



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

August 14, 2019

Madelyne Adlin  
New York

Re: National Floors Direct, Inc., Matter No. 182-3085

Dear Ms. Adlin:

Thank you for commenting on the Federal Trade Commission's ("Commission" or "FTC") proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). The Commission is committed to protecting consumers from deceptive or other unlawful practices, so we greatly appreciate your feedback on this matter.

According to our complaint against National Floors Direct, Inc. ("NFD"), NFD violated the Consumer Review Fairness Act by using non-disparagement provisions in form contracts offered to its flooring and carpeting installation customers in Massachusetts, New Hampshire, and Rhode Island between July 2016 and April 2018. The proposed order resolving this charge would prohibit NFD from using such non-disparagement clauses in form contracts for goods and services, and require it to notify consumers who signed such contracts that the prohibited provision is void.

In your comment, you state that an NFD sales representative gave you incorrect information about the steps that you would need to take to prepare for the company to install new flooring in your home. You also state that you had to negotiate with NFD to have it waive fees that you believed should not be your responsibility based on the information the sales representative told you and that he wrote into your contract. As noted above, the order against NFD would prohibit it from offering consumer form contracts with provisions that would restrict your ability to share your honest, candid opinions about the company and its services, thus allowing prospective customers to learn from your experience. If you had signed an NFD form contract with such a provision, NFD would not be able to enforce that provision. We have also added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. Further, if you have any additional information regarding these practices, we would encourage you to submit a complaint with the Commission at our website, [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov), or by calling our Consumer Response Center (877) 382-4357.

Having considered all the facts of this case and all of the comments submitted in response to the proposed consent order, the Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from

Letter to Commenter Adlin

Page 2

the Commission's website at <http://www.ftc.gov>. The Commission thanks you again for your comment.

By direction of the Commission.

Very truly yours,

April J. Tabor  
Acting Secretary of the Commission