

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CHEMENCE, INC., an Ohio corporation,

Defendant.

Case No. 1:16-cv-228

**COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER
EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendant’s acts or practices in violation of

COMMERCE

7. At all times material to this Complaint, Defendant has maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT’S BUSINESS ACTIVITIES

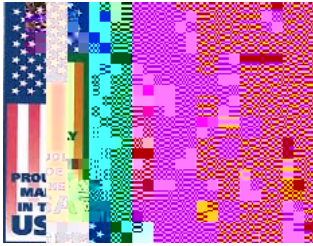
8. Defendant advertises, labels, offers for sale, and distributes products to consumers, including, but not limited to, cyanoacrylate glues. Cyanoacrylates are strong, fast-acting adhesives, also known as “power glues” or “superglues,” with industrial, medical, and household uses. Defendant advertises these products in stores and on its website, www.chemence-us.com, and offers for sale, sells, and distributes them directly to the public throughout the United States.

9. Defendant provides third parties with marketing materials so third parties can market and sell Defendant’s own products.

10. Defendant manufactures rebranded, private-labeled products sold under retailer brand names, and provides those retailers with marketing materials for use in the marketing and sale of rebranded, private-labeled products.

11. To induce consumers to purchase cyanoacrylate glues, Defendant has disseminated, or has caused to be disseminated, advertisements, packaging, and promotional materials for its products. These materials contain the following statements, among others:

A. “Proudly Made in the USA”;



(Kwik-Frame Product Packaging; Chemence Product Packaging)

B. “Made in the USA.”



(Chemence Product Packaging)

12. In numerous instances, including, but not limited to, the promotional materials referenced in Paragraph 11, Defe

VIOLATIONS OF THE FTC ACT

15. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or practices in or affecting commerce.”

16. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

Count I (False or Misleading Representation)

17.

22. Therefore, Defendant's practices, as described in Paragraphs 20 and 21, constitute deceptive acts or practices in violation of Section 5 of the FTC Act.

CONSUMER INJURY

23. Consumers have suffered and will continue to suffer substantial injury as a result of Defendant's violations of the FTC Act. In addition, Defendant has been unjustly enriched as a result of its unlawful acts or practices. Absent injunctive relief by this Court, Defendant is likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

24. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of ef,

R. Enter a permanent injunction to prevent future violations of the FTC Act.

It is necessary to redress injury to

IONATHAN F. LUNBETH, P.E.
U.S. Federal Counsel

Dated:

MS 16-3192 (MacDonald)