UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman

Maureen K. Ohlhausen Terrell McSweeny

In the Matter of
CarMax, Inc., a corporation.

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that CarMax, Inc., 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 Virginia corporation with its principal office or place of business at 12800 Tuckahoe Creek Parkway, Richmond, VA 23238. 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. Respondent has disseminated or has caused to be disseminated advertisements promoting the sale of used motor vehicles.
- 4. Respondent's advertisements have included, but are not necessarily limited to, advertisements and marketing materials posted on the website www.carmax.com, excerpts of which are attached as Exhibits A through D. Until at least November 2014, on its website, including on pages prominently titled, "Why CARMAX?" and "CarMax Quality Certified," it has made claims regarding the rigorous inspections CarMax completes on every used vehicle it sells. These marketing materials have included the following representations:

"125+ Point Inspection

Experienced technicians put every vehicle through a rigorous Certified Quality Inspection – over 125 points must check out before it meets our high standards."

"No cars with flood or frame damage

Not every car that looks good is good. We're confident in the safety and reliability of our vehicles because our technicians are trained to detect those with hidden damage."

Every used car is renewed

CarMax cars undergo (on average) 12 hours of renewing—sandwiched between two meticulous inspections—for a car that doesn't look or feel used."

Exhibit A at 1.

"Every car we sell is carefully inspected and reconditioned to the best condition possible – in fact, we spend over 12 hours, on average, on each used car."

"We check more than 125 points" The website then lists several categories, including engine, steering system, and brake system.

Exhibit B at 1-3.



Exhibit C.

"Our top 10 most frequently asked questions...

1. Are all of your used cars inspected?

Yes. All of our used cars are CarMax Quality Certified, which means every vehicle on our lot must pass a 125+ point Certified Quality Inspection by one of

our technicians. This comprehensive and detailed inspection includes an investigation to ensure that the car does not have flood or frame damage."

Exhibit D.

- 5. Respondent's advertisements also have included a television commercial, which is attached as Exhibits E (video), F (transcript), and G (screenshot). The visual component of this commercial has depicted a vehicle undergoing an inspection and "reconditioning" by a team of CarMax employees – as many as six employees simultaneously. The commercial has further depicted the employees inspecting and fixing a wide variety of components of the vehicle, including underneath the front hood, underneath the body of the car, and within the interior of the car. As these images are displayed, an audio voiceover has made the following representations: "To the car that just survived hours of reconditioning, sorry, we know that was a bit invasive. But if we didn't hoist you up in the air and poke around a little, we wouldn't be CarMax. We expect a lot from our cars and we need to make sure that you'll make the grade. ... Oh, just relax. It's going to be a long time before anybody peeks at your undercarriage again." For only approximately three seconds of the thirty second commercial, in tiny, blurry white font at the bottom of the screen, the commercial displays text stating that "Some CarMax vehicles are subject to open safety recalls. See carmax.com for details." Exhibits E, F, and G.
- 6. Even though it has made the claims set forth in Paragraphs 4 and 5, Respondent has regularly advertised vehicles subject to open recalls for safety issues on its website.
- 7. In some instances, these open recalls for safety issues have included recalls for defects that can cause serious injury. For example, at least until November 2014, Respondent advertised used vehicles with open recalls for safety issues for a key ignition switch defect, which can affect engine power, power steering, braking, and airbag deployment, thereby increasing the risk of a crash and occupant injury. Respondent, at least until November 2014, also advertised used vehicles with open recalls for safety issues for defects with airbags, thereby increasing the risk of air bags rupturing and striking occupants with metal fragments upon deployment.
- 8. In numerous instances, when Respondent has advertised used vehicles subject to open recalls for safety issues, making the claims set forth in Paragraphs 4 and 5, it provided no accompanying clear and conspicuous disclosure of this fact.

VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Count I

9. 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.

- 10. In numerous instances in connection with the representation set forth in Paragraph 9, Respondent has failed to disclose, or disclose adequately, that used vehicles it sells are subject to open recalls for safety issues.
- 11. Respondent's failure to disclose, or disclose adequately, the material information set forth in Paragraph 10 above, in light of the representation described in Paragraph 9, 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 d	lay of, 20	16, has issued
this complaint against respondent.				

By the Commission.

Donald S. Clark Secretary

SEAL:

Exhibit A



Why CarMax?

