

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

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

In the Matter of

**EXOTOUSA LLC, a limited liability company,
d/b/a OLD SOUTHERN BRASS;**

and

**AUSTIN OLIVER, individually and as an
officer of EXOTOUSA LLC.**

DOCKET NO. C-4800

COMPLAINT

The Federal Trade Commission, having reason to believe that ExotoUSA LLC, a limited liability company, and Austin Oliver, individually and as an officer of ExotoUSA LLC (collectively, “Respondents”), have 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 ExotoUSA LLC, also doing business as Old Southern Brass (“ExotoUSA” or “Corporate Respondent”), is a New Mexico limited liability company with its principal office or place of business at 11334 Boggy Creek Road 111, Orlando, Florida 32824.
2. Respondent Austin Oliver (“Oliver”) is the sole member and officer of ExotoUSA. Individually or in concert with others, he controlled or had the authority to control, or participated in the acts and practices of ExotoUSA, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of ExotoUSA.
3. Respondents have advertised, labeled, offered for sale, sold, and distributed products to consumers, including glassware, mugs, pens, and other novelty items.
4. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

Respondents' Business Practices

5. Incorporated in 2018, ExotoUSA operates as “Old Southern Brass,” selling products through its website, oldsouthernbrass.com, and on third-party platforms such as amazon.com.
6. Oliver has served as an officer for ExotoUSA since its inception and assumed sole responsibility in March 2020.
7. Since March 2020, only Oliver has controlled the development or implementation of Corporate Respondent’s policies, procedures, and practices.
8. Prior to becoming the sole officer of ExotoUSA, Oliver held sales positions in other companies and participated in the practices alleged in this Complaint.
9. ExotoUSA holds itself out as “the premier online mens [sic] gift store for finding the best gifts for men!” Its products include novelty glassware embedded with bullets or embossed with patriotic quotes, glass decanters shaped like air rifles, pens made from bullet casings, and similar items.
10. Corporate Respondent’s marketing materials claim patriotic association with the U.S. military and specifically target servicemembers and veterans, including by claiming Corporate Respondent is veteran operated and donates 10% percent of sales to military charities.
11. Respondents have disseminated or have caused to be disseminated advertisements, packaging, and promotional materials for their products, including the embedded Exhibits A through D. These materials contain express or implied representations that all ExotoUSA products are all or virtually all made in the United States:

A. “All of our products are made right here in the United States of America”

NEWS



A QUICK GUIDE TO PATRIOTIC CHRISTMAS GIFTS FOR MEN AND WOMEN

WINNING THIS CHRISTMAS SEASON AND FINDING THE PERFECT GIFT FOR THE PATRIOT IN YOUR LIFE. ALL OF OUR PRODUCTS ARE MADE RIGHT HERE IN THE UNITED STATES OF AMERICA AND WHEN YOU PURCHASE A GIFT FROM OLD SOUTHERN BRASS, YOU'LL HAVE THE PEACE OF MIND KNOWING THAT YOUR FUNDS GO TO SUPPORT LOCAL VETERANS, PATRIOTS, AND LOVERS OF ALL THINGS 2A.

POSTED ON OCTOBER 15, 2022

[READ MORE](#)

Exhibit A, “Squawk Box” post on oldsouthernbrass.com.

- B. “Just know that all of our products are 100% American made and nothing says ‘Merica like making products right here at home for ‘Merica man or woman alike.”



‘MERICA GIFTS FOR THE ‘MERICA MAN IN YOUR LIFE

WHETHER IT IS A GIFT FOR CHRISTMAS, FATHER'S DAY, BIRTHDAY, VETERAN'S DAY OR MORE, OUR GIFTS WILL HONOR THE ‘MERICA MAN IN YOUR LIFE WITH CLASS. WITH THAT, WE'LL LEAVE YOU TO SHOP UNTIL YOUR HEART'S CONTENT. JUST KNOW THAT ALL OF OUR PRODUCTS ARE 100% AMERICAN MADE AND NOTHING SAYS ‘MERICA LIKE MAKING PRODUCTS RIGHT HERE AT HOME FOR ‘MERICA MAN OR WOMAN ALIKE.

POSTED ON OCTOBER 25, 2022

[READ MORE](#)

Exhibit B, “Squawk Box” post on
oldsouthernbrass.com

- C. “100% USA made, Military & 1st Responder Gifts!!”

 **Old Southern Brass**
March 3, 2022 · 🌐

We're offering even more for our Veteran's!!
Check out this awesome post and shop our 100% USA made, Military & 1st Responder Gifts!!



OLDSOUTHERNBASS.COM
Personalized Whiskey Shot Glass Sets for Military Veterans [Learn more](#)

👍❤️ 26 1 comment 4 shares

Exhibit C, Old Southern Brass Facebook
post.

D. “Made in USA” below a depiction of the American Flag



Exhibit D, Old Southern Brass Facebook post.

12. In fact, in numerous instances, Respondents’ products are wholly imported from China or contain significant imported content.

13. Therefore, Respondents’ express or implied representations that all company products are all or virtually all made in the United States are false or unsubstantiated.

14. Respondents have disseminated or have caused to be disseminated advertisements, packaging, and promotional materials for Company products, including the embedded Exhibits E through I. These materials contain express or implied representations that all ExotoUSA glassware products are all or virtually all made in the United States:

E. “PROUDLY MADE IN THE USA: Our glassware is 100% made in the USA.”

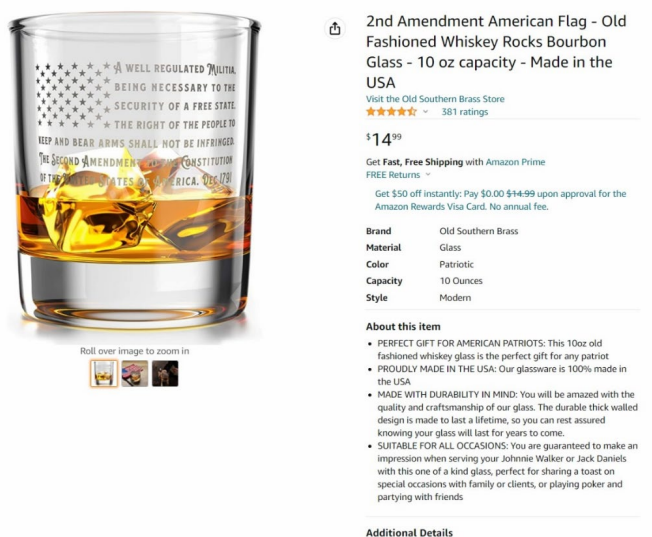


Exhibit E, Amazon.com listing.

F. “American Made Glasswear [sic]”

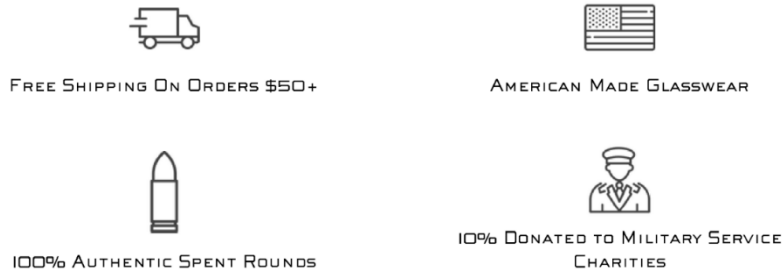


Exhibit F, Example of banner displayed across every page of oldsouthernbrass.com

G. “MADE IN USA HAND BLOWN WHISKEY GLASS GIFTS FOR VETERANS
Give whiskey-drinking military veterans a USA-made gift they’ll appreciate. Our hand-blown glass whiskey sets are made right here in the United States and designed for American patriots, first responders, and military veterans who can’t get enough of their bold, rich drink of choice. You can count on our made in USA glassware to serve you and your guests for many years!”

