deceptive "Made in the USA" claims from PetSmart's website; (2) implementing a new product information management system for products marketed online; and (3) subjecting website copy to the same level of legal review previously given to product packaging.

Based on your statements, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest

may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Solomon Ensor". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Julia Solomon Ensor  
Staff Attorney