



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
HEADQUARTERS (HQ)

December 11, 2017

Gwendolyn Wyard
Vice President, Regulatory and Technical Affairs
Organic Trade Association

Re: *In the Matter of Moonlight Slumber, LLC, File No. 162 3128, Docket No. C-4634*

Dear Ms. Wyard,

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has considered your comment and placed it on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

In your comment, you both commend the Commission for taking action against the deceptive use of the term "organic" and ask the Commission to develop draft policy on the use of "organic" claims that are outside USDA's jurisdiction, and ultimately, to publish such guidance in the Green Guides. You do not, however, propose any revisions to the draft complaint or the consent agreement. Therefore, after considering your comment, the Commission has determined that the relief set forth in the consent agreement is appropriate and sufficient to remedy the violations alleged in the complaint. Specifically, as you recognize, the Order would require that Moonlight Slumber substantiate its future representations regarding organic content with competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

The Commission appreciates hearing from a variety of sources in its work. At this time, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available on the Commission's website at <http://www.ftc.gov>.

By direction of the Commission.

Donald S. Clark
Secretary