



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

Bureau of Consumer Protection
Division of Enforcement

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FEDERAL EXPRESS

Timothy R. McGreal, P.E.
Pro Performance LLC, d/b/a HarpArm
16249 107th. Ave., Ste. #3
Orland Park, IL 60467-9020

Dear Mr. McGreal:

We received your submissions on behalf of Pro Performance LLC, d/b/a HarpArm (“HarpArm”). During our review, we raised concerns that certain marketing materials may have overstated the extent to which the version of the HarpArm magnetic harmonica holder currently available to consumers is made in the United States. Specifically, although you explained that you are developing a HarpArm product that contains significant U.S. content, the version available in stores today is wholly imported.

Without further explanation, unqualified “Made in the USA” claims on marketing materials likely suggest to consumers that the versions of the products advertised in those materials that are currently available to consumers are “all or virtually all” made in the United States. To avoid deceiving consumers, you explained that you updated HarpArm marketing materials to state, “Designed by an American Professional Engineer / forensic investigator / former rocket scientist!” As we discussed, if in the future you offer a new product that is “all or virtually all” made in the United States, it would be appropriate to update your marketing materials accordingly. However, please note that your marketing materials should clearly differentiate U.S.-origin products from imported products, and that you should take care not to make overly broad U.S.-origin claims on marketing materials that refer to multiple products.

Based on your actions and other factors, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,

Julia Solomon Ensor
Staff Attorney