

Interlocutory Orders, Etc.

IN THE MATTER OF

LABMD, INC.

Docket No. 9357. Order, December 3, 2015.

Commission order extending the deadline to file appeal briefs.

**ORDER GRANTING JOINT MOTION TO EXTEND DEADLINES FOR
FILING APPEAL AND ANSWERING BRIEFS**

Complaint Counsel and Respondent in this matter have filed a Joint Motion to extend the deadlines to file appeal briefs from December 15, 2015 to December 23, 2015 and answering briefs from January 14, 2016 to February 5, 2016. The parties request these extensions due to longstanding holiday commitments and state that they do not believe these extensions will result in any undue delay in the adjudication of this case.

Pursuant to Commission Rule 4.3(b), 16 C.F.R. § 4.3(b), the Commission has determined, for good cause shown, to grant the Joint Motion.¹ Accordingly,

IT IS ORDERED THAT any appeal brief must be filed on or before December 23, 2015, and if a party files an appeal brief by that date, its appeal from the Initial Decision will be treated as having been perfected in accordance with Commission Rule 3.52(b)(2); and

IT IS FURTHER ORDERED THAT any answering brief must be filed on or before February 5, 2016 and any reply brief must be filed on or before February 18, 2016.

By the Commission, Commissioner Brill not participating.

¹ Commissioner Brill did not take part in the consideration or decision herein.

Interlocutory Orders, Etc.

IN THE MATTER OF
ECM BIOFILMS, INC.
D/B/A
ENVIROPLASTICS INTERNATIONAL

Docket No. 9358. Order, December 8, 2015.

Commission order staying enforcement of its Final Order pending review of the Commission's decision by the Sixth Circuit Court of Appeals.

**ORDER GRANTING RESPONDENT'S APPLICATION TO STAY FINAL
ORDER PENDING JUDICIAL REVIEW**

In an October 15, 2015 decision, the Commission found Respondent ECM BioFilms, Inc. ("ECM") liable under Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45 for making deceptive claims about the biodegradability of plastics treated with its additive. The Commission's Final Order enjoins ECM from making an unqualified claim that a plastic product is degradable unless the claim is truthful and not misleading, ECM has competent and reliable scientific evidence substantiating the claim, and the item will completely decompose within five years after customary disposal. The order allows qualified degradability claims that are truthful and not misleading if (i) ECM has competent and reliable scientific evidence that substantiates the claim; and (ii) the claim is qualified by either the time to complete decomposition, or the rate and extent of decomposition; and, if the product will not decompose in a customary disposal facility or by a customary disposal method, information about the non-customary disposal facility or method.¹ On November 9, 2015, ECM applied for a stay pending judicial review of the Final Order. Complaint Counsel oppose the granting of a stay. On December 4, 2015, ECM filed a petition for review with the Sixth Circuit Court of Appeals. For the reasons stated below, the Commission stays enforcement of its

¹ The Commission's opinion in this matter is available at https://www.ftc.gov/system/files/documents/public_statements/819651/151019ecmbiofilmsopinioncomm.pdf. The order is available at <https://www.ftc.gov/system/files/documents/cases/151019ecmorder.pdf>.