



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

Bureau of Consumer Protection
Division of Enforcement

Julia Solomon Ensor
Attorney

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

July 18, 2019

VIA EMAIL

Raymond P. Wendolowski, Esq.
Fellerman & Ciarimboli
183 Market St.
Kingston, PA 18704

Dear Mr. Wendolowski:

We received your submissions on behalf of Golden Brothers, Inc., d/b/a Golden Technologies Inc. (“Golden Technologies” or the “Company”). During our review, we discussed concerns that marketing materials may have overstated the extent to which Golden Technologies products are made in the United States. Specifically, although the Company assembles many of its lift chairs in the United States, those chairs incorporate a mix of imported and domestic components. Additionally, Golden Technologies sells wholly imported products, including mobility scooters and its “Siesta” chair.

As discussed, unqualified U.S.-origin claims in marketing materials – including claims that products are “Made” or “Built” in the USA, or “Made by Americans” – likely suggest to consumers that all products advertised in those materials are “all or virtually all” made in the United States.¹ The Commission may analyze a number of different factors to determine whether a product is “all or virtually all” made in the United States, including the proportion of the product’s total manufacturing costs attributable to U.S. parts and processing, how far removed any foreign content is from the finished product, and the importance of the foreign content or processing to the overall function of the product.

To avoid deceiving consumers, Golden Technologies implemented a remedial action plan to update its representations. This plan included: (1) removing unqualified U.S.-origin claims

¹ Federal Trade Commission, *Issuance of Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63768 (Dec. 2, 1997). Additionally, beyond express “Made in USA” claims, “[d]epending on the context, U.S. symbols or geographic references, such as U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories, may, by themselves or in conjunction with other phrases or images, convey a claim of U.S. origin.” *Id.*

from marketing materials; (2) introducing qualified claims, where appropriate; (3) updating Google Ads; (4) training sales, customer service, technical service, and accounts payable teams; and (5) making diligent efforts to ensure the accuracy of retailer claims, including by sending several rounds of emails and letters, requiring signed declarations confirming retailers updated materials, independently monitoring compliance, and suspending noncompliant retailers.²

As discussed, it is appropriate for the Company to promote the fact that it employs workers and performs certain processes in the United States. However, marketing materials should not overstate the extent to which Golden Technologies' products are made in the United States, and should clearly differentiate U.S.-assembled products from wholly imported products. FTC staff is available to work with companies to craft qualified claims that serve the dual purposes of conveying non-deceptive information to consumers and highlighting work done in the United States.

Based on Golden Technologies' actions and other factors, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,



Julia Solomon Ensor
Staff Attorney

² We understand that the Company has confirmed compliance among retailers responsible for the vast majority of revenue generated to date in 2019. The Company has sent letters suspending noncompliant accounts, and continues to work diligently to monitor and confirm retailer compliance.