



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

Bureau of Consumer Protection
Division of Enforcement

Julia Solomon Ensor
Attorney

Email: jensor@ftc.gov
Direct Dial: (202) 326-2377

April 9, 2020

VIA EMAIL

Mr. Brent Stayer
Chief Operating Officer
sonnen, Inc.
2048 Weems Rd., Suite C
Tucker, GA 30084

Dear Mr. Stayer:

We received your submissions on behalf of sonnen, Inc. (“sonnen” or the “Company”). During our review, we discussed concerns that marketing materials with broad, unqualified claims that sonnen products are made in the United States may have failed to account for the fact that the Company’s battery products contain significant foreign content.

As discussed, 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.

To avoid deceiving consumers, sonnen implemented a remedial action plan. This plan included: (1) updating printed and electronic marketing materials, including product labels; (2) training sales staff; (3) sending a letter to all partners, dealers, and installers regarding country-of-origin marketing for sonnen products; and (4) scrubbing partner, dealer, and installer

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.*

websites for unqualified claims.

As you know, it is appropriate for sonnen to promote the fact that it employs workers and performs certain processes in the United States, provided that marketing materials do not overstate the extent to which the Company's products are made in the United States. FTC staff is available to work with companies to craft qualified claims that serve the dual purposes of conveying non-deceptive information to consumers and highlighting work done in the United States.

Based on sonnen's 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,



Julia Solomon Ensor
Staff Attorney