



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

Bureau of Consumer Protection  
Division of Enforcement

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Attorney

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June 24, 2016

**VIA EMAIL AND FEDEX**

Bashil Patel  
MistCooling, Inc.  
Hydrobreeze, LLC  
5001 Front Street  
Suite 2A  
Brookshire, TX 77423

Dear Mr. Patel:

We received your submissions on behalf of MistCooling, Inc. and Hydrobreeze, LLC (“MistCooling”). During our review, we raised concerns that certain marketing materials may have overstated the extent to which certain MistCooling outdoor mist systems are made in the United States. Specifically, certain MistCooling systems incorporate imported fans and tents, which are significant in cost and to the function and design of those systems.

Unqualified “Made in the USA” claims on marketing materials likely suggest to consumers that the advertised products are “all or virtually all” made in the United States. To avoid deceiving consumers, you explained that MistCooling immediately removed all U.S.-origin claims from its marketing materials pending a thorough supply chain review. Upon completion of that review, MistCooling intends to reintroduce unqualified claims for particular products it can substantiate are “all or virtually all” made in the United States, and qualified claims such as “Assembled in the USA with USA & Imported Parts” for other products that incorporate imported fans and tents. As discussed, if in the future you change to U.S. suppliers of fans and tents, it may be appropriate to update your marketing materials accordingly.

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,

A handwritten signature in blue ink, appearing to read "J. Ensor".

Julia Solomon Ensor  
Staff Attorney