

Complaint

IN THE MATTER OF

ISPRING WATER SYSTEMS, LLCCONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket No. C-4611; File No. 172 3033
Complaint, April 6, 2017 – Decision, April 6, 2017

This consent order addresses iSpring Water Systems, LLC’s marketing, sale, and distribution of water filtration systems and associated parts and accessories with claims that the products are of U.S.-origin. The complaint alleges that respondent represented that all of its products are “Built in USA,” when in fact, in many instances, respondent’s products are wholly imported or have significant inputs to its products sourced from overseas. The consent order prohibits iSpring from making U.S.-origin claims for its products unless either: (1) the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients, and/or processing.

Participants

For the *Commission*: Julia Solomon Ensor.

For the *Respondent*: Pearl Cai, Vice President, *pro se*.

COMPLAINT

The Federal Trade Commission, having reason to believe that iSpring Water Systems, LLC, a limited liability company (“Respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent iSpring Water Systems, LLC (“iSpring”), also doing business as 123filter.com, is a Georgia limited liability company with its principal office or place of business at 3020 Trotters Parkway, Alpharetta, GA 30004.

Complaint

2. Respondent advertises, labels, offers for sale, and distributes products to consumers, including, but not limited to, water filtration systems and parts. Respondent advertises these products primarily online, including, but not limited to, on its own website 123filter.com, and through third-party websites including, but not limited to, amazon.com, overstock.com, sears.com, and homedepot.com. Respondent offers for sale, sells, and distributes its products throughout the United States.

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 to be disseminated advertisements and promotional materials for its products, including, but not necessarily limited to, the attached Exhibits A-C. These materials contain the following statements, among others:

- a. “Built in USA Legendary brand of water filter” (Exhibit A, 123filter.com web advertisement);
- b. “Built in USA” (Exhibit B, search result demonstrating instances phrase occurs on 123filter.com website);
- c. “Built in USA” (Exhibit C, amazon.com, sears.com, walmart.com, and purwaterfilter.org product listings).

5. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-C, Respondent has represented, expressly or by implication, that its products, including, but not limited to, water filtration systems and parts, are all or virtually all made in the United States.

6. In fact, in many instances, Respondent’s products are wholly imported. In other instances, Respondent sources significant inputs to its products from overseas.

7. Therefore, Respondent’s express or implied representations that its products are made in the United States deceive consumers.

Complaint

COUNT I (False or Unsubstantiated Representation)

8. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of its products, Respondent has represented, directly or indirectly, expressly or by implication, that such products, including, but not limited to, water filtration systems and parts, are all or virtually all made in the United States.

9. In fact, in many instances, Respondent's products are wholly imported. In other instances, Respondent sources significant inputs to its products overseas. Therefore, the representation set forth in Paragraph 8 is false or misleading, or was not substantiated at the time the representation was made.

VIOLATION OF SECTION 5

10. The acts and practices of Respondent, as alleged in this complaint, constitute unfair or 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 sixth day of April, 2017, has issued this Complaint against Respondent.

By the Commission.

Complaint

Exhibit A

iSpring #APG16 Pressure Gauge 0-220 psi 1/4 inch fitting | iSpring Water... <http://www.123filter.com/catalog/ispring-123filter-pressure-gauge-0-220...>

iSpring #APG16 Pressure Gauge 0-220 psi 1/4 inch fitting

\$23.90 (MSRP \$29.99) **FREE SHIPPING**

How to check water pressure by using pressure gauge?

- 1. Connect a hose to the gauge.
- 2. Attach the other end to your tap.
- 3. Turn the water on fully.
- 4. Read the pressure in PSI on display on the dial.

Why iSpring Water Systems?

- Family owned innovative small business that focuses on customer satisfaction.
- Built to last, superior level of water filter.
- High quality built to last carbon prefilter to ensure product quality, material safety and your health.
- Free 24-hour support before and after you have shipped. Example: We have to help our customers.
- Long term lifetime warranty policy. Only 2-day break time for most issues in lifetime time zone and part of limited time zone (including Texas).

Related Products:

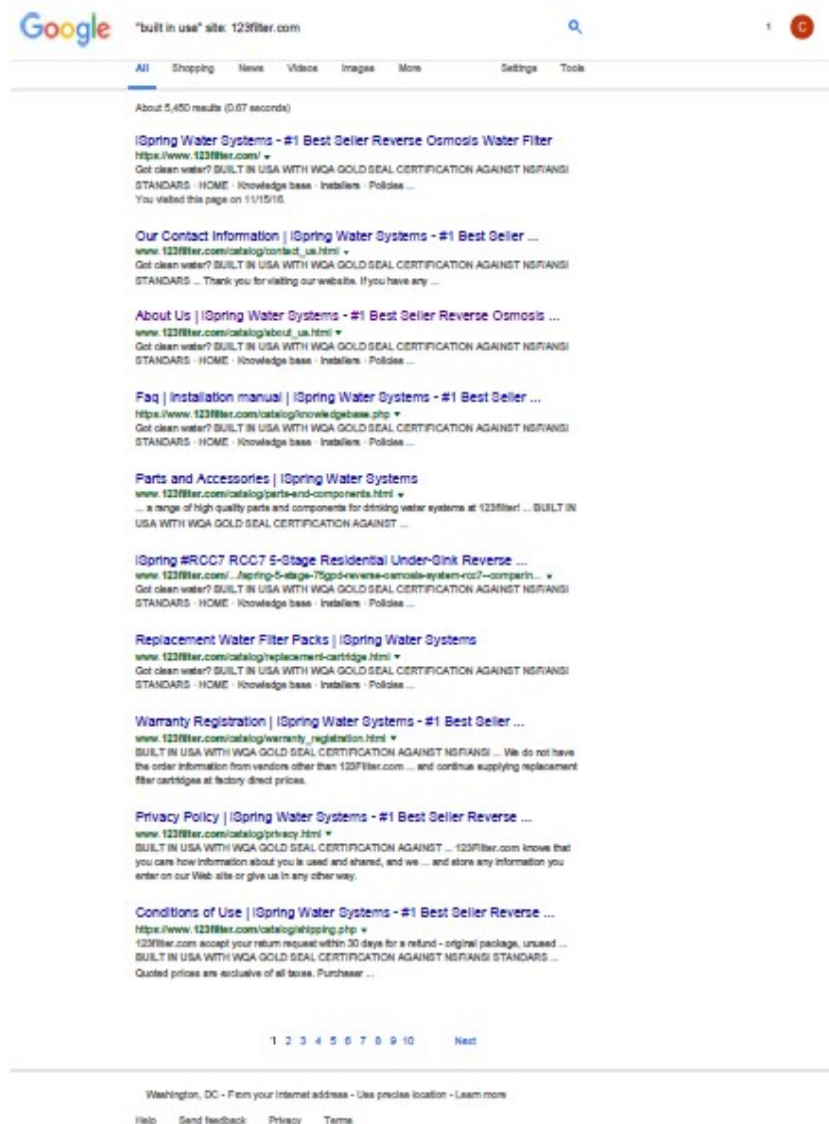
- Working Water Filter 1/4 inch 1/2 inch 3/4 inch 1 inch 1.5 inch 2 inch 2.5 inch 3 inch 4 inch 6 inch 8 inch 10 inch 12 inch 15 inch 18 inch 20 inch 24 inch 30 inch 36 inch 42 inch 48 inch 54 inch 60 inch 66 inch 72 inch 78 inch 84 inch 90 inch 96 inch 102 inch 108 inch 114 inch 120 inch 126 inch 132 inch 138 inch 144 inch 150 inch 156 inch 162 inch 168 inch 174 inch 180 inch 186 inch 192 inch 198 inch 204 inch 210 inch 216 inch 222 inch 228 inch 234 inch 240 inch 246 inch 252 inch 258 inch 264 inch 270 inch 276 inch 282 inch 288 inch 294 inch 300 inch 306 inch 312 inch 318 inch 324 inch 330 inch 336 inch 342 inch 348 inch 354 inch 360 inch 366 inch 372 inch 378 inch 384 inch 390 inch 396 inch 402 inch 408 inch 414 inch 420 inch 426 inch 432 inch 438 inch 444 inch 450 inch 456 inch 462 inch 468 inch 474 inch 480 inch 486 inch 492 inch 498 inch 504 inch 510 inch 516 inch 522 inch 528 inch 534 inch 540 inch 546 inch 552 inch 558 inch 564 inch 570 inch 576 inch 582 inch 588 inch 594 inch 600 inch 606 inch 612 inch 618 inch 624 inch 630 inch 636 inch 642 inch 648 inch 654 inch 660 inch 666 inch 672 inch 678 inch 684 inch 690 inch 696 inch 702 inch 708 inch 714 inch 720 inch 726 inch 732 inch 738 inch 744 inch 750 inch 756 inch 762 inch 768 inch 774 inch 780 inch 786 inch 792 inch 798 inch 804 inch 810 inch 816 inch 822 inch 828 inch 834 inch 840 inch 846 inch 852 inch 858 inch 864 inch 870 inch 876 inch 882 inch 888 inch 894 inch 900 inch 906 inch 912 inch 918 inch 924 inch 930 inch 936 inch 942 inch 948 inch 954 inch 960 inch 966 inch 972 inch 978 inch 984 inch 990 inch 996 inch 1002 inch 1008 inch 1014 inch 1020 inch 1026 inch 1032 inch 1038 inch 1044 inch 1050 inch 1056 inch 1062 inch 1068 inch 1074 inch 1080 inch 1086 inch 1092 inch 1098 inch 1104 inch 1110 inch 1116 inch 1122 inch 1128 inch 1134 inch 1140 inch 1146 inch 1152 inch 1158 inch 1164 inch 1170 inch 1176 inch 1182 inch 1188 inch 1194 inch 1200 inch 1206 inch 1212 inch 1218 inch 1224 inch 1230 inch 1236 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inch 1842 inch 1848 inch 1854 inch 1860 inch 1866 inch 1872 inch 1878 inch 1884 inch 1890 inch 1896 inch 1902 inch 1908 inch 1914 inch 1920 inch 1926 inch 1932 inch 1938 inch 1944 inch 1950 inch 1956 inch 1962 inch 1968 inch 1974 inch 1980 inch 1986 inch 1992 inch 1998 inch 2004 inch 2010 inch 2016 inch 2022 inch 2028 inch 2034 inch 2040 inch 2046 inch 2052 inch 2058 inch 2064 inch 2070 inch 2076 inch 2082 inch 2088 inch 2094 inch 2100 inch 2106 inch 2112 inch 2118 inch 2124 inch 2130 inch 2136 inch 2142 inch 2148 inch 2154 inch 2160 inch 2166 inch 2172 inch 2178 inch 2184 inch 2190 inch 2196 inch 2202 inch 2208 inch 2214 inch 2220 inch 2226 inch 2232 inch 2238 inch 2244 inch 2250 inch 2256 inch 2262 inch 2268 inch 2274 inch 2280 inch 2286 inch 2292 inch 2298 inch 2304 inch 2310 inch 2316 inch 2322 inch 2328 inch 2334 inch 2340 inch 2346 inch 2352 inch 2358 inch 2364 inch 2370 inch 2376 inch 2382 inch 2388 inch 2394 inch 2400 inch 2406 inch 2412 inch 2418 inch 2424 inch 2430 inch 2436 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Complaint

Exhibit B

"built in usa" site: 123filter.com - Google Search

Page 1 of 1



Google "built in usa" site: 123filter.com

About 5,450 results (0.07 seconds)

iSpring Water Systems - #1 Best Seller Reverse Osmosis Water Filter
<https://www.123filter.com/> ▼
 Get clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...
 You visited this page on 11/15/16.

Our Contact Information | iSpring Water Systems - #1 Best Seller ...
www.123filter.com/catalog/contact_us.html ▼
 Get clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS ... Thank you for visiting our website. If you have any ...

About Us | iSpring Water Systems - #1 Best Seller Reverse Osmosis ...
www.123filter.com/catalog/about_us.html ▼
 Get clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Faq | Installation manual | iSpring Water Systems - #1 Best Seller ...
<https://www.123filter.com/catalog/knowledgebase.php> ▼
 Get clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Parts and Accessories | iSpring Water Systems
www.123filter.com/catalog/parts-and-components.html ▼
 ... a range of high quality parts and components for drinking water systems at 123filter ... BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST ...

iSpring #RCC7 RCC7 5-Stage Residential Under-Sink Reverse ...
www.123filter.com/...iSpring-5-stage-75gpd-reverse-osmosis-system-rcc7-comparin... ▼
 Get clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Replacement Water Filter Packs | iSpring Water Systems
www.123filter.com/catalog/replacement-cartridge.html ▼
 Get clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Warranty Registration | iSpring Water Systems - #1 Best Seller ...
www.123filter.com/catalog/warranty_registration.html ▼
 BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI ... We do not have the order information from vendors other than 123filter.com ... and continue supplying replacement filter cartridges at factory direct prices.

