

**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>West-Herr Automotive Group, Inc.,</b>	)	
<b>a corporation;</b>	)	
	)	
	)	

**COMPLAINT**

The Federal Trade Commission, having reason to believe that West-Herr Automotive Group, Inc., 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 New York corporation, with its principal office or place of business at 3552 Southwestern Blvd, Orchard Park, New York 14127. Respondent has marketed, advertised, offered for sale, and sold used motor vehicles.
  
4. Respondent’s advertisements include, but are not necessarily limited to, advertisements and marketing materials posted on the website [www.westherr.com](http://www.westherr.com), excerpts of which are attached as Exhibits A through D. On its website, until at least June 2015, it has made claims regarding the advantages of buying from West-Herr, including the “West-Herr Guarantee.” These marketing materials have included the following representations regarding used vehicles:

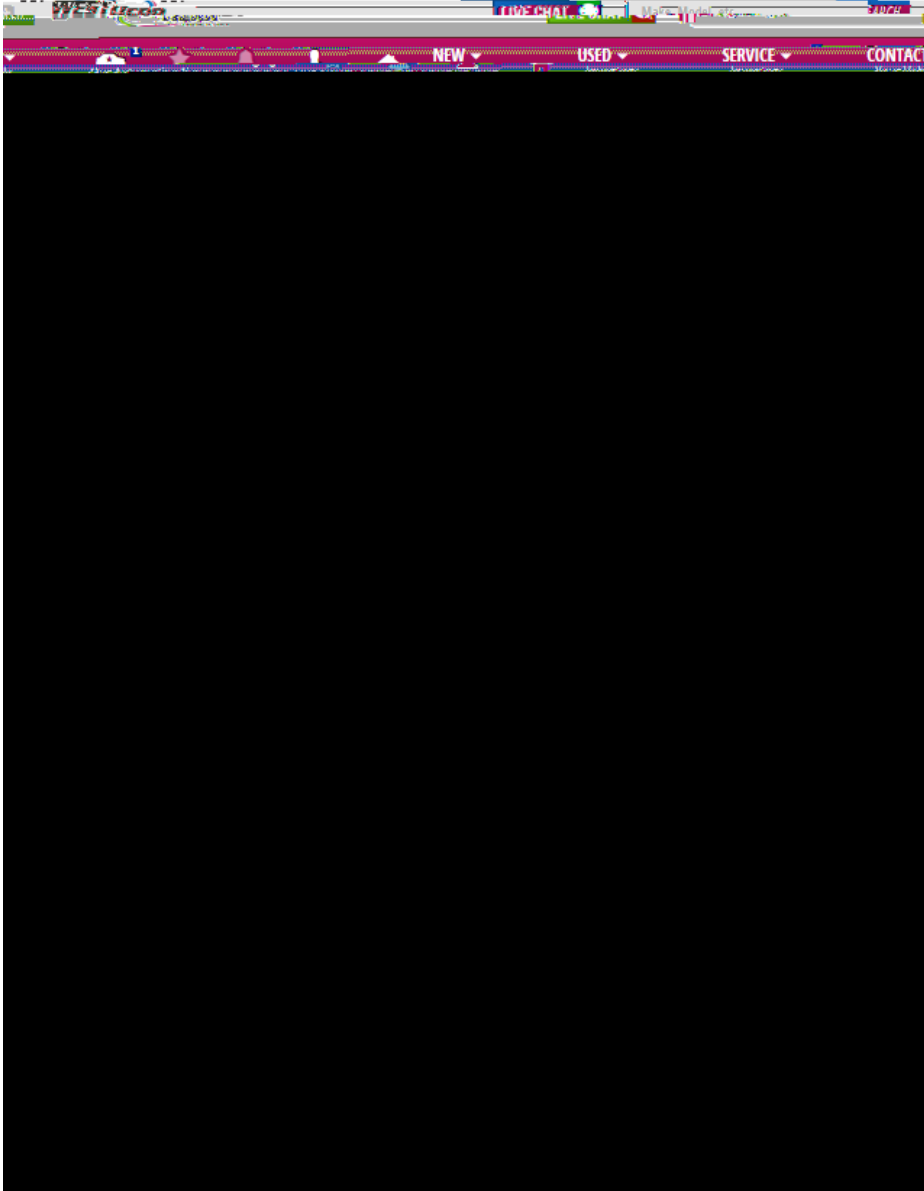
“At West Herr, you can choose from over 1,200 pre-owned vehicles, each backed by a West Herr Guarantee. Peace of Mind Vehicles, Value Cars, and Certified Vehicles - all hand selected, and fully reconditioned for your enjoyment...”

**Exhibit A at 3.**





9. Until at least June 2015, when consumers have viewed specific vehicle listings on Respondent's website, there has been no disclosure regarding open recalls for safety issues. An example of such a listing includes the following:



**Exhibit D.**

10. To uncover any information about open recalls for safety issues through Respondent's website, until at least June 2015, 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**