

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

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

)		
In the Matter of)		
)	DOCKET NO.	
Asbury Automotive Group, Inc.,)		
also d/b/a Coggin Automotive Group and)		
Crown Automotive Group,)		
a corporation;)		
)		
)		

COMPLAINT

The Federal Trade Commission, having reason to believe that Asbury Automotive Group, Inc., also d/b/a Coggin Automotive Group and Crown Automotive Group, a corporation (“Respondent”), has violated provisions of the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is a Delaware corporation, with its principal office or place of business at 2905 Premiere Parkway, NW, Suite 300, Duluth, GA 30097. Respondent has marketed, advertised, offered for sale, and sold used motor vehicles.
2. The acts or practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
3. Since at least November 2014, Respondent has disseminated or has caused to be disseminated advertisements promoting the sale of used motor vehicles.
4. Respondent’s advertisements include, but are not necessarily limited to, advertisements and marketing materials posted on the websites www.cogginauto.com and www.crownauto.com, excerpts of which are attached as Exhibits A through E. On its website, on a page prominently titled “Coggin Certified,” and on other pages similarly touting the “Crown Automotive Certified Program,” it makes claims which include the following representations regarding certified used vehicles:

“Inspected, Reconditioned & Certified

Every Coggin Certified used car or truck has undergone a 150 point bumper-to-bumper inspection by Certified mechanics. We find and fix problems - from bulbs to brakes - before offering a vehicle for sale.”

Exhibit A (excerpt from www.cogginauto.com)

“Our Crown Certified Used Vehicles Include: | 150 Point Bumper-to-bumper inspection . . .

Inspected, Reconditioned & Certified

Every Crown Certified used car or truck has undergone a 150 point bumper-to-bumper inspection by Certified mechanics. We find and fix problems from bulbs to brakes before offering a vehicle for sale.”

Exhibit B (excerpt from www.crownauto.com).

“...Are your used cars inspected?

Answer: Yes, Crown Automotive sends every Crown Certified used vehicle through a rigorous 150 point inspection to ensure that every vehicle is in top shape before you take it home. It is important to Crown that every feature of your vehicle work as it should so that you have peace of mind before you leave the dealership.

...What are certified used cars?

Answer: It's the reliability of new and the affordability of pre-owned car. A certified used car must go through a rigorous inspection. The certification comes from the manufacturers to ensure top quality of the pre-owned car being sold to you. Crown Automotive also offers Crown Certified used vehicles.”

Exhibit C (excerpt from www.crownauto.com).

5. Even though it makes the claims set forth in Paragraph 4, Respondent has advertised numerous certified used vehicles subject to open recalls for safety issues on its websites.

6. In some instances, these open recalls for safety issues have included recalls for defects that can cause serious injury. For example, Respondent has advertised a certified used vehicle that has a recall for defects, which, among other things, could cause fuel to leak out and the engine to misfire or stall, thereby increasing the risk of a crash. Respondent has also advertised a certified used vehicle that has an open safety recall for a defect that can cause the vehicle to move in an unexpected or unintended direction, thereby increasing the risk of a crash.
7. In numerous instances, when Respondent has advertised certified used vehicles that are subject to open recalls for safety issues making the claims set forth in Paragraph 4, it has provided no accompanying clear and conspicuous disclosure of this fact.
8. When consumers search for particular categories of vehicles on Respondent's websites, there is no disclosure regarding open recalls for safety issues. An example of such search results includes the following:

	<p>2011 Honda Civic LX Sedan Stock #: BE042973 Exterior Color: Pewter Interior Color: Beige Body Style: Sedan Transmission: Manual 5 Speed Location: Coggin Honda Jacksonville Mileage: 26541 more...</p>	<p>Internet Price \$12,994 Get Internet Price</p>
<p>Watch Video Save This Car! Get Price Alerts</p>	<p>Certified Pre-Owned    </p>	<p>Compare <input type="checkbox"/> Compare Selected</p>
	<p>2011 Nissan Juke SUV Stock #: BT020358 Exterior Color: Sapphire Black Interior Color: Black Body Style: SUV Transmission: Manual 6 Speed Location: Courtesy Nissan of Tampa Mileage: 29360 more...</p>	<p>Internet Price \$16,991 Get Internet Price</p>
<p>Watch Video Save This Car! Get Price Alerts</p>	<p> CERTIFIED Pre-Owned  </p>	<p>Compare <input type="checkbox"/> Compare Selected</p>
	<p>2011 Hyundai Sonata Sedan Stock #: BH201934 Exterior Color: Radiant Silver Interior Color: Gray Body Style: Sedan Transmission: Automatic Location: Courtesy Hyundai Mileage: 42062 more...</p>	<p>Internet Price \$18,991 Get Internet Price</p>
<p>Watch Video Save This Car! Get Price Alerts</p>	<p> Certified Pre-Owned  </p>	<p>Compare <input type="checkbox"/> Compare Selected</p>
	<p>2011 Hyundai Sonata Sedan Stock #: BH070073 Exterior Color: Camel Interior Color: Beige Body Style: Sedan Transmission: Automatic Location: Courtesy Hyundai Mileage: 54497 more...</p>	<p>Internet Price \$13,991 Get Internet Price</p>
<p>Watch Video Save This Car! Get Price Alerts</p>	<p> Certified Pre-Owned  </p>	<p>Compare <input type="checkbox"/> Compare Selected</p>

Exhibit D at 3.

9. Until at least June 2015, when consumers have viewed specific vehicle listings on Respondent's websites, there has been no disclosure regarding open recalls for safety issues. An example of such a listing includes the following:

YOU CAN TRUST
COGGIN

Search Inventory **Search**

Home Inventory Research Finance Service & Parts Specials Collision Dealerships Map & Locations Careers

2011 Hyundai Sonata Sedan

Back To Inventory Share 841 / 0

**Price excludes tax, tag, dealer installed options, \$98 private tag agency fee and \$699.00 pre-delivery service fee.

Photos Video



CERTIFIED

COURTESY HYUNDAI TAMPA

www.tampahyundai.com
3810 W. Hillsborough • Tampa, FL 33614

Request More Info

First Name*

Last Name*

Preferred Contact*

Email*

Home Phone

Comments

Submit

Internet Price **\$13,991**

Get Internet Price

Your estimated monthly payment:
\$221 per month

60 Months @ 6.9% A.P.R. (estimated financing rate)
(\$2,798 Down Payment)

[Calculate another payment](#)

[Save This Car!](#)

[Get Price Alerts](#)

HYUNDAI
Certified Pre-Owned

SHOW ME THE FREE CARFAX
VEHICLE HISTORY REPORTS

Vehicle Location

Courtesy Hyundai
3810 W. Hillsborough

Overview Options & Packages Tech Specs

Details

VIN: 5NPEB4AC4BH070073

Stock #: BH070073

Body Style: Sedan

Engine: 2.4L I-4 cyl

Transmission: Automatic

Drive Line: Front-wheel Drive

Exterior Color: Camel

Interior Color: Beige

Mileage: 54497

Location: Courtesy Hyundai

Fuel Efficiency Rating

City MPG: **22** Hwy MPG: **35**

Actual rating will vary with options, driving conditions, habits and vehicle condition.

Exhibit E.

10. To uncover any information about open recalls for safety issues through Respondent's website, a consumer would have to locate the "Carfax" link on the search results page or the vehicle listing page and click on it to access a vehicle history report, although the "Carfax" link provides no descriptive information or in any way conveys that it contains

important safety information about recalls. Moreover, in numerous instances, even these reports omit information about open recalls for safety issues.

VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Count I

11. In connection with the marketing, advertising, offering for sale, or sale of used motor vehicles, Respondent has represented, directly or indirectly, expressly or by implication, that used motor vehicles it sells have been subject to rigorous inspection, including for safety issues.
12. In numerous instances in connection with the representation set forth in Paragraph 11, Respondent has failed to disclose, or disclose adequately, that used motor vehicles it sells are subject to open recalls for safety issues.
13. Respondent's failure to disclose, or disclose adequately, the material information set forth in Paragraph 12 above, in light of the representation described in Paragraph 11, above, constitutes a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

THEREFORE, the Federal Trade Commission, this ____ day of _____, 2016, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: