



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)
In the Matter of)
)
ECM BioFilms, Inc.,) DOCKET NO. 9358
a corporation, also d/b/a)
Enviroplastics International,)
Respondent.)
_____)

**ORDER GRANTING JOINT MOTION FOR ENTRY OF
STIPULATIONS REGARDING EMAIL ATTACHMENTS**

On April 1, 2014, Federal Trade Commission (“FTC”) Complaint Counsel and Respondent ECM BioFilms, Inc. (“Respondent” or “ECM”) filed a Joint Motion for Entry of Proposed Order Based on Stipulations Regarding Certain Email Attachments (“Joint Motion”). The Joint Motion states that both parties have agreed to certain evidentiary presumptions; provided, however, that either party may attempt to rebut the presumption on a “case-by-case basis.”

Based on the foregoing, the Joint Motion is GRANTED and, pursuant to the parties’ stipulations, it is hereby ORDERED, that the following presumptions shall apply to all attachments to emails sent after January 1, 2008 by any person who was, at the time of sending the email in question, an ECM employee:

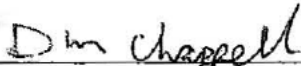
1. Regarding any email sent before October 1, 2012, any email attachment that is titled in the Attachment line or described in the body of the email, at least in part, as a “certificate” or “cert” is presumed to be ECM’s Certificate of Biodegradability, ECM-FTC-000015.
2. Regarding any email sent on or after October 1, 2012, any email attachment that is titled in the Attachment line or described in the body of the email, at least in part, as a “certificate” or “cert” is presumed to be ECM’s Certificate of Biodegradability, ECM-FTC-000552.
3. Regarding any email sent before October 1, 2012, any email attachment that is titled in the Attachment line or described in the body of the email, at least in part, as a

Aquaforest TIFF Junction Evaluation

“logo” is presumed to be ECM’s logo, ECM-FTC-000066, which states: “ECM Biodegradable”.

- 4. Regarding any email sent on or after October 1, 2012, any email attachment that is titled in the Attachment line or described in the body of the email, at least in part, as a “logo” is presumed to be ECM’s logo, ECM-FTC-000551, which states: “ECM Biodegradable Plastic Products produced with our additives will biodegrade in biologically active environments (including most landfills) in some period greater than a year.”

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: April 4, 2014