



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Bureau of Consumer Protection  
Division of Enforcement

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May 6, 2021

**VIA EMAIL**

Michael B. Nadler, Esq.  
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Two South Biscayne Boulevard  
Suite 1600  
Miami, FL 33131

Dear Mr. Nadler:

We received your submissions on behalf of GhostBed, Inc. (“GhostBed” or the “Company”). During our review, we discussed two sets of concerns. First, certain marketing materials may have overstated the extent to which all GhostBed products are made in the United States. For example, although certain GhostBed products are imported or contain imported components, GhostBed ran Google advertisements stating products were “Made in America,” and included unqualified “Made in USA” claims on social media accounts. Second, certain GhostBed marketing materials may have failed to comply with provisions of the Textile Products Identification Act, 15 U.S.C. § 70 *et seq.* (“Textile Act”), and implementing rules, 16 C.F.R. Part 303 (“Textile Rules”). Specifically, for some covered products, materials omitted required country-of-origin information, or failed to disclose that products were made from imported fabrics.

Unqualified U.S.-origin claims in general marketing materials, including social media posts, likely suggest to consumers that all products advertised are made in the United States.<sup>1</sup> As

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<sup>1</sup> GhostBed’s U.S.-origin claims for mattresses are covered under the FTC’s general authority to prevent deceptive claims pursuant to Section 5 of the FTC Act, 15 U.S.C. § 45(a). In addition,

the Commission has explained, “marketers should not represent, either expressly or by implication, that a whole product line is of U.S. origin (*e.g.*, ‘Our products are Made in USA’) when only some products in the product line are, in fact, made in the United States.”<sup>2</sup>

Moreover, because they are covered by the Textile Act and Rules, certain GhostBed

