

Analysis of Proposed Consent Order to Aid Public Comment
In the Matter of Instant Brands LLC
File No. 2223140

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from Instant Brands LLC (“Respondent”).

The proposed consent 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 and the comments received and decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves Respondent’s advertising of Pyrex measuring cups sets as “Made in USA.” According to the FTC’s complaint, between May 2021 and March 2022, Respondent advertised certain Pyrex measuring cup sets on Amazon.com as “Made in USA” or “American as Apple Pie,” even though, in numerous instances, those measuring cup sets were wholly imported from China. Based on the foregoing, the complaint alleges Respondent violated Section 5 of the FTC Act, 15 U.S.C. § 45(a).

The proposed consent order contains provisions designed to prevent Respondent from engaging in similar acts and practices in the future. Consistent with the FTC’s Made in USA Labeling Rule, 16 C.F.R. Part 323, and its Enforcement Policy Statement on U.S.-Origin Claims, Part I prohibits Respondent from making U.S.-origin claims for its products unless: (1) the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing; or (3) for a claim that a product is assembled in the United States, the product is last substantially transformed in the United States, the product’s principal assembly takes place in the United States, and United States assembly operations are substantial.

Part II prohibits Respondent from making any representation about the country of origin of a product or service, unless the representation is not misleading, and Respondent has a reasonable basis substantiating it.

Parts III and IV are monetary provisions. Part III imposes a judgment of \$129,416. Part IV includes additional monetary provisions relating to collections.

Parts V through VIII are reporting and compliance provisions. Part V requires Respondent to acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors, and employees, and to obtain an acknowledgement from each such person that they have received a copy of the order. Part VI requires Respondent to file a compliance report within one year after the order becomes final and to notify the Commission within 14 days of certain changes that would affect compliance with the order. Part VII requires

Respondent to maintain certain records, including records necessary to demonstrate compliance with the order. Part VIII requires Respondent to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview Respondent's personnel.

Finally, Part IX is a "sunset" provision, terminating the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.