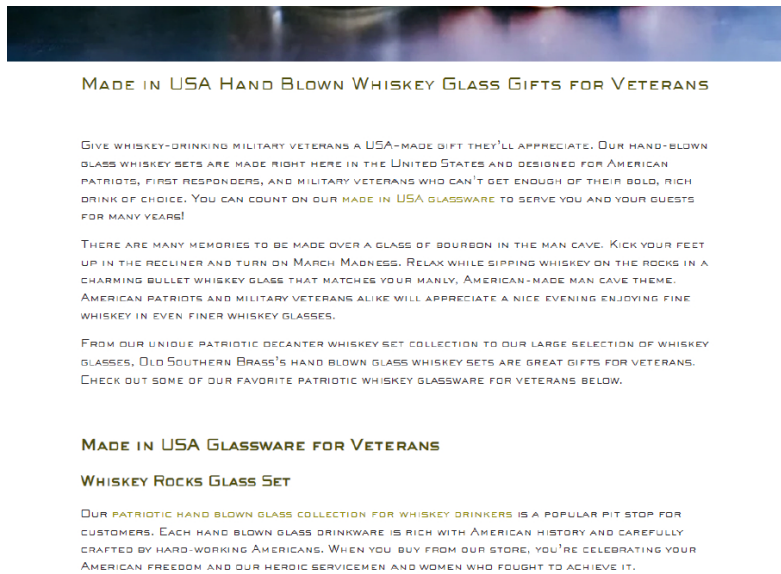


Exhibit G, “Squawk Box” post on oldsouthernbrass.com

H. “Engraved and Made in USA”



Exhibit H, oldsouthernbrass.com ad for an engraved whiskey glass, quoting the U.S. Constitution.

I. “We make each glass by hand in our glass workshop in Florida.”

WE MAKE EACH GLASS BY HAND IN OUR GLASS WORKSHOP IN FLORIDA.
PRODUCTION TIME IS 2-3 BUSINESS DAYS FOR STANDARD GLASSES.

Exhibit I, oldsouthernbrass.com website product description.

15. In fact, in numerous instances, Respondents’ glassware products are not made in the United States. Rather, in numerous instances, they are wholly imported from China.

16. Therefore, Respondents’ express or implied representations that all its glassware products are all or virtually all made in the United States are false or unsubstantiated.

17. Respondents have disseminated or have caused to be disseminated advertisements, packaging, and promotional materials for Company products, including the embedded Exhibits J through P. These materials contain statements and depictions claiming patriotic association with the U.S. military, including: Corporate Respondent is veteran operated, Corporate Respondent donates 10% of its sales to military service charities, and certain ExotoUSA products include bullets or casings from cartridges fired by the U.S. military:

- J. “As a veteran-operated business in the United States, our mission is to give back to fellow American patriots who have served and protected our country.”



HOW OLD SOUTHERN BRASS SUPPORTS THE SECOND AMENDMENT

IT'S SPECIAL AND RARE TO FIND A SMALL BUSINESS THAT PERFECTLY ALIGNS WITH YOUR VALUES AND INTERESTS. TO ALL THE SECOND AMENDMENT SUPPORTERS AND DEDICATED AMERICAN LOYALISTS, OLD SOUTHERN BRASS SERVES YOUR INTERESTS AND VALUES. OSB IS A SMALL, AMERICAN-OWNED BUSINESS THAT SUPPORTS AMERICAN PATRIOTS, MILITARY SERVICE MEMBERS, VETERANS, FIRST RESPONDERS, AND GUN CONNOISSEURS. AS A VETERAN-OPERATED BUSINESS IN THE UNITED STATES, OUR MISSION IS TO GIVE BACK TO FELLOW AMERICAN PATRIOTS WHO HAVE SERVED AND PROTECTED OUR COUNTRY.

Exhibit J, “Squawk Box” post on oldsouthernbrass.com making veterans claims.

- K. “American Owned Veteran Operated”




 <p>We The People Patriotic American Flag Decanter Whiskey Glass Gift Set - 5 Piece Set - Premium Gift Box - American Owned Veteran Operated</p> <p>★★★★★ ~ 56</p> <p>\$99⁹⁹</p> <p>FREE delivery May 26 - Jun 1</p> <p> Small Business ▾</p>	 <p>2nd Amendment 12 Gauge Shot Glasses - Set of 4 - American Owned Veteran Operated - Unique Patriotic One of a Kind Shot Glass</p> <p>Polyethylene</p> <p>★★★★★ ~ 2,086</p> <p>\$14⁹⁹ (\$3.75/Count)</p> <p> prime</p> <p>FREE delivery Sun, May 21 on \$25 of items shipped by Amazon</p> <p>Or fastest delivery Thu, May 18</p> <p> Small Business ▾</p>	 <p>Old Southern Brass U.S. Army Veteran 10 ounce Whiskey Glass - Officially Licensed - American Owned Veteran Operated</p> <p>Glass</p> <p>★★★★★ ~ 1</p> <p>\$14⁹⁹</p> <p> prime</p> <p>FREE delivery Sun, May 21 on \$25 of items shipped by Amazon</p> <p>Or fastest delivery Thu, May 18</p> <p> Small Business ▾</p>
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Exhibit K, three Amazon.com product listings claiming “Veteran Operated.”

L. “Sold by American owned and Veteran operated company”



Exhibit L, Navy-themed product listing on oldsouthernbrass.com claiming “Veteran operated”

M. Corporate Respondent donated a percentage of sales -- “10% Donated to Military Service Charities.”

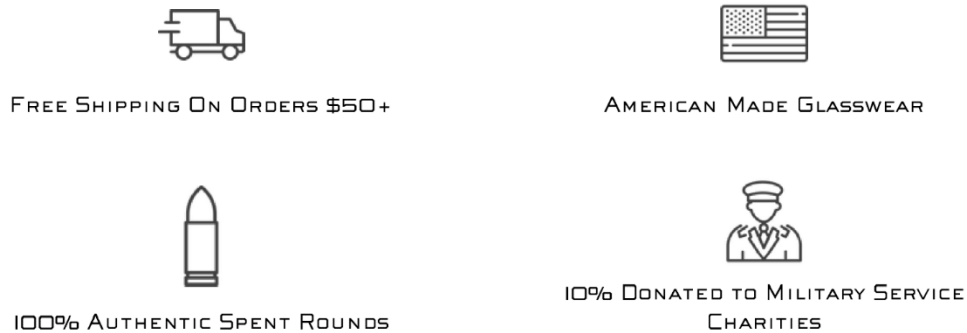


Exhibit M, Examples of banner displayed across every page of oldsouthernbrass.com.

