

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



Office of the Secretary

November 10, 2014

Daniel Ballard
State of California

*Re: In the Matter of Made in the USA Brand, LLC
File No. 142 3121, Docket No. C-4497*

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has considered your comment and placed it on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

In your comment, you state that the Commission should reject the consent agreement because it does not take into account the fact that Respondent's mark is a certification mark registered with the United States Patent and Trademark Office ("PTO"), and does not analyze whether Respondent's mark is eligible for cancellation. You do not propose any revisions to the draft complaint or the consent agreement.

The draft complaint and consent agreement take no position regarding whether Respondent has failed to control its certification mark or whether the mark is ripe for cancellation. Rather, the purpose of the agreement is to prevent consumer deception arising from Respondent's use of its mark. By prohibiting Respondent from misrepresenting the extent to which it has independently and objectively evaluated the products it certifies and requiring respondent to have competent and reliable evidence to substantiate its claims, the agreement achieves those goals. Nothing in the agreement would prevent challenges to respondent's mark before the Trademark Trial and Appeal Board.

Therefore, after considering your comment, the Commission has determined that the relief set forth in the consent agreement is appropriate and sufficient to remedy the violations alleged in the complaint. At this time, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available on the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary