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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

FEDERAL TRADE COMMISSION, Plaintiff, v. ELK RIVER, INC., a corporation, Defendant.	Case No. _____ **COMPLAINT FOR PERMANENT INJUNCTION, MONETARY JUDGMENT, AND OTHER RELIEF**

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), for its Complaint alleges:

1. The FTC brings this action for Defendant Elk River, Inc.'s violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), 15 U.S.C. § 45a ("Section 45a"), and the Made in USA Labeling Rule (the "MUSA Labeling Rule"), 16 C.F.R. Part 323. Defendant has labeled and advertised safety harnesses containing significant imported content with unqualified, express U.S.-origin claims, in violation of the above authorities. For these violations, Plaintiff seeks relief, including a permanent injunction, monetary relief, and other relief, pursuant to Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b), 57b, and the MUSA Labeling Rule, 16 C.F.R. Part 323.

SUMMARY OF THE CASE

2. Elk River, Inc. ("Elk River" or "Defendant"), based in Cullman, Alabama, is a manufacturer of safety harnesses and other fall protection equipment for professional line workers (*e.g.*, construction and tower climbing workers). A safety harness is a form of protection equipment designed to safeguard the user from injury or death from falling.

3. Defendant made unqualified, express U.S.-origin claims, including that its harnesses are "Made in USA," "American-made," and "#madeinalabama." It did not qualify or limit those descriptions with reference to imported parts. Defendant made these unqualified

"Made in USA" claims in numerous media, including on its website, in print and online promotional materials, on social media, and on the harness labels.

4. But in fact, Defendant's harnesses are not "Made in USA" under the FTC Act, Section 45a, or the MUSA Labeling Rule. For example, the MUSA Labeling Rule provides "it is an unfair or deceptive act or practice . . . to label any product as Made in the United States unless the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States." 16 C.F.R. § 323.2.

5. While final assembly of the harnesses occurs in Defendant's manufacturing facility in Alabama, most components and materials—including components essential to the function and safe operation of the harness—originate outside the United States. Defendant nonetheless made false, unqualified "Made in USA" claims on its website, in print and promotional materials, on social media sites, and on the harness labels. These false claims violated Section 5 of the FTC Act, as well as Section 45a and the MUSA Labeling Rule.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345.

7. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1), (b)(2), (c)(2), and (d), and 15 U.S.C. § 53(b).

PLAINTIFF

8. The FTC is an agency of the United States Government created by the FTC Act. 15 U.S.C. §§ 41–58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

9. The FTC also enforces Section 45a, which states: "[t]o the extent any person introduces, delivers for introduction, sells, advertises, or offers for sale in commerce a product

with a 'Made in the U.S.A.' or 'Made in America' label, or the equivalent thereof, in order to represent that such product was in whole or substantial part of domestic origin, such label shall be consistent with decisions and orders of the Federal Trade Commission issued pursuant to section 45 of [Title 15]." 15 U.S.C. § 45a. The decisions and orders of the FTC provide, in part, that a representation that a product is made in the United States will not be a violation so long as all, or virtually all, of the components of the product are made in the United States and all, or virtually all, of the labor in manufacturing the product is performed in the United States.

10. The FTC also enforces the MUSA Labeling Rule, 16 C.F.R. Part 323, which prohibits labeling any product with an unqualified "Made in USA" or similar claim unless the final assembly or processing of the products occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States. 16 C.F.R. § 323.2.

DEFENDANT

11. Elk River is incorporated in Alabama with its principal place of business at 1202 26th Street SW, Cullman, Alabama 35055.

12. Defendant transacts or has transacted business in this District and throughout the United States. At all times relevant to this Complaint, acting alone or in concert with others, Defendant has advertised, marketed, distributed, offered for sale, and sold harnesses throughout the United States.

COMMERCE

13. At all times relevant to this Complaint, Defendant has maintained a substantial course of trade in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT'S BUSINESS ACTIVITIES

14. Defendant manufactures, advertises, offers for sale, and sells 130 harness models, each of which is assigned an item number called a stock keeping unit, or SKU.

