

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)	
)	
MacNeill Engineering Company, Inc.,)	Docket No.
a corporation, also d/b/a)	
CHAMP)	
_____)	

COMPLAINT

The Federal Trade Commission, having reason to believe that MacNeill Engineering Company, Inc., also d/b/a CHAMP (Respondent), has violated provisions

A. Respondents Website (Exhibit 1):

i. Combi-Pack Product Page

“Made with environmentally friendly biodegradable materials” (Ex. 1, at 1).

ii. Biodegradability Information Page:

“FLYTEes are completely biodegradable~~ed~~, at 3).

“The CHAMP FLYTee is from a specially formulated sustainable bio-plastic that enables the material to maintain durability and performance, while still breaking down into CO2 and water when it is done being used. Our plastic has a market proven bio-agent additive created by ECM Biofilms, Inc. ECM’s technology is a process which enables the microorganisms in the environment to metabolize the molecular structure of plastic products into humus that is beneficial to the environment.Id.).

iii. FLYTEes Sell Sheet

“The CHAMP FLYTee is made from a specially formulated sustainable bio-plastic that enables the material to maintain durability and performance, while still breaking down into CO2 and water when it is done being used. Our plastic has a market proven bio-agent additive created by ECM Biofilms, Inc. ECM’s technology is a process which enables the microorganisms in the environment to metabolize the molecular structure of plastic products into humus that is beneficial to the environment~~ed~~,” (at 4).

“Material tested with ECM has been tested and proved as biodegradable and safe for the environment by using the following: ASTM D5209 . . . ASTM 5511 . . .

respondent's stated timeframes, ~~one~~ nine months to five years, and do not replicate, i.e. simulate, the physical conditions of either landfills, where most trash is disposed, or other disposal facilities stated in the representations.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

FALSE OR MISLEADING REPRESENTATIONS

9. Through the means described in Paragraphs 2, 4, and 5, respondent has represented, expressly or by implication, that:

- A. FLYTees are biodegradable, ~~it~~ will completely break down and decompose into elements found in nature within a reasonably short period of time after customary disposal;
- B. FLYTees are biodegradable as a result of an additive from ECM Biofilms Inc.; and
- C. FLYTees have been shown to be biodegradable under various scientific tests including, but not limited to, ASTM D5511.

10. In truth and in fact:

- A. FLYTees will not completely break down and decompose into elements found in nature within a reasonably short period of time after customary disposal;
- B. FLYTees will not completely break down and decompose into elements found in nature within a reasonably short period of time after customary disposal ~~as a~~ a result of respondent's use of an additive from ECM Biofilms, Inc.;
- C. FLYTees have not been shown to completely break down and decompose into elements found in nature within a reasonably short period of time after customary disposal under various scientific tests, including, but not limited to, ASTM D5511.

11.

Paragraph 9, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in Paragraph 12 is false or misleading.

14. Respondent's practices, as alleged in this complaint, therefore, constitute deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

IN WITNESS WHEREOF, the Federal Trade Commission has issued this complaint against respondent and has caused it to be signed by its Secretary and its official seal to be hereto affixed, at Washington, D.C. this _____ day of