

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

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office at the same location. Respondent does business under the name Essentia.

18. Respondent manufactures, advertises, offers for sale, sells, and distributes “memory foam” mattresses, which are marketed as mattresses that conform to the sleeper’s body shape and weight. Respondent distributes these mattresses through its website and at its own stores in California, Colorado, Illinois, New York, and Washington.

19. 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.

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

21. In many instances, including but not limited to the promotional materials shown in Exhibits 1 through 7, Respondent has represented that:

- a. Its mattresses are “VOC [‘Volatile Organic Compound’] free” and “[f]ree of harmful VOC’s.” *See, e.g.*, Exhibit 1.
- b. Its mattresses have “[n]o chemical off-gassing or odor.” Exhibit 2.
- c. “Memory foam mattresses can emit up to 61 chemicals” but Essentia’s memory foam is “free from all those harmful VOC’s.” Exhibit 3.
- d. Respondent’s memory foam mattresses are chemical-free. *See, e.g.*, Exhibit 4.
- e. Respondent’s memory foam mattresses contain no Formaldehyde. *See, e.g.*, Exhibit 5.

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- f. Respondent's memory foam does not emit chemical fumes or odors. *See, e.g.*, Exhibit 6.
- g. The memory foam in Respondent's mattresses is "made with 100% natural materials." Exhibit 6.
- h. Testing confirms that Respondent's memory foam is free of VOCs and Formaldehyde. *See, e.g.*, Exhibits 1, 5, 7.

22. A consumer acting reasonably under the circumstances is likely to interpret representations that a mattress has "[n]o chemical off-gassing or odor" or that a mattress "does not emit chemical fumes or odors" to mean that the mattress is free of VOCs.

23. 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 that the representations were made.

24. In truth and in fact, testing does not confirm that the memory foam used in Respondent's mattresses is free of VOCs and Formaldehyde.

COUNT I (Unsubstantiated Representations)

25. 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.

26. 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 9 are false or misleading.

COUNT II (Establishment Claim)

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27. Through the means described in Paragraphs 4 and 5, and as set forth in paragraph 5(h), Respondent has represented, expressly or by implication, that testing confirms that the memory foam used in Respondent's mattresses is free of VOCs and Formaldehyde.

28. In truth and in fact, testing does not confirm that the memory foam used in Respondent's mattresses was free of VOCs and Formaldehyde at the time the representations set forth in Paragraph 5(h) were made. Therefore, the representations set forth in Paragraph 11 are false or misleading.

29. 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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Store Locator





HOME | SHOP | ESSENTIA LIFE

Home » Certifications



GOTS Certified

Certification for organic fibers, The Global Organic Textile Standard (GOTS) is a leading textile processing standard. GOTS include ecological and social criteria with independent certification of the entire textile supply chain.

Our Zebrano fabric which covers all Essentia mattresses is GOTS certified. Certificate issued by ICEA, Bologna Italy.



Columbia Labs Tested

Free of harmful VOC's. In Dec 2010, Essentia worked with the professor of material science and engineering at a leading U.S. university to perform independent testing of our [natural memory foam](#) for toxic emissions. Columbia Analytical Services were commissioned to perform these tests.

Tests confirmed that Essentia natural memory foam show trace VOC's (volatile organic compounds), comparable to Latex certified by the Oak Tex 100 standard (Below 0.001PPM – parts per million).

Ongoing testing is planned with the university in hopes of discovering more benefits from our material.



EuroLatex ECO-Standard

The EuroLatex ECO-Standard defines the maximum acceptable limits of substances considered harmful to health and tested by TFI (Deutsches Teppich-Forschungs Institut in Aachen, Germany)

The substances that are tested for include:

- Heavy metals
- Nitrosamines
- Pesticides
- Solvents
- Volatile organic components

All Dunlop latex used in Essentia mattresses meet EuroLatex ECO-Standards.



Green America Certified

Previously known as Co-op America, [Green America](#) is a non-profit membership organization promoting environmental sustainability, ensuring consumers that they can feel confident that businesses bearing this seal operate in such a manner that support workers, communities, and protects the environment at home and abroad.

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EXHIBIT 1

Essentia has successfully completed Green America's screening process and has been approved as a socially and environmentally responsible business.

In partnership with Green America, Essentia is committed to and employs extraordinary and innovative practices that benefit its workers, its customers, and the environment.



GreenGuard Certified

We only use a [GreenGuard](#) certified solvent-free, non-toxic adhesives by Simalfa. Our VOC (volatile organic compound) free adhesive is GREENGUARD Indoor Air Quality Certified® and GREENGUARD Children & Schools Certified.



Oeko Tex

Our latex is [Oeko Tex 100 Class 1](#) certified. This is Oeko Tex's strictest certification available classified safe for babies.

All Dunlop latex used in Essentia mattresses meet EuroLatex ECO-Standards.



Made In Canada

To create healthy & performing mattresses and pillows it is fundamental to know everything about the components which make up these products. This is why we develop and manufacture our own components.

Manufacturing and distributing Essentia products from a single common location cuts down fuel consumption in transportation, which allows for better prices and supports the North American economy as many of our ingredients are from both Canada and the United States.

All products are manufactured by hand, by the Essentia team, just outside Montreal, Quebec, Canada.

Read more about our [Canadian made mattresses](#).



Organic Trade Association

The [Organic Trade Association](#) promotes and protects organic trade to benefit the environment, farmers, the public, and the economy. OTA is a leader in advocating and protecting organic standards so that consumers can have confidence in certified organic production.



MyEssentia.com is hosted on Wind Powered Servers

Did you know that the average server produces the same emissions as a 15 mpg SUV? By hosting our website on servers powered by wind, Essentia operates its website through clean energy.

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EXHIBIT 1

Certifications



Shop	Store Locations	Customer Service	Company
Mattresses	Los Angeles	Customer Service Center	Message from Jack
Pillows	New York	Free Shipping	Environmentalism
Organic Sheets	Berkeley	Feedback	Locations
Organic Baby	Toronto	FAQ's	Opening an Essentia Store
Luxury Dog Bed	Vancouver	Contact Us	Affiliate Program
	Calgary		Press
	Montreal		Contact Us
	Ottawa		

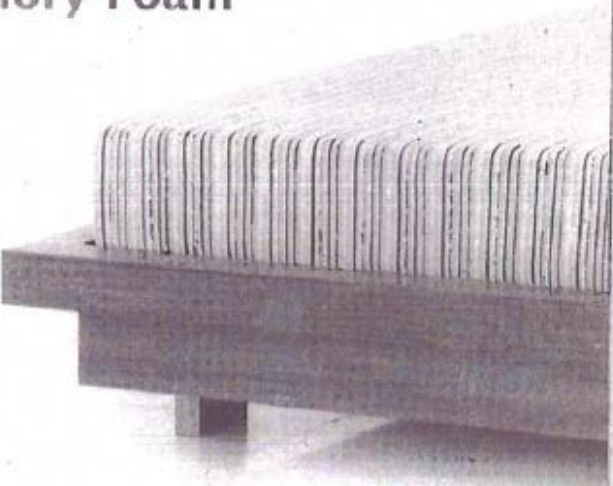
[sitemap](#) | [privacy policy](#) | [terms and conditions](#) | © Essentia 2011

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EXHIBIT 2

Building a Better Mattress

World's Only Natural Memory Foam



Supremely Comfortable & Healthy

- Luxurious and outstanding comfort
- Biodegradable
- Durable (20 year warranty)
- No chemical off-gassing or odor
- Healthy, allergy-free sleep environment
- Buy online / Free shipping

essentia  www.myessentia.com

64 KEY TO SYMBOLS: M=Mail Order/Catalog W=Wholesale R=Retail Store B=Business to Business Services I=Online Sales * =FREE or Special Offer

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EXHIBIT 3<http://www.myessentia.com/research/tempur-comparison>essentia  VS **Pedic****Natural** **Why Not Go Natural?**

All other memory foams are made from petroleum based chemicals.
Yuck.

Essentia invented a [natural memory foam](#), free of harmful VOC's,
which keeps you sleeping comfy and healthy.

**Sleeps Cool** **Skip the Sweaty Nights**

The #1 complaint among TempurPedic owners: Sleeping hot!
Our natural memory foam sleeps cool, breathing 80% better than
ALL the others.

**VOC Free** 

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EXHIBIT 3



Don't Hold Your Breath

Memory foam mattresses can emit up to 61 chemicals. Care to breathe those in 8hr/night?

Our [natural foam](#) is free from all those harmful VOC's, 3rd party tested by Columbia Labs.



Durable 



Everlasting Love

Better quality foams use more product.

More product = a longer lasting foam = One mean 20 year warranty in our case.



Pressure Relieving 



Out Cold... All Night

Complaint

EXHIBIT 3

This is why memory foam mattresses are the fastest growing mattress segment in the World. They're outrageously comfortable with no pressure points.

**No Body Cast** **Move Freely**

The #2 complaint among Tempurpedic mattress owners: The Cast!

Memory foam is temperature sensitive. You get in, you heat up your spot, you sink in.

Now try getting out of that cast when all the foam around you is hard... while you're asleep.

Essentia natural memory foam is not as temperature sensitive. Move easily and freely, we won't hold you back.

Essentia Outperforms ALL Memory Foam Mattresses

As you can see from the review grid above, Essentia outperforms other memory foam mattresses in all respects.

The strongest alternative to Tempurpedic is Essentia. Alternatives to Tempurpedic usually fall short but not us.

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EXHIBIT 3

For the price of a Tempur-Pedic you can sleep on an Essentia natural [memory foam mattress](#). We're breathable, certified VOC free and with have all the comfort and pressure relief of TempurPedic mattresses.

Essentia is the only mattress company aside from Tempur-Pedic to manufacture their own memory foam. Other mattress brands purchase foam from conventional foam manufacturers.

No-Name Mattress Brand Comparison

There are very few memory foam manufacturers in North America. Some include Tempur-Pedic, Carpenter, Foamex, and Essentia. Some are European and most are Chinese.

"Me Too" memory foam mattress retailers may buy from different suppliers but it all derives from the same manufacturers. Since most memory foams are close to identical, retailers distinguish themselves with price, reviews, marketing verbiage all-the-while piggybacking on the Tempurpedic brand. Ask any memory foam mattress company to answer the questions in our grid above and they'll fall short as well.

Greenwashing is everywhere, with companies claiming to have eco memory foam mattresses. They'll call them BiOH foams, plant based memory foam mattresses or [soy memory foam mattresses](#). Strong chemical odors or off-gassing and sleeping hot remain major issues because only 2-20% of the chemicals are replaced with natural ingredients.

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EXHIBIT 3**Health Issues with Memory Foam Mattresses**

The toxicity of memory foam mattresses have real health implications. Memory foam mattresses tested emitted VOC's, up to 61 toxic chemicals, including the carcinogen's benzene and naphthalene. Headaches, migraines, feeling sick, nausea, and difficulty breathing are common reactions from inhaling the fumes of chemically derived memory foam mattresses. So [are memory foam mattresses safe?](#)

The Essentia Difference

Essentia is the **only** brand to successfully improve memory foam because we've solved the issues instead of masking them. We've addressed all previous issues with memory foam mattresses and health.

It took years to develop our patented VOC free [natural memory foam](#) and molding process.

Comfort, Quality without Compromise. [Read our story.](#)

People who read this article also read:

- [Latex Mattresses vs Memory Foam](#)
- [How to choose a memory foam mattress](#)
- [Spring mattress or memory foam mattress?](#)

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EXHIBIT 3

<http://www.myessentia.com/difference>



Essentia Difference

in short..

- 1) The world's only Natural Memory Foam.
- 2) Breathes 80% better than all other memory foam.
- 3) Outrageously comfortable.

See how [Essentia compares](#) to the rest.

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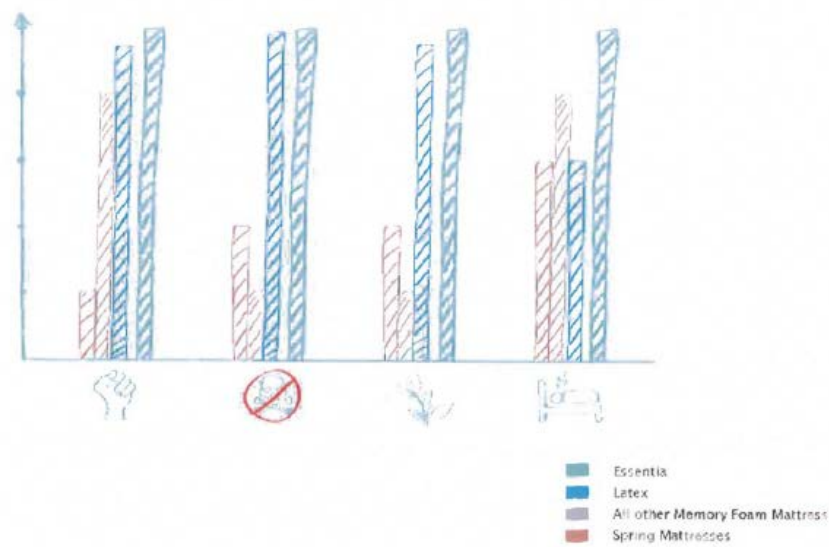
EXHIBIT 3

Essentia Difference

in long..

Best Value

When it comes to comfort, durability, health, and eco-friendliness, Essentia trumps.



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EXHIBIT 3

Comfort & Support

Our mattresses outperform all types; memory foam mattresses, latex mattresses and spring mattresses. Competition falls short in all tests.



Pressure Relief

Comfort is determined by pressure relief. With Essentia mattresses, pressure points are eliminated so there's proper blood circulation, no tossing and turning. The result is an undisturbed, restful nights sleep. Pressure relief for Essentia's memory foam is an astounding

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EXHIBIT 3

12.25 mmHg @ 200lbs, compared to the leading Tempur-Pedic measured at only 15–28 mmHg. See [Essentia and Tempur-Pedic](#).

Sleeping in the wrong position every night affects your health. **Spinal alignment** is particularly important for proper disc re-hydration, blood circulation and an overall recuperative sleep. Our medical support mattresses are engineered for superior spinal alignment, support and comfort.

Essentia mattresses are easily among the best memory foam mattresses on the market.

Durability

How long should a mattress be comfortably supportive? 20 years+

- Spring mattresses lose 16% of their support in the 1st year.
- Memory foam mattresses are similar to couch foam when it comes to durability. Some lose support rather quickly, others feel good for years.
- Latex foam mattresses can last almost as long as Essentia mattresses depending on their quality.

Green

Could it get any better than biodegradable mattresses? Read more on how [green our products and process](#) is.

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EXHIBIT 3

Non-Toxic

Mattresses are surprisingly unhealthy. Not ours.

Most mattresses are made with toxic foams, glues, chemically treated fabrics and are a breeding ground for dust mites and other allergens.

Essentia mattresses are made from a slew of natural ingredients designed to keep your sleep healthy.

Essentia Natural Memory Foam

Breathability is a common and major complaint among memory foam mattress owners. This is because even the best memory foam mattresses on the market are synthetic and made from petrochemicals. Essentia developed a [natural memory foam](#) which is 80% more breathable. By replacing the petrochemicals with natural ingredients such as [natural latex](#), [essential oils](#), plant extracts and water we've created a healthy alternative to petroleum based synthetic memory foam mattresses.

Benefits of our Natural Memory Foam

a) 80% better breathability.

Result: Breathes like cotton, not polyester. No trapped heat. You won't get hot and sticky.

b) A foam that has no chemical odor and is [free of harmful VOC's](#). (off-gassing)



Essentia 000018

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EXHIBIT 3

Off-gassing causes eye irritation, skin irritation, headaches and migraines.

Off-gassing is recognized as harmful by health care institutions for patients with respiratory problems – why should they be offered to healthy people? Read more about [chemicals in mattresses](#).

c) A product than doesn't pollute during manufacturing.

Over 1 million tons of toxic chemicals leach into the environment annually by petrochemical based memory foams and glues.

Our employees don't need protective gear and benefit from a safe work environment.

Exclusive Molding Technology

All mattresses are composed of layers. Both spring and memory foam mattresses are composed of layers. Some Essentia models such as our [Beausommet](#) and [Dormeuse](#) use our patented molding technology. Molding them together creates a permanent bond and [exceptional and unique comfort explained here](#). All our other mattresses contain completely safe and non-toxic VOC free natural liquid latex and acrylic resin adhesive.

Facts:

- Most adhesives used in mattress manufacturing emit toxic fumes for the first 2–3 years.
- Fumes from some adhesives cause cancer according to the IRTA. (Institute for Research and Technical Assistance)
- We inhale these fumes for 8 hours per night 365 days per year.

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EXHIBIT 3

Visit our page on [mattress adhesives](#) for more information.

Toxic Free Fire Retardant (FR)

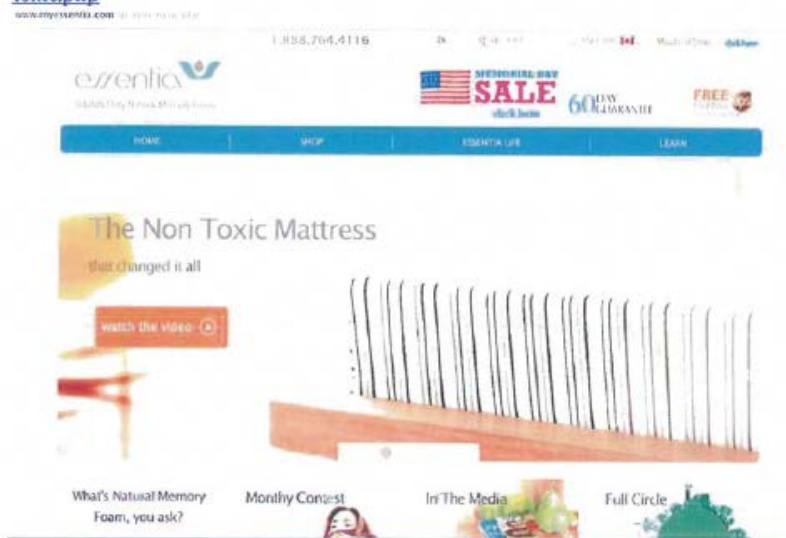
All mattress sold in the United States as of 2007 are required to pass an FR test. Essentia uses a Kevlar based fire retardant which is VOC free, containing no toxic chemicals. Chemicals used in other mattress manufacturers, including leading brands, have been linked to cancer, heart, lung and kidney damage etc.

Visit our page on [fire retardants in mattresses](#) for more information.

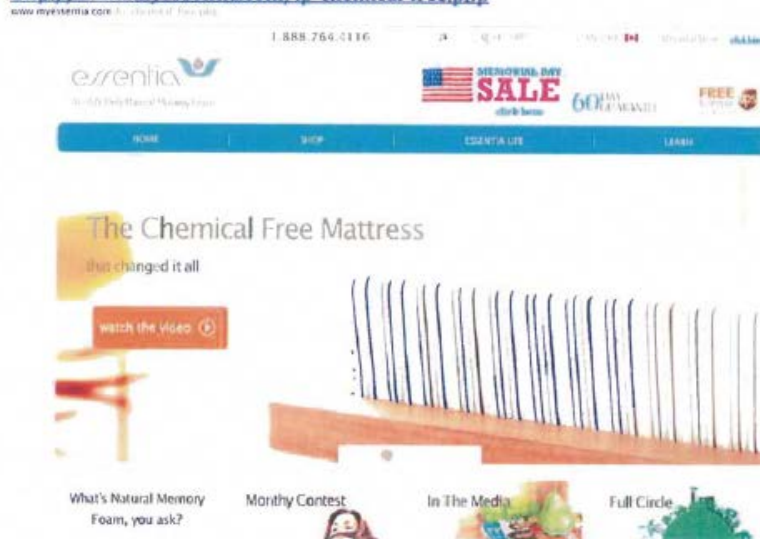
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EXHIBIT 4

<http://www.myessentia.com/lp-non-toxic.php>

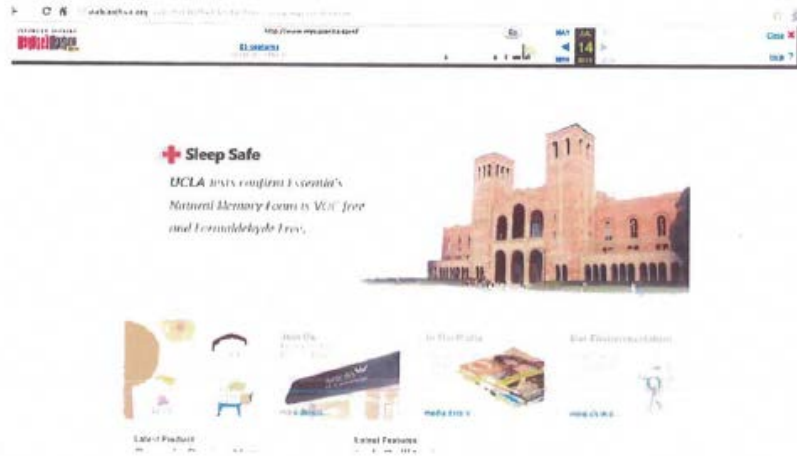


<http://www.myessentia.com/lp-chemical-free.php>



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EXHIBIT 5



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EXHIBIT 6



World's Only Natural Memory Foam

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Home

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Home > Learning Center > How to Choose a Memory Foam Mattress

The Basics

- [What is Natural Memory Foam](#)
- [Mattress Innerspring and Foam](#)
- [About Memory Foam Beds](#)
- [How to Choose a Memory Mattress](#)
- [What is an Organic Mattress](#)

Versus

- [Dirty Mattresses](#)
- [The Truth](#)
- [Sleep](#)
- [Baby Center](#)
- [F.A.Q.](#)

How to Choose a Memory Foam Mattress?

How do you choose a memory foam mattress? Memory foam mattresses are a fast-growing alternative to innerspring mattresses because they have the ability to contour the body and provide excellent comfort and support.

On today's European market, memory foam mattresses far outsell traditional spring mattresses.

Tips to Choosing a Quality Memory Foam Mattress

Knowing what to look for is key to finding the best memory foam mattress to fit your needs. Here are a few important things to know before buying a memory foam mattress:

- 1) Foam Density**
Despite popular belief, foam density has little to do with the feel of a mattress and has more to do with its durability. A 5 pound per cubic foot memory foam mattress will outlast a 3lb. memory foam by an average of 10 years.
- Most high-end mattresses, including Tempur, have a 5-7lb density foam. See our Tempur mattresses.**
- Buyer Beware.** Many mattress companies boast a 5lb memory foam but fail to specify that this dense foam only makes up the 1st inch of the mattress where the following layers are 2 or 3 lb density memory foam.

- 2) Testing**
Density is the unit of measurement used in determining a mattress' reaction against pressure. A low density is ideal, however this is difficult to achieve. Most consumers become an issue in the 30-day range. According to the healthcare industry, a standard of 30mm or lower is considered to be pressure relieving. Less pressure points = less aching and turning.

Esentialia mattresses offer 12-13 mmHg @ 100lbs, the best rating in the industry.

http://www.esentialia.com/news/buying-a-mattress/11/20/2011 1:29:43 PM

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EXHIBIT 6

How to Choose a Memory Foam Mattress or Bed Visco Mattress?

3) Foam ILLD (Indentation Load Deflection)
A mattress ILLD, or indentation load deflection, ranges from 6 to 40. The majority of quality memory foam mattresses on the market rate anywhere between 10 and 16 ILLD. Many of the top memory foam mattresses have multiple layers within them, each with a different firming, which enhances a mattress' comfort level because the layers work together.

Multiple layers of memory foam with different ILLDs are usually found in the best quality memory foam mattresses.

4) Where is the Mattress Made?

Many mattress companies deceitfully claim that their products are made in Canada or the U.S. To cut costs, mattress components are imported from foreign countries and assembled in Canada or the U.S.

Tires are rarely performed on imported mattress components and there is no way of knowing what chemicals are used in the mattress composition. Any harsh chemical odors are masked prior to product exportation with industrial perfumes, or even green tea extracts.

Some materials and chemicals still in use abroad have been linked to cancer, lung disease and can impair development in the central nervous system and brain.

Essentia Natural Memory Foam vs Regular Visco Memory Foam

Regular memory foam, also known as Visco-elastic memory foam or visco foam, is made with petroleum based chemicals. Because memory foam is a synthetic material, it traps in body heat similar to the way nylon and polyester fabrics do. Heat discomfort and chemical odors are major issues for new memory foam mattresses due to their chemical composition.

Essentia's Natural Memory Foam is 80% more breathable than conventional memory foam and has no chemical odor.

If you're health conscious you'll want to consider our natural memory foam mattresses and pillows. Essentia memory foam is made with 100% natural materials, so the final product creates a more breathable, comfortable, healthy sleep environment free of chemical off-gassing or VOC's. See our [list of mattress chemicals](#).

Essentia Mattresses Offer:

- Among the highest foam densities on the market at 6.25lbs.
- Lowest pressure distribution at 12.43 mmHg @ 200 lbs.
- 80% more breathable than conventional memory foam.
- Peace of mind with an emission-free product.
- A truly Canadian made and manufactured product.

