

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

In the Matter of

BMW of North America, LLC,  
a limited liability company.

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FILE NO. 132 3150

AGREEMENT CONTAINING  
CONSENT ORDER

The Federal Trade Commission has conducted an investigation of certain acts and practices of BMW of North America, LLC (“proposed respondent”). Proposed respondent,

[REDACTED]

its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5 Proposed respondent neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in this order. Only for purposes of this action, proposed respondent admits the facts necessary to establish jurisdiction.

6 This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with

[REDACTED]

5. **“Competent and reliable scientific evidence”** means tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons, using procedures generally accepted in the profession to yield accurate and reliable results.

6 **“Implied warranty”** means an implied warranty arising under State law (as modified by 15 U.S.C. §§ 2308 and 2304(a)) in connection with the sale by a supplier of a consumer product.

7 **“Warrantor”** means any supplier or other person who gives or offers to give a written warranty or who is or may be obligated under an implied warranty.

8. **“Written warranty”** means—  
(c) any written affirmation of fact or written promise made in connection with the

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**II.**

**IT IS FURTHER ORDERED** that Respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of any MINI Division good or service shall not:

represent that the owner, in order for his/her vehicle to operate safely or maintain

[REDACTED]

IV

**IT IS FURTHER ORDERED** that Respondent and its successors and assigns, shall, for five (5) years after the date of issuance of this Order, maintain and upon request make available to the Commission business records demonstrating Respondent's compliance with

[REDACTED]

VII.

**IT IS FURTHER ORDERED** that Respondent within sixty (60) 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 compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, Respondent shall submit additional true and accurate written reports.

VIII.

This order will terminate twenty (20) years from the date of its issuance, 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

[REDACTED]

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.

BMW of North America, LLC

Date: \_\_\_\_\_

By: Howard S. Harris  
HOWARD S. HARRIS  
Secretary  
BMW of North America, LLC

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By: DANIEL S. VRIN  
MORGAN, LEWIS & BOCKIUS LLP  
Attorney for Respondent

Date:

By: SVETLANA S. GANS  
KELLY A. HORNE  
Counsel for the Federal Trade Commission

APPROVED:

[Redacted signature area]

Associate Director  
Division of Marketing Practices

JESSICA L. RICH  
Director  
Bureau of Consumer Protection