

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COUNT I (Unsubstantiated Representations)

9. Through the means described in Paragraphs 4 and 5, Respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.

10. In truth and in fact, Respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5 at the time the representations were made. Therefore, the representations set forth in Paragraph 9 are false or misleading.

COUNT II (Establishment Claim)

11. Through the means described in Paragraphs 4 and 5, and as set forth in paragraph 5(h), Respondent has represented, expressly or by implication, that testing confirms that the memory foam used in Respondent's mattresses is free of VOCs and Formaldehyde.

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