



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

Bureau of Consumer Protection
Division of Enforcement

February 19, 2020

VIA ELECTRONIC MAIL

Laura Brett, Esq.
Vice President
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising for Nectar Mattress

Dear Ms. Brett:

We have reviewed the National Advertising Division's ("NAD") referral of advertising claims by Nectar Brand LLC ("Nectar") for its online marketing of its bedding and mattresses. As you know, in early 2019, Nectar participated in NAD's self-regulatory process, and agreed to comply with all of the recommendations set forth in NAD's July 2019 decision. NAD's referral to the Federal Trade Commission ("FTC" or "Commission") alleges that Nectar failed to make a good faith attempt to comply with NAD's recommendations.

Upon careful review of this referral, we have determined not to take additional action at this time. In reaching this conclusion, we considered a number of factors including resource allocation and enforcement priorities, the nature of any FTC Act violation, and the type and severity of any consumer injury.

The staff's decision to forego a formal investigation at this time should not be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require. The FTC appreciates your referral and the opportunity to continue to assist in supporting NAD.

Sincerely,

s/ Laura Koss

Laura Koss
Assistant Director, Division of Enforcement

cc: Tyler Newby, Fenwick & West LLP