

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



Office of the Secretary

November 10, 2014

Simons
State of New Mexico

*Re: In the Matter of Made in the USA Brand, LLC
File No. 142 3121, Docket No. C-4497*

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has considered your comment and placed it 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).

In your comment, you request that the Commission fine Respondent, Made in the USA Brand, LLC. You do not propose any revisions to the draft complaint or the consent agreement.

The Commission is committed to preventing consumer deception, and believes the proposed order will accomplish this objective. In particular, Part I of the proposed order prohibits Respondent from representing that a covered entity meets Respondent's accreditation standard, unless: (1) Respondent or its designee independently and objectively evaluates that the entity meets the standard; or (2) Respondent clearly discloses on the face of its logo and in all of its promotional materials that certified entities meet the standard through self-certification. Part II of the proposed order prohibits Respondent from making any country-of-origin claim about any product in its marketing materials unless: (1) the claim is true, not misleading, and Respondent has competent and reliable evidence substantiating the representation; or (2) for representations made through use of Respondent's certification mark, Respondent clearly discloses that certified entities meet the standard through self-certification. Finally, Part III of the proposed order prohibits Respondent from providing others with the means and instrumentalities to make the claims prohibited in Parts I and II.

The FTC Act does not allow the agency to obtain fines for initial violations. Our primary goal in cases such as this one is to stop deceptive advertising by putting the Respondent under order. If, in the future, Respondent violates its order, the Federal Trade Commission could pursue civil penalties.

Therefore, after considering your comment, the Commission has determined that the relief set forth in the consent agreement is appropriate and sufficient to remedy the violations alleged in the complaint. At this time, 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 on 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.

Donald S. Clark
Secretary