



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

Bureau of Consumer Protection  
Division of Enforcement

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July 8, 2019

**VIA EMAIL**

Katryna Lyn Spearman, Esq.  
Lowther Walker LLC  
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Atlanta, GA 30303  
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Dear Ms. Spearman:

We received your submissions on behalf of Systematic Controls Corp., d/b/a Valtorc International USA (“Valtorc” or the “Company”). During our review, we discussed concerns that marketing materials may have overstated the extent to which Valtorc products including, but not limited to, certain valves, are made in the United States.

As discussed, unqualified U.S.-origin claims in marketing materials – including claims that products are “Made” or “Built” in the USA – likely suggest to consumers that all products advertised in those materials are “all or virtually all” made in the United States.<sup>1</sup> 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, Valtorc removed U.S.-origin claims from all marketing materials and retrained staff. As we discussed, if in the future the Company offers a product or system that is “all or virtually all” made in the United States, it would be appropriate to update

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<sup>1</sup> 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.*

marketing materials accordingly. However, please note that marketing materials should clearly differentiate U.S.-origin products from imported products, and that Valtorc should take care not to make overly broad U.S.-origin claims on marketing materials that refer to multiple products. As you know, 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 Valtorc'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