

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Jon Leibowitz, Chairman
William E. Kovacic
J. Thomas Rosch
Edith Ramirez
Julie Brill**

In the Matter of
P.C. Richard & Son, Inc.,
d/b/a Pcrichard.com,
a corporation,
and
P.C. Richard & Son, LLC,
d/b/a Pcrichard.com
a limited liability company.

DOCKET NO. C-4303

COMPLAINT

The Federal Trade Commission (“FTC” or “Commission”), having reason to believe that P.C. Richard & Son, Inc., d/b/a Pcrichard.com, a corporation and P.C. Richard & Son, LLC, d/b/a Pcrichard.com, a limited liability company (“Respondents”) have violated provisions of the Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Under the Energy Policy and Conservation Act, 16 C.F.R. Part 305 (“Appliance Labeling Rule”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

- 1. Respondent P.C. Richard & Son, Inc., d/b/a Pcric

2. Respondent P.C. Richard & Son, LLC, d/b/a Pcrichard.com is a New York limited liability company with its principal office or place of business at 150 Price Parkway, Farmingdale, NY 11735. Respondent maintains a website at www.pcrichard.com, which advertises, offers for sale, and sells a variety of products to retail customers, including refrigerators, freezers, clothes washers, dishwashers, and room air conditioners.

3. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

THE APPLIANCE LABELING RULE

4. Pursuant to its authority under the Energy Policy and Conservation Act (“EPCA”), 42 U.S.C. § 6294, the Commission promulgated the Appliance Labeling Rule. Among other things, the Appliance Labeling Rule requires any “retailer” that advertises a “covered product” in a “catalog” to provide in that catalog either the EnergyGuide label for the product prepared in accordance with the Appliance Labeling Rule or the following information: (a) the product’s capacity; (b) the product’s estimated annual operating costs; and (c) a conspicuously placed statement explaining that operating costs will depend on utility rates and use. 16 C.F.R. § 305.20(a). Failure to include the required information constitutes a violation of the Appliance Labeling Rule. *Id.*

RESPONDENTS’ VIOLATIONS OF THE APPLIANCE LABELING RULE

5. Respondents are “retailers” as defined in the Appliance Labeling Rule. 16 C.F.R. § 305.2(ff).

6. Respondents’ website, www.pcrichard.com, consists of printed material disseminated over the Internet, which for each covered product contains the terms of sale, retail price, and instructions for ordering, from which a retail consumer can order the covered product. Thus, the webpages for each covered product are “catalogs” as defined in the Appliance Labeling Rule. *Id.* § 305.2(h).

7. Through their website, Respondents have advertised and continue to advertise refrigerators, freezers, dishwashers, clothes washers, and room air conditioners. These appliances are “covered products” for purposes of the Appliance Labeling Rule. *Id.* § 305.3(a)-(f).

8. Respondents have failed to include in their catalogs the information disclosures required by § 305.14(a) for many of its covered products. Therefore, Respondents have violated the Appliance Labeling Rule. *Id.* § 305.4(b)(5).

9. EPCA authorizes the Commission to assess a civil penalty of not more than \$110 for each violation of the Appliance Labeling Rule. 42 U.S.C. § 6303(a); FTC Rules of Practice, 16 C.F.R. §§ 1.97-1.98. Each day during which a retailer advertises a covered product on an

Internet webpage but fails to provide the required information disclosures constitutes a violation with respect to that product. 42 U.S.C. §§ 6303(a), 6302(a)(4), 6296(a).

10. **WHEREFORE**, pursuant to 42 U.S.C. § 6303(a) and the FTC Rules of Practice, 16 C.F.R. §§ 1.97-1.98, the Commission requests monetary civil penalties for each violation of the Appliance Labeling Rule.

THEREFORE, the Federal Trade Commission this twentieth day of October, 2010, has issued this complaint against Respondents.

By the Commission.