



Division of Advertising Practices

September 7, 2014

Laura Brett, Esq., Director  
National Advertising Division  
112 Madison Avenue  
New York, NY 10017

Re: Advertising Claims for Total Wine & More Pricing Advertising

Dear Ms. Brett:

I am writing to follow up on the NAD's referral to the FTC of its complaint against Total Wine & More ("Total Wine") regarding its pricing advertising. Total Wine has responded to the NAD's initial and follow-up requests for substantiation for its pricing claims. Accordingly,

We have met with Total Wine and had multiple discussions to discuss the challenged advertising practices. We understand the practices to help consumers make more informed purchasing decisions and are not misleading to consumers. For example, with regard to in-store signage comparing its products to those of a competitor, Total Wine has represented that its pricing products are up-to-date pricing information to consumers. Thus, to the best of our knowledge, if a price has not changed, Total Wine employees have attempted to update information on the new price sign instead of keeping that information on the sign. Total Wine has also discontinued using that information for price comparison advertisements (which is no longer on Total Wine's website). Total Wine has also agreed to use language near to its price comparison "call outs" that its competitor's prices may vary by location.

Upon review of the matter, we have determined not to take additional action. Our decision gives the right to take such further action as the public interest fully supports the NAD's semi-regulatory process, and we appreciate your referral and the opportunity to continue to assist in supporting the NAD.

Devin Willis Domond  
Chief of Staff

cc: Rebecca Shapiro, Total Wine & More