Privacy Policy | iSpring Water Systems - #1 Best Seller Reverse ...
www.123filter.com/catalog/privacy.html ▼
 BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST ... 123filter.com knows that you care how information about you is used and shared, and we ... and store any information you enter on our Web site or give us in any other way.

Conditions of Use | iSpring Water Systems - #1 Best Seller Reverse ...
<https://www.123filter.com/catalog/shipping.php> ▼
 123filter.com accept your return request within 30 days for a refund - original package, unused ... BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS ...
 Quoted prices are exclusive of all taxes. Purchaser ...

1 2 3 4 5 6 7 8 9 10 Next

Washington, DC - From your Internet address - Use precise location - Learn more

Help Send feedback Privacy Terms

https://www.google.com/?gws_rd=ssl

12/9/2016
Exhibit B

Complaint

Exhibit C



Roll over image to zoom in

iSpring RCC7 - WQA Gold Seal Certified - 5-Stage 75 GPD Residential Under-Sink Reverse Osmosis Drinking Water Filtration System
by iSpring

★★★★★ 2,545 customer reviews | 890 answered questions

Price: \$178.00 & FREE Shipping Details

Your cost could be **\$175.00**. Qualified customers get \$3 in Gift Card funds on first \$100 spend of their Amazon Gift Card balance. Learn more

In Stock.
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- Rejects up to 99% of 1,800+ pollutants including chlorine, fluoride, lead, arsenic, pesticides, pathogens, sulfur, THMs, PFDA and PFOS
- European Style Brushed Nickel Faucet, transparent housing for visual filter monitoring
- Certified Water Quality Association (WQA) Gold Seal for exceptional quality, safety, and durability
- Streamlined DIY installation process. Fits most under-sink cabinets
- Proudly built in the USA. Based out of Atlanta, Georgia

iSpring RCC7 - WQA Gold Seal Certified - 5-Stage 75 GPD Residential Under-Sink Reverse Osmosis Drinking Water Filtration System
\$178.00 & FREE Shipping Details In Stock Ships from and sold by Amazon.com in easy-to-open packaging. Gift-wrap available

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The faucet will be presented in your kitchen, so we made sure no elements were left. The faucet's brass body gives it a high-quality feel and appearance to provide a seamless fit with your other fixtures.	Don't be left in the dark on filter life. With the transparent housing you will know it is time for a filter change before a problem occurs.	The more water the better. The RCC7 outperforms its peers with a 75 gallons per day rating, ensuring you have your water when you need it.	The RCC7 is the only system in its class to earn the Water Quality Association's Gold Seal Certification. Don't settle for anything less!

24/7 LIVE TECH SUPPORT
8 AM - 8 PM EST

Customer Support
Question? Contact our team of WQA-certified professionals for a prompt and informative answer.

WQA Gold Seal

Superior Performance
One of how to earn the WQA Gold Seal Certification for award-quality performance.

1 YEAR MONEYBACK GUARANTEE

Customer Confidence
Learn or research, simple as that. We provide a full 1-year money back guarantee with every system sold.

Built in USA



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Faucet Mounts (2)

Price

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y \$75 - \$225 (4)

y \$225 - \$300 (6)

y \$300 - \$425 (4)

y \$425 & above (3)

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go

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y All Items On Sale (21)

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\$264.99

iSpring RCC7AK - Built in USA, WQA Certified Reverse

Sold by 2Shop

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~~\$299.99~~
See price

\$599.99

iSpring #RCC7AK 6-stage 75 GPD Reverse Osmosis

Sold by iSpring Water ...

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~~\$699.99~~

\$599.99

iSpring RC55T 500 GPD Tankless Side-Flow Commercial 5-

Sold by iSpring Water ...

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\$549.99

iSpring 300GPD Commercial Reverse Osmosis Water Filter

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y All Discounted Items (21)

y 20% off and more (8)

y 30% off and more (4)

y 50% off and more (1)

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~~\$599.99~~
\$469.99

iSpring WGB32B Three Stage 20-Inch Big Blue Whole House

Sold by iSpring Water ...

[add to compare](#)



~~\$452.99~~
\$400.19

iSpring F15-400 Tankless RO System Replacement Filter Set

Sold by Factory Advant...

[add to compare](#)



~~\$459.99~~
\$399.99

iSpring 100GPD 7-Stage Reverse Osmosis RO UV

Sold by iSpring Water ...

[add to compare](#)



~~\$459.99~~
\$365.99

iSpring RCC1UP - 100GPD 6-Stage Reverse Osmosis

Sold by iSpring Water ...

[add to compare](#)



~~\$344.99~~
\$302.44

iSpring F25U75 3-Year Replacement Filter Set for 6-Stage 75GPD UV

Sold by Factory Advant...

[add to compare](#)



~~\$329.99~~
\$299.99

iSpring WGB22B 2-Stage 20-Inch Big Blue Whole House Water

Sold by iSpring Water ...

[add to compare](#)



~~\$399.99~~
\$289.99

iSpring RCC7P-AK - WQA GOLD SEAL - 6-Stage 75GPD Reverse

Sold by iSpring Water ...

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~~\$359.99~~
\$289.99

iSpring #RCC1P USA Top Brand 100 GPD 5-stage Reverse

Sold by iSpring Water ...

[add to compare](#)

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Exhibit C
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Complaint



~~\$299.99~~
\$269.99

iSpring RCC7P - WQA
GOLD SEAL - 5
Stages 75GPD

Sold by iSpring Water ...
y add to compare



~~\$253.49~~
\$224.24

iSpring MC4+NW14
2.8-Inch x 12-Inch
400GPD Commercial

Sold by Factory Advant...
y add to compare



~~\$249.99~~
\$199.00

iSpring RCC7 5-Stage
Residential Under-Sink
Reverse Osmosis
AAAAA (1)

Sold by iSpring Water ...
y add to compare



~~\$209.99~~
\$169.99

iSpring CU-A4 - US
Legendary - 4-Stage
0.1 Micron Ultra-

Sold by iSpring Water ...
y add to compare



~~\$185.99~~
\$146.04

iSpring WCC31 3-
Stage Undercounter
Water Filter System

Sold by Factory Advant...
y add to compare



~~\$73.79~~
\$64.39

iSpring FP15X25 5
micron Sediment Filter
Cartridges, NSF

Sold by Factory Advant...
y add to compare



~~\$95.01~~
\$59.83

iSpring 2S-20BB-5M
Big Blue Whole House
Water Filter with 4.5-

Sold by Big Electron Li...
y add to compare



~~\$59.99~~
\$40.99

iSpring #CKC1-New
Wav New Wave Enviro
Portable Single-Stage

Sold by iSpring Water ...
y add to compare



~~\$39.99~~
\$19.99

iSpring LittleWell
Faucet Mount Water
Filter with Innovative

Sold by iSpring Water ...
y add to compare



~~\$15.99~~
\$9.99

iSpring LittleWell
Faucet Mount Water
Filter Cartridge with

Sold by iSpring Water ...
y add to compare

1

1-22 of (22) Items

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\$80.99

Classic Series Keurig
K50 Black Beverage
Brewer

(72)

**\$959.00**

Greensand 20 Iron &
Sulfur Water Filter
System 2 cu. ft. High...

Sold by Abundant Flow
Water Systems



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Classic Series K55
Brewer - Black

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Tablets

(19)



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iSpring RCC7 - Built in USA, WQA Certified Reverse Osmosis 5-Stage... <https://www.walmart.com/ip/iSpring-RCC7-Built-USA-WQA-Certified...>



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iSpring RCC7 - Built in USA, WQA Certified Reverse Osmosis 5-Stage 75GPD Under-Sink Water Filter with Brushed Nickel EU Faucet & See-through Housing

2 reviews Q&A By: iSpring Water Systems



\$178⁴⁸ + FREE shipping

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Complaint

iSpring RCC7 - Built in USA, WQA Certified Reverse Osmosis 5-Stage... <http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-...>

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Complaint

iSpring RCC7 - Built in USA, WQA Certified Reverse Osmosis 5-Stage... <http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-...>

[illegible]

iSpring RCC7 - Built in USA, WQA Certified Reverse Osmosis 5-Stage... <http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-...>

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Decision and Order

DECISION

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondent named in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) prepared and furnished to Respondent a draft Complaint. BCP proposed to present the draft Complaint to the Commission for its consideration. If issued by the Commission, the draft Complaint would charge the Respondent with violation of the Federal Trade Commission Act.

Respondent and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) a statement by Respondent that it neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Decision and Order, and that only for purposes of this action, it admits the facts necessary to establish jurisdiction; and 2) waivers and other provisions as required by the Commission’s Rules.

The Commission considered the matter and determined that it had reason to believe that Respondent has violated the Federal Trade Commission Act, and that a Complaint should issue stating its charges in that respect. The Commission accepted the executed Consent Agreement and placed it on the public record for a period of 30 days for the receipt and consideration of public comments. The Commission duly considered the comment 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 Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

Findings

1. Respondent is a Georgia limited liability company with its principal office or place of business at 3020 Trotters Parkway, Alpharetta, GA 30004.
2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondent, and the proceeding is in the public interest.

Decision and Order

ORDER**Definitions**

For purposes of this Order, the following definitions apply:

- A. “Clear(ly) and conspicuous(ly)” means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure (“triggering representation”) is made through only one means.
 2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.
 3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 5. On a product label, the disclosure must be presented on the principal display panel.

Decision and Order

6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the triggering representation appears.
 7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
 9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.
- B. “Made in the United States” shall mean any representation, express or implied, that a product or service, or a specified component thereof, is of U.S.-origin, including, but not limited to, a representation that such product or service is “made,” “manufactured,” “built,” or “produced” in the United States, or any other U.S.-origin claim.
- C. “Respondent” means iSpring Water Systems, LLC, also doing business as 123filter.com, and their successors and assigns.

Provisions**I.****PROHIBITED MISREPRESENTATIONS**

IT IS ORDERED that Respondent, and Respondent’s officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any water

Decision and Order

filtration system or associated parts and accessories, or any other product or service, must not make any representation, expressly or by implication, that a product or service is Made in the United States unless:

- A. The final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or
- B. A Clear and Conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients, and/or processing.

II. SUBSTANTIATION

IT IS FURTHER ORDERED that Respondent, Respondent's officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with promoting or offering for sale any product or service, shall not make any representation, in any manner, expressly or by implication, regarding the country of origin of any product or service unless the representation is true, not misleading, and at the time it is made, Respondent possesses and relies upon a reasonable basis for the representation.

III. ACKNOWLEDGMENTS OF THE ORDER

IT IS FURTHER ORDERED that Respondent obtain acknowledgments of receipt of this Order:

- A. Respondent, within 10 days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

Decision and Order

- B. For 20 years after the issuance date of this Order, Respondent must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Provision titled Compliance Reports and Notices. Delivery must occur within 10 days after the effective date of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.
- C. From each individual or entity to which Respondent delivered a copy of this Order, Respondent must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

IV.**COMPLIANCE REPORTS AND NOTICES**

IT IS FURTHER ORDERED that Respondent make timely submissions to the Commission:

- A. One year after the issuance date of this Order, Respondent must submit a compliance report, sworn under penalty of perjury, in which Respondent must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission, may use to communicate with Respondent; (b) identify all of Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales; (d) describe in detail whether and how Respondent is in compliance with each Provision of this Order, including a discussion of all of the changes Respondent made to comply with the Order; and (e) provide a copy of each Acknowledgment of the Order

Decision and Order

obtained pursuant to this Order, unless previously submitted to the Commission.

- B. Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following: (a) any designated point of contact; or (b) the structure of Respondent or any entity that Respondent has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.
- C. Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against Respondent within 14 days of its filing.
- D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.
- E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must 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: In re iSpring Water Systems, LLC.

Decision and Order

V.
RECORDKEEPING

IT IS FURTHER ORDERED that Respondent must create certain records for 20 years after the issuance date of the Order, and retain each such record for 5 years, unless otherwise specified below. Specifically, Respondent must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission;
- E. A copy of each unique advertisement or other marketing material making a representation subject to this Order; and
- F. For 5 years from the date of the last dissemination of any representation covered by this Order:
 - 1. All materials that were relied upon in making the representation; and
 - 2. All evidence in Respondent's possession, custody, or control that contradicts, qualifies, or otherwise calls into question the representation, or the basis

Decision and Order

relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

VI.
COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Respondent's compliance with this Order:

- A. Within 10 days of receipt of a written request from a representative of the Commission, Respondent must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury, and produce records for inspection and copying.
- B. For matters concerning this Order, representatives of the Commission are authorized to communicate directly with Respondent. Respondent must permit representatives of the Commission to interview anyone affiliated with Respondent who has agreed to such an interview. The interviewee may have counsel present.
- C. The Commission may use all other lawful means, including posing through its representatives as consumers, suppliers, or other individuals or entities, to Respondent or any individual or entity affiliated with Respondent, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

VII.
ORDER EFFECTIVE DATES

IT IS FURTHER ORDERED that this Order is final and effective upon the date of its publication on the Commission's website (ftc.gov) as a final order. This Order will terminate on

Analysis to Aid Public Comment

April 6, 2037, or 20 years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying settlement) in federal court alleging any violation of this Order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Provision in this Order that terminates in less than 20 years; and
- B. This Order if such complaint is filed after the Order has terminated pursuant to this Provision.

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 Provision 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 iSpring Water Systems, LLC. (“respondent”).

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will

Analysis to Aid Public Comment

decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's marketing, sale, and distribution of water filtration systems and associated parts and accessories with claims that the products are of U.S.-origin. According to the FTC's complaint, respondent represented that all of its products are "Built in USA." In fact, in many instances, respondent's products are wholly imported. In other instances, respondent sources significant inputs to its products from overseas.

The complaint alleges that respondent's claims that its products are "Built in USA" were false or misleading, or not substantiated at the time the representations were made. Accordingly, 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 provisions designed to prevent respondent from engaging in similar acts and practices in the future. Consistent with the FTC's Enforcement Policy Statement on U.S. Origin Claims, Part I prohibits iSpring from making U.S.-origin claims for its products unless either: (1) the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients, and/or processing.

Part II prohibits respondent from making any "Made in the USA" or other country-of-origin claim about a product or service unless the claim is true, not misleading, and respondent has a reasonable basis substantiating the representation.

Parts III through VI are reporting and compliance provisions. Part III requires respondent to acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors, and employees, and to obtain an

Analysis to Aid Public Comment

acknowledgement from each such person that they have received a copy of the order. Part IV requires the filing of compliance reports within one year after the order becomes final and within 14 days of any change in respondent that would affect compliance with the order. Part V requires respondent to maintain certain records, including records necessary to demonstrate compliance with the order. Part VI requires respondent to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview respondent's personnel.

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

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

Complaint

IN THE MATTER OF

SPYCHATTER, INC.CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket No. C-4614; File No. 162 3251
Complaint, April 12, 2017 – Decision, April 12, 2017

This consent order addresses SpyChatter, Inc.’s representations made to consumers concerning its participation in the Asia-Pacific Economic Cooperation (“APEC”) Cross Border Privacy Rules (“CBPR”) system. The complaint alleges that SpyChatter falsely represented that it was a participant in the APEC CBPR system when, in fact, it never sought or obtained certification. The consent order prohibits SpyChatter from making misrepresentations about its participation in any privacy or security program sponsored by a government or any self-regulatory or standard-setting organization, including, but not limited to, the APEC CBPR system.

Participants

For the *Commission*: Monique F. Einhorn.

For the *Respondent*: Alec Harshey, Law Offices of Alec Harshey.

COMPLAINT

The Federal Trade Commission (“Commission” or “FTC”), having reason to believe that SpyChatter, Inc., a corporation, has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent SpyChatter, Inc. is a California corporation with its principal office or place of business at 601 South Figueroa, Suite 4050, Los Angeles, CA 90017.
2. Respondent markets the SpyChatter app. This app is designed to enable private messaging.