



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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December 1, 2017

VIA FEDEX

Thomas W. Toolis, Esq.
Frankfort Law Group
10075 W. Lincoln Highway
Frankfort, IL 60423

Dear Mr. Toolis:

We received your submissions on behalf of your client, Diggers Pool Services, Inc., also d/b/a LinerWorld (“Diggers”). During our review, we discussed concerns that certain marketing materials may have overstated the extent to which products sold by Diggers are made in the United States. You explained that Diggers sells several types of swimming pool products, some of which are made in the United States, and some of which are wholly imported.

As discussed, unqualified “Made in USA” claims on company marketing materials likely suggest to customers that all the products advertised in those materials are “all or virtually all” made in the United States. Accordingly, to avoid deceiving consumers, you explained that Diggers: (1) updated its LinerWorld website to remove “Made in USA” claims that appeared to apply to all products, as well as U.S.-origin claims for specific products that Diggers could not substantiate; (2) updated Google AdWords to remove “Made in USA” keywords; and (3) obtained additional substantiation from pool liner suppliers to support certain product-specific claims.

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 that reads "J. Ensor".

Julia Solomon Ensor
Staff Attorney