Quality, value, service, and a company you can trust

15 great reasons to start at CarMax

Low, no-haggle prices

Get a fair price up front without spending hours negotiating for it.

Flexible financing options

We work with a variety of financial institutions to provide the best possible financing. If approved, you see your offers when we do—just choose the one that's right for you. If you find a better option, you have three business days to refinance, penalty- and interest-free.



Thousands of cars priced under \$12,000

With over 35,000 cars in stock across the country, you're sure to find a car that fits your needs and budget. Most can be transferred to a store near you, often for free!

Our Sales Consultants are paid the same

Fixed commissions (except in CA) put their best interests in line with yours, so they can focus on helping to find the car that best fits your needs.

125+ point inspection

Experienced technicians put every vehicle through a rigorous Certified Quality Inspection—over 125 points must check out before it meets our high standards.

No cars with flood or frame damage

Not every car that looks good is good. We're confident in the safety and reliability of our vehicles because our technicians are trained to detect those with hidden damage.

Every used car is renewed

CarMax cars undergo (on average) 12 hours of renewing—sandwiched between two meticulous inspections—for a car that doesn't look or feel used.

Free Full Vehicle History Report

Every used car we sell comes with one, available online or from your Sales Consultant.

Clean Title Guarantee

We guarantee every car to have accurate mileage and not ever to have been designated salvaged or flood-damaged—or we'll buy it back.

5-Day Money-Back Guarantee

If you change your mind for any reason, you can return a car hassle-free within 5 days.

(See your Sales Consultant for written details.)

Limited 30-Day Warranty (60-Day in CT, 90-Day in MA and NY)

Repairs made under warranty cost you nothing—parts and labor are included. (See your Sales Consultant for written details.)

MaxCare® extended service plans

Enjoy added security with purchase of an available MaxCare Extended Service Plan—you can choose one that meets your driving needs, and include the cost in your financing!

Nearly every make and model all in one place

Don't drive all over town to find the vehicle you need. Almost all of our stores carry over 30 top brands—from Acura to Volvo.

We'll buy your car even if you don't buy ours®

We'll buy any car we appraise, regardless of make, mileage, or condition. And your offer will be the same, whether you buy from us or not. Bring in your car today! Learn more about appraisals

Experience that's measured in millions

That's millions, as in over 4,000,000 cars sold and over 16,000,000 appraised. There's simply no substitute for what we've learned about cars and what you want when it comes to buying and selling cars. That's why we're America's #1 used car retailer.

Learn more about CarMax

Find a Car	Customer Relations	Company Information	Your Nearest Store: King	of Prussia
Sell Us Your Car	<u>Owners</u>	About CarMax	Visit Us	Call Us
	Contact Us	Why CarMax	185 S Gulph Rd	General
Financing	FAQ	Careers at CarMax Now Hiring!	King of Prussia, PA	Local (610) 337-0716
Financing at CarMax			19406	Toll Free (855) 243-9949
CarMax Auto Finance	Follow CarMax	<u>CarMax Foundation</u>		Fax (610) 290-8192
Make a Payment		Investor Relations	Showroom Hours	
Make a Payment	Join us on Facobook	Pressroom	Mon-Fri 10-9	Sales
Research		<u>11033100111</u>	Sat 9-9	Local (610) 290-8190
	About CarMax Mobile	Citaria		Toll Free (855) 243-7058
Find a Store	ABOUT CUITIUM FIODIIC	<u>Sitemap</u>	Service Dept. Hours	Fax (610) 290-8194
			Mon-Fri 7:30-6	
				Telephone Hours
				Mon-Sat 9-9

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[-] <u>Website Feedback</u>

Exhibit B

7/17/2014 CarMax

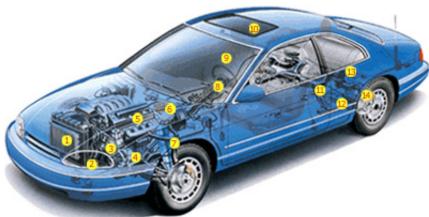
Website Feedback

CarMax Quality Certified

CarMax quality is knowing that you can depend on your car, day after day, year after year. Every car we sell is carefully inspected and reconditioned to the best condition possible—in fact, we spend over 12 hours, on average, on each used car. To give our customers even more confidence in our cars, we offer a 5-Day Money-Back Guarantee and a Limited 30-Day Warranty (60-Day in CT, 90-Day in MA and NY).* We believe in our cars, and we think you will, too.



^{*}See store for written details



We check more than 125 points, including:

1. Cooling System 8. Steering System

Radiator Tie Rods

Coolant Idler Arms

Radiator/Heater Hoses Center Links

Recovery System Pump

Cooling Fan Hoses

Belts Lines

<u>Top</u> Shaft

2. Lighting System Couplings

Brake Lights Alignment

Turn Signal Lights Top

Dash Lights 9. Body/Interior

Instrument Lights Carpet

Back-Up Lights Upholstery

7/17/2014 CarMax

Hazard Lights Trim

Side Marker Lights Hood Latches
Hood Lights Trunk Release

Trunk Lights Fuel Door Release

Courtesy Lights Paint

Reading Lights <u>Top</u>

Glove Box Lights 10. Accessories

Tag Lights Clock

<u>Top</u> Sunroof

3. Heating & A/C System Power Antenna

Compressor Rear Defroster

Clutch Rear Defogger

Condenser Radio

Evaporator Tape/CD Player
Hoses Power Seats

Lines Warning Chimes

Refrigerant Level Cigarette Lighter

Cooling Fan Cruise Control

<u>Top</u> Trip Computer

4. Electrical System Electronic Instrument Cluster

Alternator/Regulator Tachometer

Starter <u>Top</u>

Battery 11. Miscellaneous

Gauges Odometer

Horn Tilt, Lock & Telescopic

Windshield Wiper Steering Wheel

Windshield Washer Spare Tire

Jack

Top

Door Locks **5. Engine**

Trunk Locks

Engine Performance
Remote Control

Emission Controls Locks

Emission Filters
Top

Vacuum Hoses

Oil Pressure 12. Drive Axles

Motor Mounts Constant Velocity Joints

7/17/2014 CarMax

Exhaust Constant Velocity Boots

Spark Plugs Universal Joints

Secondary Ignition System Gears

Catalytic Converter Bearings

Top Vibration/Backlash

6. Transmission

Fluid 13. Fuel System

Shift Points Fuel Tank
Slipping Fuel Lines

Transmission Mounts Hoses

Noise Fuel Pump

Clutch Operation <u>Top</u>

4WD Operation 14. Brake System

Leakage Anti-Lock System

Hoses Fluid Level

Lines Master Cylinder

Modulator Booster

Linkages Front Right Shoes/Pads

Top Front Left Shoes/Pads

7. Suspension System Rear Right Shoes/Pads

Frame Integrity Rear Left Shoes/Pads

Ball Joints Parking Brake

Tires Hoses
Wheels Lines

Springs Calipers

Torsion Bars Wheel Cylinders

Sway Bar Springs

Links Linkages

MacPherson Struts Top

Top

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[-] Website Feedback

Exhibit C



Exhibit D

Our top 10 most frequently asked questions

- Are all of your used cars inspected?
- 2. What are my payment options?
- 3. How do I contact someone at CarMax?
- 4. Do you transfer used cars between stores? What about new cars?
- 5. Can I buy a car online?
- 6. Can I be notified when a car I'm interested in is added to your inventory?
- 7. Can I reserve a car online until I can come in to see it?
- 8. Do your used cars come with warranties?
- Some of the cars in my results are marked with a "V" in a circle. What does this mean?
- 10. Do you offer financing?

1. Are all of your used cars inspected?

Yes. All of our used cars are <u>CarMax Quality Certified</u>, which means every vehicle on our lot must pass a 125+ point <u>Certified Quality Inspection</u> by one of our technicians. This comprehensive and detailed inspection includes an investigation to ensure that the car does not have flood or frame damage. In addition, we back every one of our cars with a <u>S-Day Money-Back Guarantee</u>* and a <u>Limited 30-Day Warranty (60-Day in CT, 90-Day in MA and NY)</u>.*

* See store for written details

△ Top

2. What are my payment options?

Your payment options will vary depending on the company who finances your car. For information on your payment options, please speak with a representative of your finance company.

If you financed your car through CarMax Auto Finance, you have access to a variety of payment options. In all cases, you receive credit on the date we receive your payment (for late charge and finance charge purposes), although it may take 1-2 business days for your payment to post to your account.

1. Pay online

By registering with MyCarMax, you can manage your CarMax Auto Finance payments with ease. You can make a single payment or set up recurring payments.

Pay Now through MyCarMax

2. Payments by phone

Call us at 800-925-3612 to make a one-time payment on our automated system. You will be provided a confirmation number with your payment.

About CarMax	
Our culture and valu	
▶ Timeline	
Awards	
Top 10 FAQ	

More questions, more answers

Got a question that's not answered here? We have several other FAQs you can check.

FAQ

3. By postal mail

Send payments to:

CarMax Auto Finance
P.O. Box 3174
Milwayless WI 53201 3174

Milwaukee, WI 53201-3174

Payoffs should be mailed to:

CarMax Auto Finance Attn: Payoff Department P.O. Box 440609 Kennesaw, GA 30160

We recommend mailing your payment 7-10 days before your due date to ensure that we receive it on time.

4. Western Union/Moneygram®

Western Union

You may go to any Western Union location to have your payment sent to us. Call 1-800-238-5772 to find the nearest location. You will need to reference our city code, "CarMax," along with the state code of "Georgia." Please be sure to reference your account number to ensure proper posting. We typically receive and post these payments to your account within one full business day. Our business days are Monday-Friday. Western Union may charge a fee for this service.

MoneyGram ExpressPayments® Service

You may go to any MoneyGram retail agent location to have your payment sent to us. Call 1-800-MoneyGram to find the nearest location. At the agent location, please provide the clerk with the following; Receive Code "4645," company name "CarMax," city "Kennesaw," state "GA," and your account number to ensure proper posting. We typically receive and post these payments to your account within one full business day. Our business days are Monday-Friday. MoneyGram may charge a fee for this service.

For more information about CAF payment options, call us at 1-800-925-3612.

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3. How do I contact someone at CarMax?

To get an immediate answer to your question, start at your nearest CarMax Superstore.

If the store is unable to resolve your concern, use the Corporate Contact Form, or call us at (800) 519-1511, Mon-Fri, 8:30 am to 8:00 pm EST.

Send written customer comments to:

CarMax Attn: Customer Relations 12800 Tuckahoe Creek Parkway Richmond, VA 23238

CarMax Auto Finance

Submit questions about your existing account through the <u>CarMax Auto Finance Contact</u> <u>Form</u> (note: please do not submit potentially sensitive information, such as your account number or social security number, through the website).

You can also contact CAF by phone at (800) 925-3612, or write to:

CarMax Auto Finance Attn: Customer Service Department P.O. Box 440609

Kennesaw, GA 30160

For questions about financing a vehicle, please contact your nearest CarMax store.

Website questions

Submit all questions or concerns about carmax.com[®] through our <u>Web Feedback Form</u>. Please note, we can only answer technical questions related to the CarMax website through the following link. For information on specific vehicles or CarMax policies, please contact your local CarMax store.

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4. Do you transfer used cars between stores? What about new cars?

Yes. We can transfer most used cars to the store nearest you from another store. In some cases, a transfer fee will apply. We are unable to transfer new vehicles, Toyota Certified Used vehicles in Laurel, Maryland or Kenosha, Wisconsin, and any used vehicle identified as nontransferable. Learn more about transferring vehicles.

△ Top

5. Can I buy a car online?

Although you cannot complete a car-buying transaction online, you can begin the process. Each car page includes several links to help you get started, including "Request more information," "Schedule a test drive," and "Request financing information." Clicking these links allows you to submit a request to one of the dedicated Internet Sales Consultants at your nearest store. Of course, you are also welcome to call your nearest store; the phone number and address will be listed at the bottom of every page in our website.

△ Top

6. Can I be notified when a car I'm interested in is added to your inventory?

Yes. All you have to do is click the "Create alert" link at the top of the search results page. You'll then have the chance to specify exactly what type of car you're searching for and give us your email address so we can notify you when one becomes available.

△ Top

7. Can I reserve a car online until I can come in to see it?

Yes. You can hold most of our cars for a specific appointment time, online or by phone. Choose the "Hold This Car" option on the car's page, then choose the date and time you'd like to come in. Once your car is reserved, it will be no longer be available for sale to anyone but you until after your appointment.

△ Top

8. Do your used cars come with warranties?

All of our used cars are <u>CarMax Quality Certified</u>, which means every CarMax used car comes with a <u>Limited 30-Day Warranty (60-Day in CT, 90-Day in MA and NY)*</u>. Please see your local CarMax store for written details. We also offer an optional MaxCare[®] extended service plan for all our used vehicles. Learn more about <u>MaxCare extended service plans</u>.

