

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeney

In the Matter of

MADE IN THE USA BRAND, LLC, a

6. Respondent sells licenses to use its Certification Mark through its website at
www.madeintheusa.com. odep0(.c) aoduc(.ct0l)], -5(e)]TJp6. 0.002 Tw [(C)-1(e)-3

“The Certification Mark is available to be downloaded by U.S. business that meet the accreditation standards based on the Federal Trade Commission’s regulations for complying with Made in USA origin claims.”

(Exhibit B, flyer (2010)).

- C. “The Made In USA Brand Certification Mark is a perfect fit for me, my family and my race team, because it stands for buying American products produced by American workers. That’s really important in today’s world when creating and sustaining jobs is a priority for all Americans. We can all make a difference by checking for the Made In USA Brand Certification Mark on the products we purchase.”

(Exhibit C, <https://www.madeintheusabrand.com/2012/05/one-made-in-usa/> (2012)).

- D. “Consumers value transparency in the manufacturing process and look to trusted symbols and certification marks to help align their purchases with their beliefs. The Made in USA Brand Certification Mark joins the ranks of such symbols as Certified Organic, Certified Gluten-Free and Rainforest Alliance Certified. For the first time American companies will have a registered certification mark to label and distinguish their products are of United States country of origin. Consumers will be able to identify and ensure that the product they are buying is of United States country of origin.”

...

“Consumers have become conditioned to read labels. Thehe mairtiontti(i)--4(as)-5(e)-4

16. In numerous instances, including but not limited to the promotional materials shown in Exhibits A-D, Respondent has represented that products using its Certification Mark are all or virtually all made in the United States. For example, Respondent promotes a directory of licensees on its website as a list of manufacturers of U.S.-origin products in compliance with the FTC's Enforcement Policy Statement for U.S. Origin Claims.

17. In fact, Respondent does not possess competent and reliable evidence that products using its Certification Mark are all or virtually all made in the United States.

18. In numerous instances, Respondent has distributed promotional materials, including but not limited to the promotional materials shown in Exhibit D, to third-party marketers for use in the marketing and sale of those third parties' products.

19. In so doing, Respondent has provided third-party marketers with the means and instrumentalities to deceive consumers. For example, several of Respondent's licensees have used Respondent's Certification Mark or other materials to promote products that contain significant imported content.

COUNT I (False or Misleading Representation)

20. In connection with the advertising, promotion, offering for sale, or sale of the MUSA Brand Certification Mark, Respondent has represented, directly or indirectly, expressly or by implication, that each entity or product licensed to use its Certification Mark has been

COUNT III (Means and Instrumentalities)

24. Respondent has distributed the promotional materials described in Paragraphs 13-19 to third-party marketers for use in the marketing and sale of those third parties' products. In so doing, Respondent has provided the means and instrumentalities to the third party marketers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5