

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Rebecca Kelly Slaughter
 Christine S. Wilson
 Alvaro M. Bedoya

In the Matter of

INSTANT BRANDS LLC,
 a limited liability company.

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that Instant Brands LLC, a limited liability company (“Respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Instant Brands LLC (“Instant Brands”) is a Delaware limited liability company with its principal office or place of business at 3025 Highland Parkway, Suite 700, Downers Grove, Illinois 60515.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed products to consumers, including glass measuring cups, and other glass cooking or baking accessories, under the “Pyrex” brand name.
3. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

Respondent’s Business Practices

4. Respondent owns numerous well-known kitchen and houseware brands, including Pyrex, Corelle, Corningware, Instant Pot, Snapware, Chicago Cutlery, and Visions, and advertises and sells products under these brand names to consumers nationwide. Although some of these brands previously operated as independent subsidiaries, as of January 2022, they are consolidated as Instant Brands LLC.

5. Instant Brands' Pyrex-branded products include a range of mostly glass baking and cooking accessories. The Instant Brands website (<https://corporate.instantbrands.com/brands/>) describes Pyrex as follows:



pyrex.

Born of innovation, the iconic Pyrex brand evokes some of our fondest family food memories, and has had a place in our hearts and homes for over 100 years. Pyrex glassware—made for both purpose and passion—has been passed down from generation to generation, and for good reason. And our new Pyrex products, designed specifically for the ways we make and share food today, will be loved for years to come.

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6. Instant Brands makes general marketing claims stating or implying all Pyrex glass products are of U.S. origin. For example, the company has touted Pyrex's "made in the USA heritage," and advertised Pyrex products as "Made in USA," "Proudly Made in USA," "American as Apple Pie," and "1 of 10 products surprisingly still made in America."

7. During the COVID-19 pandemic, Instant Brands experienced a spike in demand for certain baking products, including U.S.-origin Pyrex-branded glass mixing cups.¹

8. By early 2021, Instant Brands was unable to meet this demand.

9. Accordingly, between May 2021 and March 2022, Instant Brands shifted production of certain measuring cups from the United States to China.

10. However, Instant Brands continued to market two Stock Keeping Units ("SKUs") of U.S.-origin measuring cup sets corresponding with two Amazon Standard Identification Numbers ("ASINs") on Amazon.com.

11. Specifically, throughout the time Instant Brands imported cups from China, marketing materials on Amazon.com for SKU 1118990/ASIN B00M2J7PCI (three-piece Pyrex measuring

¹ While stay-at-home orders were in effect, consumer interest in baking surged. A January 2021 survey found "nearly one-third of U.S. adults said they [were] baking more often [in 2020 than 2019] and plan[ne]d to continue doing so. When asked why, 47% said alleviating boredom during the pandemic, 41% said for a fun experience with children, and 39% said relaxation." See Ellen Byron, "Is Baking's Pandemic Popularity Just a Flash in the Pan," Wall Street Journal (May 25, 2021), available at <https://www.wsj.com/articles/is-bakings-pandemic-popularity-just-a-flash-in-the-pan-11621951200>.

cup set) and SKU 1118989/ASIN B00M2JVTZ2 (four-piece Pyrex measuring cup set) prominently advertised those sets as “Made in USA.”

12. In total, over a course of months and despite receiving dozens of complaints, Instant Brands fulfilled more than 110,000 Amazon.com orders of U.S.-origin measuring cup sets with Chinese-origin products.

13. Additionally, throughout this time, despite importing and selling measuring cups from China, Instant Brands continued to publish and disseminate general advertising materials stating or implying that all Pyrex products were of U.S. origin.

14. At all times relevant to this Complaint, Chinese-origin measuring cups were marked “Made in China” in red text.

Respondent’s Claims

15. Respondent has disseminated or caused to be disseminated advertisements and promotional materials for Pyrex measuring cups containing the following statements and depictions:

A. “Made in the USA”

About this item

- Includes 1-cup, 2-cup, 4-cup and 8-cup versions
- Easy to read measurements in cups, ounces and milliliters.
Features a curved spout for precise pouring and easy-grip handles for comfort
- Durable high-quality tempered glass is dishwasher, freezer, microwave and preheated oven safe
- Nonporous glass won't absorb food odors, flavors, or stains
- BPA free secure-fit plastic lids are freezer, microwave and top-rack dishwasher safe
- 2-year limited warranty on glass and plastic lids
- Made in the USA

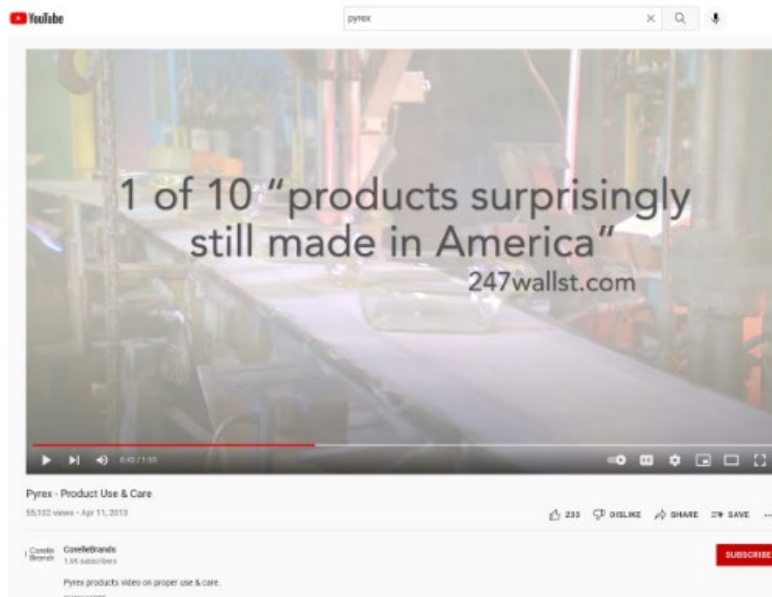
Amazon.com product page for four-piece measuring cup set.

B. “American as apple pie” “proudly made in the USA.”



Graphic appearing on Amazon.com and Pyrex.com.

C. “1 of 10 products surprisingly still made in America”



Video posted on an Instant Brands-controlled YouTube page (internal quotation marks omitted).

D. “Pyrex value[s] our made in the USA heritage and continues to work hard to ensure that our products remain a mainstay in American kitchens for generations to come.”



- i** When expert chefs and kitchen newbies need an extra measure of confidence, they reach for the quality and performance of Pyrex. From iconic glassware to innovative solutions. Ready when you are. Pyrex. **See less**
- i** In 1915, an industrious wife of a Corning Glass Works scientist was frustrated with her unreliable casserole dish and asked him to bring home something she could use in the kitchen. Voilà, the Pyrex baking dish was born!

Loved for generations, experienced cooks and beginners alike have reached for Pyrex® brand glassware products, because they're affordable, durable, and great for all their cooking, serving and storing needs.

For almost 100 years, Pyrex has remained dedicated to designing new favorites that help cooks feel successful and confident in the kitchen. Today, Pyrex brand glassware products can be found in over 80% of American homes. Pyrex value our made in the USA heritage and continues to work hard to ensure that our products remain a mainstay in American kitchens for generations to come.

“About” section of Pyrex Facebook page.

16. At the time the statements described in Paragraph 15 were published or disseminated, certain Pyrex measuring cup sets advertised were wholly manufactured in China.

Count I
False or Misleading Representation

17. In connection with the advertising, promotion, offering for sale, or sale of Pyrex-branded three- and four-cup measuring cups in 2021 and 2022, Respondent has represented, directly or indirectly, expressly or by implication, that such measuring cups were all or virtually all made in the United States.

18. In truth and in fact, in numerous instances during 2021-2022, Respondent's Pyrex-branded three- and four-cup measuring cup sets were wholly imported from China.

19. Therefore, Respondent's representations as set forth in Paragraph 17 are false or misleading.

Violation of Section 5

20. The acts and practices of Respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this _____ day of _____, 20 __, has issued this Complaint against Respondents.

By the Commission.

April J. Tabor
Secretary

SEAL: