

## IN THE MATTER OF

## FILTRATION MANUFACTURING, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF  
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-3702. Complaint, Jan. 6, 1997--Decision, Jan. 6, 1997*

This consent order prohibits, among other things, an Alabama-based corporation and three of its officers from making any representation regarding the performance, health or other benefits, or efficacy of air cleaning products, and from using the name "Allergy 2000" or any other trade names that represents that such products will relieve allergy symptoms, unless the respondents possess competent and reliable scientific evidence to substantiate such representations.

*Appearances*

For the Commission: *Brinley H. Williams* and *Michael Milgrom*.  
For the respondents: *Thomas Collins, Jr.*, Cleveland, OH.

## COMPLAINT

The Federal Trade Commission, having reason to believe that Filtration Manufacturing, Inc., a corporation, and Gary L. Savell, Horace R. Allen, and Brandon R. Clausen, individually and as officers of said corporation ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent Filtration Manufacturing, Inc., is an Alabama corporation with its principal office or place of business at 1110 Montlimar Place, Suite 290, Mobile, Alabama.

Respondent Gary L. Savell is the President, Chief Executive Officer, and an owner and director of the corporate respondent. His principal office or place of business is the same as that of the corporate respondent. Individually or in concert with others, he formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint.

Respondent Horace R. Allen is the Secretary, Treasurer, and an owner and director of the corporate respondent. His principal office or place of business is the same as that of the corporate respondent. Individually or in concert with others, he formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint.

Respondent Brandon R. Clausen is the Vice President, and an owner and director of the corporate respondent. His principal office or place of business is the same as that of the corporate respondent. Individually or in concert with others, he formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint.

PAR. 2. Respondents have manufactured, labeled, advertised, promoted, offered for sale, sold, and distributed the "Allergy 2000" air filters.

PAR. 3. The acts and practices of respondents alleged in this complaint have been in or affecting commerce as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

PAR. 4. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for the Allergy 2000 air filters, including but not necessarily limited to the attached Exhibits A through G. These advertisements contain the following statements and depictions:

1. Prescribe the ultimate in care for your patient's indoor air today!

\* \* \*

Clearly improving the quality of air your patients breathe can be an important step to improving their overall health.

How? By prescribing the Allergy 2000 air conditioning filter. This super high efficiency four-stage electrostatic air filter with advanced state-of-the-art materials and a computerized design to provide the perfect mixture of air filtration and air flow.

Studies by independent labs have confirmed that the Allergy 2000 gathers an exceptionally wide range of indoor contaminants, including microscopic germ-carrying particles of 5 microns or less. By contrast, most commercially purchased fiberglass filters are only 7% efficient in stopping dirt, dust, pollen, etc. passing through it, according to ASHRAE.

The extremely low resistance of the Allergy 2000 means less strain on the air conditioning unit, which means higher efficiency and energy savings-so it can literally pay for itself! (Exhibit A.)

2. Isn't it time you stopped leaving your family's health up in the air?

Introducing the amazing Allergy 2000. The last air conditioning filter you'll ever buy.

\* \* \*

Superior arrestance capability, 83% average with 85% peak. Superior loading capacity, 150 grams holding capacity.

\* \* \*

The ultimate care for your air!

The Allergy 2000 represents the absolute state-of-the-art in air conditioning filter technology, providing the perfect mixture of air filtration and air flow. Scientific studies have shown that it gathers an exceptionally wide range of indoor contaminants, including microscopic germ-carrying particles. In fact, the ALLERGY 2000 can be paid for by some health insurance when prescribed by a doctor! Considering all the contaminants floating around in the air, installing an ALLERGY 2000 may be the best thing you will ever do for the health of you and your family. (Exhibit B.)

3. Traps allergy causing contaminants: Dust, Pollen, Mold Spores, Pet Dander & Smoke.

\* \* \*

Traps more particles while maintaining greater air flow.

\* \* \*

For a cleaner, healthier indoor environment! (Exhibit C.)

4. The Ultimate Care for your indoor air!

\* \* \*

Among the lowest initial resistance in the industry, .13, meaning less strain on the unit, higher efficiency and energy savings.

\* \* \*

Your indoor pollution solution! (Exhibit D.)

5. The cold and flu season, traditionally only associated with the winter months (when people are forced to stay indoors), has gradually expanded to almost year-round. Why? One key factor may well be that buildings are now much more tightly sealed and energy efficient. They just don't "breathe" like they used to, and the air in them is more polluted than ever.

What can you do to help? Plenty. You can treat these illnesses before they become illnesses. You can treat the cause instead of the effects. You can treat the air.

How? By prescribing the Allergy 2000 air filter for your patients suffering from sinus or respiratory ailments. The Allergy 2000's unique design and construction removes many allergy and disease-causing contaminants from the air before they're inhaled. The result—a cleaner, healthier indoor environment. (Exhibit E.)

6. Constructed of durable space-age materials, ALLERGY 2000's unique design uses static electricity to attract and hold indoor pollutants and germ-carrying particles of 5 microns or less.

\* \* \*

Superior arrestance capabilities, 85% peak.

Superior loading capacity, 150 grams psi. (Exhibit F.)

7. DID YOU KNOW . . .

-- That common house dust is more dangerous than outside dust? (Environmental Protection Agency.)

-- That indoor air is found to be up to 70 times more polluted than outdoor air?

-- That 50% of all illnesses are either caused or aggravated by polluted indoor air? (American College of Allergists.) (Exhibit G.)

PAR. 5. Through the use of the trade name, Allergy 2000, and the statements and depictions contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A through G, respondents have represented, directly or by implication, that:

A. Use of the Allergy 2000 filter will substantially reduce the incidence of allergies caused by indoor allergens under household living conditions.

B. Use of the Allergy 2000 filter will substantially reduce the amount of disease-causing germs in the air people breathe under household living conditions.

C. Use of the Allergy 2000 filter will substantially reduce the incidence of disease caused by germs in the air people breathe under household living conditions.

D. People living in homes using the Allergy 2000 air filter will be healthier and have fewer illnesses than they would if a conventional filter were used.

E. The Allergy 2000 air filter removes substantially all of the airborne contaminants, including allergens, from the air people breathe under household living conditions.

F. Replacement of conventional air filters with the Allergy 2000 will result in lower utility bills for households.

PAR. 6. Through the use of the statements and depictions contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A through G, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraph five, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 7. In truth and in fact, at the time they made the representations set forth in paragraph five, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph six was, and is, false and misleading.

PAR. 8. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices and the making of false advertisements in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

Complaint

EXHIBIT A



Most allergists and other physicians have prescribed the Allergy 2000 for their patients.

...the air cause for your patients.

But did you also know that indoor air is found to be up to 10 times more polluted than outdoor air? Or that 50% of all illnesses are either caused or aggravated by polluted indoor air?

Clearly, improving the quality of air your patients breathe can be an important step to improving their overall health.

How? By prescribing the Allergy 2000 air conditioning filter. This super high efficiency four-stage electrostatic air filter which advanced state-of-the-art materials and a computerized design to provide the perfect mixture of air filtration and air flow.

Studies by independent labs have confirmed that the Allergy 2000 gathers an exceptionally wide range of indoor contaminants, including microscopic germ-carrying particles of 5 microns or less. By contrast, most commercially purchased fiberglass filters are only 7% efficient in stopping dirt, dust, pollen, etc. passing through it, according to ASHRAE.



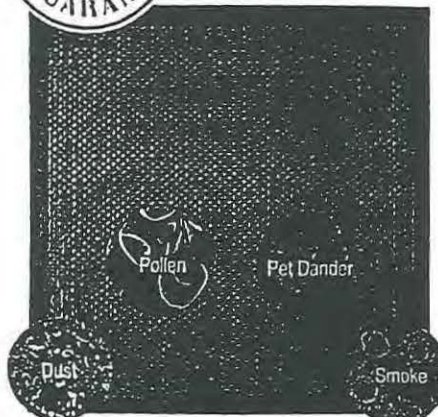
## Prescribe the ultimate in care for your patient's indoor air today!

The extremely low resistance of the Allergy 2000 means less strain on the air conditioning unit, which means higher efficiency and energy savings—so it can literally pay for itself!

Best of all, the Allergy 2000 represents an exceptional value for your patients. It is a permanent air conditioning filter with a lifetime guarantee. It uses NO FOAM, so there's nothing to clog, degrade or replace—ever! Plus, it cleans in a snap—and it cleans 100% every time.



When you agree to prescribe the Allergy 2000 for your patients, we'll provide you with an attractive, compact display to put in your office waiting room.



Most commercially purchased fiberglass filters are only 7% efficient in stopping pollutants passing through it. (ASHRAE) The Allergy 2000 traps these allergy-causing contaminants!

\*Source: Environmental Protection Agency \*\*Source: American College of Allergists



The display affords your patients easy access to a colorful and informative Allergy 2000 brochure.

As a physician, you've seen the problem caused by all the things going around in the air. Give your patients a new measure of relief—the Allergy 2000 air conditioning filter. We'll catch it, before your patients do.

**ALLERGY  
2000**



## EXHIBIT B

# ISN'T IT TIME YOU STOPPED LEAVING YOUR FAMILY'S HEALTH UP IN THE AIR?



Introducing the amazing  
Allergy 2000.

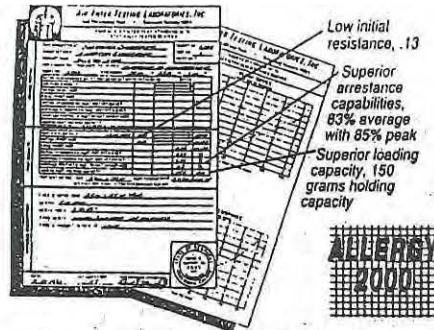
The last  
air conditioning filter  
you'll ever buy!

Dust, pollen, mold spores,  
pet dander and smoke. These are  
just a few of the contaminants you  
breathe every day—inside your  
homes, workplaces; anywhere  
you're indoors. As buildings  
become more energy efficient, the  
indoor pollution problem will  
only get worse.

Fortunately, there is an answer! The ALLERGY 2000, a super high efficiency four-stage electrostatic air filter designed to trap more airborne particles for a far cleaner and healthier indoor environment. It's your indoor pollution solution!

## Permanent...lifetime guarantee!

Constructed of durable space age materials, the ALLERGY 2000's computerized peak and valley design uses the natural phenomenon of static electricity to attract and hold indoor pollutants. There's NO FOAM to clog, degrade or replace—ever! Since your ALLERGY 2000 has a lifetime guarantee, it's literally the last air conditioning filter you'll ever buy!



## Among the lowest resistance in the industry!

The unique design of the ALLERGY 2000 gives it an initial resistance of .13, among the lowest in the industry! This means less strain on the operating unit, much higher efficiency, and energy savings.

## Easy to install. Easy to maintain.

Your ALLERGY 2000 installs as easily as any disposable air conditioning filter. And it cleans in a snap: simply back wash with light water hose spray to release particles. Since it uses no foam, it cleans 100% every time. Best of all, the ALLERGY 2000 is an environmentally friendly product, because there's nothing to dispose of!

## Superior design and construction

FOAMLESS filtering media.  
No clogging or degradation—ever.  
Cleans 100% every time.

Polyglass charged cell and computerized peak and valley design. Catches airborne particles while allowing maximum air flow.

Polystyrene frame, not aluminum.

## Traps allergy-causing contaminants

| PLANT       | ANIMAL          | MANMADE    |
|-------------|-----------------|------------|
| Mold Spores | Pet Dander      | Acid rain  |
| Cellulose   | Housedust Mites | Dacron     |
| Cotton      | Fragments       | Fiberglass |
| Linen       | Feathers        | Lycra      |
| Kapok       | Moths           | Nylon      |
| Jute        | Cockroaches     | Orlon      |
| Wood        | Spiders         | Rayon      |
| Pollen      | Silverfish      | Spartan    |
|             | Fleas           | Paint      |
|             | Mosquitoes      | Plastic    |
|             | Silk            | Rubber     |
|             | Felts           | Smoke      |
|             | Furs            | Fireplaces |
|             | Wool            |            |
|             | Mohair          |            |

## The ultimate care for your air

The ALLERGY 2000 represents the absolute state-of-the-art in air conditioning filter technology, providing the perfect mixture of air filtration and flow. Scientific studies have shown that it catches an exceptionally wide range of indoor contaminants, including microscopic germ-carrying particles. In fact, the ALLERGY 2000 can be paid for by some health insurance when prescribed by a doctor! Consider the contaminants floating around in the air, and the ALLERGY 2000 may be the best thing you can do for the health of you and your family.

### Standard Sizes Include:

|         |         |         |
|---------|---------|---------|
| 12 X 12 | 15 X 20 | 20 X 24 |
| 12 X 20 | 16 X 16 | 20 X 25 |
| 12 X 24 | 16 X 20 | 20 X 30 |
| 12 X 25 | 16 X 24 | 24 X 24 |
| 14 X 20 | 16 X 25 | 24 X 30 |
| 14 X 24 | 18 X 18 | 25 X 25 |
| 14 X 25 | 18 X 25 |         |
| 14 X 30 | 20 X 20 |         |

**Custom Sizes Also Available!**  
Need a non-standard size for your system? The Allergy 2000 can be custom sized to fit your size requirements.

100-126

# ALLERGY 2000



allergy-causing  
contaminants:  
DUST, POLLEN, MOLD SPORES,  
PET DANDER & SMOKE

- ✓ Environmentally friendly -  
No foam to clog, degrade or  
replace - ever!
- ✓ Saves on energy bills and  
extends the life of A/C and  
heating units.
- ✓ Traps more particles while  
maintaining greater air flow.
- ✓ Paid for by some health  
insurance when prescribed  
by a doctor.



## PERMANENT AIR CONDITIONING FILTER

For A Cleaner, Healthier Indoor Environment!

F-000019

### Cleaning Instructions

Backwash on a regular basis with a water hose.  
If exposed to smoke or grease, spray with a mild degreaser  
& then backwash.



ALL FILTERS MUST  
CLASSIFIED BY  
UNDERWRITERS LABORATORIES  
AS TO FLAMMABILITY  
CLASS 2

Filtration Manufacturing, Inc.  
P.O. Box 1025 • Andalusia, AL 36420

Filtration Manufacturing, Inc. warrants this product to be free from any defects that are due to any faulty materials or workmanship, under normal use and conditions, for as long as you own it. If warranty service is required during the warranty period, the service will be provided without charge upon delivery of the product to the store with proof of purchase. Should you have any questions, please write to Filtration Manufacturing, Inc. at P.O. Box 1025, Andalusia, AL 36420.

EXHIBIT C

Complaint

Complaint

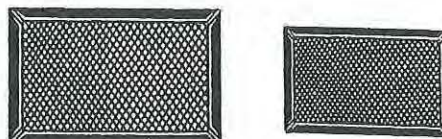
123 F.T.C.

## EXHIBIT D

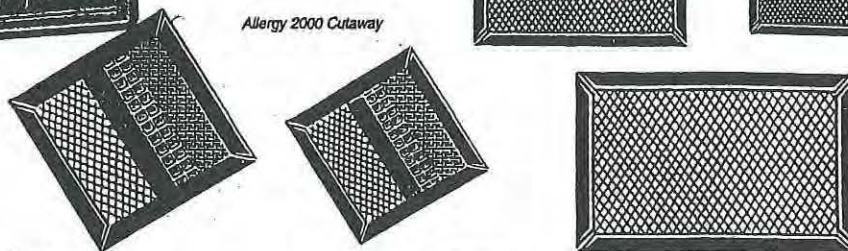
Allergy 2000 Logos



Allergy 2000 Line Art



Allergy 2000 Cutaway

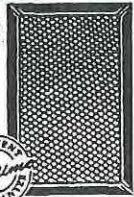


Logos



**THE ULTIMATE CARE FOR YOUR INDOOR AIR!**

- Permanent air conditioning filter. No metal to rust—ever!
- No foam to clog or degrade. Cleans 100% every time.
- Among the lowest initial resistance in the industry, .13, meaning less strain on the unit, higher efficiency and energy savings.
- Lifetime warranty



**ALLERGY 2000**



**CLEAN UP WITH THE NEW ALLERGY 2000**

- Permanent air conditioning filter. No metal to rust—ever!
- No foam to clog or degrade. Cleans 100% every time.
- Among the lowest initial resistance in the industry, .13, meaning less strain on the unit, higher efficiency and energy savings.
- Lifetime warranty



**ALLERGY 2000**



**INVEST IN YOUR FAMILY HEALTH!**

**YOUR INDO POLLUTION SOLUTION**

**FOAMLESS! LIFETIME WARRANTY**

**THE LAST FILTER YOU EVER BUY**

## EXHIBIT E



Filtration MFG. Inc.  
Permanent Air Filter

## Sample Cover Letter

Dear Name of Physician:

As you well know, chronic respiratory and allergy-related problems make up a significant portion of commonly treated illnesses. Airborne contaminants not only aggravate typical allergy and hayfever symptoms, but also can carry germs which may be responsible for a host of other sinus and respiratory diseases.

The cold and flu season, traditionally only associated with the winter months (when people are forced to stay indoors), has gradually expanded to be almost year-round. Why? One key factor may well be that buildings are now much more tightly sealed and energy efficient. They just don't "breathe" like they used to, and the air in them is more polluted than ever.

What can you do to help? Plenty. You can treat these illnesses before they become illnesses. You can treat the cause instead of the effects. You can treat the air.

How? By prescribing the Allergy 2000 air filter for your patients suffering from sinus or respiratory ailments. The Allergy 2000's unique design and construction removes many allergy and disease-causing contaminants from the air before they're inhaled. The result: a cleaner, healthier indoor environment.

The enclosed brochure will tell you more. As you'll see, all we ask of you is a very small amount of space in your waiting area for a small rack which holds Allergy 2000 brochures. That's it.

So why not get with the program! We'll provide you with a FREE Allergy 2000 air filter (just tell us the size you need) along with a FREE counter rack and brochures for your waiting room. You'll notice the difference -- and so will your patients!

Thank you very much for your time and consideration.

Sincerely,



EXHIBIT E

F-000022

Complaint

123 F.T.C.

## EXHIBIT F

**ALLERGY  
2000****AMONG THE  
LOWEST  
INITIAL RESISTANCE  
IN THE INDUSTRY!**

Constructed of durable space-age materials, Allergy 2000's unique design uses static electricity to attract and hold indoor pollutants and germ-carrying particles of 5 microns or less. There's no foam to clog, degrade or replace. And, Allergy 2000 can be paid for by health insurance when prescribed by a doctor.

- No Foam!
- Low Initial Resistance, .13
- Superior Arrestance Capabilities, 85% peak
- Superior Loading Capacity, 150 grams psi
- Tough, Lifetime Construction



For More Information, Please Contact:

000128

## Complaint

## EXHIBIT G

**DID YOU KNOW...**

—That common house dust is more dangerous than outside dust?

(Environmental Protection Agency)

—That indoor air is found to be up to 70 times more polluted than outdoor air?

(Environmental Protection Agency)

—That 50% of all illnesses are either caused or aggravated by polluted indoor air?

(American College Of Allergists)

—That nine out of ten system failures are caused by dirt and dust?

(Louisiana Cooperative Extension)

**ALLERGY 2000 FEATURES AT A GLANCE.**

|                                                                    |                                                                                                                                     |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Low initial resistance, .13                                        | Less strain on operating unit, better efficiency, energy savings                                                                    |
| Superior arrestance capabilities, 85% peak arrestance, 83% average | Extends life of coils and unit, saves energy, cleaner and cooler indoor environment                                                 |
| Superior loading capacity, 150 grams per square                    | Larger gathering capacity of airborne particles, less frequent filter cleaning, maintains lower resistance                          |
| FOAMLESS filtering media                                           | No clogging or degradation within filter, cleans 100% every time, maintains low initial resistance                                  |
| Filter constructed of space age material                           | Lifetime guaranteed product                                                                                                         |
| Computerized peak and valley design of polypropylene fabric        | More effective filtration and air flow, catches airborne particles in valleys — allows maximum air flow to continue over peak areas |
| Polyglass charged cell                                             | Large charged surface area to gather particles for a cleaner and cooler air                                                         |
| Lifetime warranty                                                  | One time purchase, Allergy 2000 can be resealed or reconditioned if you move or purchase new equipment                              |
| Environmentally friendly                                           | Helps environment, never becomes part of a landfill                                                                                 |

ALLERGY 2000 Distributed By:



AIR FILTER UNIT  
CLASSIFIED BY:  
UNDERWRITERS LABORATORIES INC.®  
AS TO FLAMMABILITY ONLY  
CLASS 1 12/93

© 1993 Filtration Manufacturing



Exhibit G

## DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of respondents, Filtration Manufacturing, Inc., Gary L. Savell, Horace R. Allen and Brandon R. Clausen, and the respondents having been furnished thereafter with a copy of a draft of the complaint which the Cleveland Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional finding and enters the following order:

1. Respondent Filtration Manufacturing, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Alabama with its office and principal place of business at 1110 Montlimar Place, Suite 290, Mobile, Alabama.

Respondent Gary L. Savell is the President, Chief Executive Officer, and an owner and director of the corporate respondent. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

Respondent Horace R. Allen is the Secretary, Treasurer, and an owner and director of the corporate respondent. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

Respondent Brandon R. Clausen is the Vice President, and an owner and director of the corporate respondent. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

2. The Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

#### DEFINITIONS

For the purposes of this order, the following definitions apply:

1. The term "*air cleaning product*" or "*product*" means any device, equipment or appliance designed or advertised to remove, treat or reduce the level of any contaminant(s) in the air.

2. The term "*contaminant(s)*" refers to one or more of the following: fungal (mold) spores, pollen, lint, tobacco smoke, household dust, animal dander or any other gaseous or particulate matter found in indoor air.

#### ORDER

##### I.

*It is ordered*, That respondents Filtration Manufacturing Inc., a corporation, its successors and assigns, and its officers, and Gary L. Savell, individually and as an officer of said corporation, Horace R. Allen, individually and as an officer of said corporation, and Brandon R. Clausen, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale or distribution of the Allergy 2000 or any other air cleaning product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, in any manner, directly or by implication, regarding the performance, health or other benefits, or efficacy of such product, unless, at the time of making such representation, respondents possess and rely upon competent and

reliable evidence which, when appropriate, must be competent and reliable scientific evidence that substantiates such representation.

B. Making any representation, directly or by implication, that any air cleaning product will perform under any set of conditions, including household living conditions, unless at the time of making the representation(s) respondents possess and rely upon competent and reliable scientific evidence that substantiates such representation(s) either by being related to those conditions or by having been extrapolated to those conditions by generally accepted procedures.

For purposes of this order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

## II.

*It is further ordered*, That respondents Filtration Manufacturing, Inc., a corporation, its successors and assigns, and its officers, and Gary L. Savell, individually and as an officer of said corporation, Horace R. Allen, individually and as an officer of said corporation, and Brandon R. Clausen, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale or distribution of the Allergy 2000 air cleaning product or any substantially similar product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the name "Allergy 2000" or any other trade name that represents, directly or by implication, that such product will relieve allergy symptoms unless, at the time of making the representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates such representation.

## III.

*It is further ordered*, That, for five (5) years after the last date of dissemination of any representation covered by this order, respondents, or their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers, and complaints or inquiries from governmental organizations.

## IV.

*It is further ordered*, That respondent Filtration Manufacturing, Inc., its successors and assigns, shall:

A. Within thirty (30) days after the date of service of this order, provide a copy of this order to each of respondent's current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this order; and

B. For a period of ten (10) years from the date of service of this order, provide a copy of this order to each of respondent's principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this order within three (3) days after the person assumes his or her position.

## V.

*It is further ordered*, That respondents Gary L. Savell, Horace R. Allen and Brandon R. Clausen shall, for a period of ten (10) years from the date of service of this order, notify the Commission within thirty (30) days of the discontinuance of their present business or employment and of their affiliation with any new business or employment involving the manufacturing, labeling, advertising,

marketing, promotion, offering for sale, sale or distribution of any air filter or substantially similar device. Each notice of affiliation with any new business or employment shall include respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his duties and responsibilities.

#### VI.

*It is further ordered,* That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising under this order.

#### VII.

*It is further ordered,* That respondents shall, within sixty (60) days after service of this order, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

#### VIII.

This order will terminate on January 6, 2017, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this order that terminates in less than twenty years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Complaint

123 F.T.C.

IN THE MATTER OF

AAF-McQUAY, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF  
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3703. Complaint, Jan. 6, 1997--Decision, Jan. 6, 1997*

This consent order prohibits, among other things, a Kentucky-based manufacturer of residential air filters from making any representation regarding the performance, health or other benefits, or efficacy of air cleaning products, unless the respondent possesses competent and reliable scientific evidence to substantiate such representations.

*Appearances*

For the Commission: *Brinley H. Williams* and *Michael Milgrom*.  
For the respondent: *Dennis J. Reinhold*, Louisville, KY.

## COMPLAINT

The Federal Trade Commission, having reason to believe that AAF-McQuay, Inc., d/b/a AAF International, a corporation, ("respondent") has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent AAF-McQuay, Inc., d/b/a AAF International, is a Delaware corporation with its principal office or place of business at 215 Central Avenue, Louisville, Kentucky.

PAR. 2. Respondent has manufactured, labeled, advertised, promoted, offered for sale, sold, and distributed air filters for use in residences under the brand names ElectroKlean and Dirt Demon.

PAR. 3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

PAR. 4. Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for the ElectroKlean and Dirt Demon air filters, including but not necessarily