

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney

In the Matter of)	
)	
BOLLMAN HAT COMPANY, a company,)	
and)	DOCKET NO. C-4643
)	
SAVEANAMERICANJOB, LLC, a limited)	
liability company,)	
)	
jointly d/b/a AMERICAN MADE MATTERS.)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Bollman Hat Company, a company, and SaveAnAmericanJob, LLC, a limited liability company, jointly d/b/a American Made Matters (collectively, “Respondents”), have 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 Bollman Hat Company is a Pennsylvania company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501.
2. Respondent SaveAnAmericanJob, LLC is a Pennsylvania limited liability company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501. SaveAnAmericanJob, LLC is a wholly owned subsidiary of Bollman Hat Company, and Bollman Hat Company is SaveAnAmericanJob, LLC’s sole member.
3. Bollman Hat Company and SaveAnAmericanJob, LLC jointly do business as American Made Matters, a Pennsylvania fictitious name. Respondents have operated as a common enterprise while engaging in the unlawful acts and practices alleged below. Because Respondents have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below.
4. Respondents have advertised, labeled, offered for sale, sold, and distributed products to consumers, including, but not limited to, hats sold under the Bollman, Bailey Western, Betmar, Country Gentleman, Eddy Bros., Helen Kaminski, Jacaru, Kaminski XY, Kangol, Karen Kane, Pantropic, and private label brand names. Respondents advertise these products online,

including, but not limited to, on their website, hats.com, and in stores. Respondents offer for sale, sell, and distribute their products throughout the United States.

5. Respondents have advertised, offered for sale, sold, and distributed memberships in their “American Made Matters” program to companies wishing to make U.S.-origin claims for their products. Respondents primarily advertise their “American Made Matters” program to businesses online including, but not limited to, on their website americanmadematters.com, and through their social media accounts. Respondents primarily advertise their “American Made Matters” program members’ products to consumers online, including, but not limited to, through their website and social media accounts.

6. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

“Made in USA” Claims for Bollman Hats

7. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for their products, including, but not necessarily limited to, the attached Exhibits A-E. These materials contain the following statements, among others:

- A. “American Made Matters”; “Choose American” (Exhibit A, product tag);
- B. “Buy American! American Made Matters Choose American” (Exhibit B, Bollman website);
- C. “American Made Matters”; “Choose American” (Exhibit C, Bollman website);
- D. “Made-in-USA since 1868”; “Made in the USA for 100 Years or More”; ““Made in USA’ hats for 147 years and counting” (Exhibit D, Bollman Twitter page);
- E. “#americanmadematters #madeintheusa #buyamerican” (Exhibit E, Bollman Facebook page).

8. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-E, Respondents have represented, expressly or by implication, that all of their products, including, but not limited to, hats, are all or virtually all made in the United States.

9. In fact, more than 70% of the hat styles Respondents sell are wholly imported as finished products. Of the remaining styles, many contain significant imported content.

10. Therefore, Respondents’ express or implied representations that all of their products are made in the United States are false.

American Made Matters Program

11. In 2010, Respondents introduced a U.S.-origin seal for marketers to use to boost the credibility of “Made in USA” claims. The seal, depicted below, is associated with “American Made Matters,” which is a fictitious name registered to Respondents (“AMM”):



12. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-E, Respondents have prominently displayed the American Made Matters seal in their promotional materials. This seal represents by implication that Respondents’ hats have been endorsed or certified by an independent third party.

13. In fact, AMM is a fictitious name owned by Respondents, and Respondents’ hats have not been endorsed or certified by an independent third party.

14. In addition to featuring the seal in their own marketing materials, Respondents license use of the seal to other companies wishing to make “Made in USA” claims for their products.

15. Companies that wish to use the AMM seal must apply for program membership through Respondents’ website at www.americanmadematters.com. Respondents grant AMM membership to any company, product, or entity that self-certifies it meets Respondents’ membership standard, pays the \$99 annual licensing fee, and self-identifies either a United States-based manufacturing factory, or at least one product with a U.S.-origin label.

16. AMM membership includes a license to use Respondents’ seal on products and in marketing materials, a member page on Respondents’ website, and Respondents’ commitment to advertise the member’s products as “Made in USA” through their websites and social media channels.

17. To meet Respondents’ standard, AMM members must certify that at least 50% of the cost of at least one of their products was incurred in the United States, with final assembly or transformation in the United States. Respondents do not rely on an independent or objective evaluation to confirm that members meet their standard.