15. Defendant sells thousands of harnesses each year, exclusively through a network of authorized dealers and distributors rather than directly to end users.

16. Defendant promotes itself as "not just a brand, product, device, gadget or gizmo," but rather as "your fall protection partner." It identifies as the higher-end, domestic option, "not the low cost import you purchase to save a dollar. We are what you reach for when the protection, the comfort and the safety of your team is the number one priority."

Defendant Advertised its Harnesses with "Made in USA" Claims.

17. Defendant advertised its harnesses in numerous media, including, but not limited to, on its website, in print and online promotional materials, and on social media.

18. In each of these locations, Defendant until recently has regularly made unqualified "Made in USA" claims.

19. For example, from at least June 2022 until June 2026, the homepage of Defendant's website stated: "Fall Protection Harnesses, Anchors, and Lanyards – Made in the USA[.]"



Exhibit A, Defendant's Former Homepage, https://elkriver.com/.

20. Farther down on the homepage, from at least June 2022 until June 2026 Defendant described its mission as being "proud manufacturers of American-made, high-quality harnesses[.]"



Exhibit B, Defendant's Former Mission Statement on the Homepage, https://elkriver.com/.

21. In addition, Defendant's promotional flyers contained page footers with "Made in the USA" claims, like the one below:



Exhibit C, 2024 Elk River's Tower Trade Show Promotional Flyer at 1; *see also* Exhibit D, 2024 Elk River's World of Concrete Trade Show Promotional Flyer at 1.

22. Exhibits C and D were printed for trade shows in 2022, 2023, 2024, and 2025, but Exhibit C was still available on the Defendant's website until July 2026.

23. In Defendant's online product catalogue, which was available from 2019 until at least June 2025, every page of the chapter dedicated to harnesses likewise contained a footer with a "MADE IN USA" claim. *See* Exhibit E, Elk River's Online 2019 Product Catalog, captured on June 23, 2025, at 3; *see also id.* at 4-20.

24. In addition, Defendant has posted similar "Made in USA" claims about its harnesses on social media sites such as Facebook, Instagram, and LinkedIn.