* See store for written details

△ Top

9. Some of the cars in my results are marked with a "V" in a circle. What does this mean?

The "V" stands for ValuMax. [®] ValuMax vehicles are thoroughly inspected and reconditioned older vehicles, 6+ years old and/or 60,000+ miles. They all offer the CarMax <u>5-Day Money-Back Guarantee</u>* and <u>Limited 30-Day Warranty (60-Day in CT, 90-Day in MA and NY)</u>,* and are chosen for their exceptional value.

* See store for written details

△ Top

10. Do you offer financing?

Yes. We offer fast, fair financing through several finance companies, including CarMax Auto Finance, a division of CarMax. Most of our customers' financing is approved in 20 minutes or less. And if you can find better financing elsewhere, you have three days to change it, penalty free.

CarMax also works with the finance companies of all new car brands we sell. You can find out if a manufacturer's finance company offers a special financing plan on a particular new vehicle on our new car page.

△ Top

Find a Car

Sell Us Your Car

Financing

Financing at CarMax CarMax Auto Finance

Make a Payment

Research

Find a Store

Customer Relations

Owners

Contact Us

FAQ

Follow CarMax

Join us on Facebook

About CarMax Mobile

Company Information

About CarMax

Why CarMax

Careers at CarMax Now Hiring!

CarMax Foundation

Investor Relations

Pressroom

Sitemap

Your Nearest Store: King of Prussia

Change Map It Store Locator Schedule A Store Visit

Visit Us

185 S Gulph Rd

King of Prussia, PA

19406

Fax (610) 290-8192

Sales

Call Us

General

Local (610) 337-0716

Toll Free (855) 243-9949

Showroom Hours

Mon-Fri 10-9

Sat 9-9

Local (610) 290-8190

Toll Free (855) 243-7058

Fax (610) 290-8194

Service Dept. Hours

Mon-Fri 7:30-6

Telephone Hours

Mon-Sat 9-9

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[+] Webs te Feedback

Exhibit E

[Video File]

Exhibit F

1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
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4		
5		
6		
7		
8	MATTER NO.	1423202
9		
10		
11	TITLE	CARMAX, INC.
12		
13		
14	DATE	RECORDED: DECEMBER 22, 2015
15		TRANSCRIBED: JANUARY 6, 2016
16		
17		
18	PAGES	1 THROUGH 5
19		
20		
21		
22		
23		
24		CARMAX TV ADVERTISEMENT
25		PEVM CARMAX AD 2015-12-22

1	FEDERAL TRADE COMMISSION	
2	INDEX	
3		
4	RECORDING:	PAGE:
5	CarMax TV Advertisement	4
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1	FEDERAL '	TRADE COMMISSION
2		
3	In the Matter of:)
4	CarMax, Inc.) Matter No. 1423202
5)
6)
7		December 22, 2015
8		
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10		
11	The following t	ranscript was produced from a
12	digital recording provide	d to For The Record, Inc. on
13	January 5, 2016.	
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1	PROCEEDINGS
2	
3	CARMAX TV ADVERTISEMENT
4	ANNOUNCER: To the car that just survived hours
5	of reconditioning, sorry, we know that was a bit
6	invasive. But if we didn't hoist you up in the air and
7	poke around a little, we wouldn't be CarMax. We expect a
8	lot from our cars and we need to make sure that you'll
9	make the grade. You have to admit you're looking awfully
10	nice. Oh, just relax. It's going to be a long time
11	before anybody peaks at your undercarriage again.
12	(End of advertisement.)
13	(The recording was concluded.)
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1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 1423202
4	CASE TITLE: CARMAX, INC.
5	TAPING DATE: DECEMBER 22, 2015
6	TRANSCRIPTION DATE: JANUARY 6, 2016
7	
8	I HEREBY CERTIFY that the transcript contained
9	herein is a full and accurate transcript of the tapes
10	transcribed by me on the above cause before the FEDERAL
11	TRADE COMMISSION to the best of my knowledge and belief.
12	
13	DATED: JANUARY 6, 2016
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
19	
20	I HEREBY CERTIFY that I proofread the transcript for
21	accuracy in spelling, hyphenation, punctuation and
22	format.
23	
24	
25	SARA J. VANCE

Exhibit G

Video Image Screenshot With Text Disclaimer:

