

Analysis of Proposed Consent Order to Aid Public Comment
In the Matter of Weber-Stephen Products LLC
File No. 2123139

The Federal Trade Commission (the "Commission") has accepted, subject to final approval, an agreement containing a consent order from Weber-Stephen Products LLC ("Respondent" or "Weber").

The proposed consent order ("Proposed Order") has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement, along with any comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the Proposed Order.

This matter involves the warranty that Weber offers to purchasers of its gas and electric grills. According to the Commission's complaint, the warranty is conditioned on purchasers using authorized Weber parts and accessories. Otherwise, the warranty is void.

Based on the foregoing, the Commission alleges that Respondent violated the Magnuson-Moss Warranty Act and regulations promulgated thereunder and engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act.

The Proposed Order contains injunctive provisions addressing the alleged deceptive conduct. Section I prohibits Respondent from expressly or implicitly conditioning a warranty on a consumer's use of any article or service which is identified by brand, trade, or corporate name, unless the article or service is offered for free or the Commission has issued a waiver to the company, or from otherwise violating the Warranty Act or the Rules promulgated thereunder. Section II prohibits Respondent from representing to consumers, expressly or by implication, that its warranties will be void if they use third party parts or services or if they modify or alter the product without authorization or (b) as a condition of warranty coverage, or within the written

