



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

Bureau of Consumer Protection
Division of Enforcement

Julia S. Jenson, Esq.
Attorney

Email: jenson@ftc.gov
Direct Dial: (202) 326-2377

December 21, 2016,

VIA FEDEX

Steven A. Horowitz, Esq.
Horowitz and Rabinowitz, LLP
200 South Service Road, Suite 104
Roslyn Heights, NY 11577

Dear Mr. Horowitz:

We received your submissions on behalf of your client, American Scientific Lighting Corp., also d/b/a ASL Lighting Inc. ("ASL" or the "Company"), during our review of a recent concern that marketing materials may have overstated the extent to which ASL's products are made in the United States.

As discussed, the FTC's Enforcement Policy Statement on "Whom Claims of Origin Statement") states that unqualified "Made in USA" or "Manufactured in USA" claims suggest to consumers that products are, in fact, made in the United States. The Commission may analyze a number of different factors to determine whether a product is "virtually all" made in the United States, including the nature of the product, the total manufacturing cost attributable to U.S. parts and processing, the source of the foreign content, the location of the product's assembly, and the nature of the product.

The FTC's statement also provides that "assembled in USA" claims should be limited to those in which the product was primarily processed in the United States and that assembly is substantial. In addition, a product should be located, potentially transported, in the United States to properly use the "assembled in USA" claim.

In this case, ASL assembles some LED fixtures from imported parts, and also sells some wholly imported products. Accordingly, we advise ASL to advise consumers, in the Company's marketing materials, that its products are assembled in the United States.

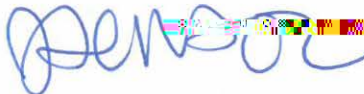
¹ Federal Trade Commission, *Issuance of Enforcement Policy Statement on "Made in USA" and Other Origin Claims*, 15 FR 12756 (2016) (Oct. 11, 2016).

² *Id.* at 63770.

plan included: (1) removing unqualified "Made in USA" or "Manufactured in USA" claims from all company marketing materials and replacing them with "Assembled in the USA" claims; (2) updating marketing materials for all products sold in the United States and imported products, and instructing representatives to update marketing materials accordingly; and (3) making false or misleading claims made by third-party marketers.

Based on your actions and other factors, the staff has decided not to pursue this investigation. No violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 57a, is indicated. The Commission reserves the right to take further action if you have any questions, you can contact the staff at [redacted].

Sincerely,



Julia Schmitt
Staff Attorney