

Complaint

IN THE MATTER OF

MOONLIGHT SLUMBER, LLCCONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4634; File No. 162 3128**Complaint, December 11, 2017 – Decision, December 11, 2017*

This consent order addresses Moonlight Slumber, LLC's environmental and health claims made regarding its baby mattresses. The complaint alleges that respondent made unsubstantiated representations that its mattresses are organic, natural, or plant-based and that its mattresses will not emit any substance, including volatile organic compounds, or off gas; claimed that testing proved that its mattresses do not emit volatile organic compounds; and represented that its mattresses have been certified by Green Safety Shield, yet failed to disclose that it has a material connection to the Green Safety Shield seal. The consent order prohibits misleading representations regarding whether any mattress, blanket, pillow, pad, foam-containing product, or sleep-related product is organic, natural, or plant-based; regarding the emissions from such product; and regarding the general environmental and health benefits of such product and requires respondent to possess competent and reliable evidence, including scientific evidence when appropriate, to substantiate these representations.

Participants

For the *Commission*: Jock Chung and Amanda B. Kostner.

For the *Respondent*: Kenneth W. Vorrasi, Drinker Biddle & Reath, LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Moonlight Slumber, LLC, a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing that this proceeding is in the public interest, alleges:

1. Respondent Moonlight Slumber, LLC ("Moonlight Slumber") is an Illinois corporation with its principal office or place of business at 300 Brook Street, Elgin, Illinois 60120.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed baby mattresses.

Complaint

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.

Moonlight Slumber’s Business Practices

4. Respondent has disseminated advertisements for Moonlight Slumber baby mattresses, including the attached Exhibits 1 through 12. These materials contain the following statements and depictions:

- a. Respondent’s Starlight Simplicity mattress is an “Organic, hypoallergenic mattress that eliminates chemicals in your crib,” “with no chemical additives, no chemical fire retardants, no foam, no plastics, no polyesters, and no harsh chemicals.” Exhibit 1.
- b. Respondent’s Little Star mattress is a “Dual Firmness Organic Cotton Crib Mattress,” “a safe, organic alternative to traditional crib mattresses,” a “hypoallergenic crib mattress,” and an “organic crib mattress.” Exhibits 2 and 3.
- c. Respondent’s Little Star mattress contains a “Natural Latex Core.” Exhibit 2.
- d. Respondent’s mattresses are made from “BabySafe Natural Materials.” Exhibits 2, 4, 5, 6, 7, 8, and 9.
- e. Respondent’s Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Star, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses are made with “eco-friendly plant-based foam,” “eco-friendly, plant based foam,” “eco-friendly plant-based, extra firm foam,” or “eco-friendlier, extra firm, plant based foam.” Exhibits 2, 3, 4, 5, 6, 7, 8, and 9.
- f.  Respondent depicted a seal with a shield bearing a green leaf, partially encircled with the words “green safety shield.” Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.

Complaint

- g. Testing proves “that there are no VOCs (Volatile Organic Compounds, commonly known as ‘Off Gassing’) from Moonlight Slumber products. They are Green Safety Shield certified to assure no off gassing” Exhibits 10 and 11.
 - h. Respondent’s mattresses are “[f]ree of ... off gassing, or indoor air pollutants.” Exhibit 12.
- 5. Respondent’s mattresses are comprised almost entirely of a core, fire barrier, cotton cover, and cotton ribbon.
- 6. The substantial majority of content in Respondent’s Starlight Simplicity and Little Star mattresses is non-organic. Neither the cores, which are the principal mattress components, nor the fire barriers for these two mattresses contain any organic content. About 70% of the cotton cover is not organic. Only the mattress ribbon, a minor component of the mattresses, is purely organic.
- 7. Most of Respondent’s mattresses contain cores made wholly or substantially of polyurethane, a non-natural material made almost entirely from isocyanates and polyols derived from petrochemicals. In addition, the latex used in the core for the Little Star mattress is not a natural material, but is synthetic.
- 8. The foams used in Respondent’s Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Star, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses contain little or no plant-based material.
- 9. Respondent displayed the Green Safety Shield on its website and packaging near certifications from independent third parties.
- 10. Respondent did not disclose on its website and packaging that it awarded the Green Safety Shield to its own mattresses. The Green Safety Shield is not a certification by an independent third party.

Complaint

11. Respondent did not possess testing that proves there are no VOCs (Volatile Organic Compounds) from its mattresses.

Count I**False or Unsubstantiated Representations**

12. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that:

- a. Respondent's Starlight Simplicity and Little Star mattresses are organic;
- b. The materials in Respondent's mattresses are natural;
- c. Respondent's Little Star mattress contains a natural latex core; and
- d. Respondent's Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses, and the infant side of the Little Star mattress, are made with foam that is derived wholly or almost wholly from plants.

13. In fact:

- a. Respondent's Starlight Simplicity and Little Star mattresses are not organic. Indeed, a substantial majority of the content in these mattresses is not organic.
- b. A substantial majority of materials in several of Respondent's mattresses is not natural.
- c. Respondent's Little Star mattress does not contain a natural latex core.
- d. Respondent's Starlight Supreme, Starlight Sleepwell, Starlight Dream, Little Dreamer, Little Dreamer Deluxe, and Little Angel mattresses, and the infant side of the Little Star mattress, are not made with foam derived wholly or almost wholly from plants. Indeed,

Complaint

little or no plant-based material is used to make the foam in these mattresses.

Therefore, the representations set forth in Paragraph 12 were false or misleading, or were unsubstantiated at the time the representations were made.

Count II
Unsubstantiated Representations

14. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that Respondent's mattresses will not emit any substance, including volatile organic compounds.

15. In fact, Respondent did not possess and rely upon a reasonable basis to substantiate that its mattresses will not emit any substance, including volatile organic compounds.

Therefore, the representations set forth in Paragraph 14 were unsubstantiated at the time the representations were made.

Count III
False Establishment Claim

16. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented, directly or indirectly, expressly or by implication, that testing proves that Respondent's mattresses do not emit volatile organic compounds.

17. In fact, testing did not prove that Respondent's mattresses do not emit volatile organic compounds. Therefore, the representation set forth in Paragraph 16 is false or misleading.

Count IV
Deceptive Failure to Disclose—Material Connection with Green Safety Shield

18. In connection with the advertising, promotion, offering for sale, or sale of baby mattresses, Respondent has represented,

Complaint

directly or indirectly, expressly or by implication, that its mattresses have been certified by Green Safety Shield.

19. In these instances, Respondent has failed to disclose or disclose adequately that the Green Safety Shield is its own designation.

20. Respondent's failure to disclose or disclose adequately the material information described in Paragraph 19, in light of the representation set forth in Paragraph 18, is a deceptive act or practice.

Violations of Section 5

21. 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 eleventh day of December 2017, has issued this Complaint against Respondent.

By the Commission.

Complaint

Exhibit 1

Moonlight Slumber®
Premium Sleep Products for Baby & Child

Products • Safety • Testimonials • Where To Purchase • Resources •

Mattresses

starlight simplicity★

10 YEARS

Product Line
Starlight X
Starlight Simplicity ★
Starlight Supreme
Starlight Whisper
Starlight Sparkle
Starlight Shimmer
Starlight Sleepwell
Starlight Dream
Little Star
Little Dreamer
Little Dreamer Deluxe
Little Angel

Organic, hypoallergenic mattress eliminates chemicals in your crib
★★★★★
Be the first to review this product

[Write a review](#) [Ask a question](#)

For eco-conscious parents that refuse to compromise their infant's sleep environment, the Starlight Simplicity is an all-natural 4.5" deep mattress with no chemical additives, no chemical fire retardants, no foam, no plastics, no polyesters, and no harsh chemicals.

ALL NATURAL
From our pure, fabric cover made with organic cotton, to our all natural latex dual sided core, even our natural fabric fire barrier, the only thing we add to this mattress is our lovely organic ribbon. Superior comfort, optimum air flow, two stage sleep surfaces (one side for infants, one side for toddlers), the Starlight Simplicity is everything you expect in a Moonlight Slumber mattress. Simply pure. Simply perfect. Simply natural.

SIZES
• Crib: 27.5" x 52" x 4.5"

Features:
BabySafe Natural Materials
Bed Bug/Dust Mite Resistant
Dual Firmness
Eco-Friendly Materials
Extra Firm Infant Side
Green Guard Gold Certified
Hand made in the USA
Hypoallergenic
Natural Latex Core
Naturally Fire Resistant
No Foam
No Harsh Chemicals
Organic Cotton Cover
SafeSewn Seams
Squared Corners & Edges
Staple Latex Toddler Side

Reviews **Questions**

Reviews
★★★★★
Be the first to review this product

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Exhibit 2

Moonlight Slumber®
Premium Sleep Products for Baby & Child

Products • Safety • Testimonials • Where To Purchase • Resources •

Mattresses

little star™

Crib 6" thick

Product Line
Starlight X
Starlight Simplicity
Starlight Supreme
Starlight Whisper
Starlight Sparkle
Starlight Shimmer
Starlight Sleepwell
Starlight Dream
Little Star ★
Little Dreamer
Little Dreamer Deluxe
Little Angel

Dual Firmness Organic Cotton Crib Mattress
★★★★★
Be the first to review this product

[Write a review](#) [Ask a question](#)

Looking for a safe, organic alternative to traditional crib mattresses? Look no further than the Little Star from Moonlight Slumber. This waterproof, hypoallergenic crib mattress is covered in an easy to clean, fabric cover made with organic cotton—no polyethylenes or vinyls. The soft, supple organic cotton cover unzips quickly and easily for machine washing. The Little Star offers dust mite and bed bug resistant SafeSewn seams that are dropped to the sides and sewn flat to make sheet changes and clean up a breeze; all in a lightweight 8 pound package.

ECO-FRIENDLY AND VERSATILE
The Little Star is a 5" deep, two stage sleep system. One side is an extra firm layer of eco-friendly, plant based foam ideal for infants. The reverse toddler side is a comfortable pressure reducing, synthetic latex; hypoallergenic, antibacterial, temperature regulating and oxygen rich.

SIZES
• Crib: 27.5" x 52" x 5"

Features:
 • BabySafe Natural Materials
 • Bed Bug/Dust Mite Resistant
 • Dual Firmness
 • Easy to Clean
 • Eco-Friendly Materials
 • Extra Firm Infant Side
 • Green Guard Gold Certified
 • Hand Made in the USA
 • Hypoallergenic
 • Lightweight
 • Natural Latex Core
 • Naturally Fire Resistant
 • No Harsh Chemicals
 • Organic Cotton Cover
 • Performance Fabric Cover
 • Removable Cover
 • Reinforced Seams
 • Squared Corners & Edges
 • Supple Latex Toddler Side
 • Waterproof

Reviews
★★★★★
Be the first to review this product

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Exhibit 3



Looking for a safe, organic alternative to traditional crib mattresses? Look no further than the Little Star from Moonlight Slumber. This waterproof, hypoallergenic crib mattress is covered in an easy to clean organic cotton fabric cover—no polyethelenes or vinyls. The soft, supple organic cotton cover unzips quickly and easily for machine washing. The Little Star offers dust mite and bed bug resistant SafeSewn seams that are dropped to the sides and sewn flat to make sheet changes and clean up a breeze; all in a lightweight 8 pound package. The Little Star is a 5" deep two stage sleep system. One side is an extra firm layer of eco-friendly, plant based foam ideal for infants. The reverse toddler side is a comfortable pressure reducing, synthetic latex: hypoallergenic, antibacterial, temperature regulating, and oxygen rich.



Lifetime Warranty
www.moonlightslumber.com

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Moonlight
Slumber.
Freeform Sleep Products for Baby & Child
www.moonlightslumber.com

Complaint

Exhibit 4

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Moonlight Slumber®
Premium Sleep Products for Baby & Child

Products Safety Testimonials Where To Purchase Resources

Mattresses

starlight supreme

Crib • Twin • Full

6" 6.5" 6.5"

Product Line
Starlight X
Starlight Simplicity
Starlight Supreme ★
Starlight Whisper
Starlight Sparle
Starlight Shimmer
Starlight Sleepwell
Starlight Dream
Little Star
Little Dreamer
Little Dreamer Deluxe
Little Angel

Sheer Comfort, Temperature Control and Air Flow
★★★★★
Be the first to review this product

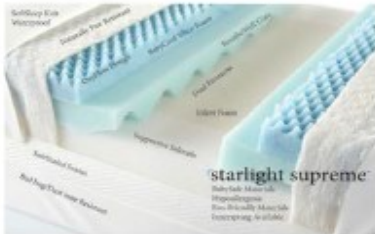
[Write a review](#) [Ask a question](#)

Our most luxurious Starlight model, the Starlight Supreme rivals any mattress on the market. This 6" deep mattress comes with an eco-friendly plant-based, extra firm foam on the infant side and BabyCool visco foam, OxyFlo designed, second stage toddler side.

PROTECTING BABY A STEP FURTHER
This dual-firmness mattress also features welded BabySealed seams, premium medical quality, water- stain- and odor-resistant deluxe knit fabric, and a mineral derived woven fire barrier (no harsh chemical sprays). Every Starlight Supreme mattress takes protecting baby one step further with an engineered BreatheWell Core specially designed to circulate air throughout the mattress. Finally, the Supreme is finished with our hallmark woven ribbon denoting its quality and origin as a Moonlight Slumber Specialty Crib Mattress.

SIZES

- Crib: 27.5" x 52" x 6"
- Twin: 38" x 75" x 6.5"
- Full: 54" x 75" x 6.5"



Reviews Questions

Be the first to review this product

★★★★★

Be the first to review this product

GREEN SAFETY SHIELD
MADE IN THE USA
CERTIFIED GREEN
GREENGUARD GOLD

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Exhibit 5

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Premium Sleep Products for Baby & Child

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Mattresses

starlight sleepwell★

Crib
6"™

Product Line
Starlight X
Starlight Simplicity
Starlight Supreme
Starlight Whisper
Starlight Sparkle
Starlight Shimmer
Starlight Sleepwell★
Starlight Dream
Little Star
Little Dreamer
Little Dreamer Deluxe
Little Angel

Dual Firmness With Babycool Foam
★★★★★
Be the first to review this product

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Designed with advanced health, safety, and comfort standards, every Starlight Sleepwell™ is made with SafeSealed™ welded seams, premium medical quality, water-stain- and odor-resistant deluxe knit fabric, and a mineral derived woven fine barrier (no harsh chemical sprays). The Sleepwell™ is a 6" deep, two stage sleep system offering an extra firm layer of eco-friendly, plant based foam on the infant side and a temperature regulating BabyCool foam on the toddler side.

PROTECTING BABY
The Sleepwell™ takes protecting baby one step further with an engineered BreathesWell™ Core specially designed to circulate air throughout the mattress. Finally, the Sleepwell™ is finished with our hallmark woven waterproof ribbon which allows the mattress to breathe denoting its quality and origin as a Moonlight Slumber Specialty Crib Mattress.

SIZES
• Crib: 27.5" x 52" x 6"

starlight sleepwell.
BabyCool Memory Hypoallergenic Breathable Materials Made in the USA

Features:
BabyCool Vapo Foam
BabySafe Natural Materials
Ded Dust/Dust Mite Resistant
BreathesWell Core
Conduct Foam
Dual Firmness
Easy To Clean
Eco-Friendly Materials
Extra Firm Infant Side
Green Guard Gold Certified
Hand made in the USA
Hypoallergenic
Lightweight
Naturally Fine Breedsorb
No Harsh Chemicals
Performance Fabric Cover
SafeSealed Seams
SoftGrip Knot
Squared Corners & Edges
Waterproof

Reviews
★★★★★
Be the first to review this product

Reviews
★★★★★
Be the first to review this product

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Exhibit 6

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Mattresses

starlight dream

Crib 5" deep

Product Line
 Starlight X
 Starlight Simplicity
 Starlight Supreme
 Starlight Whisper
 Starlight Sparkle
 Starlight Shimmer
 Starlight Sleepwell
Starlight Dream ★
 Little Star
 Little Dreamer
 Little Dreamer Deluxe
 Little Angel

Our Best Selling Model Improved
 ★★★★★
 Be the first to review this product.
 2 questions and 0 answers for this product.

[Write a review](#) [Ask a question](#)

The smart solution for parents who want the easy-to-live-with, easy-to-love features of a premium crib mattress at an affordable price—the Starlight Dream offers a hypoallergenic, safe, and healthy option for little dreamers everywhere.

WHY BUY A STARLIGHT DREAM?
 The Starlight Dream is a two-stage sleep system offering an extra firm layer of eco-friendly, plant-based foam on the infant side and a softer, plush side for toddlers. The entire 5" deep mattress is wrapped in a mineral-derived woven fire barrier (no harsh chemical sprays) and enclosed in a medical quality, water-, stain-, and odor-resistant fabric. The finishing touch is a delightful branded, air flow, water-resist ribbon denoting its quality and origin as a Moonlight Slumber Specialty Crib Mattress.

SIZES
 • Crib: 27.5" x 52" x 5"

Features:
 BabySafe Natural Materials
 Bed Bug/Dust Mite Resistant
 Guardrail Foam
 Dual Firmness
 Easy To Clean
 Eco-Friendly Materials
 Extra Firm Infant Side
 GREEN GUARD GOLD CERTIFIED
 Hand made in the USA
 Hypoallergenic
 Lightweight
 Naturally Fire Resistant
 No Harsh Chemicals
 Performance Fabric Cover
 SoftGreen Seams
 Squared Corners & Edges
 Waterproof

Reviews Questions

★★★★★
 Be the first to review this product.

Reviews

★★★★★
 Be the first to review this product.

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Mattresses

little dreamer★

Crib • Twin • Full

5" 6.5" 6.5"

Product Line
Starlight X
Starlight Simplicity
Starlight Supreme
Starlight Whisper
Starlight Sparkle
Starlight Shimmer
Starlight Sleepwell
Starlight Dream
Little Star
Little Dreamer★
Little Dreamer Deluxe
Little Angel

Dual Sleep Surfaces in an Adorable, Comfortable Crib Mattress
★★★★★
Be the first to review this product
4 questions and 0 answers for this product

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One of our most popular models, Little Dreamer mattresses are affordable, hypoallergenic, safe, and healthy for little dreamers and their parents. The Little Dreamer is a two-stage sleep system offering an extra firm layer of eco-friendly, plant based foam on the infant side and a softer, plush side for toddlers. The entire 5" deep mattress is wrapped in a mineral derived woven fire barrier (no harsh chemical sprays) and enclosed in a medical quality, water stain and odor resistant deluxe fabric. The finishing touch is a delightful celery woven ribbon denoting its quality and origin as a Moonlight Slumber Specialty Crib Mattress.

SIZES

- Crib: 27.5" x 52" x 5"
- Twin: 38" x 75" x 6.5"
- Full: 54" x 75" x 6.5"

little dreamer
BabySafe Natural Materials
Hypoallergenic
Fire Retardant
Eco-Friendly Materials
Extra Firm Infant Side
Green Guard Gold Certified
Hand made in the USA
Hypoallergenic
Breathable Available
Lightweight
Naturally Fire Resistant
No Harsh Chemicals
Performance Fabric Cover
SafeNew Beams
SoftSleep Matt
Reinforced Corners & Edges
Waterproof

Reviews Questions

★★★★★
Be the first to review this product

Reviews

Green Safety Shield
Made in USA
GREENGUARD
GREENGUARD

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Mattresses

little dreamer deluxe

Twin • Full

6.5"

10 Years

Product Line
 Starlight X
 Starlight Simplicity
 Starlight Supreme
 Starlight Whisper
 Starlight Sparkle
 Starlight Shimmer
 Starlight Sleepwell
 Starlight Dream
 Little Star
 Little Dreamer
Little Dreamer Deluxe ★
 Little Angel

Deluxe All Foam
 ★★★★★
 Be the first to review this product.

[Write a review](#) [Ask a question](#)

Designed with advanced health, safety, and comfort standards, every Little Dreamer Deluxe twin or full mattress is manufactured with sewn seams, premium medical quality, water- stain- and odor-resistant sumptuous knit fabric, and a mineral derived woven fire barrier (no harsh chemical sprays). The Little Dreamer Deluxe is a two-stage sleep system offering a firm layer of eco-friendly, plant-based foam on one side and a plush visco (memory) foam on the second. To top it all off is a custom-fitted, washable mattress cover made with organic cotton. Easy to live with. Easy to clean. Easy to love. Handmade in the USA.

SIZES
 • Twin: 38" x 75" x 6.5"
 • Full: 54" x 75" x 6.5"



[BabySafe Natural Materials](#)
[Bed Bug/Dust Mite Resistant](#)
[Breathable Core](#)
[Dual Firmness](#)
[Easy To Clean](#)
[Eco-Friendly Materials](#)
[Extra Firm Infant Side](#)
[Green Guard Gold Certified](#)
[Hand made in the USA](#)
[Hypoallergenic](#)
[Naturally Fire Resistant](#)
[No Harsh Chemicals](#)
[Performance Fabric Cover](#)
[Removable Cover](#)
[SafeGreen Seams](#)
[Squared Corners & Edges](#)
[Visco Foam](#)
[Waterproof](#)

Reviews Questions

Reviews
 ★★★★★
 Be the first to review this product.






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Mattresses

little angel★

Crib
5" thick

Product Line
Starlight X
Starlight Simplicity
Starlight Supreme
Starlight Whisper
Starlight Sparkle
Starlight Shimmer
Starlight Sleepwell
Starlight Dream
Little Star
Little Dreamer
Little Dreamer Deluxe
Little Angel ★

Eco-Friendly Premium Crib Mattress

★★★★★
Be the first to review this product

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The Little Angel gives parents the peace of mind that comes from having a hypoallergenic, safe, and healthy crib mattress for your little dreamer at an affordable price. The Little Angel is a single firmness mattress made of eco-friendlier, extra firm, plant based foam. The entire 5" deep mattress is wrapped in a mineral derived woven fire barrier (no harsh chemical sprays) and enclosed in a medical quality, water stain and odor resistant deluxe fabric. Easy to clean. Lightweight. Green Guard Gold Certified. Handmade in the USA.

SIZES
• Crib: 27.5" x 52" x 5"

Features:
BabySafe Natural Materials
BabySmart Nylon
Bed Bug/Dust Mite Resistant
Easy to Clean
Eco-Friendly Materials
Green Guard Gold Certified
Handmade in the USA
Hypoallergenic
Infant Firm Throughout
Lightweight
Naturally Fire Resistant
No Harsh Chemicals
Performance Fabric Cover
SafeSeam Seams
Squared Corners & Edges
Waterproof

Reviews
★★★★★
Be the first to review this product

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Exhibit 10

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Frequently Asked Questions

FAQ

Helpful Links

Are the glues used in Moonlight Slumber products green compliant?
Yes. Smulka is the only adhesive company committed to offering only environmentally friendly products and services. They have received the coveted GREENGLARD Sustainability Award and is Green Safety Shield™ approved.

Are Moonlight Slumber products tested for safety?
Yes. We surpass the requirements issued by the U.S. Government and only work with certified testing facilities including Berkeley Analytical, Chemark Testing and Green Best.

Are all Moonlight Slumber mattresses PVC free?
Yes. All Moonlight Slumber mattresses are free of Halogens, Tri-Nitrophenols, PVC, Vinyl, MBDE, PBDE, Phthalates, Phosphonates, Antimony, Antimony, and many other harsh and dangerous chemicals that are commonly used in crib mattresses. We offer the best blend of safe, sound products using advanced manufacturing technology.

Do Moonlight Slumber mattresses off-gas?
No. Testing by Berkeley Analytical labs prove that there are no VOCs (Volatile Organic Compounds, commonly known as "Off Gassing") from Moonlight Slumber products. They are Green Safety Shield™ certified to assure no off gassing and also certified through the CertiPUR-US certification program.

What is the Green Safety Shield™ certification program?
Green Safety Shield™ certification is based on the standardized chemical analysis that test for chemicals for indoor air quality, environmental guidelines, physical performance, content testing, and random compliance verifications. This certification is given to approved products made without Tri-Tolene, Nitrophenols, PBDEs, Phthalates, Ozone Depleters, Mercury, Lead, Heavy Metals, Formaldehyde and Methylene Chloride and that are Halogen Free.

What is the difference between the Starlight Support and the Starlight Support Supreme mattress?
Both mattresses are constructed exactly the same (dual firmness, internal fire barrier, stretch knit fabric, etc.) with one exception: the Supreme has Gel/Visco elastic memory foam on the toddler side. So when you flip the Starlight Support, you flip from extra firm to firm. When you flip the Supreme, you flip from extra firm to a layer of visco elastic memory foam.

What are the differences between the all-foam and innerspring mattresses?
The all foam models have a core made entirely of foam. Top and bottom layers of foam are added to create dual firmness comfort. The innerspring models have an innerspring coil core, which is encapsulated on all sides, top, and bottom with foam, creating a sandwich-like construction.

When should the mattress be flipped from the infant side (extra firm) to the toddler side (firm)?
While all children progress differently, we recommend that you flip your mattress when your child is approximately nine months old. This is the age when they can typically move freely about the crib, becoming mobile and beginning to pull up into a sitting position. However, should you notice your child becoming restless during the night or naptime, it may be a sign that they are ready for the less firm toddler side.

What is the fire barrier in Moonlight Slumber products?
Moonlight Slumber uses a natural, halogen free, patent pending, internal fire resistant barrier. It is made of inherently fireproof materials with no toxically applied chemicals, retardants or other additives. Further, it has been used in the healthcare industry for many years, exceeding all current Federal and State regulations.

What is the difference between a fire retardant and fire resistant material?
Fire retardant materials slow the spread of fire. Fire resistant materials do not burn. Moonlight Slumber products are 16 CFR Part 1633 compliant, meaning they are fire resistant. They have been proven, by independent tests, to withstand open flame.

Are Nature's Star mattresses organic?
Partially organic. The Nature's Star partially organic mattress has substituted all-natural cotton in place of foam. The cotton is not bleached, dyed, or chemically altered. The Nature's Star partially organic mattress comes with an all-organic zippered cover that can be washed and dried.

Do you need to use a mattress pad or waterproof mattress cover with Moonlight Slumber mattresses?
It is up to personal preference as to whether you use a mattress pad or waterproof mattress cover. All Moonlight Slumber mattresses, even the Nature's Star, are manufactured with a premium, waterproof fabric. This fabric is smooth to the touch. Awns under your baby, resists cracking and crumpling, and can be cleaned with a damp sponge. Because there may be some stains that can never be removed you may want to use a mattress protector.

Do regular size crib sheets fit Moonlight Slumber mattresses?
Yes.

What is the difference between the contour changing table pad and flat changing table pads?
The contour changing table pad has either two or four raised sides and a security strap to attach to your dresser. The Little Dreamer contour pad has two raised sides while the Starlight Supreme comes with four raised sides. The flat changing table pad is 7" thick, with no strap.

Can Moonlight Slumber make custom crib mattress sizes?
Yes. Our mattresses are domestically made, right in the heart of



“The customer service at Moonlight Slumber is exceptional. When they say they want you to be 100% satisfied with your mattress, they mean it. Their mattress works for you! I couldn't be happier with our purchase. Thank you so very much.”

Mimi | Birmingham, AL

Complaint

Bases, as we have complete control over the production lines. We can create custom crib, cradle and bassinet or pack-n-play mattresses at your request. The Nature's Star Mattress does not allow for customization.

What is the best way to clean a Moonlight Slumber mattress?
Moonlight Slumber recommends the following method to clean a mattress: simply use a damp sponge and warm soapy water when necessary to clean a mattress. Avoid harsh chemicals.

What is the approximate weight of a Moonlight Slumber mattress?
Nature's Star - 25 lbs
Starlight Support Supreme (all foam) - 105 lbs
Starlight Support Supreme (innerspring) - 15 lbs
Starlight Support (all foam) - 8.5 lbs
Starlight Support (innerspring) - 12 lbs
Little Dreamer - 8 lbs



[Mattresses](#)
[Bases](#)
[Accessories](#)
[Where to Buy](#)

[Testimonials](#)
Green Safety Shield
Product Registration
Contact Us

MOONLIGHT SLUMBER
100 Brook Street
Evan, Illinois 60120
867.288.0101


[Sign up for Moonlight news](#)
 

Moonlight Slumber® and/or Little Dreamer® are registered trademarks of Moonlight Slumber, 100 Brook Street, Evan, IL 60120.
MOONLIGHT SLUMBER will not share your identifying information with any third party or third party group or representative.

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Complaint

Exhibit 11


[contact us](#) [home](#)

[Products](#) [Your Child's Safety](#) [Testimonials](#) [Where To Purchase](#) [Resources](#)

Frequently Asked Questions

FAQ ★

Helpful Links

Are the glues used in Moonlight Slumber products green compliant?
 Yes. Simalfa is the only adhesive company committed to offering only environmentally friendly products and services. They have received the coveted GREENGUARD Sustainability Award and is Green Safety Shield™ approved.

Are Moonlight Slumber products tested for safety?
 Yes. We surpass the requirements issued by the U.S. Government and only work with certified testing facilities including Berkley Analytical, Element Testing and Green Bear.

Are all Moonlight Slumber mattresses PVC free?
 Yes. All Moonlight Slumber mattresses are free of Halogens, Tris, Nanoparticles, PVC, Vinyl, PBDE, PBB, Phthalates, Phosphorous, Arsenic, Antimony, and many other harsh and dangerous chemicals that are commonly used in crib mattresses. We offer the best blend of safe, natural products using advanced manufacturing technology.

Do Moonlight Slumber mattresses off-gas?
 No. Testing by Berkley Analytical labs prove that there are no VOCs (Volatile Organic Compounds, commonly known as "Off Gassing") from Moonlight Slumber products. They are Green Safety Shield™ certified to assure no off gassing and also certified through the CertiPUR-US certification program.

What is the Green Safety Shield™ certification program?
 Green Safety Shield™ certification is based on the standardized chemical analyses that test: low emissions for indoor air quality, environmental guidelines, physical performance, content testing, and random compliance verifications. This certification is given to approved products made without Tris, Toluene, Nanoparticles, PBDEs, PBBs, Phthalates, Ozone Depleters, Mercury, Lead, Heavy Metals, Formaldehyde and Methylene Chloride and that are Halogen Free.

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What are the differences between the all-foam and Innerspring mattresses?
 The all foam models have a core made entirely of foam. Top and bottom layers of foam are added to



“ Our new Starlight Supreme mattress is excellent. Likewise, the customer service we recently received from the Moonlight Slumber team was equally exceptional. We can not say enough kind words about how effortlessly and expeditiously an issue we encountered with our mattress was resolved. The mattress and service certainly live up to their premium name, and we highly recommend. **”**

Kevin | San Francisco, CA

Complaint

create dual firmness comfort. The innerspring models have an innerspring coil core, which is encapsulated on all sides, top, and bottom with foam, creating a sandwich-like construction.

When should the mattress be flipped from the infant side (extra firm) to the toddler side (firm)? While all children progress differently, we recommend that you flip your mattress when your child is approximately nine months old. This is the age when they can typically move freely about the crib, becoming mobile and beginning to pull up into a sitting position. However, should you notice your child becoming restless during the night or naptime, it may be a sign that they are ready for the less firm toddler side.

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Do you need to use a mattress pad or waterproof mattress cover with Moonlight Slumber mattresses? It is up to personal preference as to whether you use a mattress pad or waterproof mattress cover. All Moonlight Slumber mattresses, even the Nature's Star, are manufactured with a premium, waterproof fabric. This fabric is smooth to the touch, warms under your baby, resists cracking and crunching, and can be cleaned with a damp sponge. Because there may be some stains that can never be removed you may want to use a mattress protector.

Do regular size crib sheets fit Moonlight Slumber mattresses?

Yes

What is the difference between the contour changing table pads and flat changing table pads?

The contour changing table pad has either two or four raised sides and a security strap to attach to your dresser. The Little Dreamer contour pad has two raised sides while the Starlight Supreme comes with four raised sides. The flat changing table pad is 1" thick, with no strap.

Can Moonlight Slumber make custom crib mattress sizes?

Yes. Our mattresses are domestically made, right in the heart of Illinois, so we have complete control over the production lines. We can create custom crib, cradle and bassinet or pack-n-play mattresses at your request. The Nature's Star Mattress does not allow for

Complaint

customization.

What is the best way to clean a Moonlight Slumber mattress?

Moonlight Slumber recommends the following method to clean a mattress: simply use a damp sponge and warm soapy water when necessary to clean a mattress. Avoid harsh chemicals.

What is the approximate weight of a Moonlight Slumber mattress?

Nature's Star - 23 lbs

Starlight Support Supreme (all foam) - 10.5 lbs

Starlight Support Supreme (Innerspring) - 13 lbs

Starlight Support (all foam) - 9.5 lbs

Starlight Support (Innerspring) - 12 lbs

Little Dreamer - 8 lbs



The footer of the Moonlight Slumber website features a dark blue background with white text and icons. At the top, four circular logos are displayed: GREENGUARD (with text 'GREENGUARD CERTIFIED FOR CHILDREN'S SLEEPING ENVIRONMENTS'), CertiPUR-US (with text 'CERTIFIED FOR PURCHASERS'), Full Lifetime Warranty (with a large 'M' logo), and Made in the USA (with an American flag and text 'with domestic components and expert labor'). Below the logos, the footer is organized into columns. The first column lists links: Mattresses, Pillows, Accessories, and Where To Buy. The second column lists links: Testimonials, Your Child's Safety, Product Registration, and Contact Us. The third column provides contact information: MOONLIGHT SLUMBER, 300 Brook Street, Elgin, Illinois 60120, and 847.289.0101. To the right of the contact information are social media icons for Facebook, Twitter, and Pinterest, followed by a 'Sign up for Moonlight news' button and an 'Email Address' input field with a right-pointing arrow. At the bottom, a line of text states: 'Moonlight Slumber® and or Little Dreamer® are registered trademarks of Moonlight Slumber 300 Brook Street Elgin, IL 60120.' Below this is a 'PRIVACY POLICY' link and a statement: 'Moonlight Slumber will not share your identifying information with any outside or third party group or representative.' The footer concludes with a copyright notice: '© Copyright 2016 - Moonlight Slumber'.

GREENGUARD
GREENGUARD CERTIFIED FOR CHILDREN'S SLEEPING ENVIRONMENTS

CertiPUR-US
CERTIFIED FOR PURCHASERS

Full Lifetime
Warranty

Made in the USA
with domestic components and expert labor

Mattresses
Pillows
Accessories
Where To Buy

Testimonials
Your Child's Safety
Product Registration
Contact Us

MOONLIGHT SLUMBER
300 Brook Street
Elgin, Illinois 60120
847.289.0101

Sign up for Moonlight news

Email Address

Moonlight Slumber® and or Little Dreamer® are registered trademarks of Moonlight Slumber 300 Brook Street Elgin, IL 60120.

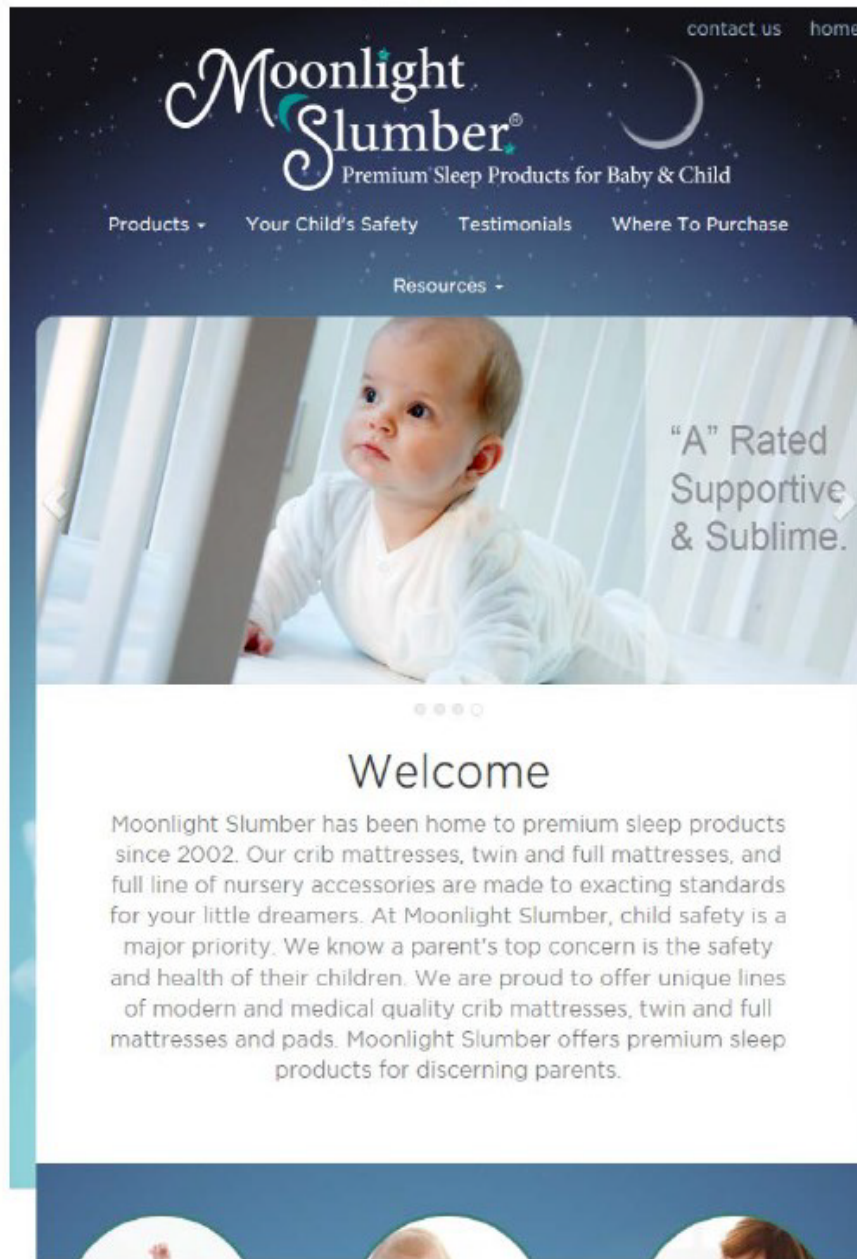
PRIVACY POLICY: Moonlight Slumber will not share your identifying information with any outside or third party group or representative

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Complaint

Exhibit 12

10:06:50 AM 9/30/2016



Complaint





Mattresses

Mattresses from Moonlight Slumber are simply the best crib, twin and full mattresses out there.

[Learn more »](#)

Pads

Flat or contoured, two or four sided changing table pads, bassinet pads and cradle pads from Moonlight Slumber are premium products for the most discerning of parents. Simply the best.

[Learn more »](#)

Pillows

Moonlight Slumber Bed Pillows, Maternity Pillows, Nursing Pillows, as well as our Pregnancy Pillows and Body Pillows.

[Learn more »](#)

[Learn more »](#)



Crib Mattresses Are Exciting!

Think about it. Your baby will spend more time on this single item then on anything else you buy. That is why buying a good mattress is so important.

Moonlight Slumber's crib mattresses offer the best of premium mattress features at a reasonable cost. Free of spray-on FR chemicals, off gassing, or indoor air pollutants, Moonlight Slumber mattresses will allow your baby to sleep comfortably and safely. Our crib mattresses are lightweight for middle of night sheet changes (except our super cool latex model-the Starlight Simplicity), are easy to care for, come with a lifetime warranty, and are made in the USA of sourced materials.

Most are designed with dual sleep surfaces: side one is for infants-smooth and firm. Side two is for older babies and toddlers. This second side is where mattresses get really exciting with options from latex, to visco (memory) foam, from plush foams infused with plant oils to temperature regulating CoolGel and BabyCool visco foams. These unique toddler sides have comfortable deluxe foam supporting your

Complaint

have comfortable deluxe foam supporting your toddler's growing joints and spine, extending use well into the toddler bed years.

And the best part? All of our mattresses are covered with quality, pliable fabric covers. Soft under the body, allowing the mattress to support the baby - not a hard cover. Yet still water, stain and odor-resistant. (with the exception, again, being our Starlight Simplicity-there you have a simple cotton cover-no waterproofing or excess).

From our best-selling Little Dreamer crib mattress, to our amazing hybrid the Little Star, Moonlight Slumber offers something for every new parent complete with Green Guard Gold certification.






"I purchased the Starlight Supreme crib mattress for my one year old son and he has never slept better! Thanks Moonlight!"

Tim, WI



"Our 2 yr old daughter immediately began sleeping through the night for the first time ever!! So thanks so much for such a wonderful product."

Carla, NY



"I received my pillow last week and I LOVE IT! I am finally getting good night sleep - in between bathroom breaks that is. Well done on a great product!"

Cindy, CA



Starlight Supreme
Crib Mattress was



MLS is a member of
Practice



ABC Good Morning
America segment

Complaint

Crib Mattress was recently featured on NBC's Today Show, in their "Germ Free Nursery" segment.

Pradice Greenhealth, an organization dedicated to environmental excellence and eco-friendly practices.

America segment extolling the benefits of Moonlight Slumber crib mattresses.



Mattresses
Pillows
Accessories
Where To Buy

Testimonials
Your Child's Safety
Product Registration
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Email Address

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PRIVACY POLICY: Moonlight Slumber will not share your identifying information with any outside or third party group or representative.

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<http://moonlightslumber.com/>

Decision and Order

DECISION

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondent named above 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 violations of the Federal Trade Commission Act.

Respondent and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) statements 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, Respondent 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 Commission Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

Findings

1. The Respondent Moonlight Slumber, LLC is an Illinois corporation with its principal office or place of business at 300 Brook Street, Elgin, Illinois 60120.
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. “Certification” means any seal, logo, emblem, shield, or other insignia that expresses or implies approval or endorsement of any product, package, service, practice, or program, or any attribute thereof.
- B. “Clearly and conspicuously” 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 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.

Decision and Order

5. On a product label, the disclosure must be presented on the principal display panel.
 6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure 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.
- C. “Competent and reliable scientific evidence” means tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons, and are generally accepted in the profession to yield accurate and reliable results.
- D. “Covered product” means any mattress, blanket, pillow, pad, foam-containing product, or sleep-related product.
- E. “Emission” means any substance that is emitted by or produced during any normal use of a covered product.
- F. “Respondent” means Moonlight Slumber, LLC and its successor and assigns.
- G. “Trace level of emissions” means:
1. Emissions of the substance about which the claim is made do not result in inhalation concentrations

Decision and Order

of that substance higher than background levels in the typical residential home.

2. Emissions of the substance about which the claim is made do not cause material harm that consumers typically associate with that substance, including harm to the environment or human health; and
 3. The substance about which the claim is made has not been added intentionally to the covered product;
- H. “Volatile Organic Compound” (“VOC”) means any carbon-containing compound that evaporates at temperatures of 20 degrees to 25 degrees centigrade at air pressure of 101.3 kPa.

I. Prohibited Misleading and Unsubstantiated Representations Regarding Environmental and Health Claims

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, or sale of any covered product must not make any representation, expressly or by implication, including through the use of a product name, regarding:

- A. whether such product is in whole or part organic;
- B. whether such product is in whole or part natural;
- C. whether such product is in whole or part plant-based;
- D. the content of such product;
- E. the emissions from such product; or
- F. the environmental or health benefits of such product,

Decision and Order

unless the representation is non-misleading, including that, at the time such representation is made, Respondent possesses and relies upon competent and reliable evidence, which when appropriate based on the expertise of professionals in the relevant area must be competent and reliable scientific evidence, that is sufficient in quality and quantity based on standards generally accepted in the relevant fields when considered in light of the entire body of relevant and reliable evidence, to substantiate that the representation is true.

**II. Prohibited Misleading and Unsubstantiated
Representations Regarding Emissions From
Covered Products**

IT IS FURTHER 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, or sale of any covered product must not make any representation, expressly or by implication, that:

- A. the emissions from a covered product are zero;
- B. the VOC emissions from a covered product are zero;
- C. the emissions of any individual substance or substances from a covered product are zero; or
- D. the emissions, VOC emissions, or emissions of any individual substance or substances from a covered product are zero in a particular circumstance, including at or after a particular point in time;

unless the representation is non-misleading, including that, at the time such representation is made, Respondent possesses and relies upon competent and reliable scientific evidence that is 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 the covered product does not emit more than a trace level of

Decision and Order

emissions of the substance or substances about which the claim is made in the represented circumstance.

**III. Prohibited Misrepresentations
Regarding Tests, Studies, or Other Research**

IT IS FURTHER 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 covered product must not make any misrepresentation, expressly or by implication, concerning:

- A. the existence, contents, validity, results, conclusions, or interpretations of any test, study, or other research, including that studies, research, or trials prove that Respondent's mattresses do not emit volatile organic compounds or off-gas; or
- B. any benefit of such product is scientifically or clinically proven or otherwise established.

IV. Prohibited Misleading Certifications

IT IS FURTHER 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, or sale of any covered product must not misrepresent, expressly or by implication:

- A. Whether, or the degree to which, a third party has evaluated a product, package, service, practice, or program based on its environmental or health benefits or attributes; or
- B. Whether, or the degree to which, a certification is made by an independent person or organization.

Decision and Order

V. Disclosure of Material Connection

IT IS FURTHER 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 product or service, must not make any representation, expressly or by implication, about any consumer, certifier, or other endorser of such product or service without disclosing, clearly and conspicuously, and in close proximity to the representation, any unexpected material connection between such endorser and (1) the Respondent or (2) any other individual or entity affiliated with the product or service. For purposes of this Provision, "unexpected material connection" means any relationship that might materially affect the weight or credibility of the testimonial, certification, or other endorsement and that would not reasonably be expected by consumers. Any certification that is awarded by Respondent to its own product creates an "unexpected material connection."

VI. 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.
- B. 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 Report 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.

Decision and Order

- C. From each individual or entity to which Respondent delivered a copy of this Order, Respondent must obtain, within 30 days after delivery, a signed and dated acknowledgment of receipt of this Order.

VII. Compliance Report and Notices

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

- A. Ninety days after the issuance date of this Order, Respondent must submit a compliance report, sworn under penalty of perjury, in which Respondent must: (1) 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; (2) identify all of Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (3) describe the activities of each business; (4) describe in detail whether and how Respondent is in compliance with each Provision of this Order, including a discussion of all of the changes the Respondent made to comply with the Order; and (5) provide a copy of each Acknowledgment of the 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 any designated point of contact or 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 the 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

Decision and Order

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: Moonlight Slumber, C-.

VIII. Recordkeeping

IT IS FURTHER ORDERED that Respondent must create certain records and retain each such record for 5 years. 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, 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. Records of all consumer complaints concerning the subject matter of the Order , including complaints involving representations covered by Parts I, II, III, IV,

Decision and Order

or V of the Order, whether received directly or indirectly, such as through a third party, and any response;

- D. A copy of each unique advertisement or other marketing material making a representation subject to this Order;
- E. 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 tests, analyses, research, studies, or other evidence in Respondent's possession, custody, or control that contradicts, qualifies, or otherwise calls 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; and
- F. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission.

IX. 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

Decision and Order

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.

X. 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 December 11, 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;
- 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 provision.

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

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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 Moonlight Slumber, 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 decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves the deceptive environmental and health claims respondent made regarding its baby mattresses. According to the FTC complaint, respondent made unsubstantiated representations that its mattresses are organic, natural, or plant-based and that its mattresses will not emit any substance, including volatile organic compounds, or off gas; claimed that testing proved that its mattresses do not emit volatile organic compounds; and represented that its mattresses have been certified by Green Safety Shield, yet failed to disclose that it has a material connection to the Green Safety Shield seal. Consumers likely interpret such seals as a claim that an independent third party certified the product. The complaint alleges that all of these claims are deceptive in violation of Section 5(a) of the FTC Act.

The proposed consent order contains five provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits misleading representations

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regarding whether any mattress, blanket, pillow, pad, foam-containing product, or sleep-related product is organic, natural, or plant-based; regarding the emissions from such product; and regarding the general environmental and health benefits of such product. The order requires respondent to possess competent and reliable evidence, including scientific evidence when appropriate, to substantiate these representations.

Part II prohibits misleading representations regarding emissions-free and VOC-free claims. The order requires competent and reliable scientific evidence to substantiate that a product does not emit more than a trace level of emissions of the substance about which the claim is made. The order defines “emission” to include all emissions (not just VOCs that cause smog). This definition reflects the Commission’s Enforcement Policy Statement and consumer expectations: consumers are likely concerned about the potential health effects from exposure to chemical emissions found in indoor air, not just VOCs that affect outdoor air quality. Consistent with the Green Guides, the order defines “trace level of emissions” for claims for a substance to mean that (1) emissions of the substance do not result in inhalation concentrations of that substance higher than background levels in the typical residential home; (2) emissions of the substance do not cause material harm that consumers typically associate with that substance, including harm to the environment or human health; and (3) the substance has not been added intentionally to the covered product.

Part III prohibits respondent from mispresenting the results of any tests or studies, or from misrepresenting that any product benefit is scientifically or clinically proven. Parts IV and V prohibit respondent from misrepresenting certifications or failing to adequately disclose a material connection to a party making a representation, e.g., an endorser.

Parts VI through X are reporting and compliance provisions. Part VI mandates that respondent acknowledge receipt of the order, distribute the order to certain employees and agents, and secure acknowledgments from recipients of the order. Part VII requires that respondent submit compliance reports to the FTC within ninety (90) days of the order’s issuance and submit additional reports when certain events occur. Part VIII requires

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that respondent create and retain certain records for five (5) years. Part IX provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part X is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of the 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

LENOVO (UNITED STATES) INC.CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4636; File No. 152 3134**Complaint, December 20, 2017 – Decision, December 20, 2017*

This consent order addresses Lenovo (United States), Inc.’s preinstallation on certain consumer laptops of VisualDiscovery, an ad-injecting software developed by Superfish, Inc. and customized for Lenovo. The complaint alleges that VisualDiscovery’s substitution of digital certificates for https:// websites with its own certificates for those websites created significant security vulnerabilities. The complaint further alleges that Lenovo failed to discover these significant security vulnerabilities because it failed to take reasonable measures to assess and address security risks created by third-party software it preinstalled on its laptops. The consent order prohibits Lenovo from making any misrepresentations about certain preinstalled software on its personal computers and requires Lenovo to obtain a consumer’s affirmative express consent, with certain limited exceptions, prior to any preinstalled software a) injecting advertisements into a consumer’s Internet browsing session, or b) transmitting, or causing to transmit, the consumer’s personal information to any person or entity other than the consumer.

Participants

For the *Commission*: *Tiffany George* and *Linda Holleran Kopp*.

For the *Respondent*: *Rebecca Engrav* and *Janis Kestenbaum, Perkins Coie LLP*.

COMPLAINT

The Federal Trade Commission, having reason to believe that Lenovo (United States) Inc. has violated Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Lenovo (United States) Inc. (“Lenovo”) is a Delaware corporation with its principal office or place of business