

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

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

	)	
<b>In the Matter of</b>	)	
	)	<b>DOCKET NO. C-4385</b>
<b>PPG ARCHITECTURAL</b>	)	
<b>FINISHES, INC.,</b>	)	
<b>a corporation.</b>	)	
	)	

**DECISION AND ORDER**

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of a Complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued, would charge the respondent with violation of tSION for its considera

1. Respondent PPG Architectural Finishes, Inc. (“PPG”) is a Delaware corporation with its principal office or place of business at 1 PPG Place, Pittsburgh, PA 15272. Respondent is a subsidiary of PPG Industries, Inc., a Pennsylvania corporation with its principal office or place of business at the same address.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

## **ORDER**

### **DEFINITIONS**

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, “respondent” shall mean PPG Architectural Finishes, Inc., also doing business as PPG, Pittsburgh Paints, Porter Paints, and Olympic, its successors and assigns, and its officers, agents, representatives, and employees.
2. “Clearly and prominently” shall mean as follows:
  - A. In print communications, the disclosure shall be presented in a manner that stands out from the accompanying text, so that it is sufficiently prominent, because of its type size, contrast, location, or other characteristics, for an ordinary consumer to notice, read and comprehend it;
  - B. In communications made through an electronic medium (such as television, video, radio, and interactive media such as the Internet, online services, and software), the disclosure shall be presented simultaneously in both the audio and visual portions of the communication. In any communication presented solely through visual or audio means, the disclosure shall be made through the same means through which the communication is presented. In any communication disseminated by means of an interactive electronic medium such as software, the Internet, or online services, the disclosure must be unavoidable. Any audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. Any visual disclosure shall be presented in a manner that stands out in the context in which it is presented, so that it is sufficiently prominent, due to its size and shade, contrast to the background against which it appears, the length of time it appears on the screen, and its location, for an ordinary consumer to notice, read and comprehend it; and
  - C. Regardless of the medium used to disseminate it, the disclosure shall be in understandable language and syntax. Nothing contrary to, inconsistent with, or in mitigation of the disclosure shall be used in any communication.

3. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

4. “Competent and reliable scientific evidence” shall mean tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons, that are generally accepted in the profession to yield accurate and reliable results, and that are sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that a representation is true.

5. “Covered product” shall mean any architectural coating applied to stationary structures, portable structures, and their appurtenances.

6. “Tinting” shall mean achieving a particular color through the use of any foreseeably available colorant. *Provided however*, that if respondent clearly and prominently discloses that a representation regarding a covered product applies only if the product is tinted with specified colorant(s), the definition of “tinting” shall be limited to the use of those colorants.

7. “Trace” level of VOCs shall mean:

A. VOCs have not been intentionally added to the product;

B. The presence of VOCs at that level does not cause material harm that consumers typically associate with VOCs, including but not limited to, harm to the environment or human health; and

C. The presence of VOCs at that leveeac50.8800 0.0000 TD(OCs000 0,1.0exET1.1D(g)Tj5.8800)Tj



**IV.**

**IT IS FURTHER ORDERED** that respondent shall deliver as soon as practicable, but in no event later than sixty (60) days after the date of service of this order, an exact copy of the notice attached hereto as Attachment A, showing the date of delivery, to all of respondent's dealers and distributors, and all other entities to which respondent provided point-of-sale advertising, including product labels, for the product identified in Attachment A. The notice required by this paragraph shall not include any document or enclosures other than those referenced in the notice and may be sent to the principal place of business of each entity.

**V.**

**IT IS FURTHER ORDERED** that respondent PPG Architectural Finishes, Inc., and its successors and assigns, shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation.

## VII.

**IT IS FURTHER ORDERED** that respondent PPG Architectural Finishes, Inc., 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 a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing 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 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. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to [Debrief@ftc.gov](mailto:Debrief@ftc.gov) or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: “PPG Architectural Finishes, Inc., File No. C-4385.”

## VIII.

**IT IS FURTHER ORDERED** that respondent PPG Architectural Finishes, Inc., and its successors and assigns, within ninety (90) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of its own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, it shall submit additional true and accurate written reports.

## IX.

This order will terminate March 5, 2033, or twenty (20) years from the most recent date



**ATTACHMENT A**

[ON PPG LETTERHEAD]

**IMPORTANT NOTICE ABOUT PPG *PURE PERFORMANCE*  
ADVERTISING AND MARKETING MATERIALS**

[insert addressee name]  
[insert addressee address]

Dear Dealer or Distributor,

In response to a settlement with the Federal Trade Commission, PPG Architectural Finishes, Inc. (PPG) has agreed not to make claims that its paints contain zero VOCs (volatile organic compounds), unless the VOC level is zero after tinting or PPG clearly and prominently discloses that the VOC claim applies only to the base paint and that the VOC level may increase (or, if 50 g/L or more, increase “significantly” or “up to [the highest possible VOC level after tinting]”), depending on the consumer’s color choice. This is because the FTC has alleged that PPG marketed its *Pure Performance* paints as “zero VOC” but did not communicate that the VOC level increased when the base paints were tinted with colorants containing VOCs. Therefore, PPG requests that you immediately stop using your existing *Pure Performance* advertising and marketing materials that describe the paint as containing “no VOCs” or “zero VOCs.” PPG will make revised marketing materials available to you shortly.

Furthermore, we have included stickers that should be affixed to each can of *Pure Performance* paint in your possession if those cans utilize the old *Pure Performance* labels. This should be done immediately. Please find the enclosed instruction sheet which will provide you with directions as to how to apply the stickers correctly.

Should you have any questions about compliance with this notification, please contact [insert contact person]. In addition, further information about the settlement can be obtained by visiting [www.ftc.gov](http://www.ftc.gov) and searching for “PPG.”

Sincerely,

Scott Sinetar  
President  
PPG Architectural Finishes, Inc.