



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

Bureau of Consumer Protection
Division of Enforcement

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December 21, 2017

VIA FEDEX

Robert Mintz, Esq.
Zlatko Hadzismajlovic, Esq.
McCarter & English, LLP
100 Mulberry Street
Four Gateway Center
Newark, New Jersey 07102

Dear Mr. Mintz and Mr. Hadzismajlovic:

We received your submissions on behalf of your client, High Technology, Inc. ("HTI"). During our review, we discussed concerns that certain marketing materials may have overstated the extent to which all HTI chemical analyzers and reagents are made in the United States.

As discussed, unqualified "Made in USA" claims on marketing materials likely suggest to customers that all products advertised in those materials are "all or virtually all" made in the United States. Accordingly, HTI implemented a remedial action plan to avoid deceiving consumers. This plan included: (1) removing U.S.-origin claims, including "Made in USA," "Manufactured in USA," "Built in USA," "Produced in USA," and "Created in USA," from digital, hardcopy, and tradeshow materials; (2) destroying packaging containing U.S.-origin claims; (3) training employees; (4) reviewing and updating social media; (5) removing all Google AdWords or other search engine optimization tags that included unqualified U.S.-origin claims; (6) providing notice to distributors of updates to marketing materials; and (7) implementing a policy to require upper management approval of all marketing materials.

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