



Office of the Secretary

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

May 1, 2014

Sean Wells  
State of New Mexico

Re: *Nissan North America, Inc., File No. 122 3010, Docket No. C-4454*

Dear Mr. Wells:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. 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.

In your comment, you state that you believe that the Nissan Frontier "Hill Climb" commercial was not deceptive. Although we recognize that some consumers may not have been deceived, it is well established that an advertisement that misleads a significant minority of reasonable consumers constitutes a deceptive practice under the Federal Trade Commission Act. Here, the Commission's investigation concluded that consumers could reasonably interpret the advertisement as representing that the pick-up truck was capable of performing the depicted feat, when, in fact, it was not. It is well established that an advertisement may not use a deceptively altered demonstration as supposed proof of a material product quality.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order 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, and we thank you again for your comment.

By direction of the Commission, Commissioner McSweeney not participating.

Donald S. Clark  
Secretary