



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

Bureau of Consumer Protection
Division of Enforcement

Julia Solomon Ensor
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October 1, 2018

VIA FEDEX

Lydia B. Parnes, Esq.
Wilson Sonsini Goodrich & Rosati, PC
1700 K Street, NW
Fifth Floor
Washington, DC 20006-3817

Dear Ms. Parnes:

We received your submissions on behalf of your client, The Gillette Company LLC (“Gillette” or the “Company”). During our review, we raised concerns that certain marketing materials overstated the extent to which Gillette products, including certain three- and five-blade razors, are made in the United States. The relevant materials included, among others, the following statements: “Boston Made Since 1901”; “Built in Boston Since 1901”; “Built in Boston, Delivered all over the globe.”; “Where do Gillette razors come from? The heart of South Boston”

As you know, unqualified U.S.-origin claims in marketing materials—including claims that products are “Made,” “Built,” or “Manufactured” in the USA—likely suggest to consumers that all products advertised in those materials are “all or virtually all” made in the United States.¹ The Commission may analyze a number of different factors to determine whether a product is “all or virtually all” made in the United States, including the proportion of the product’s total manufacturing costs attributable to U.S. parts and processing, how far removed any foreign content is from the finished product, and the importance of the foreign content or processing to the overall function of the product.

¹ Federal Trade Commission, *Issuance of Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63768 (Dec. 2, 1997). Additionally, beyond express “Made in USA” claims, “[d]epending on the context, U.S. symbols or geographic references, such as U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories, may, by themselves or in conjunction with other phrases or images, convey a claim of U.S. origin.” *Id.*

The Commission has noted that “[w]here a product is not all or virtually all made in the United States, any claim of U.S. origin should be adequately qualified to avoid consumer deception about the presence or amount of foreign content. In order to be effective, any qualifications or disclosures should be sufficiently clear, prominent, and understandable to prevent deception.”²

Although it is appropriate for the Company to promote the fact that it employs workers and performs certain processing in the United States, marketing materials cannot overstate the extent to which Gillette products are made in the United States. Accordingly, to avoid deceiving consumers, Gillette has implemented a remedial action plan re-focusing its campaign to highlight Boston-based employees and manufacturing functions without implying to consumers that Gillette razors or blades are “all or virtually all” made in the United States. Among other things, this plan includes discontinuing unqualified U.S.-origin claims across all shaving and shaving-related products in digital advertising, broadcast advertising, and on packages.

Based on Gillette’s implementation of the plan described above, the staff has decided not to recommend enforcement action at this time. However, certain materials presented to us during the pendency of our investigation raise concerns that Gillette may make deceptive U.S.-origin claim in the future. Therefore, we will continue to monitor the Company’s advertising closely.

Issuance of this letter 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

² *Id.* at 63769.