



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

Division of Advertising Practices  
Bureau of Consumer Protection

Mary K. Engle  
Associate Director

August 19, 2010

Amanda Schwoerke  
Litigation Counsel  
PETA Foundation  
1536 16<sup>th</sup> St. N.W.  
Washington, DC 20036

Re: Ortho Home Defense MAX Kill & Contain Mouse Trap

Dear Ms. Schwoerke:

As you know, on July 15, 2010, People for the Ethical Treatment of Animals ("PETA") filed a complaint with the Federal Trade Commission requesting that the Commission take action against the Scotts Company LLC ("Scotts") for alleged deceptive practices in its advertising of Scotts' Ortho Home Defense MAX Kill & Contain Mouse Trap.

We have carefully reviewed PETA's complaint and have decided not to take formal action on your complaint at this time. In arriving at this conclusion, we have considered a variety of factors related to resource allocation and enforcement priorities, including the likelihood that a violation of FTC law has occurred, the nature of the violation alleged, the type and severity of consumer injury, and the number of consumers affected.

Thank you for bringing this matter to the FTC's attention.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle".

Mary K. Engle  
Associate Director for Advertising Practices