



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

Division of Advertising Practices

January 8, 2020

Via Electronic Mail (kenplevan@gmx.com)

Kenneth A. Plevan, Esq.
Chairman
National Advertising Review Board
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising by Duskocil Manufacturing Company, Inc., d/b/a Petmate, for Arm & Hammer-branded cat litter pans

Dear Mr. Plevan:

Thank you for your letter referring an NARB compliance proceeding involving antimicrobial claims made by Duskocil Manufacturing Company, Inc., d/b/a Petmate ("Petmate"), for its Arm & Hammer-branded cat litter pans. Your referral indicates that NAD recommended that Petmate discontinue challenged claims such as "With Built-In Antimicrobial Protection" and "Inhibits the Growth of Odor-Causing Bacteria on the Pan" ("antimicrobial claims"), and Petmate timely appealed. After NARB affirmed NAD's decision, Petmate stated it would comply with NARB's decision. However, upon opening an Aug. 2019 compliance inquiry, NARB determined that Petmate had not complied with NARB's decision. Accordingly, you referred this matter to the Federal Trade Commission for our review.

In addition to reviewing the NAD and NARB case record, we have examined additional evidence provided by Petmate. We also met with representatives from the company to discuss the FTC's concerns, including the antimicrobial claims at issue. After a careful review of the relevant claims and proprietary information provided by Petmate, we have determined not to take additional action at this time. In coming to this conclusion, we considered a number of factors related to resource allocation and enforcement priorities, as well as the nature of any FTC Act violation and the type and severity of any consumer injury.

Mr. Kenneth Plevan

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The Commission reserves the right to take such further action as the public interest may require. We appreciate your referral and the opportunity to continue supporting the NAD self-regulatory process.

Very truly yours,



Carolyn L. Hann
Chief of Staff for Advertising Practices

cc: Michael T. Murphy, Global IP Counselors, LLP