



A.O. Smith comments on FTC NOPR on proposed amendments to the “Appliance Labeling Rule” (Federal Register Notice dated March 15, 2012)

G. QR Codes on EnergyGuide Labels

The Commission also seeks comments on whether to require manufacturers to place QR (“Quick Response”) codes on the EnergyGuide labels. QR codes are two dimensional black and white matrix barcodes that provide access to a Web site by scanning the code with a mobile phone equipped with scanning software. If implemented, consumers could connect instantly to government Web sites or other sources providing detailed product information, such as the broad energy impacts and greenhouse gas emissions associated with a product’s use. The Commission seeks comment on whether it should pursue such provisions. In particular, comments should address whether the codes would be helpful to consumers in purchasing or using products, and whether they should link to any particular information about covered products. Comments should also address whether these codes raise particular technical challenges or pose any significant burdens for manufacturers. Finally, comments should address the time needed to make any proposed changes.

Comment: We believe that the FTC should not pursue provisions requiring the label to have a QR code that connects consumers to a government web site or other sources for information on broad energy impacts and greenhouse gas emissions associated with a product’s use. This would only serve to confuse the consumer by providing them with information that is not relevant to making a good purchasing decision, and would distract from the primary purpose for the EnergyGuide label. Also, without knowing which web sites would be accessible through this QR code, there is no way to determine whether such information would be potentially misleading or contradictory as compared to the EnergyGuide information.

Proposed § 305.6 Manufacturer duty to provide labels. For each covered product that a manufacturer distributes in commerce which is required by this part to bear an EnergyGuide or Lighting Facts label, the manufacturer must make a copy of the label available on a publicly accessible Web site in a manner that allows catalog sellers to hyperlink to the label or download it for use in Web sites or paper catalogs. The labels must remain on the Web site for two years after the manufacturer ceases the model’s production.

Comment: Creating and maintaining information designed to be accessible to merchants would cause manufacturers to spend considerable time and resources to provide a service that the majority of merchants will not use. Providing labels online for merchants is of limited value to the majority of them for the following reasons.

The manufacturer currently provides the correct labels and appropriate information at no charge as requested by merchants who offer products for sale online or in paper catalogs. This allows the manufacturer to correctly identify the models and information required to ensure the best chance that the merchants display the correct information. This process is the best way to ensure the highest level of accuracy in information provided to consumers online or in print.

The largest merchants who make up the majority of sales nationally purchase private label or OEM brands and maintain their own websites to support these brands. The manufacturer does not maintain a website for these brands.

Merchants usually assign their own stock numbers to the products they purchase from manufacturers. They refer to their own stock number whenever referencing these products. In turn, they rely on the manufacturer to correctly cross reference their stock number to the manufacturers OEM number and provide information and support as requested. They do not use the manufacturers' websites to find information at this level on their own because it is time consuming and creates too many opportunities for error. Most merchant websites are maintained by people who have little if any familiarity with products.