United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising Practices

April 24, 2017

Andrea C. Levine, Esq.
Senior Vice President, Director
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising Claims for NexGrill Industries, Inc.'s Evolution Infrared Plus Grill

Dear Ms. Levine:

I am writing to follow up on your referral to the FTC of NAD's compliance investigation of NexGrill Industries, Inc.'s claims about its Evolution Infrared Plus Grill. Your referral indicated that NexGrill failed to follow NAD's recommendation to discontinue certain implied and express product performance claims and the claim that its product uses "patented" heat plates. Accordingly, you referred this matter to the FTC for our review.

We have met with and had several communications with NexGrill representatives. We understand that NexGrill has discontinued the claim that its heat plates are patented. Current advertising, instead, refers to "patent pending" technology. In addition, although NexGrill did not provide any product testing to NAD in support of its product performance claims, we understand that NexGrill has conducted testing on its product's heating and cooking capabilities. NexGrill has agreed to modify or discontinue certain performance claims to ensure that the claims do not overstate testing results. For example, NexGrill has agreed to replace the claim that its product "eliminates" flare-ups with "decreases" or "reduces" flare-ups.

Upon review of the matter, we have determined not to take additional FTC action at this time. Our decision is not to be construed as a determination that a violation has not occurred. The Commission reserves the right to take such further action as the public interest may require. The FTC fully supports the NAD's self-regulatory process, and we appreciate your referral and the opportunity to continue to assist in supporting the NAD.

Very truly yours,

Devin Willis Domond
Chief of Staff for Advertising Practices