



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising

October 23, 2017

Wallace S. Snyder, Esq.
Chair
National Advertising Review Board
112 Madison Avenue, 5th Floor
New York, NY 10016

Re: Advertising Claims for Rust-Oleum Corporation's Painter's
Spray Paint

Dear Mr. Snyder:

I am writing to follow up on the NARB's referral to the FTC of its complaint proceeding involving Rust-Oleum's "2X" spray paint. Your referral was directed to the FTC by the Williams Company, which brought the challenge to the FTC's attention. Your letter stated that Rust-Oleum Corporation (the Rust-Oleum Company) paid the NAD's settlement for most of NAD's recommendations, but appealed the NAD's finding that it should discontinue the use of "2X" in the product name. The NARB then affirmed this finding, despite the NAD's finding that the "2X" claim was not supported by the two cans' imagery, and "double coverage" claim. Rust-Oleum acknowledged that "Rust-Oleum" is a registered trademark of the seam of the product packaging. However, Rust-Oleum failed to explain that use of "2X" in the product name was necessary to explain the product packaging. However, you referred this matter to the NARB's findings," and the "vertical disclaimer in the seam of the product packaging is ineffective." Accordingly, you referred this matter to the FTC for

We have met in-person and had multiple other communications with Rust-Oleum's representatives to discuss the challenged advertising claims. In fact, after the NARB referred this matter to the FTC, Rust-Oleum discontinued disseminating claims that its products deliver "double coverage." We are confident that NARB's concern that Rust-Oleum paid for the "2X" claim is a particularly conspicuous and deceptive practice in the sale of its products.

We understand that Rust-Oleum is currently in the process of rebranding its products and conveying to consumers that the "2X" product name, "one can = two cans" graphic, and "double coverage" claim are not applicable to its general purpose spray paints. First, Rust-Oleum has agreed to move the "2X" claim from the Rust-Oleum general purpose paints" from the seam to a horizontal position on the front label. (The "one