N. “Handcrafted from an authentic 50 cal casing that was previously used by the U.S. military.”

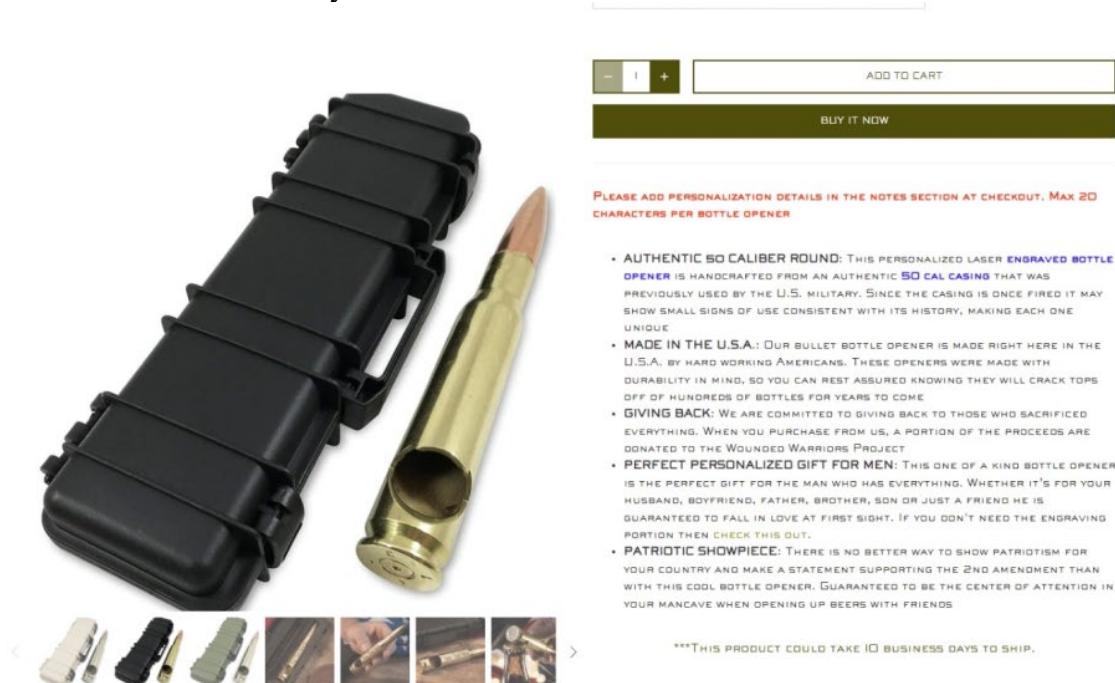


Exhibit N, oldsouthernbrass.com product listing for an engraved casing as bottle opener.

O. “Made from a real once-fired 50 cal round that was used by the U.S. military.”

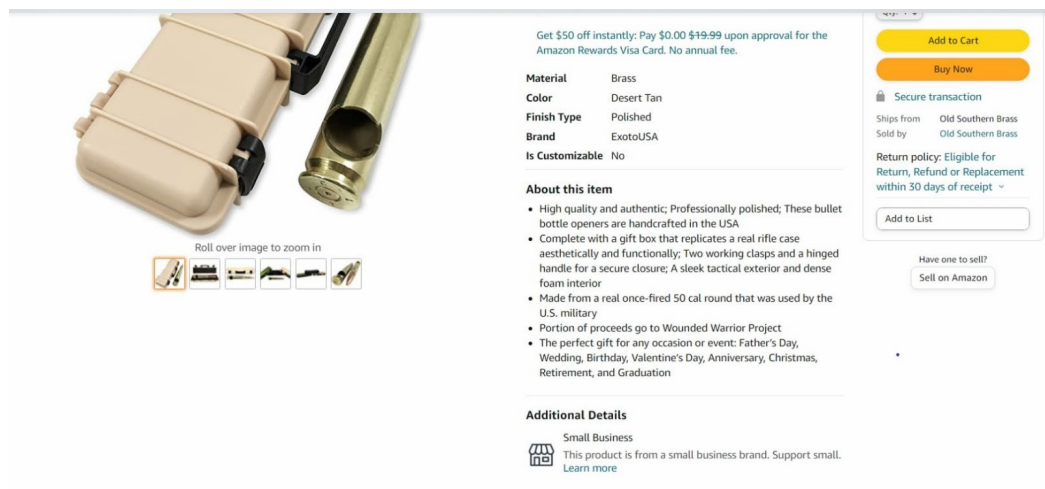


Exhibit O, Amazon.com product listing for an engraved casing.

P. “Our patriotic glassware contains either a .308 or .50 caliber bullet. These copper projectiles are real bullets made in the USA and fired by the U.S. military.”

WE SELL BULLET GLASSWARE.

MUCH OF OUR MADE IN USA GLASSWARE COLLECTION COMES WITH A BULLET EMBEDDED IN THE SIDE OF THE GLASS. ONE GREAT VISUAL WAY TO SUPPORT YOUR RIGHT TO BEAR ARMS IS TO DRINK WHISKEY FROM A BULLET WHISKEY GLASS! THIS ARTISTIC REPRESENTATION OF 2A SUPPORT MAKES A STATEMENT AND CAN INFLUENCE OTHERS. OLD SOUTHERN BRASS'S **BULLET GLASSWARE** COMES WITH VARIOUS PATRIOTIC DESIGNS LIKE THE THIN BLUE LINE, *DON'T TREAD ON ME*, AND AMERICAN FLAGS.

OUR PATRIOTIC GLASSWARE CONTAINS EITHER A .308 OR .50 CALIBER BULLET. THESE COPPER PROJECTILES ARE REAL BULLETS MADE IN THE USA AND FIRED BY THE U.S. MILITARY. SHOW PATRIOTISM FOR YOUR COUNTRY BY DRINKING YOUR FAVORITE SPIRIT OUT OF THESE UNIQUE **MILITARY GLASSES**. WE'RE PROUD TO SELL THEM AND FILL OUR HOME BARS WITH THESE FUN 2A PRODUCTS.

Exhibit P, “Squawk Box” post on oldsouthernbrass.com.

18. In fact, Respondents lack the claimed associations with the U.S. military. Corporate Respondent is not operated by any veteran of the U.S. military. Corporate Respondent does not donate 10% of its sales to military service charities. Indeed, in 2022, Corporate Respondent claimed charitable deductions amounting to less than 0.5% of its sales. Finally, Respondents’ products that contain bullets or casings are not from cartridges fired by the U.S. military.

19. Therefore, Respondents’ express or implied representations of patriotic association with the U.S. military as described in Paragraph 17 are false or unsubstantiated.

Respondent Oliver’s Knowledge

20. Oliver participated in the deceptive practices, had actual control as an officer, and has been Corporate Respondent’s sole officer and owner.

21. At all times relevant to this Complaint, Oliver has maintained sole control over the development, implementation, and oversight of Corporate Respondent’s policies, procedures, and practices related to advertising.

22. Oliver has directed and controlled Corporate Respondent’s overseas purchases and importation practices.

23. Oliver has served as Corporate Respondent’s sole contact with United States Customs and Border Protection (“CBP”) and routinely corresponds with CBP regarding Corporate Respondent’s shipments.

24. Oliver corresponded directly with CBP regarding missing or incorrect foreign country-of-origin labeling for Corporate Respondent's imported products.

25. Oliver knows Corporate Respondent is not veteran operated. Oliver has never served in and is not a veteran of any branch of the United States armed forces.

26. Respondent Oliver has directed and controlled Corporate Respondent's charitable contributions.

Count I
False or Misleading Made in USA Advertising Claims

27. In numerous instances, in connection with the advertising, promotion, offering for sale, or sale, or distribution of glassware, mugs, pens, and other products, Respondents have represented, directly or indirectly, expressly or by implication, that their products are all or virtually all made in the United States.

28. In fact, in numerous instances in which Respondents have made the representations set forth in Paragraph 27, Respondents' products were not all or virtually all made in the United States. Indeed, in numerous instances they were wholly imported from China.

29. Therefore, Respondents' representations as set forth in Paragraph 27 are false or misleading, or were not substantiated at the time the representations were made.

Count II
False or Misleading Advertising Claims of Association with the U.S. Military

30. In numerous instances, in connection with the advertising, promotion, offering for sale, sale, or distribution of glassware, mugs, pens, and other products, Respondents have claimed, directly or indirectly, expressly or by implication, patriotic association with the U.S. military, such as that:

- A. Corporate Respondent is a veteran-operated business;
- B. Corporate Respondent donates 10% of sales to military service charities;
- C. Certain of Corporate Respondent's products incorporate bullets or bullet casings from cartridges previously fired by the U.S. military.

31. In fact, Respondents do not have the claimed associations with the U.S. military. Specifically, Corporate Respondent is not a veteran-operated business; Corporate Respondent does not donate 10% of its sales to military service charities; and Corporate Respondent's products do not incorporate bullets or bullet casings from cartridges previously fired by the U.S. military.

32. Therefore, Respondents' representations as set forth in Paragraph 30 are false or misleading, or were not substantiated at the time the representations were made.

Violation of Section 5

33. The acts and practices of Respondents 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 10th day of January, 2024, has issued this Complaint against Respondents.

By the Commission.

April J. Tabor
Secretary

SEAL: