



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

Bureau of Consumer Protection
Division of Enforcement

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VIA EMAIL

Armen Manasserian, Esq.
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Dear Mr. Manasserian:

We received your submissions on behalf of Neaties Home LLC, also d/b/a ONE11 Trade LLC (“Neaties” or the “Company”). During our review, we discussed concerns that marketing materials may have overstated the extent to which Neaties hangers are made in the United States. Specifically, although most Neaties plastic hangers are “all or virtually all” made in the United States, Neaties also offers several lines of imported hangers. Accordingly, product inserts and banners on the Neaties website and Amazon storefront stating “Made in USA” or “American Made” were overly broad.

As discussed, unqualified U.S.-origin claims in marketing materials – including claims that products are “Made” or “Built” in the USA – likely suggest to consumers that the products advertised in those materials are “all or virtually all” made in the United States.¹ 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. The FTC recently codified the “all or virtually all” standard into a Made in USA Labeling Rule, 16 C.F.R. § 323 (the “MUSA Rule”).²

¹ FTC, *Issuance of Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63768 (Dec. 2, 1997) (the “Policy Statement”). Additionally, beyond express “Made in USA” claims, “[d]epending on the context, U.S. symbols or geographic references, such as U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories, may, by themselves or in conjunction with other phrases or images, convey a claim of U.S. origin.” *Id.*

² Effective August 13, 2021, it is a violation of the MUSA Rule to label any covered product “Made in the United States,” as the MUSA Rule defines that term, 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

The Commission has explained that, unless marketers specify which products are covered or directly link claims to particular products, consumers generally interpret U.S.-origin claims in marketing materials to cover all products advertised in those materials. Accordingly, the Policy Statement provides, “marketers should not represent, either expressly or by implication, that a whole product line is of U.S. origin (*e.g.*, ‘Our products are Made in USA’) when only some products in the product line are, in fact, made in the United States.”³

It is appropriate for Neaties to promote the fact that most Neaties plastic hangers are made in the United States. However, the Company should take care to tailor marketing materials making unqualified claims to products that are, in fact, “all or virtually all” made in the United States. To the extent materials apply to all Company products, Neaties should avoid creating the impression that all its products are “all or virtually all” made in the United States, unless that becomes true.

To avoid deceiving consumers, Neaties implemented a remedial action plan. This plan included removing unqualified U.S.-origin claims from the Company website and Amazon storefront, and updating product inserts.

FTC staff members are available to work with companies to craft claims that serve the dual purposes of conveying non-deceptive information and highlighting work done in the United States. Based on Neaties’ 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, please feel free to call.

Sincerely,



Julia Solomon Ensor
Staff Attorney



Lashanda Freeman
Senior Investigator

United States, and all or virtually all ingredients or components of the product are made and sourced in the United States. *See* <https://www.federalregister.gov/documents/2021/07/14/2021-14610/made-in-usa-labeling-rule>. Pursuant to 15 U.S.C. § 45(m)(1)(A), the Commission may seek civil penalties of up to \$43,792 per MUSA Rule violation.

³ Policy Statement, 62 Fed. Reg. 63756, 63768 n.111.