

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

In the Matter of

**MADE IN THE USA BRAND, LLC, a
limited liability company.**

DOCKET NO. C-4497

COMPLAINT

The Federal Trade Commission, having reason to believe that Made in the USA Brand, LLC, a limited liability company (“Respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Made in the USA Brand, LLC (“MUSA Brand”) is an Ohio limited liability company with its principal office or place of business at 1398 Goodale Boulevard, Columbus, Ohio 43212.
2. Respondent has advertised, offered for sale, sold, and distributed licenses to use its “Made in USA” certification mark to companies wishing to make U.S.-origin claims for their products.
3. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

MUSA Brand Certification Mark

4. As U.S.-origin claims become more material to some consumers, those consumers increasingly rely on seals and certification programs to confirm that such claims are credible.
5. Respondent introduced a U.S.-origin seal for marketers to use to boost the credibility of their “Made in USA” claims in 2009, and registered it as a Certification Mark with the United States Patent and Trademark Office in 2010.

6. Respondent sells licenses to use its Certification Mark through its website at www.madeintheusabrand.com. Respondent charges \$250 to \$2,000 for a one-year license to use the Certification Mark, depending on the licensee's annual sales.
7. Respondent grants licenses to use its Certification Mark to any company, product, or entity that states it meets Respondent's accreditation standard and pays the licensing fee.
8. Respondent's accreditation standard for using its Certification Mark is the Federal Trade Commission's Enforcement Policy Statement for U.S.-Origin Claims.
9. Respondent does not rely on an independent or objective evaluation to confirm that licensees meet its accreditation standard. Instead, Respondent awards licenses to any company, product, or entity that self-certifies that it meets the accreditation standard.
10. Respondent does not audit licensees to confirm ongoing compliance with the accreditation standard.
11. Respondent has never rejected an application to use its Certification Mark and has never terminated any licensee's use of its Certification Mark.
12. In some instances, Respondent has licensed use of the Certification Mark to companies that do not meet the accreditation standard.
13. Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for the MUSA Brand Certification Mark, as well as promotional materials for licensed companies to use to promote their products as made in the USA. These materials include, but are not necessarily limited to, the attached Exhibits A through D. Exhibits A through D contain the following statements and images:



A.

(Exhibit A, <https://www.madeintheusabrand.com> (2014)).

- B. "The Made in USA Brand Certification Mark provides a standard symbol for Made in USA product identification . . . When printed on labels by accredited manufacturers, consumers are able to identify at a glance which products are made in the USA."

...

“The Certification Mark is available to be downloaded by U.S. business that meet the accreditation standards based on the Federal Trade Commission’s regulations for complying with Made in USA origin claims.”

(Exhibit B, flyer (2010)).

- C. “The Made In USA Brand Certification Mark is a perfect fit for me, my family and my race team, because it stands for buying American products produced by American workers. That’s really important in today’s world when creating and sustaining jobs is a priority for all Americans. We can all make a difference by checking for the Made In USA Brand Certification Mark on the products we purchase.”

(Exhibit C, <https://www.madeintheusabrand.com/2012/05/are-you-made-in-usa/> (2012)).

- D. “Consumers value transparency in the manufacturing process and have looked to trusted symbols and certification marks to help align their purchases with their beliefs. The Made in USA Brand Certification Mark joins the ranks of such symbols as Certified Organic, Certified Gluten-Free and Rainforest Alliance Certified. For the first time American companies will have a registered certification mark to label and distinguish their products are of United States country of origin. Consumers will be able to identify at a glance that the product they are buying is of United States country of origin.”

...

“Consumers have become conditioned to read labels. They look to certification marks and trusted symbols to help align their purchases with their values and their beliefs.”

(Exhibit D, <https://www.madeintheusabrand.com/2011/01/registered-certification-mark-now-available-to-label-and-identify-made-in-usa-products> (2011)).

14. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-D, Respondent has represented that entities and products using its Certification Mark have been independently and objectively evaluated for compliance with Respondent’s accreditation standard. For example, in Exhibit D, Respondent strongly implied that it independently and objectively evaluated licensees by claiming on its website that its Certification Mark “joins the ranks” of “trusted symbols and certification marks [that] help align [consumers’] purchases with their beliefs,” and that its Certification Mark is “available for accredited U.S. businesses.”

15. In fact, entities and products using Respondent’s Certification Mark have not been independently and objectively evaluated for compliance with Respondent’s accreditation standard.

16. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-D, Respondent has represented that products using its Certification Mark are all or virtually all made in the United States. For example, Respondent promotes a directory of licensees on its website as a list of manufacturers selling U.S.-origin products in compliance with the FTC's Enforcement Policy Statement for U.S.-Origin Claims.

17. In fact, Respondent does not possess competent and reliable evidence that products using its Certification Mark are all or virtually all made in the United States.

18. In numerous instances, Respondent has distributed promotional materials, including but not limited to the promotional materials shown in Exhibits A-D, to third-party marketers for use in the marketing and sale of those third parties' products.

19. In so doing, Respondent has provided third-party marketers with the means and instrumentalities to deceive consumers. For example, several of Respondent's licensees have used Respondent's Certification Mark or other materials to promote products that contain significant imported content.

COUNT I (False or Misleading Representation)

20. In connection with the advertising, promotion, offering for sale, or sale of the MUSA Brand Certification Mark, Respondent has represented, directly or indirectly, expressly or by implication, that each entity or product licensed to use its Certification Mark has been independently and objectively evaluated for compliance with Respondent's accreditation standard.

21. In fact, products and entities using Respondent's Certification Mark have not been independently and objectively evaluated for compliance with Respondent's accreditation standard. Therefore, the representation set forth in Paragraph 20 is false or misleading.

COUNT II (False or Unsubstantiated Representation)

22. In connection with the advertising, promotion, offering for sale, or sale of the MUSA Brand Certification Mark, Respondent has represented, directly or indirectly, expressly or by implication that the entities promoted on its website sell products that are all or virtually all made in the United States.

23. In fact, in numerous instances, entities promoted on Respondent's website have sold products containing significant imported content, and Respondent does not possess competent and reliable evidence that any entity promoted on its website sells products that are all or virtually all made in the United States. Therefore, the representation set forth in Paragraph 22 was false or not substantiated at the time the representation was made.

COUNT III (Means and Instrumentalities)

24. Respondent has distributed the promotional materials described in Paragraphs 13-19 to third-party marketers for use in the marketing and sale of those third parties' products. In so doing, Respondent has provided the means and instrumentalities to these third-party marketers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5

25. The acts and practices of Respondent as alleged in this Complaint, constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this tenth day of November, 2014, has issued this Complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: