The Federal Trade Commission, having reason to believe that Benjamin Moore & Co., 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 Benjamin Moore & Co., Inc. is a New Jersey corporation, with its principal office or place of business at 101 Paragon Drive, Montvale, New Jersey 07645.

2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed paint products to consumers, including Natura paints.

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.

Benjamin Moore’s Natura Paints

4. Respondent distributes Natura paints through a network of authorized, independent retailers, as well as through its own stores and website.

5. Respondent and its independent retailers have disseminated or have caused to be disseminated advertisements, packaging, and other promotional materials for Natura paints to consumers, including the attached Exhibits A-G. These materials include the following statements and depictions:

   a. **ON SCREEN**
      A group of painters enter quietly into a room filled with cribs. While a baby
   
   **VOICEOVER**
   If you want a paint with no harsh fumes; if you want a paint without
sleeps in a crib, they begin to paint a mural on a wall.

Painters exit and the baby wakes up, smiling and standing in the crib.

harmful chemicals; if you want a paint that is safer for your family and the environment, only this can. Natura by Benjamin Moore.

(Exhibit A, Benjamin Moore Natura 30-second advertisement).

(Exhibit A, screenshots from Benjamin Moore Natura 30-second advertisement).
NATURA IS GREEN WITHOUT COMPROMISE®

With zero VOCs, zero emissions and no harsh fumes*, Natura can have a positive impact on air quality. This is a truly environmentally friendly paint without sacrifice to performance or color integrity.

INDEPENDENTLY TESTED & CERTIFIED
Natura is Benjamin Moore's most decorated product.
Whether you are painting a home, school or a building, you can be confident in knowing you've used the best for your environmentally sensitive project needs.

2015 Product of the Year award
This award seeks to guide consumers to products for their quality and innovation by category. In a consumer-voted award based on a survey of industry consensus conducted by NGIS, a global consumer research company, Natura was selected in the interior paint category.

In the Asthma & Allergy Friendly™ Certified by the Asthma and Allergy Foundation of America, this program seeks to scientifically test and certify consumer products that are more suitable for people with allergies and asthma. For more information, visit/www.a2a.org/Certified.

Cradle to Cradle® Silver Certified is a multi-criteria certification program. Products are evaluated for materials health, material utilization, renewable energy use and carbon management, water stewardship, and social fairness. For more information about the Cradle to Cradle Products Innovation Institute visit www.c2ccertified.org.

Certiﬁed for LEED® & LEED v4 Credit
The U.S. Green Building Council's assessing program for green building leadership awards seeks for certified prerequisites in design, construction and maintenance. For more information visit www.usgbc.org.

CHPS (Collaborative for High Performance Schools)
Provides the acceptance criteria for products that help schools meet their green building criteria and deliver environmental benefits to their occupants.

(Exhibit B, print brochure).

**Benjamin Moore’s Green Promise Seal**

6. Respondent distributes paint products bearing the “Green Promise” seal, including Natura paints. These products contain the following depictions:

Count I
Unsubstantiated Claims

7. In connection with the advertising, promotion, offering for sale, or sale of Natura paints, Respondent has represented, directly or indirectly, expressly or by implication, that:
   a. Natura paints are emission-free.
   b. Natura paints are emission-free during or immediately after painting.
   c. Natura paints will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies, asthmatics, and allergy sufferers.
   d. Natura paints will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies, asthmatics, and allergy sufferers.

8. The representations set forth in Paragraph 7 were not substantiated at the time the representations were made.

Count II
Deceptive Failure to Disclose—Material Connection with Green Promise

9. In connection with the advertising, promotion, offering for sale, or sale of its paints, such as through the use of its Green Promise seal, Respondent has represented, directly or indirectly, expressly or by implication, that these paints have been endorsed or certified by an independent third party.
10. Respondent has failed to disclose or adequately disclose that Respondent has a material connection to Green Promise, such as the fact the Green Promise seal is Respondent’s own designation. This fact would be material to consumers in their purchase or use decisions regarding Respondent’s paints.

11. Respondent’s failure to disclose or adequately disclose the material information described in Paragraph 10, in light of the representation set forth in Paragraph 9, is a deceptive act or practice.

Count III
Means and Instrumentalities

12. Respondent has distributed promotional materials, including the statements and depictions contained in Exhibits A through G to independent distributors and retailers. In so doing, Respondent has provided them with the means and instrumentalities for the commission of deceptive acts or practices.

Violations of Section 5

13. 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 twenty-fourth day of April, 2018, has issued this Complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: