

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
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and information about them publicly released. Acceptance does not constitute final approval, but it serves as the basis for further actions leading to final disposition of the matter. Thereafter, the Commission may either withdraw its acceptance of this Consent Agreement and so notify Proposed Respondent, in which event the Commission will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and decision.

NECTAR BRAND LLC,  
also d/b/a Nectar Sleep; DreamCloud,  
LLC; and DreamCloud Brand LLC

FEDERAL TRADE COMMISSION

\_\_\_\_\_  
Craig Schmeizer  
Managing Member  
Nectar Brand LLC

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Julia Solomon Ensor  
Attorney  
Division of Enforcement  
Bureau of Consumer Protection

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

APPROVED:

\_\_\_\_\_  
Laura Koss  
Assistant Director  
Division of Enforcement  
Bureau of Consumer Protection

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Tyler G. Newby  
Fenwick & West LLP  
Attorney for Proposed Respondent

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

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James A. Kohm  
Associate Director  
Division of Enforcement  
Bureau of Consumer Protection

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Thomas B. Pahl  
Acting Director  
Bureau of Consumer Protection

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



## Findings

1.

8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
  9. When the representation or sales practice targets a specific audience, such as children, the elderly or the terminally ill, "ordinary consumers" includes reasonable members of that group.
- B. "Made in the United States" means any representation, express or implied, that a product or service, or a component thereof, is of U.S.-origin, including, but not limited to, a representation that such product or service is "made," "manufactured," "built," or "produced" in the United States, or any other U.S. origin claim.
- C.



IV.  
RECORDKEEPING

IT IS FURTHER ORDERED that Respondent must create certain records for 20 years after the issuance date of the Order, and retain each such record for 5 years, unless otherwise specified below. Specifically, Respondent must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold, the costs incurred in generating those revenues, and resulting net profit or loss;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission;
- E. A copy of each unique advertisement or other marketing material making representation subject to this Order;
- F. For 5 years from the date of the last dissemination of any representation covered by this



B.