

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
Edith Ramirez
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

In the Matter of)
)
)
PHUSION PROJECTS, LLC,) DOCKET NO. C-4382
a limited liability company,)
)
JAISEN FREEMAN,) DECISION AND ORDER
individually and)
as an officer and owner of the company,)
)
CHRISTOPHER HUNTER,)
individually and)
as an officer and owner of the company,)
and)
)
JEFFREY WRIGHT,)
individually and)
as an officer and owner of the company.)

- b. "Corporate respondent" shall mean Pous Projects, LLC, its successors and assigns and their officers, and each of the above agents, representatives, and employees.
- c. "Controlling respondent(s)" shall mean Jaisen Freeman, Christopher Hunter, and Jeffrey Wright, when such individual(s) is, collectively are, a significant shareholder (5% or more equity owner) of, or when such individual(s) directly or indirectly manage(s) or control(s), any entity, and its agents, representatives, employees, and other persons directly or indirectly under its control.
2. "Commerce" shall mean as de 405 Tc -.0006 and;h555vrTj 7.69d

10. The terms “and” and “or” in this order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

I.

IT IS ORDERED that corporate respondent and controlling respondents, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any flavored malt beverage in a container that provides 1.2 or more fluid ounces of ethanol, in or affecting commerce:

- A. Shall request TTB approval to display the “Alcohol Facts” disclosure set forth in Part I.B, below, on such containers and shall use all commercially reasonable efforts to obtain such TTB approval expeditiously and in good faith.
- B. Commencing no later than ninety (90) days after the TTB Approval Date, shall not offer for sale, sell, or distribute such product unless the label for such product includes an accurate “Alcohol Facts” disclosure as depicted on

III.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, partnership, subsidiary, division, the name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, distribution of any covered product, in or affecting commerce:

- A. Shall not misrepresent, in any manner, expressly or by implication, including through the use of a product name or endorse

from each such person a signed and dated acknowledgment of receipt of the Order. Respondents shall deliver this Order to such current personnel within thirty (30) days after the date of service of this Order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities.

VII.

IT IS FURTHER ORDERED that respondent Phusion Projects, LLC, and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this Order, including, but not limited to, dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the proposing of a bankruptcy petition; or a change in the corporate name or address. *Provided, however,* that, with respect to any proposed change in the corporation about which respondent Phusion Projects, LLC, learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VIII.

IT IS FURTHER ORDERED that respondents Jaisen Freeman, Christopher Hunter, and Jeffrey Wright, for a period of five (5) years after the date of issuance of this Order, shall each notify the Commission of the discontinuance of current business or employment. This notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his or her duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

IX.

IT IS FURTHER ORDERED that respondent Phusion Projects, LLC, its successors and assigns, and respondents Jaisen Freeman, Christopher Hunter, and Jeffrey Wright shall, within sixty (60) days after the date of service of this Order, file with the Commission a

X.

This Order will terminate on February 6, 2033, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later, *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this Order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This Order if such complaint is filed after the Order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that respondents did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Part as though the complaint had never been filed, except that the Order will terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission, Chairman Leibowitz and Commissioner Wright not participating.

SEAL
ISSUED: February 6, 2013

Donald S. Clark
Secretary