

Complaint

IN THE MATTER OF

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

Docket No. C-4416; File No. 122 3129
Complaint, November 8, 2013 – Decision, November 8, 2013

This consent order addresses false and misleading statements that respondent Ecobaby Organics, Inc. (“Ecobaby”) made regarding its “natural latex” mattresses. The complaint alleges that Ecobaby made unsubstantiated claims that its mattresses are chemical-free, formaldehyde-free, free of VOCs such as toluene and benzene, and without toxic substances, in violation of FTC Act Section 5. Though Ecobaby asserted its mattresses were certified by an independent third party certifier, the complaint alleges that the certifier was not independent and, in fact, was an alter ego of Ecobaby. The consent order bars Ecobaby from making zero-VOC claims unless the VOC emission level is zero micrograms per cubic meter or unless the company possesses and relies upon competent and reliable scientific evidence that their mattresses contain no more than a trace level of VOCs, as prescribed in the Green Guides. The consent order further requires Ecobaby to keep copies of all advertisements and materials relating to its mattresses and to file periodic compliance reports with the Commission.

Participants

For the *Commission*: Thomas Goodhue and Robin Moore.

For the *Respondent*: Not represented by counsel.

COMPLAINT

The Federal Trade Commission, having reason to believe that Ecobaby Organics, Inc. (“Respondent”) has violated provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is a California corporation with its principal office or place of business at 9541 Ridgehaven Ct., San Diego, CA 92123. Respondent does business under the names Ecobaby and Purerest.

Complaint

2. Respondent manufactures, advertises, offers for sale, sells, and distributes “natural latex” mattresses, which are marketed as mattresses that conform to the sleeper’s body shape and weight, as well as baby mattresses. Respondent distributes these mattresses through its website, www.purerest.com.

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.

4. Respondent has disseminated or has caused the dissemination of promotional materials for its latex mattresses, including, but not limited to, print advertisements and website advertisements in the attached exhibits.

5. In many instances, including but not limited to the promotional materials shown in Exhibits 1 through 8, Respondent has prominently represented that:

- a. Respondent does not allow any Formaldehydes, Toluene, or Phenols in its latex mattresses. *See, e.g.*, Exhibit 1.
- b. Respondent’s products do not contain Formaldehyde. *See, e.g.*, Exhibit 2.
- c. Respondent’s latex mattresses contain no Toluene or Benzene. *See, e.g.*, Exhibit 3.
- d. The rubber used in Respondent’s latex mattresses is “chemical free.” *See, e.g.*, Exhibits 4-5.
- e. Respondent’s mattresses are chemical free. *See, e.g.*, Exhibit 6.
- f. Respondent’s crib mattresses contain no toxic substances. *See, e.g.*, Exhibit 7.
- g. Respondent’s mattresses contain fewer contaminants and chemicals than other companies’ memory foam or latex mattresses. *See, e.g.*, Exhibit 8.

Complaint

- h. Tests show that Respondent's mattresses do not contain volatile organic compounds ("VOCs"). *See, e.g.,* Exhibits 3-4, 7.
- i. Tests show that Respondent's mattresses contain no Formaldehyde. *See, e.g.,* Exhibit 2.
- j. Tests show that Respondent's mattresses are "chemical-free." *See, e.g.,* Exhibit 4.

6. In truth and in fact, Respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5.

7. In truth and in fact, testing does not confirm that Respondent's mattresses are free of chemicals, VOCs, and Formaldehyde.

8. Respondent has prominently displayed in many of its promotional materials the seal of the National Association of Organic Mattress Industry ("NAOMI"). Exhibit 1. Respondent represents that its mattresses conform to NAOMI's standards. Exhibit 6.

9. In reality, NAOMI is not an independent, third-party certifier or organization with appropriate expertise in evaluating whether Respondent's mattresses meet objective standards. In fact, Respondent controls NAOMI and NAOMI is an alter ego of Respondent.

COUNT I (False or Misleading Representations)

10. Through the means described in Paragraphs 4 and 8, Respondent has represented, expressly or by implication, that:

- a. NAOMI is an independent third-party certifier or organization with appropriate expertise in evaluating whether Respondent's mattresses meet objective standards; and

Complaint

- b. NAOMI has awarded its seal to Respondent based on the application of NAOMI's objective standards.

11. In truth and in fact:

- a. NAOMI is not an independent third-party certifier with appropriate expertise in evaluating whether Respondent's mattresses meet objective standards; and
- b. Respondent awarded the NAOMI seal to its own products without applying objective standards.

Therefore, the representations set forth in paragraph 10 are deceptive.

COUNT II (Unsubstantiated Representations)

12. Through the means described in Paragraphs 4 and 5, Respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.

13. In truth and in fact, Respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5 at the time the representations were made. Therefore, the representations set forth in Paragraph 12 are false or misleading.

COUNT III (Establishment Claim)

14. Through the means described in Paragraphs 4 and 5(h)-5(j), Respondent has represented, expressly or by implication, that testing shows that Respondent's latex mattresses are free of chemicals, VOCs, and Formaldehyde.

15. In truth and in fact, testing does not show that Respondent's latex mattresses were free of chemicals, VOCs, and Formaldehyde. Therefore, the representations set forth in Paragraph 14 are false or misleading.

Complaint

16. Respondent's practices, as alleged in this complaint, constitute deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this eighth day of November, 2013, has issued this complaint against Respondent.

By the Commission.

Complaint

EXHIBIT 1

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PureRest & EcoBaby Organics >


Purity Guarantee

IF YOU FIND A PURER MATTRESS ANYWHERE ELSE WITHIN 30 DAYS, WE WILL LET YOU KEEP OURS FOR FREE

Top of the Line
6-13" 100% Natural Rubber Mattresses



Pure-Rest History
 SHOWROOM: 9541 Ridgehaven Ct, San Diego, CA 92123
 EcoBaby, Inc & Pure-Rest Organics Offers over 17 Years of Purity and Quality Manufacturing in everything organic textiles for the home and family, including babies. We take care of your natural needs from birth and through out life.
 Our line of Organic Mattresses, Bedding, Pillows, Pads, Comforters, Blankets, Baby & Children Clothing, Diapers, and Toys... are ALL tested yearly at a third party lab. No gimmicks, no hidden fibers, no hidden additives, no certificates that have no meaning in order to make ourselves look good. Just straightforward organics from a company whose president is chemically sensitive and recognizes the need for purity from the start and through the consumer's door.
 Preventing Bed Bug Infestations-See our consumer education section above
 Follow the link to see why we do not get Greenguard Certified. Pages 39-48 clearly show the high limits allowed by Greenguard. This does not meet our standards.

USA Manufacturer
 Pure-Rest Organics believes in supporting our countries economy by supplying jobs to over 20 employees and basing our primary manufacturing operations in the United States.
 In addition by supporting Pure-Rest Organics, you also support dozens of stay at home moms who carry our products through their own web portals and many brick and mortar stores and boutiques through out the United States.
 Please note that while some of our textiles do come from India we strive every year to manufacture more and more of our products here, at home.

Pure-Rest Purity
 Our commitment to purity is the reason we are the only company actually sending our materials for third party testing. Other companies try to deceive with certifications by Eco companies that are great for regular companies trying to be more green but allow formaldehydes, toluene, & phenols in lower limits. We allow zero. [See details of what is allowed in order to call a product organic.](#)
 We painted our location with Zero VOC paint, sealed our floors with zero VOC sealer, sealed our sewing tables, & only hire people willing to use no scented products and do not live with a smoker. All in an effort to make sure your organic products do not become contaminated. We also seal any non washable products in pure polyethylene to maintain purity during storage and transit.





[Follow this link to see why we do not get Greenguard Certified](#)

Follow Pure-Rest on  | Watch our Videos on  | Web Read our Blog  | View our Organic Certifications 






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EXHIBIT 2***Problems with “Organic Labeling”***

We here at Ecobaby/Pure-Rest believe in the integrity of products labeled as organic. We want to see stricter standards. We disagree about what is currently allowed. For full list of allowed substances, please see Oregon Tilth and refer to the GOTS standard. Here are examples of what is allowed by the certifying bodies of organics:

Pg. 21 of GOTS: An input is considered as “heavy metal free” if it complies with the limit values for traces of the following elements as set by ETAD:
Antimony 50ppm, Arsenic 50ppm, Barium 100ppm, Cadmium 20ppm, Cobalt 500ppm, Copper 250ppm, Chrome 100ppm, Iron 2500ppm, Manganese 100ppm, Nickel 200ppm, Mercury 4ppm, Selenium 20ppm, Silver 100ppm, Zinc 1500ppm, Tin 250ppm.
You read that right, there can be antimony and arsenic in your organic mattress.

Other allowed are 5% of the following:

- a. viscose, acetate, and lyocell
- b. Polyester
- c. Polyurethane
- d. Polyamide

Allowed Formaldehyde at 300 mg/kg for mattresses. This means your organic crib mattress is allowed to have 4000 mg of formaldehyde.

Allowed Lead at .2mg/kg. This means your organic crib mattress is allowed to have 2.8 mg of lead.

Allowed Arsenic at .2mg/kg. This means your organic crib mattress is allowed to have 2.8 mg of arsenic.

Allowed Pesticides at .5mg/kg. This means your organic crib mattress is allowed to have 7 mg of pesticides.

OUR COMMITMENT to TRUE ORGANICS

We test our products to prove they do not have any of these toxic substances in them, allowed or not. They are NOT allowed in our products.

Ginny Turner-President
Ecobaby/Pure-Rest Organics

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EXHIBIT 3

7 Inch Organic Zip Harmony Mattress

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[ORGANIC and Natural Mattresses > Zip Customizable Mattresses > 7" Organic Zip Outer Mattress Harmony >](#)

7" Organic Zip Outer Mattress Harmony



The first multi layer premium quality natural mattress with absolutely NO Benzene or Toluene. Tested to .001 ppb. The competition has these VOC's in their mattresses, often this information is hidden somewhere on their site. What makes this customizable mattress so special!

By using plates of various firmnesses of truly natural rubber, you have the ability to adjust your bed to feel exactly as you desire. The variance of the plates of rubber allow your body to be cradled and supported just where you need it. The dip-off cover can be removed if necessary. Every attention to detail on this high quality mattress. Featuring the same unique natural flame retardant combination of organic cotton and wool (certified organically processed by Oregon Tilth) fully quilted for durability and comfort. The springy resilient natural wool fiber batting structures contain an abundance of air. This certified organic cotton (GOTS) and wool (Oregon Tilth) combination acts to cushion the body and prevent the formation of painful pressure points. Wool also allows your body to breathe freely while regulating body temperature for an undisturbed and rejuvenating sleep.

In addition the natural lanolin in wool protects your mattress from sweat, dust mites, and nasty bed bugs. No flipping is necessary and if any plate ever needs changing for any reason, it is easy and inexpensive. This mattress has a 10 year fixed, 20 year prorated warranty. This warranty does not include the soft top plate which has a 20 year prorated warranty (this is because soft plates may break down a bit more quickly from weight, moisture, a lot of movement, etc). However the replacement plate can be purchased if you are using your mattress past the 20 year period. If you wish to have the bottom core split for partner comfort, then order in pieces. Order 2 pieces of 3" half core (specify ca king, queen, or order twin xl for king) in the make your own mattress core section, 1 complete soft top 3", and 1 Mattress Zip On Quilted Outer.



TWIN 6" Harmony Zip Mattress, Firm, X-Firm
 Twin Zip Style Harmony Mattress - Firm, X-FIRM - zip outer of organically processed EcoWool quilted to our elegant organic cotton damask.

Price: \$1,188.00

Quantity: [Buy Now](#)



Twin 6" Firm Rubber Mattress, Zip Outer
 Twin Zip Style Harmony Rubber Latex. Twin Mattress Firm. 6" Firm Core.

Price: \$1,188.00

Quantity: [Buy Now](#)



Twin Size Harmony Zip with a firmness of 2
 One of our deluxe Harmony Zippered mattresses in the Twin Size with cores Extra Firm and Extra Firm! This specific mattress is pretty firm, with no give.

Price: \$1,188.00

Quantity: [Buy Now](#)



Twin Size Harmony Zip with a firmness of 2
 One of our deluxe Harmony Zippered mattresses in the Twin Size with cores Extra Soft and Firm! This specific mattress is very soft, but still supportive enough for light weight people. Not recommended for heavier people or those who need very supportive/hard mattresses.

Price: \$1,188.00

Quantity: [Buy Now](#)



Twin Mattress Zip XtraSoft, XtraFirm
 Zip Style Harmony Mattress - XtraSoft Top and XtraFirm Support Core

Price: \$1,188.00

Quantity: [Buy Now](#)



Twin Size Harmony Zip Firm, Xtra Soft
 One of our deluxe Harmony Zippered mattresses in the Twin Size with cores XtraSoft and Firm! This mattress is slightly firm, but still with a little give!

Price: \$1,188.00

Quantity: [Buy Now](#)



Twin Size Harmony Zip with a firmness of 3
 One of our deluxe Harmony Zippered mattresses in the Twin Size with cores Extra Firm and Extra Soft! This specific mattress is soft, but still very supportive for all people.

Price: \$1,188.00



Twin XL Size Harmony Zip with a firmness rating of 2
 One of our deluxe Harmony Zippered mattresses in the Twin XL Size! This specific mattress is very soft, but still supportive enough for light weight people. Not recommended for heavier people or those who need very supportive/hard mattresses.

Price: \$1,222.00



Twin XL size Harmony zip with a firmness of 3
 One of our deluxe Harmony Zippered mattresses in the Twin XL Size with cores Extra Soft and Extra Firm! This specific mattress is soft, but still very supportive for all people.

Price: \$1,222.00

http://www.purerest.com/Mattresses/Zip-Cover-Split-7-Harmony-Mattresses[11/29/2011 8:00:26 AM]

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EXHIBIT 3

 Quilted to Elegant Organic Cotton Damask zip off outer. FIRM - FIRM Price: \$1,222.00 Quantity: 1 Buy Now	 Elegant Organic Cotton Damask zip off outer. Choose your cores. XSoft Top and Firm Support Core Price: \$1,596.00 Quantity: 1 Buy Now	 Care - zip outer of organically processed EcoWool quilted to our elegant organic cotton damask. Price: \$1,596.00 Quantity: 1 Buy Now
 Full Mattress Firm, Firm Zip Style Harmony Mattress - 3" core: Firm and Firm Core with organic cotton quilted to organic wool zip off cover to make a 7" Mattress. This Firmness is for a child up to 90 lbs on the soft side, and then flip for a mattress up to 180 lbs. Price: \$1,596.00 Quantity: 1 Buy Now	 Full Harmony 6" Zip Mattress XS, XE Zip Style Harmony Mattress - XSoft Top and XFirm Support Core - zip outer of organically processed EcoWool quilted to our elegant organic cotton damask. Price: \$1,596.00 Quantity: 1 Buy Now	 Queen Size Harmony Zip with a firmness of 2 One of our deluxe Harmony Zippered mattresses in the Queen Size with cores extra soft and Firm! This specific mattress is very soft, but still supportive enough for light weight people. Not recommended for heavier people or those who need very supportive/hard mattresses. Price: \$1,698.00 Quantity: 1 Buy Now
 Queen Size Harmony Zip with a 3" Firm, 3" Xtrafirm One of our deluxe Harmony Zippered mattresses in the Queen Size! This specific mattress is very supportive. Price: \$1,698.00 Quantity: 1 Buy Now	 Queen Size Harmony Zip xtrasoft, firm One of our deluxe Harmony Zippered mattresses in the Queen Size with cores Xtra Soft and Firm! This specific mattress is soft, but still very supportive for all people. Price: \$1,698.00 Quantity: 1 Buy Now	 Queen Size Harmony Zip with a firmness of 3 One of our deluxe Harmony Zippered mattresses in the Queen Size with cores Extra Soft and Extra Firm! This specific mattress is soft, but still very supportive for all people. Price: \$1,698.00 Quantity: 1 Buy Now
 Queen Size Harmony Zip with a firmness of 5 One of our deluxe Harmony Zippered mattresses in the Queen Size with cores super firm and extra soft! This specific mattress is very firm, with only a small amount of give. Price: \$1,698.00 Quantity: 1 Buy Now	 King Size Harmony Zip with a firmness of 2 One of our deluxe Harmony Zippered mattresses in the King Size with cores extra soft and firm! This specific mattress is very soft, but still supportive enough for light weight people. Not recommended for heavier people or those who need very supportive/hard mattresses. Price: \$2,123.00 Quantity: 1 Buy Now	 King Mattress Firmness Rating 3 Zip Style Harmony Mattress - XSoft Top and XFirm Support Core with zip outer of organically processed EcoWool quilted to our elegant organic cotton damask. Price: \$2,123.00 Quantity: 1 Buy Now
King Harmony Zip XtraSoft, Firm King Harmony Mattress with Zip off outer, 3" rubber core-Firm, 3" rubber	Ca King Mattress XS, F Zip Style Harmony Mattress - 3" XSoft Top and Firm Support Core with our organically processed EcoWool quilted to our elegant damask outer.	CA King Zip Harmony Mattress XS, XE Cal King Zip Style Harmony Mattress - XSoft Top and XFirm Support Core - zip outer of organically processed

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EXHIBIT 4

ORGANIC and Natural Crib & Infant Mattresses

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All of our crib mattresses are made with the purest ingredients we could find. We use wool processed organically so that you know there are no extraneous chemicals or fibers (most "organic" wool is processed in plants that process other fibers, so it gets chemicals and fibers in it. To know for sure, you would need to get an actual test result from a lab that tested their CARDED wool).

The rubber is also tested for toxic vocs at a third party lab. We do not use ANY synthetic, nondisclosed hidden fibers as our competitors do. We want you to have total purity. Beware of so called certifications. Organic has to be 95% pure to be called organic, Green Guard allows even more contaminants and chemicals.

Crib Innerspring Mattress - extra firm 260 actual coils with Quilted Organic Cotton Batting and Quilted Organic Wool - this padding makes for a firm mattress that has some give in the padding to cut down on flat head syndrome for which they do not know what damage it could be causing. Organic fibers make it breathable and the quilting make so fibers don't shift.

Pure Organic Wool Tested Natural Rubber
Organic and Natural Infant Mattresses

The only tested Chemical-free organic mattress Safe and bacteria resistant naturally
Organic and Natural Crib Mattresses

Organic and Natural Stokke Mattresses and Accessories

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EXHIBIT 5

7 Inch Deluxe Organic Harmony Mattress

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ORGANIC and Natural Mattresses > Organic Mattresses \$900 and up > 7" Organic Deluxe Harmony >

7" Organic Deluxe Harmony

Our Harmony Pure-Rest natural rubber mattress has a 7 inch pure chemical-free natural rubber core surrounded by an organic cotton fabric layer, with organically processed wool (certified by Oregon Tilth) from organically raised sheep quilted to our deluxe Pure-Rest European organic cotton fabric which ensures the wool will not migrate out over the years. Our Harmony Mattress is mold, mildew, and dust mite resistant. Available in Firm (31 ILD) or ExtraFirm (35 ILD) or SuperFirm (41 ILD). These choices are so you can choose depending on your weight and how firm you want your mattress to be. 10 Year Fixed and 20 year prorated warranty backed by our 17 year history. Rubber mattresses are best used on a platform slat bed without a foundation - slats 2-3" apart.

Item	Description	Price	Options	Qty
Twin Firm Harmony Mattress	Twin Firm 31 ILD Harmony 7" Mattress. 6" rubber core with organic wool/organic cotton quilted outer.	\$1,443.00	1	Add to Shopping Cart
Twin Extra Firm	Hamony Mattress Extra Firm 35 ILD with 6" rubber core and deluxe outer of organic wool quilted to organic cotton.	\$1,443.00	1	Add to Shopping Cart
Twin XL Firm	Twin XL Hamony Mattress Medium Firm 31 ILD 7" mattress with 6" natural rubber core and organic wool quilted to organic cotton outer.	\$1,460.00	1	Add to Shopping Cart
Twin XL Extra Firm	Hamony 7" Deluxe Mattress Extra Firm 35 ILD with organic wool quilted to organic damask cotton outer.	\$1,460.00	1	Add to Shopping Cart
Full Firm 7" Harmony	Hamony Mattress Medium Firm 31 ILD-Organic Cotton Damask/organic wool quilted outer with 6" chemical free rubber core.	\$1,698.00	1	Add to Shopping Cart
Full Extra Firm	Hamony Mattress Extra Firm 35 ILD wit 6" natural rubber core and organic cotton damask quilted to organic wool outer.	\$1,698.00	1	Add to Shopping Cart
Queen Firm Deluxe Harmony	Hamony Mattress Medium Firm 31 ILD -- 6" natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$1,817.00	1	Add to Shopping Cart
Queen Extra Firm	Hamony Mattress Extra Firm 35 ILD -- 6" natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$1,817.00	1	Add to Shopping Cart
King - Firm 7" Deluxe Harmony	King Firm 7" Deluxe Harmony Mattress -- 6" natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$2,378.00	1	Add to Shopping Cart
King - Extra Firm	Deluxe Organic Harmony Mattress King Extra Firm 7" Rubber Mattress w/organic wool/organic cotton quilted outer	\$2,378.00	1	Add to Shopping Cart
Ca King - Firm	Cal King Firm 31 Ild Deluxe 7" Hamony Mattress -- 6" natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$2,378.00	1	Add to Shopping Cart
Ca King - Extra Firm Deluxe Harmony	Cal King ExtraFirm 35 Ild Deluxe Harmony 7" Mattress -- 6" natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$2,378.00	1	Add to Shopping Cart
Full Firm 7" Harmony w/zip outer	Hamony Mattress Medium Firm 31 ILD-Organic Cotton Damask/organic wool quilted outer with 6" chemical free rubber core and zip outer.	\$1,613.00	1	Add to Shopping Cart
Twin Firm Harmony Mattress	Twin Firm 31 ILD Harmony 7" Mattress. 6" organic rubber core with organic wool/organic cotton quilted outer.	\$1,732.00	1	Add to Shopping Cart
Twin Extra Firm Organic Rubber Harmony	Hamony Mattress Extra Firm 35 ILD with 6" organic rubber core and deluxe outer of organic wool quilted to organic cotton.	\$1,732.00	1	Add to Shopping Cart
Twin XL Firm Organic Rubber Harmony	Twin XL Hamony Mattress Medium Firm 31 ILD 7" mattress with 6" natural rubber core and organic wool quilted to organic cotton outer.	\$1,752.00	1	Add to Shopping Cart
Twin XL Extra Firm Organic Rubber Harmony	Hamony 7" Deluxe Organic Mattress Extra Firm 35 ILD with organic wool quilted to organic damask cotton outer and organic rubber 6" core.	\$1,752.00	1	Add to Shopping Cart
Queen Firm Deluxe Organic Harmony	Hamony Mattress Medium Firm 31 ILD -- 6" organic natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$2,180.00	1	Add to Shopping Cart
Queen Extra Firm Organic Harmony	Hamony Mattress Extra Firm 35 ILD -- 6" organic natural rubber core with thick layer of organic wool quilted to organic cotton Damask elegant outer.	\$2,180.00	1	Add to Shopping Cart
Full Firm 7" Organic Harmony	Hamony Mattress Medium Firm 31 ILD-Organic Cotton Damask/organic wool quilted outer with 6" organic chemical free rubber core.	\$2,037.00	1	Add to Shopping Cart
Twin XL CUSTOM Firm	Twin XL Custom Harmony Mattress Medium Firm 31 ILD 7" mattress with 6" natural rubber core and organic wool quilted to organic cotton outer.	\$1,505.00	1	Add to Shopping Cart

http://www.purerest.com/Mattresses/Deluxe-7-Harmony[11/29/2011 7:56:54 AM]

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EXHIBIT 6

All About Natural Latex

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All About Mattresses >

What is Natural Latex and where does it come from?



Natural Latex also known as Natural Rubber comes from the Rubber Tree (Hevea Brasiliensis) and it's acquired through a method called "tapping" where the latex serum is collected from the latex ducts of the Rubber Tree and then used to make Natural Latex.

Unlike synthetic man made latex, Pure Natural Latex is naturally hypo-allergenic, anti-microbial, and dust mite resistant; making it perfect for allergy sufferers or anyone who needs to breathe fresh, clean air while sleeping. Its breathable qualities allow it to keep cool in the summer and warm in the winter and it is the most naturally durable and cushioning material available in nature in addition to being biodegradable.

Not all natural latex is made equally and most companies do not test for strict purity standards or fair trade practices. Purity is our priority that is why Pure-Rest Organics consistently sends our materials for third party lab testing to ensure that our products are as PURE and HEALTHY for you and your family as they can be in addition to requiring Organic Certifications for our Organic Cotton and Organic Wool. We openly share all of our certifications and test results with the public and conform to the NAOMI Standards (National Organization of Organic Mattress Industry).

Natural Latex & Natural Latex Mattresses FAQs:

- I have allergies, would Natural Latex be good for me?**
 - 100% Pure Natural Latex is inherently hypo-allergenic, anti-microbial, and dust mite resistant; making it perfect for anyone suffering from allergies.
- I have heard of Latex Allergies; how can I be sure it will not affect me?**
 - As of yet, there have NOT been any reported cases of allergies to Pure Natural Latex (or Pure Natural Rubber) and the general incidence of latex allergy is low, less than 1% of the U.S. population. People that are allergic to latex are normally allergic to the type of latex used in making latex gloves (workers who wear latex gloves most of the day have a risk of less than 10%) which is closed cell structure latex. However, we offer a free Test Kit before you purchase our Natural Latex products to ensure your safety.
- Where does Natural Latex come from?**
 - Natural Latex is a resin compound found in the Natural Rubber Tree (Hevea Brasiliensis), and "Tapped" from the latex ducts of the tree; contrary to popular belief it is not the tree's sap and the trees are not damaged in the process.
- I have back or joint problems and need proper support; how can Natural Latex help?**
 - Natural Latex is a naturally cushioning but also firm material, it will naturally conform to your body and therefore provide superior back support and outstanding pressure relief; furthermore, our Natural Latex mattresses are free of chemicals therefore providing you with a clean, non-toxic, and restful sleep.
- Which Firmnesses are available?**
 - Pure-Rest offers several levels of firmness Extra Soft, Soft, Medium, Firm, Extra Firm, and Super Firm. If you suffer from back problems a medium to firm mattress is recommended. In addition if you and your partner require different firmness we offer a variety of customizable zip mattresses with split cores for maximum comfort.
- What is the exterior of your mattresses made of?**
 - Most Pure-Rest Organics Mattresses feature a Certified Organic Wool Inner quilted onto a

<http://www.purerest.com/All-About-Mattresses/Natural-Latex/> [11/29/2011 7:35:14 AM]

EXHIBIT 6

7. What is the difference between Natural Latex and Memory Foam?

- 









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 - [Organic Certifications](#)
 - [Pure-Rest Blog](#)
 - [Pure-Rest on Twitter](#)
 - [Pure-Rest on YouTube](#)
 - [Message from Ginny](#)

WHOLESALE CENTER

 - [Pure-Rest Organics Online Catalog](#)
 - [Ecobaby Organics Online Catalog](#)
 - [Image Downloads](#)
 - [Price Lists](#)
 - [Wholesale Account Application](#)

CUSTOMER SERVICE

 - [Consumer Education Center](#)
 - [Contact Us](#)
 - [Products Policy & Warranties](#)
 - [Other Interesting Places](#)

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Complaint

EXHIBIT 7



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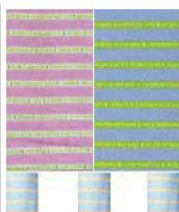
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[INFANT FURNITURE](#) | [ORGANIC CRIB & INFANT MATTRESSES](#) | [ORGANIC CRIB & INFANT BEDDING](#) | [ORGANIC CLOTHING](#) | [ORGANIC DIAPERING & MORE](#)

[ORGANIC Crib & Infant Bedding](#) > [Infant Bedding](#) >

Our infant bedding includes natural mattresses tested to be free of ANY toxic vocs and our results posted online. Our organic cotton and wool are also tested chemical free and are certified organic. The only infant line out there that is free of chemicals, and free of boric acid and proven by third party test results.

NOTE: Organic does not guarantee purity. The regulations of Greenguard, organic and OekoTex allow 5% or more of chemicals in the products to use their certification.



NEW!!! Baby Talk Flannel Bedding



Mini Co Sleeper Bedding 18x31"



Cradle 18 x 36" Bedding



Co Sleeper Bedding 25.5 x 36.5"



Small Cradle Bedding 15 x 33"



Mini Stokke Bedding



Baby Bunk Bedding 15 x 35"



Small Basket Bedding 10 x 29"









<http://www.purerest.com/ORGANIC-Crib-Infant-Bedding/Infant-Bedding>[11/29/2011 7:49:12 AM]

Complaint

EXHIBIT 7

Organic Infant Bedding



Infant Bedding



Burp Pad Pink/Pink Striped
Organic Cotton Pink Knit reverses to Pink Striped Knit. 14 x 18" Burp Pad with layer of organic cotton batting between for lots of absorbency. Made in USA

Price: \$11.00

Quantity:

[Buy Now](#)

Burp Pad Heart Print
Organic Cotton Heart Print Knit. 14 x 18" Burp Pad with layer of organic cotton batting between for lots of absorbency. Made in USA

Price: \$11.00

Quantity:

[Buy Now](#)

Burp Pad Pink/Pink Striped
Organic Cotton Pink Knit reverses to Pink Striped Knit. 14 x 18" Burp Pad with layer of organic cotton batting between for lots of absorbency. Made in USA

Price: \$11.00

Quantity:

[Buy Now](#)

Burp Pad Dandelion / Fleece
Organic Cotton Dandelion/ Organic Cotton Fleece. 14 x 18" Burp Pad with layer of organic cotton batting between for lots of absorbency. Made in USA

Price: \$11.00

Quantity:

[Buy Now](#)

COMPANY INFORMATION

- [About Us](#)
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Complaint

EXHIBIT 8

Organic Mattress - The Natural & Healthier Solution

About Us | Organic Certifications | All About Mattresses | Consumer Education | Policies & Warranties | 1-800-596-7450 (Mon-Fri 9am to 3pm PST) | Contact Us

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[All About Mattresses >](#)

"The Organic Solution"

Because of its health benefits, organic alternatives to food, clothing, and home products have become quite popular in recent years, and now the public is starting to catch on to organic mattresses as a healthier and safer alternative to chemically soaked mattresses. What are the differences between an organic mattress and a synthetic mattress, and why should you be concerned about what you are sleeping on? While they look similar, the differences lie in what they are made of. Synthetic mattresses contain hundreds of harmful chemicals including formaldehyde, a known carcinogen, while organic and natural latex (also known as natural rubber) mattresses are natural and safe as well as bio-degradable.

The Synthetic Problem

Synthetic mattresses contain harmful chemicals. Research has shown that the prolonged exposure to these chemicals can cause serious illness or cancer. Consider this: if you were to sleep on a synthetic mattress for eight hours a night for five years, that'd add up to over 14,600 hours of exposure time.

Below are some of the chemicals commonly used in synthetic mattresses, and the effects they can have.

Formaldehyde

Used in synthetic mattresses as an adhesive, formaldehyde has been linked to lung, throat, and nose cancers. Repeated exposure to formaldehyde can have serious effects on the respiratory system, cause asthma, and increase your likelihood of contracting bronchitis or pneumonia.

The National Cancer Institute (NCA) has conducted studies to determine the link between formaldehyde and an increased risk in cancer. Several NCA studies have determined that anatomists and embalmers (who are regularly exposed to formaldehyde in their work) have an increased risk of leukemia and brain cancer.

A study by the National Institute for Occupational Safety and Health (NIOSH) looked at 11,039 textile workers, who had been exposed to formaldehyde. This study corresponded with the earlier NCA studies by finding a link between exposure to formaldehyde and Leukemia.

Polyurethane foam

This is a petroleum-based material, which can cause respiratory problems and skin irritation. Polyurethane foam is often used in mattresses for infant's cribs, exposing babies to the harmful fumes they let off. An article in the *Archives of Environmental Health* expressed concern that the foam may be related to increasing incidents of childhood cancer.

A study on mice conducted at Anderson Laboratories in Vermont supported this theory. When the mice were exposed to the emissions from synthetic crib mattresses, their breathing was impeded. They experienced both heart and respiratory irritation, and some mice had severe, asthma-like reactions. The mice were only exposed to these fumes for two, one-hour periods. Imagine how sleeping every night on these mattresses affects children.

Fire Retardants

Manufacturers cover mattresses in fire retardants to counteract the flammability of their mattress chemicals. These fire retardant chemicals enter people's systems, and as studies have shown, they can disrupt normal brain development in fetuses and infants. This is bad news, because flame retardants have been found in disturbingly high concentrations in people's blood and breast milk. Mothers are passing these chemicals on to their children.

<http://www.purerest.com/All-About-Mattresses/Organic-Mattress-The-Natural-Healthier-Solution>[11/29/2011 7:35:21 AM]

Complaint

EXHIBIT 8

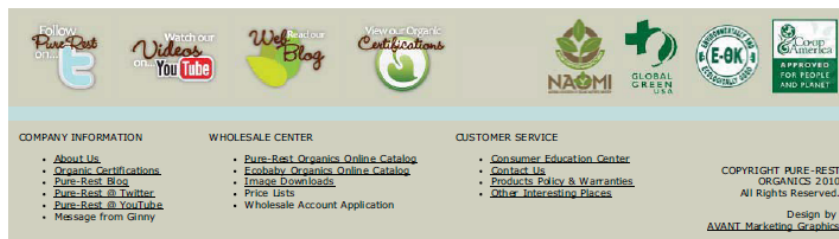
For example, [CBS News reported](#) on woman whose blood test revealed that she had 19 different flame retardant chemicals in her body. The same CBS article quoted an Environmental Protection Agency toxicologist, who was concerned about the effects fire retardants have on developing children.

The same toxicologist said research on young, developing animals has shown fire retardants affect their brains and reproductive systems. It is safe to say the same would be true for human infants.

The Organic Solution

There is hope, however. Organic mattresses provide an alternative to synthetic mattresses. An organic mattress is safe, chemical free, and composed of all natural materials. Usually, an organic mattress will be made of organic wool, organic cotton, or natural latex rubber. They are naturally flame resistant; there is no need to worry about them catching fire.

Aside from preventing exposure to harmful chemicals, organic mattresses also repel dust mites, resist mold and mildew buildup, and are hypoallergenic. Because these mattresses discourage mold and mildew, sleeping on an organic mattress can improve respiration, alleviate allergies, and provide a deeper, higher quality sleep.



DECISION AND ORDER

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the Respondent named in the caption hereof, and the Respondent having been furnished thereafter with a copy of a draft of a Complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued, would charge the Respondent with violations of the Federal Trade Commission Act; and

The Respondent and counsel for the Commission having thereafter executed an Agreement Containing Consent Order ("Consent Agreement"), which includes: a statement by Respondent that it neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in the Consent Agreement, and, only for purposes of this action, admits the facts necessary to establish jurisdiction; 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 Respondent has violated the Federal Trade Commission Act, and

Decision and Order

that a 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 thirty (30) days for the receipt and consideration of public comments, and having duly considered the comments received from an interested person pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, now in further conformity with the procedure prescribed in Commission Rule 2.34, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent is a California corporation with its principal office or place of business at 9541 Ridgehaven Ct., San Diego, CA 92123.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondent, and the proceeding is in the public interest.

ORDER**DEFINITIONS**

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

1. Unless otherwise specified, “Respondent” shall mean Ecobaby Organics, Inc., also doing business as Ecobaby and Purerest, its successors and assigns, and its officers, agents, representatives, and employees.
2. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. “Competent and reliable scientific evidence” shall mean tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons, that are generally accepted in the profession to yield accurate and reliable results, and that are sufficient in quality and quantity based on

Decision and Order

standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that a representation is true.

4. “Covered product” shall mean any mattress or component part.
5. “Trace” level of VOCs or chemicals shall mean:
 - A. VOCs or chemicals have not been intentionally added to the product;
 - B. The presence of VOCs or chemicals at that level does not cause material harm that consumers typically associate with VOCs or chemicals, including, but not limited to, harm to the environment or human health; and
 - C. The presence of VOCs or chemicals at that level does not result in concentrations higher than would be found at background levels in the ambient air.
6. “Volatile Organic Compound” (“VOC”) shall mean any compound of carbon that participates in atmospheric photochemical reactions, but excludes carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and specific compounds that the EPA has determined are of negligible photochemical reactivity, which are listed at 40 C.F.R. § 51.100(s).

I.

IT IS ORDERED that Respondent, directly or through any corporation, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, that:

Decision and Order

- A. The covered product is VOC-free or free of harmful VOCs, unless the VOC emission level is zero micrograms per meter cubed ($\mu\text{g}/\text{m}^3$), or Respondent possesses and relies upon competent and reliable scientific evidence that the covered product contains no more than a trace level of VOCs; or
- B. The covered product is free of chemicals.

II.

IT IS FURTHER ORDERED that Respondent, directly or through any corporation, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, regarding:

- A. The VOC level of such product;
- B. Whether the product is non-toxic;
- C. Any other environmental benefit or environmental attribute of such product; or
- D. Any other health benefit or health attribute related to the VOC or chemical content of such product or exposure to such product;

unless the representation is true, not misleading, and, at the time it is made, Respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

III.

IT IS FURTHER ORDERED that Respondent, directly or through any corporation, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, is permanently

Decision and Order

restrained and enjoined from making or assisting others in making, expressly or by implication, orally or in writing, any misrepresentation regarding certifications, including:

- A. the fact that, or degree to which, an independent third-party certifier or organization with appropriate expertise has evaluated a covered product based on its environmental or health benefits or attributes; or
- B. that an independent third-party certifier or organization with appropriate expertise has evaluated the environmental or health benefits or attributes of a covered product based on the application of objective standards.

IV.

IT IS FURTHER ORDERED that Respondent, directly or through any corporation, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, is hereby permanently restrained and enjoined from misrepresenting, in any manner, expressly or by implication, including through the use of any product name or endorsement, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

V.

IT IS FURTHER ORDERED that Respondent and its successors and assigns, shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation; and

Decision and Order

- C. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

VI.

IT IS FURTHER ORDERED that Respondent and its successors and assigns, shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future

personnel within thirty (30) days after the person assumes such position or responsibilities. Respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying all acknowledgments of receipt of this order obtained pursuant to this Part.

VII.

IT IS FURTHER ORDERED that Respondent and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. *Provided, however,* that, with respect to any proposed change in the corporation about which Respondent learns less than thirty (30) days prior to the date such action is to take place, Respondent shall notify the Commission as soon as is practicable after

Decision and Order

obtaining such knowledge. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: “Ecobaby Organics, Inc., File No. 122 3129, Docket No. C-4416.”

VIII.

IT IS FURTHER ORDERED that Respondent and its successors and assigns, within sixty (60) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of its own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, it shall submit additional true and accurate written reports.

IX.

This order will terminate on November 8, 2033, or twenty (20) 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 Part in this order that terminates in less than twenty (20) 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 Part.

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

Analysis to Aid Public Comment

Part as though the complaint had never been 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.

By the Commission.

**ANALYSIS OF CONSENT ORDER TO AID PUBLIC
COMMENT**

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from Ecobaby Organics, Inc., a corporation (“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 will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves respondent’s marketing and sale of natural latex mattresses. According to the FTC’s complaint, respondent makes three types of claims about these mattresses. First, respondent claims that its mattresses are certified by the National Association of Organic Mattress Industry (“NAOMI”), an independent third-party certifier with appropriate expertise in evaluating whether respondent’s mattresses meet objective standards. However, the complaint alleges that NAOMI is an alter ego of respondent and not an independent third-party certifier and, indeed, awarded its seal to its own products without applying objective standards. Accordingly, the complaint alleges that such representations are deceptive practices in violation of Section 5(a) of the FTC Act.

Analysis to Aid Public Comment

Second, respondent represents that its mattresses are chemical-free; Formaldehyde-free; free of VOCs, such as Toluene and Benzene; and without toxic substances. The complaint alleges that respondent did not possess and rely upon a reasonable basis substantiating these representations when it made them. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

Third, respondent claims that tests show that its mattresses are VOC-free, chemical-free, and Formaldehyde-free. The complaint alleges that tests do not support these claims. Thus, the complaint alleges that respondent engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains four provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I addresses the marketing of VOC-free and chemical free mattresses. It prohibits respondent from making zero-VOC claims unless the VOC emission level is zero micrograms per meter cubed or the company possesses and relies upon competent and reliable scientific evidence that their mattresses contain no more than a trace level of VOCs based on the Green Guides' guidance on making free-of claims. It also prohibits respondent from making chemical-free claims.

Part II addresses VOC claims, non-toxic claims, environmental benefit or attribute claims, and certain health claims made about mattresses. It prohibits such representations unless the representation is true, not misleading, and substantiated by competent and reliable scientific evidence.

Part III addresses representations about third-party certifications. It prohibits any misrepresentations about the degree to which an independent third-party certifier has evaluated respondents mattresses based on environmental or health attributes, or evaluated those attributes based on the application of objective standards.

Part IV addresses claims that testing supports respondents' advertising claims for its mattresses. It prohibits any

Analysis to Aid Public Comment

misrepresentations about the existence, contents, validity, results, conclusion, or interpretations of any test, study, or research.

Parts V through VIII require Ecobaby to: keep copies of advertisements and materials relied upon in disseminating any representation covered by the order; provide copies of the order to certain personnel, agents, and representatives having supervisory responsibilities with respect to the subject matter of the order; notify the Commission of changes in its structure that might affect compliance obligations under the order; and file a compliance report with the Commission and respond to other requests from FTC staff. Part IX provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or the proposed order, or to modify the proposed order's terms in any way.

Complaint

IN THE MATTER OF

**ESSENTIA NATURAL MEMORY FOAM
COMPANY, INC.**CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4417; File No. 122 3130**Complaint, November 8, 2013 – Decision, November 8, 2013*

This consent order addresses false and misleading claims made by respondent Essentia Natural Memory Foam Company (“Essentia”) concerning its memory foam mattresses. Essentia marketed its memory foam mattresses as free of harmful volatile organic compounds (“VOCs”); chemical-free; having no chemical off-gassing or odor; and consisting of 100 percent natural materials. The complaint alleges that each of these claims are false and unsubstantiated by scientific evidence, in violation of Section 5 of the Federal Trade Commission Act. The consent order bars Essentia from making zero-VOC claims unless the VOC emission level is zero micrograms per cubic meter or unless the company possesses and relies upon competent and reliable scientific evidence that its mattresses contain no more than a trace level of VOCs, as prescribed in the Green Guides. The consent order further requires Essentia to keep copies of all advertisements and materials relating to its mattresses and to file periodic compliance reports with the Commission.

Participants

For the *Commission*: Thomas Goodhue and Robin Moore.

For the *Respondent*: Leonard L. Gordon, Venable LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Essentia Natural Memory Foam Company, Inc. (“Respondent”) has violated provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

17. Respondent is a Delaware corporation with its principal office or place of business at 2760 Daniel Johnson, Laval, Quebec, Canada H7P5Z7. It is a wholly-owned subsidiary of Verstile, Inc., a Canadian corporation, which has its principal