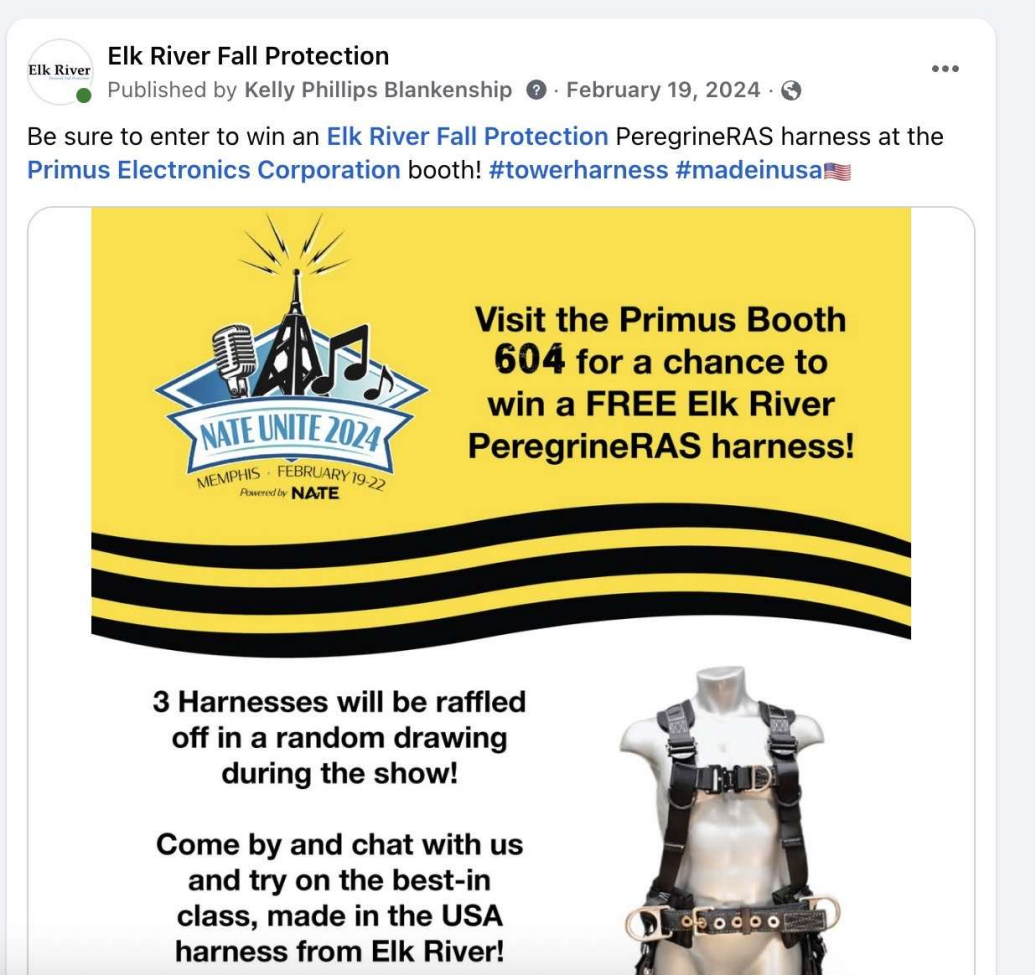


Exhibit F, Elk River's Facebook Post Describing Defendant's Harnesses as "made in the USA," Using the Hashtag "#madeinusa," Feb. 19, 2024.; *see also* Exhibit G, Elk River's Instagram Post Introducing Defendant's "new products" Using the Hashtag "#madeinalabama" and a Photo of an Elk River Harness, Feb. 20, 2024; Exhibit H, Elk River's LinkedIn Post Touting its "American-made" Harnesses, captured on June 23, 2025.

25. At least in some instances, Defendant's authorized distributors have also promoted Defendant's harnesses with "Made in USA" claims. *See*, *e.g.*, Exhibit I, Elk River's Largest Distributor, GMES LLC, dba GME Supply, Claiming Defendant Offers "fall protection equipment all made in the USA"; Exhibit J, Elk River's Distributor X1 Safety, LLC, dba Novarlo, Describing Defendant as "a leading manufacturer of American-made personal fall protection including fall protection harnesses".

Defendant Labeled its Harnesses with Made in USA Claims.

26. On the harness labels, Defendant reiterated similar "Made in USA" claims.

27. From at least August 2021 until at least July 2025, the interior labels of Defendant's harnesses stated "Proudly made in the USA" in the upper right-hand corner, immediately below the company's name and location in Cullman, Alabama:



Exhibit K, Representative Example of Elk River's Interior Harness Labels from August 2021 to approximately July 31, 2025.

28. From at least August 2021 until at least May 2026, the external labels of Defendant's harnesses stated "Made in U.S.A." or "Made in the USA[.]"





Exhibit L, Representative Examples of Elk River's External Harness Labels from August 2021 to approximately May 29, 2026.

Defendant Falsely Advertised and Labeled its Harnesses with "Made in USA" Claims.

29. In numerous instances, including, but not limited to, the advertisements and labels referenced in Paragraphs 17-28, Defendant has represented, expressly or by implication, that its harnesses are all or virtually all made in the United States.

30. Despite Defendant's claims, most of the harnesses' components and materials are foreign, including, but not limited to, their D-rings, carabiners, snap hooks, and self-retracting lifelines.

31. In total, there are 143 components and materials in Defendant's harnesses. Of those, 68 (or 52%) originate abroad—including 34 from Taiwan, 17 from China, 8 from Vietnam, 4 from Japan, 3 from South Korea, and 2 from Mexico.

32. These components and materials provide essential functions for Defendant's harnesses. For example, a D-ring is made of steel or aluminum and acts as a secure attachment point connecting lifelines to the harnesses' webbing. Carabiners and snap hooks similarly operate as load-bearing connection points and are designed to prevent accidental disengagement. They can be manually opened to receive a lifeline or other harness component but when released, automatically close. A self-retracting lifeline, in turn, works like a car seat belt: the lifeline can be slowly unwound from around a drum but automatically locks at the onset of a fall to arrest the worker's descent.

33. Moreover, a significant portion of the harnesses' manufacturing costs are attributable to their foreign components and materials.

34. Thus, Defendant's harnesses contain more than a negligible or *de minimis* level of foreign content. Defendant's express or implied representations that its harnesses are all or virtually all made in the United States are therefore false, misleading, and/or unsubstantiated.

35. Based on the facts and violations of law alleged in this Complaint, the FTC has reason to believe that Defendant is violating or is about to violate laws enforced by the Commission because, among other things, Defendant engaged in its unlawful acts and practices repeatedly over several years, and Defendant only ceased its unlawful activities after the start of the Commission's investigation into its unlawful conduct.

VIOLATIONS OF THE FTC ACT

36. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

37. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

Count I: Section 5 Violation

38. In numerous instances between at least August 2021 and July 2026, in connection with the advertising, marketing, promotion, offering for sale, or sale of goods—namely, safety harnesses—Defendant has represented, directly or indirectly, expressly or by implication, that its goods are all or virtually all made in the United States.

39. In truth and in fact, in numerous instances in which Defendant has made the representations set forth in Paragraph 38, Defendant's goods were not all or virtually all made in the United States because they included significant imported components.

40. Whether Defendant's goods were made all or virtually all in the United States is material to users when deciding whether to purchase harnesses.

41. Therefore, Defendant's representations as set forth in Paragraph 38 are false, misleading, or were not substantiated at the time the representations were made and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

VIOLATIONS OF SECTION 45a

42. 15 U.S.C. § 45a states that "To the extent any person introduces, delivers for introduction, sells, advertises, or offers for sale in commerce a product with a 'Made in the

U.S.A.' or 'Made in America' label, or the equivalent thereof, in order to represent that such product was in whole or substantial part of domestic origin, such label shall be consistent with decisions and orders of the Federal Trade Commission issued pursuant to section 45 of [Title 15, *i.e.*, 15 U.S.C. § 45]."

43. The decisions and orders of the FTC issued pursuant to 15 U.S.C. § 45 provide that "Made in the United States" means any representation, express or implied, that a product or service, or a specified component thereof, is of U.S.-origin, including, but not limited to, a representation that such product or service is "made," "manufactured," "built," "produced," or "crafted" in the United States or in America, or any other U.S.-origin claim. Further, those decisions and orders provide that in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service, a seller must not make any representation, expressly or by implication, that its product is Made in the United States unless:

a. The final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or

b. A Clear and Conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing; or

c. For a claim that a product is assembled in the United States, the product is last substantially transformed in the United States, the product's principal assembly takes place in the United States, and United States assembly operations are substantial.

44. Recent decisions and orders including the definition in Paragraph 43, *supra*, include *In the Matter of ExotoUSA LLC*, FTC Docket No. C-4800, Decision and Order at 3-4 (Jan. 10, 2024); *In the Matter of Chaucer Accessories, Inc.*, FTC Docket No. C-4797, Decision

and Order at 4 (Aug. 22, 2023); *In the Matter of Cycra Inc.*, FTC Docket No. C-4794, Decision and Order at 3-4 (May 30, 2023); *In the Matter of Instant Brands LLC*, FTC Docket No. C-4788, Decision and Order at 3 (March 1, 2023); *In the Matter of Electrowarmth Products, LLC*, FTC Docket No. C-4779, Decision and Order at 3-4 (Oct. 25, 2022); *In the Matter of Lions Not Sheep Apparel, LLC*, FTC Docket No. C- 4772, Decision and Order at 4 (July 28, 2022); *In the Matter of Resident Home LLC*, FTC Docket No. C-4767, Decision and Order at 3-4 (June 21, 2022); *In the Matter of Gennex Media LLC*, FTC Docket No. C-4741, Decision and Order at 4 (Apr. 9, 2021); *In the Matter of Chemence, Inc*., FTC Docket No. C-4738, Decision and Order at 3-4 (Feb. 9, 2021); *In the Matter of Williams-Sonoma, Inc.*, FTC Docket No. C-4724, Decision and Order at 3 (July 13, 2020); *In the Matter of Sandpiper of California, Inc.*, FTC Docket No. C-4675, Decision and Order at 3 (Apr. 16, 2019); *In the Matter of Underground Sports Inc.*, FTC Docket No. C-4674, Decision and Order at 4 (Apr. 16, 2019); *In the Matter of Nectar Brand LLC*, FTC Docket No. C-4656, Decision and Order at 3 (Aug. 28, 2018); *see also FTC v. Cardiff*, 5:18-cv-02104, Dkt. 706, Final Order at 19 (C.D. Cal. Mar. 1, 2022).

Count II: Section 45a Violation

45. In numerous instances between at least August 2021 and May 29, 2026, Defendant has introduced, delivered for introduction, sold, advertised, or offered for sale in commerce products—namely, safety harnesses—with "Made in the U.S.A." or "Made in America" labels, or the equivalents thereof, in order to represent that such products were in whole, virtually all, or substantial part of domestic origin.

46. In truth and in fact, in numerous instances in which Defendant has taken the actions and made the representations set forth in Paragraph 45, Defendant's goods were not in whole, virtually all, or substantial part of domestic origin because they included significant imported components and thus were also not consistent with decisions and orders of the Federal Trade Commission.

47. Therefore, Defendant's representations set forth in Paragraph 45 violate Section 45a, 15 U.S.C. § 45a.

VIOLATIONS OF THE MUSA LABELING RULE

48. Effective August 13, 2021, the MUSA Labeling Rule, 16 C.F.R. Part 323, prohibits marketers from labeling products as "Made in the United States" unless: (1) "the final assembly or processing of the product occurs in the United States," (2) "all significant processing that goes into the product occurs in the United States," and (3) "all or virtually all ingredients or components of the product are made and sourced in the United States." 16 C.F.R. § 323.2.

49. For purposes of the MUSA Labeling Rule, "Made in the United States" is defined as "any unqualified representation, express or implied, that a product or service, or a specified component thereof, is of U.S. origin, including, but not limited to, a representation that such product or service is 'made,' 'manufactured,' 'built,' 'produced,' 'created,' or 'crafted' in the United States or in America, or any other unqualified U.S.-origin claim." 16 C.F.R. § 323.1(a).

50. A violation of the MUSA Labeling Rule constitutes an unfair or deceptive act or practice in violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a). 15 U.S.C. § 57a(d)(3); 16 C.F.R. § 323.4.

Count III: MUSA Labeling Rule Violations

51. In numerous instances between at least August 2021 and May 29, 2026, Defendant has included unqualified Made in the United States claims on the labels of its safety harnesses.

52. Defendant applied the labels described in Paragraph 51 to harnesses containing ingredients or components that were not "all or virtually all . . . made and sourced in the United States." *See* 16 C.F.R. § 323.2.

53. Defendant's practices as alleged in Paragraphs 51-52 violate the MUSA Labeling Rule, 16 C.F.R. § 323.2, and therefore are unfair or deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

54. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendant's violations of the FTC Act, Section 45a, and the MUSA Labeling Rule and absent injunctive relief by this Court, Defendant is likely to continue to injure consumers and harm the public interest.

PRAYER FOR RELIEF

Wherefore, the FTC requests that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act, Section 45a, and the MUSA Labeling Rule by Defendant;

B. Award monetary and other relief within the Court's power to grant; and

C. Award any additional relief as the Court determines to be just and proper.

Respectfully submitted,

Dated: November 17, 2026

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