

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

**COMMISSIONERS:**       **Edith Ramirez, Chairwoman  
Maureen K. Ohlhausen  
Terrell McSweeney**

**In the Matter of**

**THE ERICKSON MARKETING GROUP INC.,  
a corporation, d/b/a ROCKY MOUNTAIN  
SUNSCREEN.**

DOCKET NO.

**COMPLAINT**

The Federal Trade Commission, having reason to believe that The Erickson Marketing Group Inc., a corporation, 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 The Erickson Marketing Group Inc., also doing business as Rocky Mountain Sunscreen, is a Colorado corporation with its principal office or place of business at 14700 W.66<sup>th</sup> Place, Suite 2, Arvada, Colorado 80004.
2. Respondent has advertised, labeled, offered for sale, sold, and distributed products to consumers, including Face Stick SPF 60 All Natural Sunscreen and Face Stick SPF 60 Kids All Natural Sunscreen. These sunscreen products are “drugs” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
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.
4. Respondent advertises Face Stick SPF 60 All Natural Sunscreen and Face Stick SPF 60 Kids All Natural Sunscreen on the Internet. These products retail for \$7.99.
5. Respondent has disseminated or has caused to be disseminated advertisements for Face Stick SPF 60 All Natural Sunscreen and Face Stick SPF 60 Kids All Natural Sunscreen, including but not necessarily limited to the attached Exhibit A. These materials contain the following statements:

## **Natural Face Stick**

- A. True to form, Rocky Mountain Sunscreen offers superior protection in an all natural formula with their Natural Face Stick --- available for both kids and adults. This *natural sunscreen* option helps get protection in the areas more difficult to apply liquid sunscreen, like on the nose and ears.
- B. This all natural sunscreen Face Stick provides SPF 60 protection and its ingredients include zinc oxide and titanium dioxide, two of the most effective blockers of harmful UVA rays. This product is extraordinarily effective and is ideal for those with sensitive skin. The Face Stick for kids is a must have for child care centers, day camps, and even moms on the go, as its easy, smooth application ensures that little faces are protected and there's no tears from sunscreen in the eyes or hair.
- C. This all *natural sunscreen* Face Stick is very effective, yet safe for everyday use. It is non-irritating, non-greasy, and non-comedogenic. It is also free of fragrances, nut oils, and Vitamin A (retinyl palmitate). And, just like all the sunscreen options from Rocky Mountain Sunscreen, it can stand up to the elements, such as sweat, chlorine, and more. SPF 60 All Natural Kids Face Stick Sunscreen is also ideal for active youngsters for any type of summertime activity they may enjoy.

(Exhibit A, Internet webpage [www.rmsunscreen.com](http://www.rmsunscreen.com) (May 2015) (emphasis in original)).

### **Count I False Claim**

6. In connection with the advertising, labeling, promotion, offering for sale, or sale of Face Stick SPF 60 All Natural Sunscreen and Face Stick SPF 60 Kids All Natural Sunscreen, Respondent has represented, directly or indirectly, expressly or by implication, including through the name of the product, that Face Stick SPF 60 All Natural Sunscreen and Face Stick SPF 60 Kids All Natural Sunscreen are "all natural."

7. In fact, Face Stick SPF 60 All Natural Sunscreen and Face Stick SPF 60 Kids All Natural Sunscreen are not "all natural" because they contain the synthetic ingredients Dimethicone, Polyethylene, Butyloctyl Salicylate, and Neopentyl Glycol Diethylhexanoate. Therefore, the "all natural" representation set forth in Paragraph 6 is false or misleading.

### **Violations of Sections 5 and 12**

8. The acts and practices of Respondent as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016 has issued this Complaint against Respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL: