



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

Office of the Secretary

March 5, 2013

Ron Ruosch
WA

Re: *The Sherwin-Williams Company*, File No. 112 3198
PPG Architectural Finishes, Inc., File No. 112 3160

Dear Mr. Ruosch:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceedings. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

Your comment asserts that The Sherwin-Williams Company ("Sherwin-Williams") and PPG Architectural Finishes, Inc. ("PPG") should not be allowed to make zero VOC claims for their paints unless the "ready-to-use product" – tinted paint – will be VOC-free. You express the concern that, notwithstanding the use of a disclosure, permitting a zero VOC claim where the VOC level "may rise significantly" after tinting, creates confusion for consumers. Additionally, you find the disclosure language inadequate for failing to specify how different color choices would impact the final VOC level of a tinted paint (pastels vs. deep tints, reds vs. greens, etc.). You also propose prohibiting respondents from making zero VOC or low VOC claims for base paints whenever tinting would result in a significant increase in VOC level.

After consideration of your comment, the Commission has determined that the relief set forth in the consent agreements is appropriate and sufficient to remedy the law violations alleged in the complaints in these matters. The agreements strike the proper balance between permitting truthful advertising and preventing consumer deception.

In the event that tinting could add VOCs to otherwise VOC-free base paint, the agreements require Sherwin-Williams and PPG to make a particularized disclosure to avoid misleading consumers. Specifically, the disclosure must: (1) be clear and prominent; (2) inform consumers that the VOC level may increase, potentially "significantly," after tinting; and (3) inform consumers that the VOC level of the tinted paint will depend on color choice.

These disclosures ensure that consumers can make informed purchasing decisions with respect to the VOC content of respondents' paints, while not preventing the respondents from making truthful claims about their base paints. For consumers who want to know more about which colors result in the highest VOC levels, the disclosures provide them with enough information to make fruitful inquiries prior to purchase.

Mr. Ron Ruosch
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Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in each of these matters in final form without modification. The final Decisions and Orders and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission, Commissioners Leibowitz and Wright not participating.

Richard C. Donohue
Acting Secretary