

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

| | | |
|-------------------------|---|------------|
| _____ |) | |
| In the Matter of |) | |
| |) | |
| E.K. Ekcessories, Inc., |) | Docket No. |
| a corporation |) | |
| _____ |) | |

COMPLAINT

The Federal Trade Commission, having ~~caus~~ believe that E.K. Ekcessories, Inc. ("Respondent"), a corporation, has ~~viol~~ the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent E.K. Ekcessories, Inc. ("EK") is a Utah corporation with its principal office or place of business at 575

A. "Truly Made in the USA";



(Exhibit A, iBob product packaging; Exhibit B, iCat Hang It product packaging; Exhibit C, www.ekusa.com homepage)

B. "For 28 years E.K. Ekcessories has been producing superior quality made accessories in our 60,000 sq. ft facility in Logan, Utah";

(Exhibit C, www.ekusa.com homepage).

C. "[O]ur source of pride and satisfaction abounds from a true 'Made in USA' product."

(Exhibit D, EK Product Catalogue).

D. "Made in the USA"

(Exhibit D, EK Product Catalogue; Exhibit E, www.ekusa.com product pages; Exhibit F, "News" section of www.ekusa.com).

6. In numerous instances, including but not limited to the promotional materials shown in Exhibits A-F, Respondent has represented that its products are made in the USA.

7. In reality, Respondent's products are not all made in the USA.

COUNT I (False or Misleading Representation)

8. Through the means described in Paragraphs 5 and 6, Respondent has represented, expressly or by implication, that each of its products is all or virtually all made in the United States.

9. In truth and in fact, in numerous instances, Respondent's products were made outside the United States. Therefore, the representation set forth in Paragraph 8 is false or misleading.

COUNT II (Unsubstantiated Representation)

10. Through the means described in Paragraphs 5 and 6, in numerous instances, Respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 8.

11. In truth and in fact, Respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 8, at the time the representation was made. Therefore, the representation set forth in Paragraph 10 is false or misleading.

COUNT III (Means and Instrumentalities)

12. Respondent has distributed the promotional materials described in Paragraphs 5 and 6 to third-party retailers for use in the marketing and sale of Respondent's products. In so doing, Respondent has provided the means and instrumentalities to these third-party retailers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5

13. The acts and practices of Respondent, as alleged in this Complaint, constitute unfair or deceptive acts or practices in interstate commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this ____ day of _____ 2013, has issued this Complaint against Respondent.

By the Commission.

SEAL:

Donald S. Clark
Secretary