

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580



Division of Advertising Practices

June 10, 2015

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

Re: Terro Novo, Inc.'s EarthGuard Fiber Matrix Soil Erosion Control Products

Dear Ms. Levine:

I am writing to follow up on your April 20, 2015 letter referring an NAD investigation into advertising claims made by Terro Novo, Inc. for its EarthGuard Fiber Matrix industrial-use soil erosion control products. The materials you forwarded indicated that Terro Novo continues to make establishment, comparative performance, and cost savings claims for its EarthGuard Fiber Matrix products without clearly and conspicuously disclosing the conditions under which these claims might be accurate, despite an NAD decision recommending otherwise. Examples of such claims include references to the outcomes of various erosion control studies, discussion of EarthGuard's performance contrasted with that of a competitor's "flexible growth medium," and the relative low cost of EarthGuard Fiber Matrix.

Upon review of this matter, we have determined not to take additional action at this time. In arriving at this conclusion, we considered a number of factors related to resource allocation and enforcement priorities, including the scope of the changes Terro Novo has made to its marketing claims and the nature of the products (expensive industrial-use products designed to reduce soil erosion), as well as the nature of any FTC Act violation and the type and severity of any consumer injury. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle".

Mary K. Engle  
Associate Director for Advertising Practices