



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

Bureau of Consumer Protection
Division of Enforcement

Julia Solomon Ensor
Attorney

Email: jensor@ftc.gov
Direct Dial: (202) 326-2377

February 10, 2016

FEDERAL EXPRESS

Peter Gilbert, President
Peripheral Logix, LLC d/b/a Ergoprise
12129 RR 620 N., Suite 590
Austin, TX 78750

Dear Mr. Gilbert:

We received your submissions on behalf of Peripheral Logix, LLC d/b/a Ergoprise ("Peripheral Logix"). During our review, we raised concerns that marketing materials may have overstated the extent to which certain Ergoprise-branded adjustable standing desks are made in the United States. Specifically, although the desks include U.S. components, the motor and electronics used to raise and lower the desk are imported.

As discussed, unqualified "Made in USA" claims on marketing materials likely suggest to consumers that the products advertised in those materials are "all or virtually all" made in the United States. The Commission may analyze a number of different factors to determine whether a product is "all or virtually all" made in the United States, including the proportion of the product's total manufacturing costs attributable to U.S. parts and processing, how far removed any foreign content is from the finished product, and the importance of the foreign content or processing to the overall function of the product. In this case, the imported motor and electronics are essential to the function of the desks. Accordingly, to avoid deceiving consumers, you explained that Peripheral Logix removed broad, unqualified "Made in USA" claims from affected advertising materials.

Based on your actions and other factors, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Ensor".

Julia Solomon Ensor
Staff Attorney