See how [Essentia compares to Tempur-Pedic](#).

<http://www.essentialmattress.com/healthchoosing-a-mattress/> (11/26/2011 1:29:55 PM)

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EXHIBIT 6

How to Choose a Memory Foam Mattress or Box Spring Mattress?

People who read this article also read:

- List of Chemicals in Mattresses
- How to choose a memory foam mattress
- Spring mattress or memory foam mattress?

Learning Center				
Mattresses	Pillows	Baby Room	Store Locations	Customer Service
Janus Classic Skully Classic B Ergonomic Open Recharge Dominate Unity Flex Drive Adjustable	Ergonomic Roma Spa Classic	Organic crib mattress Crib mattress Protector	Los Angeles New York Seattle San Francisco Vancouver Montreal Ottawa	Customer Service Center Free Shipping Feedback FAQ's Contact Us Press Contact Us
				Company
				Message Tom Jack Information About Us Opening an Esparita Store Affiliate Program Press Contact Us

shipping | privacy policy | terms and conditions | © Esparita 2011

http://www.esparita.com/search?keywords=a-matrix&ref=11/28/2011+1:20:43+PM]

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EXHIBIT 7

Organic Non-Toxic Mattress - Non-Toxic Latex Foam Mattress - Classic 8

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essentia
World's Only Natural Memory Foam

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promo code: **BLACKFRIDAY**

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FREE
DELIVERY
IN A BOX

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Home > Shop > Memory Foam > Classic 8



Classic 8

The Classic 8 is made with our natural memory foam and offers soothing contouring support and comfort.

Buy Online

Twin	Twin XL	Full	Queen	King	Cal King
39x75	39x80	54x75	60x80	76x80	72x84

No Box Spring

No Metal Rails

\$ [ADD TO CART](#)

Gallery [Previous](#) [Next](#)

20 YEAR WARRANTY **60 DAY MONEY BACK**

Classic 8

The Classic 8 is made with our natural memory foam and offers soothing contouring support and comfort.

Among our best sellers, the Classic 8 is made entirely from our natural memory foam and 100% natural latex rubber. This healthy and non-toxic mattress offers a medium-firm, yet pressure relieving surface which delicately contours the body.

For added height, the Classic 8 is 2 inches thicker than the Classic Skinny. This added height is simply for aesthetics and functional purposes and provides the same level of comfort.

[Essentia vs Tempur-Pedic comparison.](#)
[Essentia mattress comparison chart.](#)

Benefits

“...suspected I'd be happy but I never thought a mattress this comfortable existed. It's my first memory foam mattress and I'm loving it. I sleep like a baby.”

Donna Lelli
Energie Opus Owner
[@donnaelli](#)

[Tweet](#) [Like](#) [16](#) [17](#)

Seen & Heard

[DR OZ](#) [LIFE](#) [TODAY](#)

<http://www.myessentia.com/product-info.php?classic-8.php> [11/28/2011 1:07:36 PM]

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EXHIBIT 7

Organic-Touch Mattress - Eco-Touch 10" from \$1,199 - Classic 8

- Pressure relieving surface layer
- Ventilated formula keeps a fresh comfortable sleep surface
- Quiet noise resistant & hypoallergenic
- VOC Free - > California Safe tested
- Compatible with adjustable bases & platform beds..
- Long lasting, 20 year warranty

Product Details

Player Details

Reviews

Review this mattress

Layers **Comparisons** **Sizing**

Current selected organic edition

Natural Memory Foam Gentle Touch Edition

Top part Layer 100% natural Dunlop latex.

Non-Slip Backings One-sided cotton.

Certifies & Memberships

100% FREE KIDSAFE 100

Okko-Tech 2010-2011

Responsible and Sustainable Canada

Classic 8

No Stressors	Pressure	Body Motion	Hot or Cold Issues	Customer Service	Company
Zero Noise	Pressure Free	Dynamic 3D Motion	Low Allergens	Customer Service Center	Shipping & Return Policy
Classic Sleep	Pressure Free	Zero Motion Transfer	New York	Free Shipping	Discounted Rates
Classic 8	Classic		Bedroom	Free Pick Up	Locations
Single in One			Travelers	Free TV	Shipping on Returnable Goods
Reversible			Visitors	Contact Us	Gifts for Program
Support			Student		Free or
Only			Other		Contact Us
Free State Adjustable					

Shipping / privacy policy / terms and conditions / © Dunlop 2011

Decision and Order

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, its attorney, 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 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 Delaware Corporation with its principal office or place of business at 2760 Daniel Johnson, Laval, Quebec, Canada H7P5Z7.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the

Decision and Order

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 Essentia Natural Memory Foam Company, Inc., also doing business as Essentia, 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 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,

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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:

- 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

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representation, in any manner, expressly or by implication, regarding:

- A. The VOC level of such product;
- B. The fact that such product is odorless, or the odor or smell of any such product in comparison to another mattress(es) or its component part(s);
- C. Any other environmental benefit or environmental attribute of such product;
- D. Any other health benefit or health attribute related to the VOC or chemical content of such product or exposure to such product;
- E. Whether the product is non-toxic; or
- F. Whether the product is made from natural materials;

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 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.

IV.

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,

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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
- 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.

V.

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.

VI.

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

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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 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: “Essentia Natural Memory Foam Company, Inc., File No. 122 3130.”

VII.

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.

VIII.

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

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- 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 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 Essentia Natural Memory Foam Company, 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 memory foam mattresses. According to the FTC’s complaint, respondent represented that its mattresses do not contain volatile organic compounds (“VOCs”), are chemical-free, have no VOC off-gassing, lack the odors commonly associated with memory

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foam, and are made with 100% natural materials. The complaint alleges that respondent did not possess and rely upon a reasonable basis substantiating these representations when it made them. Moreover, the complaint alleges that respondent claims that tests show that the memory foam used in respondent's mattresses is free of VOCs and Formaldehyde. 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. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act. The Commission does not typically challenge subjective claims, such as smell.¹ However, a consumer acting reasonably under the circumstances is likely to interpret representations that a memory foam mattress lacks the common smell associated with memory foam to mean that the mattress is free of VOCs.

The proposed consent order contains three provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I addresses the marketing of VOC-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.² It also prohibits respondent from making chemical-free claims.

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

¹ See FTC, FTC POLICY STATEMENT ON DECEPTION, *appended to Cliffdale Assocs., Inc.*, 103 F.T.C. 110, 174 (1984).

² See Guides for the Use of Environmental Marketing Claims, 77 Fed. Reg. 62, 122, 62,123 (Oct. 11, 2012).

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Part III addresses claims that testing supports respondents' advertising claims for its mattresses. It prohibits any misrepresentations about the existence, contents, validity, results, conclusion, or interpretations of any test, study, or research.

Parts IV through VII require Essentia 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 VIII 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

HONEYWELL INTERNATIONAL, INC.CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND SEC. 7 OF
THE CLAYTON ACT*Docket No. C-4418; File No. 131 0070**Complaint, November 22, 2013 – Decision, November 22, 2013*

This consent order addresses the acquisition of Intermec Inc. by Honeywell International Inc. (“Honeywell”). In December 2012, Honeywell entered an agreement to acquire all voting securities for Intermec for approximately \$600 million. The complaint alleges that the acquisition would result in a duopoly in the market for two-dimensional scan engines (“2D scan engines”) in the United States. The consent order requires Honeywell to license all U.S. patents necessary to make 2D scan engines to Datalogic IPTECH s.r.l., a subsidiary of Datalogic S.p.A. (“Datalogic”), for the next 12 years. The consent order further prohibits Honeywell from filing infringement actions against Datalogic, its suppliers and customers. The consent order further bars Honeywell from selling or assigning the patents included in the license to anyone who does not agree to abide by the terms of the order with respect to the acquired patents.

Participants

For the *Commission*: Susan Huber, Michael Lovinger, David Morris, Scott Reiter, Anne Schenof, Eric Sprague and Priya Viswanath.

For the *Respondent*: Michael Antalics, Rich Parker, and Haidee Schwartz, O’Melveny & Myers LLP; and Barry Reingold, Perkins Coie LLP.

COMPLAINT

Pursuant to the Clayton Act and the Federal Trade Commission Act, and its authority thereunder, the Federal Trade Commission (“Commission”), having reason to believe that Respondent Honeywell International Inc. (“Honeywell”), a corporation subject to the jurisdiction of the Commission, has agreed to acquire Intermec, Inc. (“Intermec”), a corporation subject to the jurisdiction of the Commission, in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and