18. Respondents have disseminated, or have caused to be disseminated, advertisements and promotional materials for AMM, as well as materials for members to use to promote their products as made in the United States including, but not necessarily limited to, the attached Exhibits F-L. These materials contain the following statements, among others:

- A. With an American Made Matters Membership/Sponsorship, “You will increase sales to consumers and businesses who are actively looking to

buy American Made Products” (Exhibit F, American Made Matters Website);

- B. “Does your business produce or sell #MadeinUSA products? Increase your reach with us.” (Exhibit G, American Made Matters Twitter page);
- C. “American Made Matters® is an organization made of over 375 member and sponsor companies. Our members are manufacturers who represent various industries from apparel and toys to steel fabrication and cleaning supplies. Sponsors include American made retailers, patriotic organizations and local businesses who understand that American made truly matters.” (Exhibit H, American Made Matters website);
- D. “Shop as a consumer . . . for consumers looking to shop for American made products directly from our members and sponsors.” (Exhibit I, American Made Matters website);
- E. “American Made Directories” (Exhibit J, American Made Matters website);
- F. “#MadeinUSA”; “Buy American”; “Made in USA”; “Start your American Made product search with American Made Matters”; “Choose #AmericanMade whenever possible. Start your search for #madeinUSA products with us.” (Exhibit K, American Made Matters Facebook page);
- G. “Support the #AmericanDream. How? By buying #AmericanMade products! AmericanMadeMatters.com” (Exhibit L, American Made Matters Twitter page).

19. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits F-L, Respondents have represented by implication that entities and products using AMM marketing materials or featured on the AMM website have been independently and objectively evaluated for compliance with Respondents’ membership standard.

20. In fact, entities and products using Respondents’ AMM logo or marketing materials have not been independently and objectively evaluated for compliance with any standard.

21. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits F-L, Respondents have represented that products sold by American Made Matters members are all or virtually all made in the United States. For example, Respondents promote a directory of members on their AMM website as a list of manufacturers selling U.S.-origin products, and regularly highlight members on their social media channels as selling U.S.-origin products.

22. In fact, Respondents do not possess a reasonable basis substantiating claims that products sold by American Made Matters members are all or virtually all made in the United States.

23. In numerous instances, including, but not limited, to the promotional materials shown in Exhibits G-L, Respondents have distributed promotional materials to third-party marketers for use in the marketing and sale of those third parties' products.

24. In so doing, Respondents have provided third-party marketers with the means and instrumentalities to deceive consumers. For example, several of Respondents' members have used Respondents' AMM logo or other materials to promote products that contain significant imported content.

COUNT I
(False or Unsubstantiated Representation – Respondents' Products)

25. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of their products, Respondents have represented, directly or indirectly, expressly or by implication, that all of their products, including, but not limited to, all hats, are all or virtually all made in the United States.

26. In fact, in many instances, Respondents' products are wholly imported. In other instances, Respondents source significant inputs to their products from overseas. Therefore, the representation set forth in Paragraph 25 is false or misleading, or was not substantiated at the time the representation was made.

COUNT II
(False or Misleading Representation – Independence of AMM)

27. In connection with the labeling, advertising, promotion, offering for sale, or sale of their hats, such as through the use of their American Made Matters seal, Respondents have represented, directly or indirectly, expressly or by implication, through the use of the American Made Matters seal that an independent organization has reviewed and endorsed their products as Made in the United States.

28. In truth and in fact, American Made Matters is not an independent organization reviewing and endorsing Respondents' products as Made in the United States. Respondents created the "American Made Matters" seal, and use it in connection with the labeling, advertising, promotion, offering for sale, and sale of their own products. Therefore, the representation set forth in Paragraph 27 is false or misleading.

COUNT III
(False or Misleading Representation – AMM)

29. In connection with the advertising, promotion, offering for sale, or sale of membership to the American Made Matters program, Respondents have represented by implication, directly or indirectly, that each entity or product licensed to use their logos or marketing materials has been independently and objectively evaluated for compliance with Respondents' membership standard.

30. In fact, products and entities using Respondents' membership logo have not been independently and objectively evaluated for compliance with Respondents' membership standard. Therefore, the representation set forth in Paragraph 29 is false or misleading.

COUNT IV
(False or Unsubstantiated Representation – Third Party Products)

31. Respondents have represented on their websites and social media, directly or indirectly, expressly or by implication, that all AMM members sell products that are all or virtually all made in the United States.

32. In truth and in fact, in numerous instances, the representation in Paragraph 31 was false or misleading, or was not substantiated at the time the representation was made.

COUNT V
(Means and Instrumentalities)

33. Respondents have distributed the promotional materials described in Paragraph 18 to third-party marketers for use in the marketing and sale of those third parties' products. In so doing, Respondents have provided the means and instrumentalities to these third-party marketers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5

34. The acts and practices of Respondents, 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 twelfth day of April, 2018, has issued this Complaint against Respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL: