



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

Bureau of Consumer Protection
Division of Enforcement

April 17, 2018

VIA FEDEX

Paul D. Rubin, Esq.
Debevoise & Plimpton LLP
801 Pennsylvania Ave., N.W.
Washington, DC 20004

Dear Mr. Rubin:

We received your submissions on behalf of your client, EBSCO Sign Group, LLC (“ESG” or the “Company”). During our review, we discussed concerns that marketing materials may have overstated the extent to which ESG’s LED signs are made in the United States.

As discussed, unqualified “Made in USA”/“Made in America” or “Built in USA”/“Built in America” claims on marketing materials likely suggest to consumers that all products advertised in those materials are “all or virtually all” made in the United States. Accordingly, ESG implemented a remedial action plan to avoid deceiving consumers. This plan included: (1) discontinuing use of unqualified U.S.-origin claims; (2) updating all marketing materials accordingly; (3) communicating changes and distributing updated materials to third-party dealers; and (4) training staff on how to make non-deceptive claims for ESG products.

If ESG employs workers in the United States, it is appropriate for the Company to promote that fact, provided that marketing materials do not overstate the extent to which ESG products are made in the United States. Additionally, if, in the future, ESG can substantiate claims that particular products are “all or virtually all” made in the United States, it would be appropriate for the Company to update its 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.

Sincerely,

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

Julia Solomon Ensor
Staff Attorney
Division of Enforcement
(202) 326-2377
jensor@ftc.gov

A handwritten signature in blue ink, appearing to read "Crystal D. Ostrum".

Crystal D. Ostrum
Investigator
Division of Enforcement
(202) 326-3405
costrum@ftc.gov