

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

**COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney**

In the Matter of

**MOONLIGHT SLUMBER, LLC,
a corporation.**

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that Moonlight Slumber, LLC, a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing that this proceeding is in the public interest, alleges:

1. Respondent Moonlight Slumber, LLC (“Moonlight Slumber”) is an Illinois corporation with its principal office or place of business at 300 Brook Street, Elgin, Illinois 60120.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed baby mattresses.
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.

Moonlight Slumber’s Business Practices

4. Respondent has disseminated advertisements for Moonlight Slumber baby mattresses, including the attached Exhibits 1 through 12. These materials contain the following statements and depictions:
 - a. Respondent’s Starlight Simplicity mattress is an “Organic, hypoallergenic mattress that eliminates chemicals in your crib,” “with no chemical additives, no chemical fire retardants, no foam, no plastics, no polyesters, and no harsh chemicals.” Exhibit 1.

- b. Respondent’s Little Star mattress is a “Dual Firmness Organic Cotton Crib Mattress,” “a safe, organic alternative to traditional crib mattresses,” a “hypoallergenic crib mattress,” and an “organic crib mattress.” Exhibits 2 and 3.
- c. Respondent’s Little Star mattress contains a “Natural Latex Core.” Exhibit 2.
- d. Respondent’s mattresses are made from “BabySafe Natural Materials.” Exhibits 2, 4, 5, 6, 7, 8, and 9.
- e. Respondent’s Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Star, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses are made with “eco-friendly plant-based foam,” “eco-friendly, plant based foam,” “eco-friendly plant-based, extra firm foam,” or “eco-friendlier, extra firm, plant based foam.” Exhibits 2, 3, 4, 5, 6, 7, 8, and 9.



- f. Respondent depicted a seal with a shield bearing a green leaf, partially encircled with the words “green safety shield.” Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.
- g. Testing proves “that there are no VOCs (Volatile Organic Compounds, commonly known as ‘Off Gassing’) from Moonlight Slumber products. They are Green Safety Shield certified to assure no off gassing” Exhibits 10 and 11.
- h. Respondent’s mattresses are “[f]ree of ... off gassing, or indoor air pollutants.” Exhibit 12.

- 5. Respondent’s mattresses are comprised almost entirely of a core, fire barrier, cotton cover, and cotton ribbon.
- 6. The substantial majority of content in Respondent’s Starlight Simplicity and Little Star mattresses is non-organic. Neither the cores, which are the principal mattress components, nor the fire barriers for these two mattresses contain any organic content. About 70% of the cotton cover is not organic. Only the mattress ribbon, a minor component of the mattresses, is purely organic.
- 7. Most of Respondent’s mattresses contain cores made wholly or substantially of polyurethane, a non-natural material made almost entirely from isocyanates and polyols derived from petrochemicals. In addition, the latex used in the core for the Little Star mattress is not a natural material, but is synthetic.
- 8. The foams used in Respondent’s Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Star, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses contain little or no plant-based material.

9. Respondent displayed the Green Safety Shield on its website and packaging near certifications from independent third parties.
10. Respondent did not disclose on its website and packaging that it awarded the Green Safety Shield to its own mattresses. The Green Safety Shield is not a certification by an independent third party.
11. Respondent did not possess testing that proves there are no VOCs (Volatile Organic Compounds) from its mattresses.

Count I
False or Unsubstantiated Representations

12. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that:
 - a. Respondent's Starlight Simplicity and Little Star mattresses are organic;
 - b. The materials in Respondent's mattresses are natural;
 - c. Respondent's Little Star mattress contains a natural latex core; and
 - d. Respondent's Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses, and the infant side of the Little Star mattress, are made with foam that is derived wholly or almost wholly from plants.
13. In fact:
 - a. Respondent's Starlight Simplicity and Little Star mattresses are not organic. Indeed, a substantial majority of the content in these mattresses is not organic.
 - b. A substantial majority of materials in several of Respondent's mattresses is not natural.
 - c. Respondent's Little Star mattress does not contain a natural latex core.
 - d. Respondent's Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses, and the infant side of the Little Star mattress, are not made with foam derived wholly or almost wholly from plants. Indeed, little or no plant-based material is used to make the foam in these mattresses.

Therefore, the representations set forth in Paragraph 12 were false or misleading, or were unsubstantiated at the time the representations were made.

Count II
Unsubstantiated Representations

14. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that Respondent's mattresses will not emit any substance, including volatile organic compounds.
15. In fact, Respondent did not possess and rely upon a reasonable basis to substantiate that its mattresses will not emit any substance, including volatile organic compounds.

Therefore, the representations set forth in Paragraph 14 were unsubstantiated at the time the representations were made.

Count III
False Establishment Claim

16. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that testing proves that Respondent's mattresses do not emit volatile organic compounds.
17. In fact, testing did not prove that Respondent's mattresses do not emit volatile organic compounds. Therefore, the representation set forth in Paragraph 16 is false or misleading.

Count IV
Deceptive Failure to Disclose—Material Connection with Green Safety Shield

18. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that its mattresses have been certified by Green Safety Shield.
19. In these instances, Respondent has failed to disclose or disclose adequately that the Green Safety Shield is its own designation.
20. Respondent's failure to disclose or disclose adequately the material information described in Paragraph 19, in light of the representation set forth in Paragraph 18, is a deceptive act or practice.

Violations of Section 5

21. 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 ____ day of _____ 2017, has issued this Complaint against Respondent.

By the Commission.

SEAL:

Donald S. Clark
Secretary