

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Edith Ramirez, Chairwoman  
Maureen K. Ohlhausen  
Terrell P. McSweeney**

	)		
<b>In the Matter of</b>	)		
	)	<b>DOCKET NO.</b>	
<b>Asbury Automotive Group, Inc.,</b>	)		
<b>also d/b/a Coggin Automotive Group and</b>	)		
<b>Crown Automotive Group,</b>	)		
<b>a corporation;</b>	)		
	)		
	)		

**COMPLAINT**

The Federal Trade Commission, having reason to believe that Asbury Automotive Group, Inc., also d/b/a Coggin Automotive Group and Crown Automotive Group, a corporation (“Respondent”), has violated provisions of the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is a Delaware corporation, with its principal office or place of business at 2905 Premiere Parkway, NW, Suite 300, Duluth, GA 30097. Respondent has marketed, advertised, offered for sale, and sold used motor vehicles.
  
3. Since at least November 2014, Respondent has disseminated or has caused to be disseminated advertisements promoting the sale of used motor vehicles.
  
4. Respondent’s advertisements include, but are not necessarily limited to, advertisements touting the “Crown Automotive Certified Program,” it makes claims which include the following representations regarding certified used vehicles:

**“Inspected, Reconditioned & Certified**

Every Coggin Certified used car or truck has undergone a 150 point bumper-to-bumper inspection by Certified mechanics. We find and fix problems - from bulbs to brakes - before offering a vehicle for sale.”

**Exhibit A** (excerpt from [www.cogginauto.com](http://www.cogginauto.com))

“Our Crown Certified Used Vehicles Include: | 150 Point Bumper-to-bumper inspection . . .

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**Inspected, Reconditioned & Certified**

Every Crown Certified used car or truck has undergone a 150 point bumper-to-bumper inspection by Certified mechanics. We find and fix problems from bulbs to brakes before offering a vehicle for sale.”

**Exhibit B** (excerpt from [www.crownauto.com](http://www.crownauto.com)).

**“...Are your used cars inspected?**

Answer: Yes, Crown Automotive sends every Crown Certified used vehicle through a rigorous 150 point inspection to ensure that every vehicle is in top shape before you take it home. It is important to Crown that every feature of your vehicle work as it should so that you have peace of mind before you leave the dealership.

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**...What are certified used cars?**

Answer: It's the reliability of new and the affordability of pre-owned car. A certified used car must go through a rigorous inspection. The certification comes from the manufacturers to ensure top quality of the pre-owned car being sold to you. Crown Automotive also offers Crown Certified used vehicles.”

**Exhibit C** (excerpt from [www.crownauto.com](http://www.crownauto.com)).

5. Even though it makes the claims set forth in Paragraph 4, Respondent has advertised numerous certified used vehicles subject to open recalls for safety issues on its websites.

6. In

**Exhibit D at 3.**

9. Until at least June 2015, when consumers have viewed specific vehicle listings on Respondent's websites

**2011 Hyundai Sonata Sedan**

Back To Inventory

Share

\*\*Price excludes tax, tag, dealer installed options, \$98 private tag agency fee and \$699.00 pre-delivery service fee.

Request More Info

Last Name:

Preferred Contact\*  Email

Email\*

Home #

Comments

Submit

Internet Price **\$13,991**

Your estimated monthly payment: **\$221**

www.tampabayhyundai.com 3810 W. Hillsborough • Tampa, FL 33614

COURTESY HYUNDAI TAMPA

Overview Options & Packages Tech Specs

**Details**

VIN: 5NPEB4AC4BH070073

Stock #: BH070073

Body Style: Sedan

Engine: 2.4L I-4 cyl

Transmission: Automatic

Drive Line: Front-wheel drive

Exterior Color: Camel

Interior Color: Beige

Mileage: 54497

Location: Courtesy Hyundai

**Fuel Efficiency Rating**

City MPG: 22 City MPG: 22 Hwy MPG: 35

Actual rating may vary with options, driving conditions, loads and vehicle condition.

Save This Car!

Get Price Alerts

HYUNDAI Certified Pre-Owned

SALES TAX IS THE FREE CARFAX!

VEHICLE HISTORY REPORTS

Vehicle Location

Courtesy Hyundai  
3810 W. Hillsborough

**Exhibit E.**

- To uncover any information about open recalls for safety issues through Respondent’s website, a consumer would have to locate the “Carfax” link on the search results page or the vehicle listing page and click on it to access a vehicle history report, although the “Carfax” link provides no descriptive information or in any way conveys that it contains

important safety information about recalls. Moreover, in numerous instances, even these reports omit information about open recalls for safety issues.

## **VIOLATION OF THE FEDERAL TRADE COMMISSION ACT**

### **Count I**

11. In connection with the marketing, advertising, offering for sale, or sale of used motor vehicles, Respondent has represented, directly or indirectly, expressly or by implication, that used motor vehicles it sells have been subject to rigorous inspection, including for safety issues.
12. In numerous instances in connection with the representation set forth in Paragraph 11, Respondent has failed to disclose, or disclose adequately, that used motor vehicles it sells are subject to open recalls for safety issues.
13. Respondent's failure to disclose, or disclose adequately, the material information set forth in Paragraph 12 above, in light of the representation described in Paragraph 11, above, constitutes a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

THEREFORE, the Federal Trade Commission, this \_\_\_\_ day of \_\_\_\_\_, 2016, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL: