

Complaint

IN THE MATTER OF

BOLLMAN HAT COMPANY
AND
SAVEANAMERICANJOB, LLC
JOINTLY D/B/A
AMERICAN MADE MATTERS

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

Docket No. C-4643; File No. 172 3197
Complaint, April 12, 2018 – Decision, April 12, 2018

This consent order addresses Bollman Hat Company's marketing, sale, and distribution of hats with claims that the products are of U.S.-origin, and memberships in their "American Made Matters" ("AMM") program to companies wishing to make U.S.-origin claims for their products. The complaint alleges that respondents represented that their products are "Made in USA" when, in fact, many of the respondents' hats are wholly imported, and others contain significant imported content. The complaint further alleges that the AMM seal represents by implication that respondents' products have been endorsed or certified by an independent third party, but AMM is a fictitious name for respondents, who created the AMM seal and use it in connection with the sale of their own products. The consent order prohibits respondents from making U.S.-origin claims for their 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 or components, and/or processing.

Participants

For the *Commission*: Julia Solomon Ensor.

For the *Respondents*: Ken Vorrasi, Drinker Biddle & Reath, LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Bollman Hat Company, a company, and SaveAnAmericanJob,

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LLC, a limited liability company, jointly d/b/a American Made Matters (collectively, “Respondents”), have 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 Bollman Hat Company is a Pennsylvania company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501.

2. Respondent SaveAnAmericanJob, LLC is a Pennsylvania limited liability company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501. SaveAnAmericanJob, LLC is a wholly owned subsidiary of Bollman Hat Company, and Bollman Hat Company is SaveAnAmericanJob, LLC’s sole member.

3. Bollman Hat Company and SaveAnAmericanJob, LLC jointly do business as American Made Matters, a Pennsylvania fictitious name. Respondents have operated as a common enterprise while engaging in the unlawful acts and practices alleged below. Because Respondents have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below.

4. Respondents have advertised, labeled, offered for sale, sold, and distributed products to consumers, including, but not limited to, hats sold under the Bollman, Bailey Western, Betmar, Country Gentleman, Eddy Bros., Helen Kaminski, Jacaru, Kaminski XY, Kangol, Karen Kane, Pantropic, and private label brand names. Respondents advertise these products online, including, but not limited to, on their website, hats.com, and in stores. Respondents offer for sale, sell, and distribute their products throughout the United States.

5. Respondents have advertised, offered for sale, sold, and distributed memberships in their “American Made Matters” program to companies wishing to make U.S.-origin claims for their products. Respondents primarily advertise their “American Made Matters” program to businesses online including, but not limited to, on their website americanmadematters.com, and

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through their social media accounts. Respondents primarily advertise their “American Made Matters” program members’ products to consumers online, including, but not limited to, through their website and social media accounts.

6. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

“Made in USA” Claims for Bollman Hats

7. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for their products, including, but not necessarily limited to, the attached Exhibits A-E. These materials contain the following statements, among others:

- a. “American Made Matters”; “Choose American” (Exhibit A, product tag);
- b. “Buy American! American Made Matters Choose American” (Exhibit B, Bollman website);
- c. “American Made Matters”; “Choose American” (Exhibit C, Bollman website);
- d. “Made-in-USA since 1868”; “Made in the USA for 100 Years or More”; “‘Made in USA’ hats for 147 years and counting” (Exhibit D, Bollman Twitter page);
- e. “#americanmadematters #madeintheusa #buyamerican” (Exhibit E, Bollman Facebook page).

8. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-E, Respondents have represented, expressly or by implication, that all of their products, including, but not limited to, hats, are all or virtually all made in the United States.

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9. In fact, more than 70% of the hat styles Respondents sell are wholly imported as finished products. Of the remaining styles, many contain significant imported content.

10. Therefore, Respondents' express or implied representations that all of their products are made in the United States are false.

American Made Matters Program

11. In 2010, Respondents introduced a U.S.-origin seal for marketers to use to boost the credibility of "Made in USA" claims. The seal, depicted below, is associated with "American Made Matters," which is a fictitious name registered to Respondents ("AMM"):



12. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-E, Respondents have prominently displayed the American Made Matters seal in their promotional materials. This seal represents by implication that Respondents' hats have been endorsed or certified by an independent third party.

13. In fact, AMM is a fictitious name owned by Respondents, and Respondents' hats have not been endorsed or certified by an independent third party.

14. In addition to featuring the seal in their own marketing materials, Respondents license use of the seal to other companies wishing to make "Made in USA" claims for their products.

15. Companies that wish to use the AMM seal must apply for program membership through Respondents' website at www.americanmadematters.com. Respondents grant AMM membership to any company, product, or entity that self-certifies

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it meets Respondents' membership standard, pays the \$99 annual licensing fee, and self-identifies either a United States-based manufacturing factory, or at least one product with a U.S.-origin label.

16. AMM membership includes a license to use Respondents' seal on products and in marketing materials, a member page on Respondents' website, and Respondents' commitment to advertise the member's products as "Made in USA" through their websites and social media channels.

17. To meet Respondents' standard, AMM members must certify that at least 50% of the cost of at least one of their products was incurred in the United States, with final assembly or transformation in the United States. Respondents do not rely on an independent or objective evaluation to confirm that members meet their standard.

18. Respondents have disseminated, or have caused to be disseminated, advertisements and promotional materials for AMM, as well as materials for members to use to promote their products as made in the United States including, but not necessarily limited to, the attached Exhibits F-L. These materials contain the following statements, among others:

- a. With an American Made Matters Membership/Sponsorship, "You will increase sales to consumers and businesses who are actively looking to buy American Made Products" (Exhibit F, American Made Matters Website);
- b. "Does your business produce or sell #MadeinUSA products? Increase your reach with us." (Exhibit G, American Made Matters Twitter page);
- c. "American Made Matters® is an organization made of over 375 member and sponsor companies. Our members are manufacturers who represent various industries from apparel and toys to steel fabrication and cleaning supplies. Sponsors include American made retailers, patriotic organizations and local

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businesses who understand that American made truly matters.” (Exhibit H, American Made Matters website);

- d. “Shop as a consumer . . . for consumers looking to shop for American made products directly from our members and sponsors.” (Exhibit I, American Made Matters website);
- e. “American Made Directories” (Exhibit J, American Made Matters website);
- f. “#MadeinUSA”; “Buy American”; “Made in USA”; “Start your American Made product search with American Made Matters”; “Choose #AmericanMade whenever possible. Start your search for #madeinUSA products with us.” (Exhibit K, American Made Matters Facebook page);
- g. “Support the #AmericanDream. How? By buying #AmericanMade products! AmericanMadeMatters.com” (Exhibit L, American Made Matters Twitter page).

19. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits F-L, Respondents have represented by implication that entities and products using AMM marketing materials or featured on the AMM website have been independently and objectively evaluated for compliance with Respondents’ membership standard.

20. In fact, entities and products using Respondents’ AMM logo or marketing materials have not been independently and objectively evaluated for compliance with any standard.

21. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits F-L, Respondents have represented that products sold by American Made Matters members are all or virtually all made in the United States. For example, Respondents promote a directory of members on their AMM website as a list of manufacturers selling U.S.-origin

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products, and regularly highlight members on their social media channels as selling U.S.-origin products.

22. In fact, Respondents do not possess a reasonable basis substantiating claims that products sold by American Made Matters members are all or virtually all made in the United States.

23. In numerous instances, including, but not limited, to the promotional materials shown in Exhibits G-L, Respondents have distributed promotional materials to third-party marketers for use in the marketing and sale of those third parties' products.

24. In so doing, Respondents have provided third-party marketers with the means and instrumentalities to deceive consumers. For example, several of Respondents' members have used Respondents' AMM logo or other materials to promote products that contain significant imported content.

COUNT I**(False or Unsubstantiated Representation – Respondents' Products)**

25. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of their products, Respondents have represented, directly or indirectly, expressly or by implication, that all of their products, including, but not limited to, all hats, are all or virtually all made in the United States.

26. In fact, in many instances, Respondents' products are wholly imported. In other instances, Respondents source significant inputs to their products from overseas. Therefore, the representation set forth in Paragraph 25 is false or misleading, or was not substantiated at the time the representation was made.

COUNT II**(False or Misleading Representation – Independence of AMM)**

27. In connection with the labeling, advertising, promotion, offering for sale, or sale of their hats, such as through the use of

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their American Made Matters seal, Respondents have represented, directly or indirectly, expressly or by implication, through the use of the American Made Matters seal that an independent organization has reviewed and endorsed their products as Made in the United States.

28. In truth and in fact, American Made Matters is not an independent organization reviewing and endorsing Respondents' products as Made in the United States. Respondents created the "American Made Matters" seal, and use it in connection with the labeling, advertising, promotion, offering for sale, and sale of their own products. Therefore, the representation set forth in Paragraph 27 is false or misleading.

COUNT III
(False or Misleading Representation – AMM)

29. In connection with the advertising, promotion, offering for sale, or sale of membership to the American Made Matters program, Respondents have represented by implication, directly or indirectly, that each entity or product licensed to use their logos or marketing materials has been independently and objectively evaluated for compliance with Respondents' membership standard.

30. In fact, products and entities using Respondents' membership logo have not been independently and objectively evaluated for compliance with Respondents' membership standard. Therefore, the representation set forth in Paragraph 29 is false or misleading.

COUNT IV
(False or Unsubstantiated Representation – Third Party Products)

31. Respondents have represented on their websites and social media, directly or indirectly, expressly or by implication, that all AMM members sell products that are all or virtually all made in the United States.

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32. In truth and in fact, in numerous instances, the representation in Paragraph 31 was false or misleading, or was not substantiated at the time the representation was made.

COUNT V
(Means and Instrumentalities)

33. Respondents have distributed the promotional materials described in Paragraph 18 to third-party marketers for use in the marketing and sale of those third parties' products. In so doing, Respondents have provided the means and instrumentalities to these third-party marketers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5

34. The acts and practices of Respondents, 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 twelfth day of April, 2018, has issued this Complaint against Respondents.

By the Commission.

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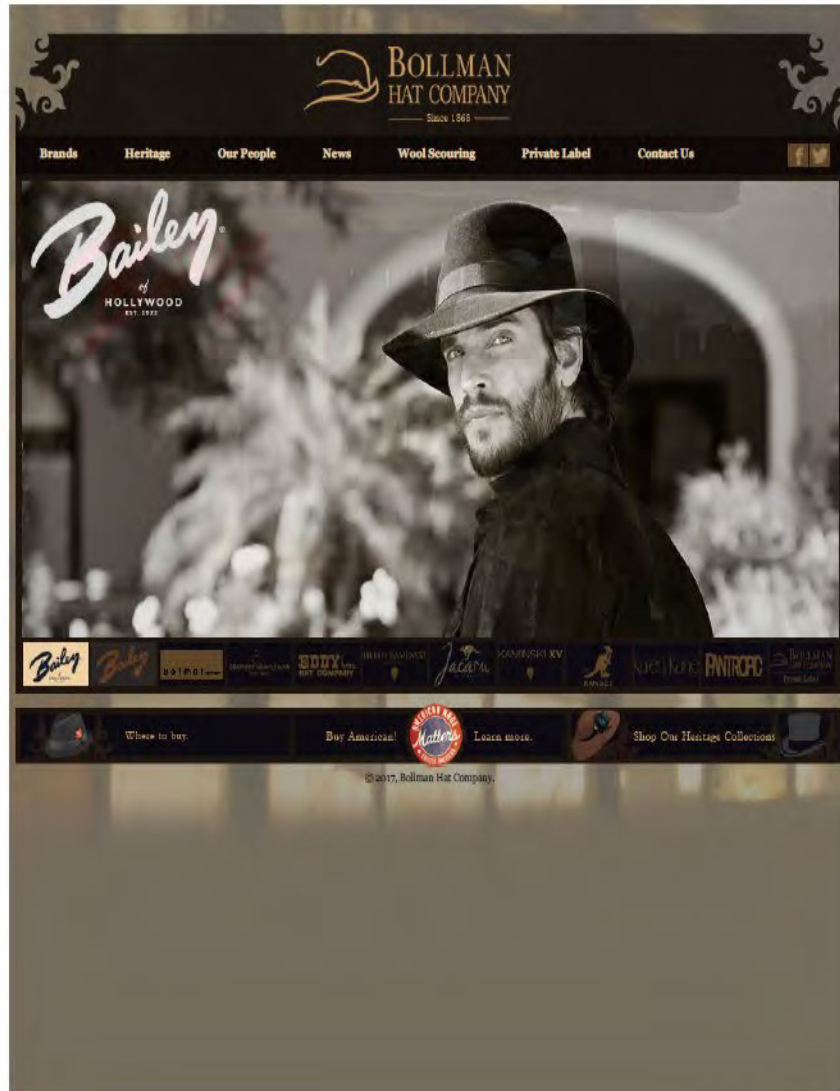
Exhibit A

Exhibit A

Complaint

Exhibit B

Bollman Hat Company - America's Oldest Hat Maker

**Exhibit B**

<http://www.bollmanhats.com>[1/10/2017 12:50:27 PM]

Complaint

Exhibit C

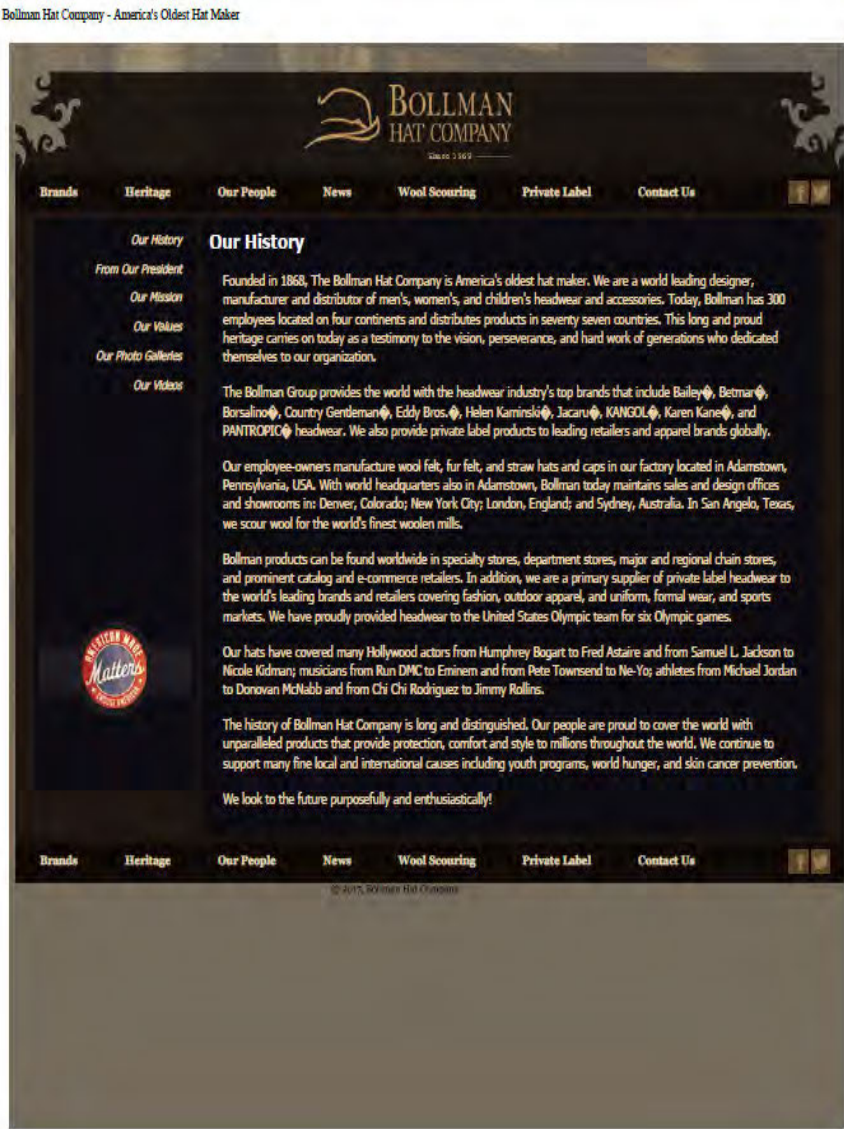
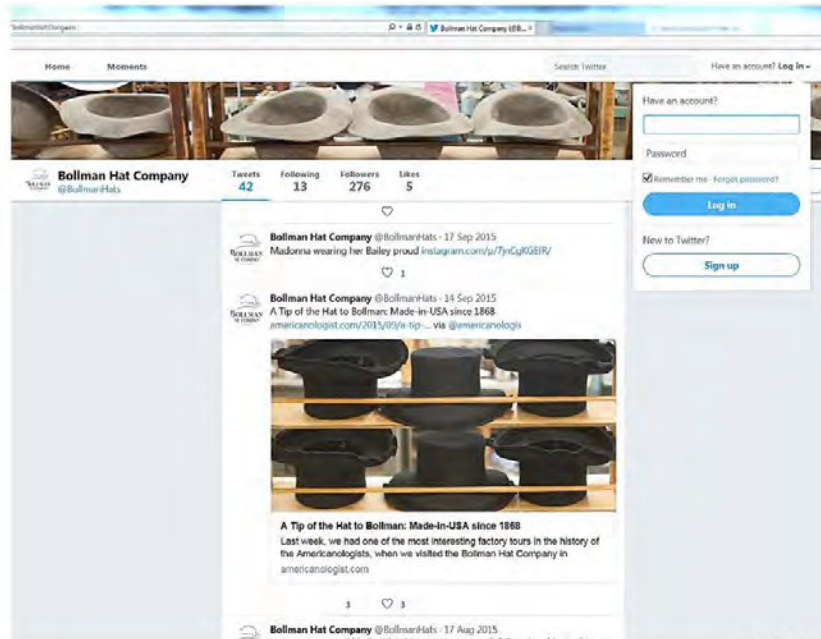


Exhibit C

<http://www.bollmanhats.com/heritage/history.html>[1/10/2017 12:55:52 PM]

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Exhibit D

Exhibit D
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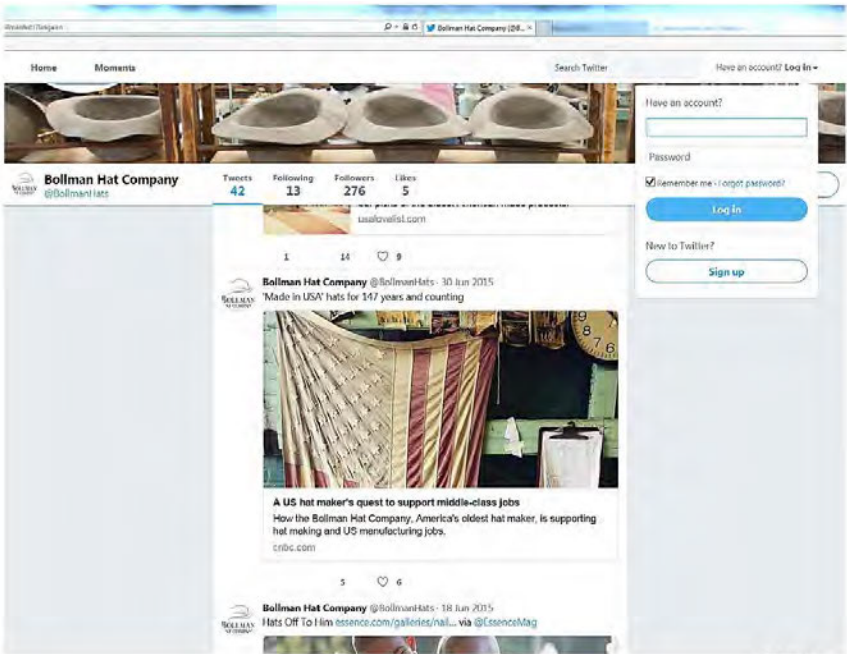


Exhibit D
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Exhibit E

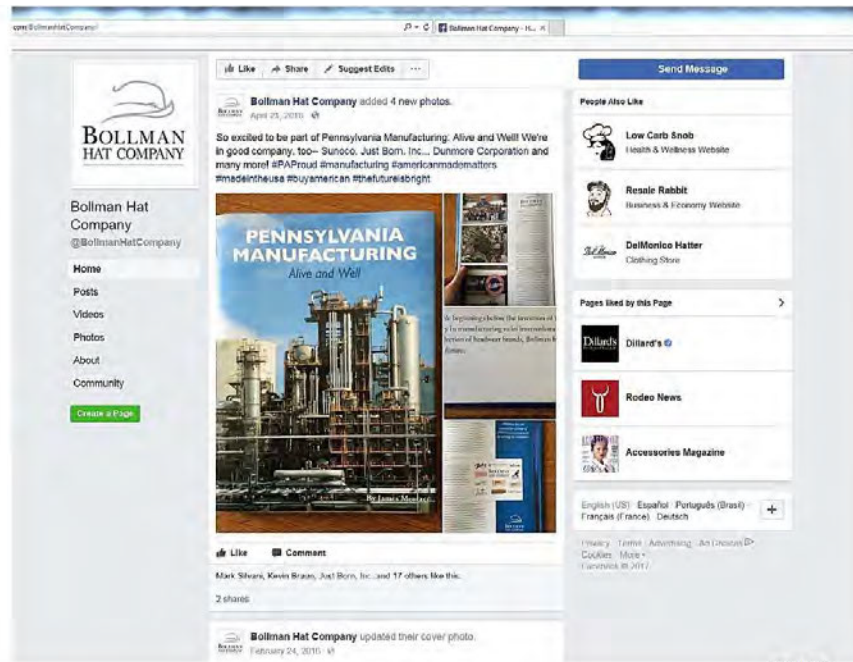


Exhibit E

Complaint

Exhibit F

The screenshot displays the American Made Matters website. The header includes the logo and navigation links: HOME, VIEW LISTINGS, ABOUT, AMM GEAR, BLOG, CONTACT US, JOIN US. The main heading is "JOIN AMERICAN MADE MATTERS | BUSINESS". Below this, there are two columns: "YOU ARE A MEMBER IF..." and "YOU ARE A SPONSOR IF...". The "Member" section lists criteria: manufacturing at least one product where at least 50% of the cost (labor, materials, and overhead) is incurred in the United States, and final assembly or transformation takes place in the United States. The "Sponsor" section lists criteria: being a service business, retailer, patriotic organization or local business who understands that American made matters.

What You Will Receive:

- 1. Your own customizable member page on the American Made Matters® website
- 2. A license to use our approved logos, extended for the duration of your membership
- 3. Ability to network with other members
- 4. A welcome package of American Made Matters gear
- 5. Your company is featured on our ever growing social media channels

Everything for one low price:
only \$99
plus yearly.

Registration is Easy:

1. Fill out the application below. The process takes between 15-30 minutes.
2. Applications are reviewed daily and you will hear back from an American Made Matters representative within two business days.
3. As soon as payment is received for your membership/sponsorship, we will build your page in the AMM Directory, which will take up to five business days.

Any questions? Email us anytime at contact@americanmadedmatters.com

STEP ONE: AMERICAN MADE MATTERS APPLICATION

AMM Application

"Thank you for your commitment to US manufacturing. We look forward to getting your company to join the growing network of US-made makers."

"This application will allow us to better understand your business and your company. The information submitted will also be used to build out your company profile page on the website and to be shared with other members."

We reserve application-making and will be in contact with you after the review process.

Membership is currently \$99 per year. Payment to be received through Paypal or a CREDIT CARD on file. Payment. This will ensure your preferred method of payment during the application process.

The application process takes approximately 10-15 business days to complete.

FAQ'S ABOUT MEMBERSHIP/SPONSORSHIP

1. What about networking with other members?

Yes, American Made Matters® is a community of like-minded, passionate people and businesses who are all working together to strengthen the American dream. Everyone who joins our growing organization will have the ability to network with the other members and sponsors of the organization.

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2 Do I get a listing on the American Made Matters® website?

Yes. You will increase sales to consumers and businesses who are actively looking to buy American-made products. You will receive a listing on our website with your own individualized member or sponsor page which will contain your contact information, information about your company, social media links, video, picture, and featured products.

3 Do you have periodic promotions that can help my brand?

Yes. This will increase awareness of your US-made products through participation in promotions that will connect American-made businesses with consumers and other businesses seeking American-made products.

4 Does joining this organization help the USA?

Yes. Joining American Made Matters® will increase US-brand identity through the use of American Made Matters® logo on all products that meet American Made Matters® qualifications. The logo can also be used on related marketing materials and websites for the duration of membership. Additionally, joining our community helps you promote your US-made product(s) to consumers actively trying to buy American-made products. All members and sponsors who join American Made Matters® are helping to strengthen the mission of our organization, which is to educate consumers that buying US-made products strengthens the American dream.

5 Will joining American Made Matters® get my business more exposure?

Yes. Your business will be featured on our website. Additionally, joining American Made Matters® increases exposure to your business by getting your business featured in our ever-growing Social Media channels.

JOIN THE CONVERSATION



★ AMERICAN MADE MATTERS ★

America's Made Matters® is an independent, non-profit organization dedicated to educating consumers on the countless importance of buying Made in USA products.

RECENT POSTS

- ▶ [10 Challenges we face with buying Made in USA Products](#)
- ▶ [The state of AMMA Publications](#)
- ▶ [Celebrating the Month of July](#)
- ▶ [AMMA 2020: What if Things Never Change in American Again?](#)

CONTACT US

We have locations that you. Please reach out to us today. Click here: [Contact Us](#)

LOG IN

Current members and sponsors. Click here to log in: [View Here](#) | [Sign Up](#)

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Complaint

Exhibit G

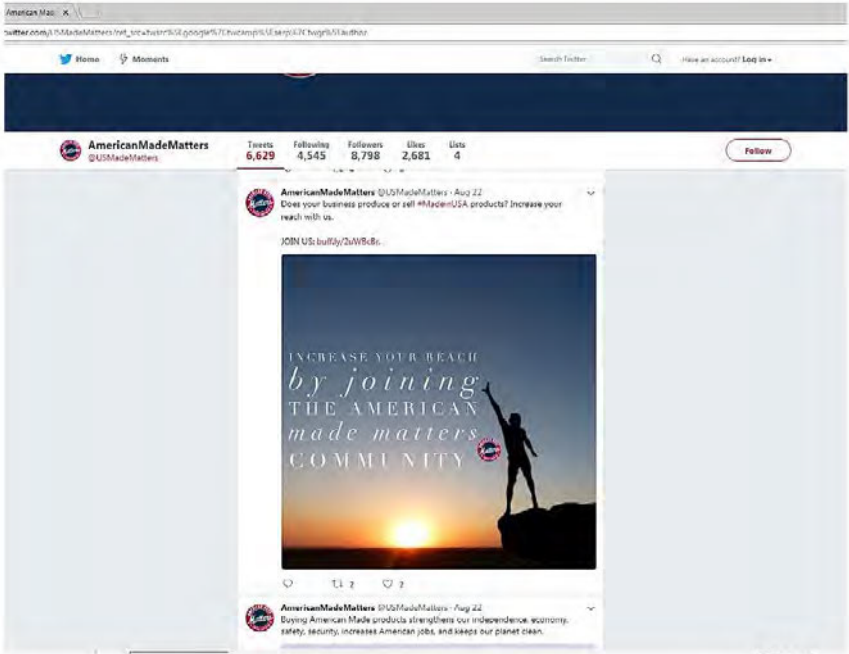


Exhibit G

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Exhibit H

SHOP OUR MEMBERS AND SPONSORS

ABOUT AMERICAN MADE MATTERS®

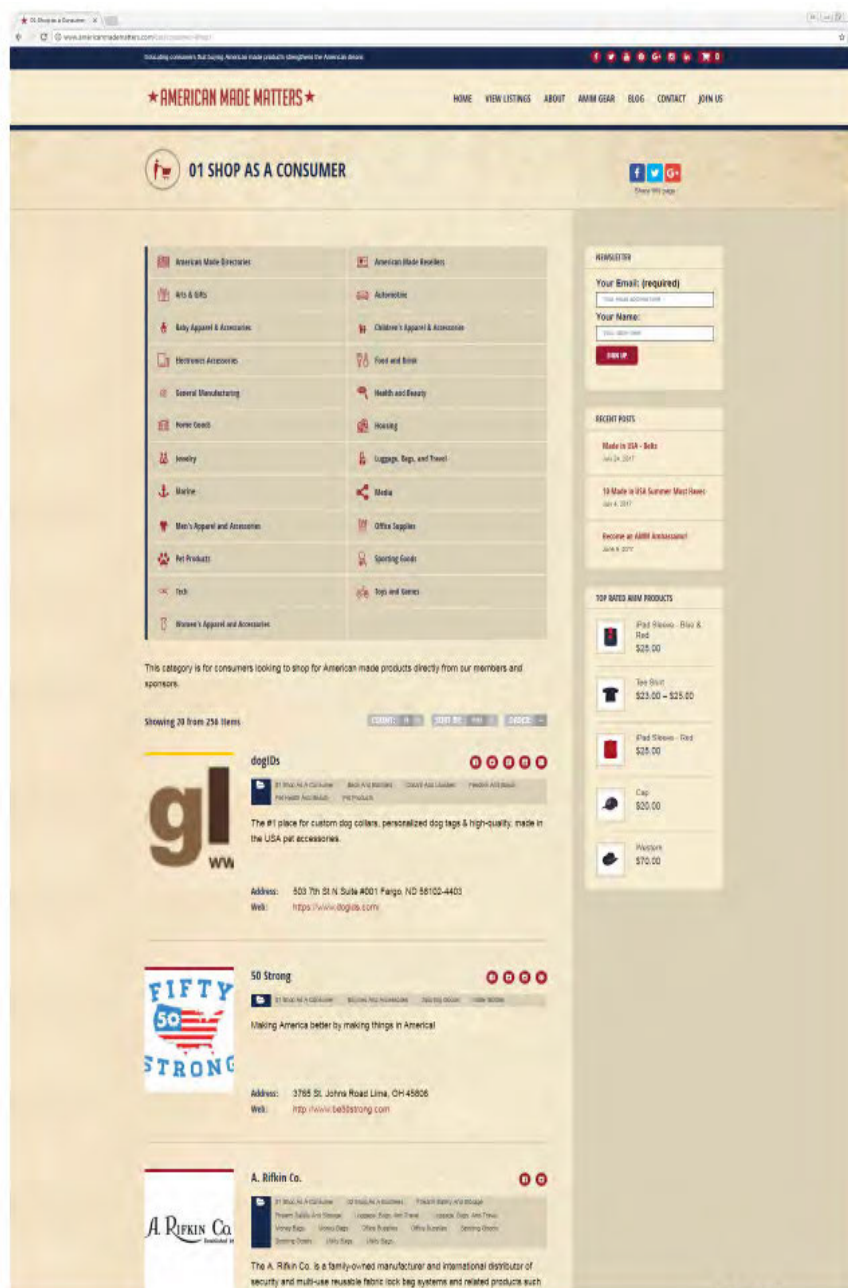
American Made Matters® is an organization made of over 375 member and sponsor companies. Our members are manufacturers who represent various industries from apparel and toys to steel fabrication and cleaning supplies. Sponsors include American made retailers, patriotic organizations and local businesses who understand that American made truly matters. Please join our growing community today.

JOIN TODAY

Exhibit H

Complaint

Exhibit I

Exhibit I
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Complaint

as locking night deposit bags, courier bags, cash / money bags as well as other...

Address: 1400 Sans Souci Parkway (Hills-Barn, PA 18706)
Web: <http://www.bollman.com/>

Adam's Premium Car Care



Adam's Polishing & Shrinkwrap will keep your boat, truck, plane, or automobile looking like new!

Address: 887 South Taylor Ave Louisville CO 80027
Web: <http://adamspolish.com/home.php>

Adea



Every woman needs a good wardrobe foundation as the building blocks for her own unique style

Address: 197 Prospect St Shrewsbury, MA 01545
Web: <http://www.myadea.com/>

At's Attire



Hand-made Men's and Women's clothing, shoes, hats, and accessories. Based in the heart of San Francisco's North Beach district.

Address: 1300 Grant Ave San Francisco, CA 94133
Web: <http://atstire.com/>

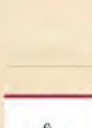
All American Clothing



Our mission is to support USA families and jobs by producing high-quality clothing in the USA at an affordable price.

Address: 1 Pop Rite Dr Arcanum, OH 43004
Web: <http://www.allamericanclothing.com/>

All USA Clothing



All USA Clothing has been committed to American-Made products and manufacturing for over 42 years. Based in Michigan, we know first-hand the powerful impact that buying (or not buying) American can have on the US economy.

Exhibit I
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Complaint

Address: 3303 Bloomfield Dr. West Bloomfield, MI 48323
Web: <http://www.afuueclothing.com/>

Alltham 0 0 0

 Alltham
Quality American gear and gifts. Our suppliers certify that each product has its principal assembly in the United States from more than 50% U.S. content.

Address: 175 Stratford Ave Suite 1 Wayne, PA 19387
Web: <http://www.alltham.com/>

American Adorn 0 0 0 0

 American Adorn
American made children's clothing, sizes 0 to 6x.

Web: <http://www.americanadorn.com/>

American Bench Craft 0 0 0 0 0 0

 American Bench Craft
Two Brothers. One Team. An American-Made Lifestyle Brand.

Address: 2 Linden Street Reading, MA 01867
Web: <http://AmericanBenchCraft.com>

American Crush 0 0

 American Crush
American Crush is an online media marketplace that provides rich content, inspiring photographs of beautiful products that are designed, developed and manufactured in the USA.

Web: <http://americancrush.co/>

American Distinction 0 0

 American Distinction
Something for everyone, made in the U.S.A.

Web: <http://www.americandistinction.com>

American Field 0 0 0 0 0

 American Field
American Field is a pop-up market and exhibition featuring the best in U.S. Made clothing, accessories, goods, furniture, and the people who make them.

Address: 144-B Newbury St Boston, MA 02116
Web: <http://americanfield.us/>

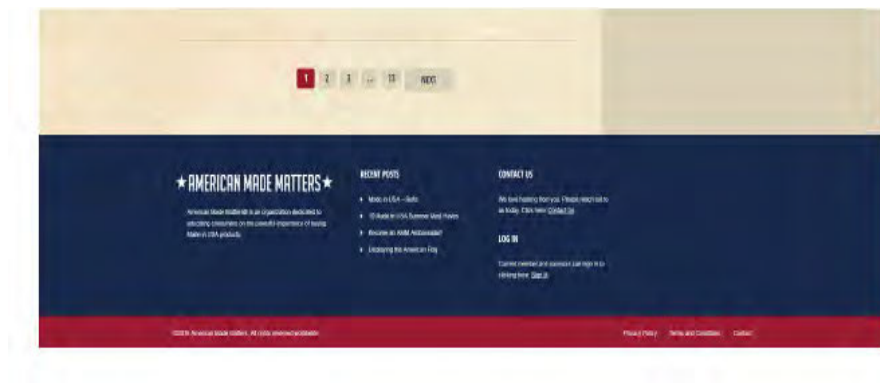
Exhibit I
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Exhibit J

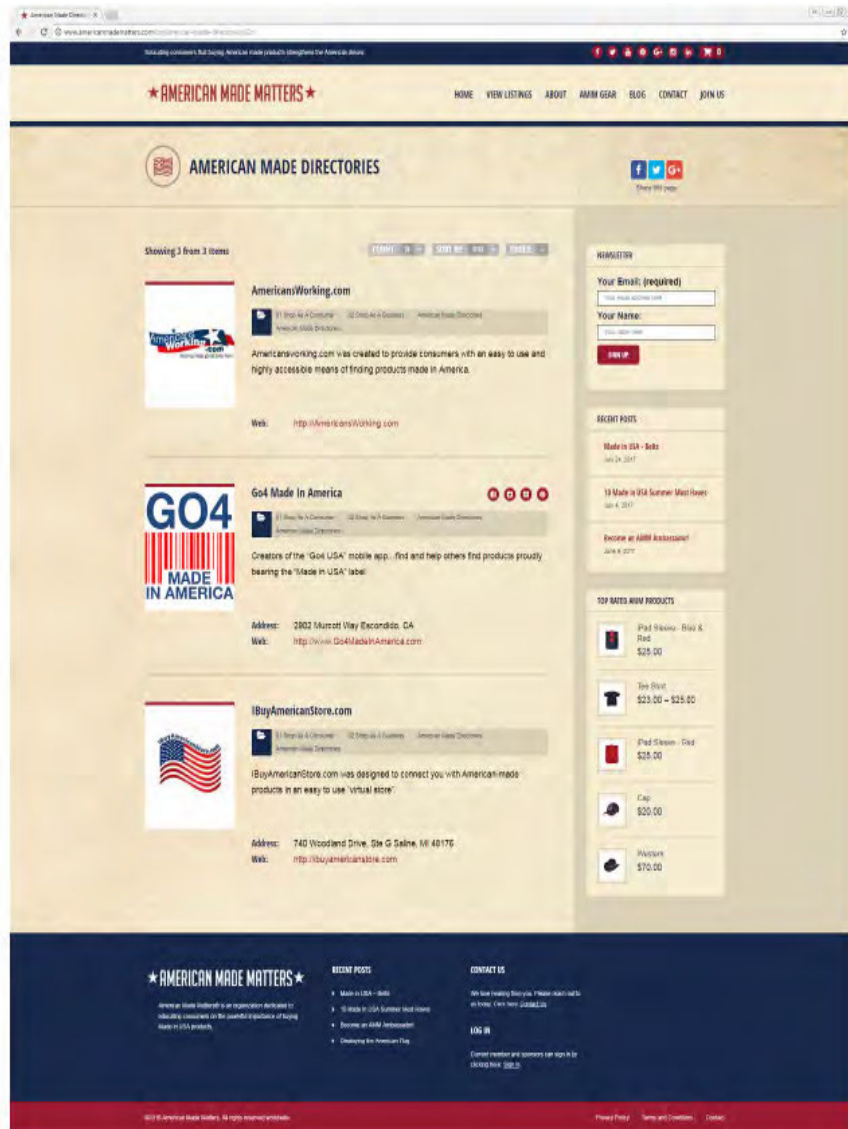


Exhibit J

Complaint

Exhibit K

American Made Matters - Home | Facebook

Sign Up Log In

Sign Up Log In

Forgot account?

American Made Matters
@AmericanMadeMatters

Home
About
Posts
Photos
Videos
Consumer Sign Up
Notes
YouTube
Instagram feed
Events
Community

Create a Page

Like Share Sign Up Message

Posts

American Made Matters
12 hrs
Are you willing to pay more for #MadeInUSA products?
#AmericanMadeMatters

60% OF CONSUMERS ARE WILLING TO PAY 10% MORE FOR AN AMERICAN MADE PRODUCT.

Like Comment

Bob Moquin, Scott Remler, Richard Wicks and 78 others like this.

3 shares

View 1 comment

American Made Matters
23 hrs
Using ONLY a gif in the comments, tell us how you feel when you find a #MadeInUSA product!
#AmericanMadeMatters

Community Organization in Adamstown, Pennsylvania

Community
34,716 people like this
33,487 people follow this
1 person has visited

About
See All

110 E. Main Street
Adamstown, Pennsylvania, PA, 19801
(717) 434-6230
www.AmericanMadeMatters.com
Community Organization · Market

People
34,716 likes

Video Posts

David Darden
August 12 at 3:03pm
What's up with the multiple exclamation marks? What you guys noticed? That seems to be one of the ordinary for you guys to send those.
1 Comment
Like · Comment · Share

Michael Snyder
Aug 12 at 11:47am
www.TradingMatters.com
1 Like

<https://www.facebook.com/AmericanMadeMatters/>8/29/2017
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American Made Matters - Home | Facebook



<https://www.facebook.com/AmericanMadeMatters/>

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American Made Matters - Home | Facebook



808 Views

Like Comment Share

RodanGroup RIG, Lisa Ward Eilers, Sheryl Delp and 34 others like this. [Top Comments](#)

3 shares

 Joe Portz Tyler Owens
1 · August 27 at 6:17pm

 American Made Matters
August 27 at 8:46am

Join our American Made movement!

 [AmericanMadeMatters.com](#)



Like Comment

Jimmy Doubitt, Difter Japan, Yoma Ochiel and 6 others like this.

2 shares

 American Made Matters
August 28 at 6:51pm

Keep our jobs here. Choose to buy #madeinUSA.
Discover #AmericanMade products with us.

 [AmericanMadeMatters.com](#)

<https://www.facebook.com/AmericanMadeMatters/>

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American Made Matters - Home | Facebook

<https://www.facebook.com/AmericanMadeMatters/>8/29/2017
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American Made Matters - Home | Facebook

<https://www.facebook.com/AmericanMadeMatters/>8/29/2017
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American Made Matters - Home | Facebook

Head back to school made in USA style. Shop our 10 made in USA back to school picks now and be the envy of all the seniors.

Like Comment Share

Leslie Modeln and Isabelle Benoit like this

American Made Matters
August 23 at 8:31pm

Choose #AmericanMade whenever possible. Start your search for #MadeInUSA products with bit.ly/2wfsRUJ



Why Buying American Strengthens our Independence
American Made Matters

Do not hesitate to ask whether a product is American Made. Try not to shy away on price, as local product earnings return back to our economy.

AMERICANMADEMATTERS.COM

Like Comment Share

Brad Seale, Linda Weidenschmidt Tolan, Glenn Farmer and 19 others like this.

3 shares

American Made Matters
August 23 at 8:46am

Spend 5% more on #MadeInUSA products and we can create 1,000,000 jobs! #ChecktheTas #AmericanJobs



Like Comment

<https://www.facebook.com/AmericanMadeMatters/>8/29/2017
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Decision and Order

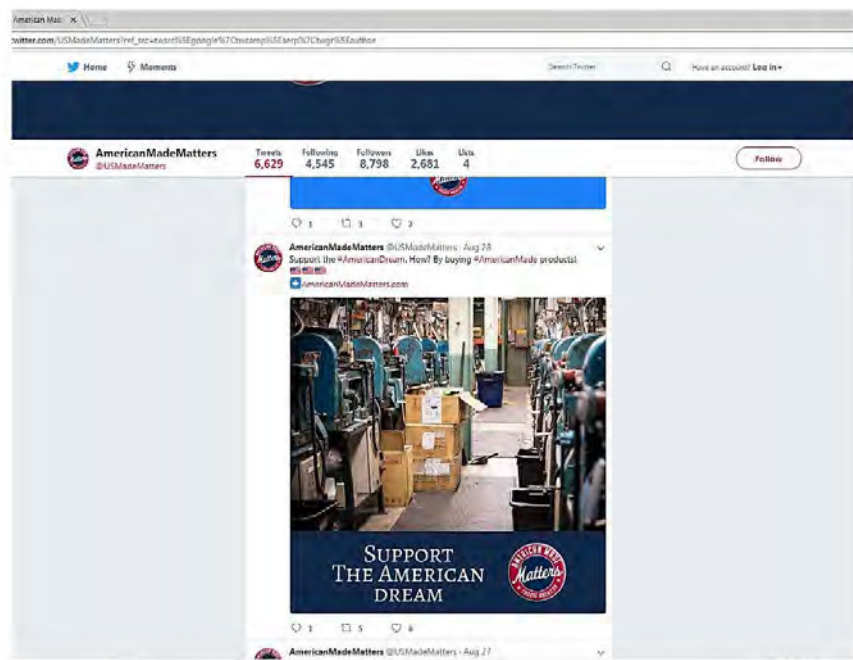
Exhibit L

Exhibit L

DECISION

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondents named in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) prepared and furnished to Respondents 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 Respondents with violation of the Federal Trade Commission Act.

Respondents and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) a statement by Respondents that they neither admit nor deny any of the allegations in the Complaint,

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except as specifically stated in this Decision and Order, and that only for purposes of this action, they admit 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 Respondents have 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 any comments received from interested persons pursuant to Section 2.34 of its Rules, 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. The Respondents are:
 - a. Respondent Bollman Hat Company is a Pennsylvania company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501.
 - b. Respondent SaveAnAmericanJob, LLC is a Pennsylvania limited liability company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501. SaveAnAmericanJob, LLC is a wholly owned subsidiary of Bollman Hat Company.
 - c. Bollman Hat Company and SaveAnAmericanJob, LLC jointly do business as American Made Matters, a Pennsylvania fictitious name.
2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondents, and the proceeding is in the public interest.

Decision and Order

ORDER**Definitions**

For purposes of this Order, the following definitions apply:

- A. “Certification Standard” means any independently-developed and objectively-applied criteria Respondents set for products or services to meet in order to use Respondents’ Certification or other marketing or promotional material, including Respondents’ “American Made Matters” materials, which substantiate the claim being made.
- B. “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.
- C. “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.

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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.
 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.
- D. “Made in the United States” means any representation, express or implied, that a product or service, or a 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.
- E. “Material Connection” shall mean any relationship that materially affects the weight or credibility of Respondents’ Certification, and that would not be

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reasonably expected by consumers, provided that a reasonable certification fee shall not constitute a Material Connection.

- F. “Respondents” means Bollman Hat Company, also d/b/a American Made Matters, SaveAnAmericanJob, LLC, also d/b/a American Made Matters, and their successors and assigns, individually, collectively, or in any combination.

Provisions**I.****PROHIBITED MISREPRESENTATIONS REGARDING
U.S. ORIGIN CLAIMS**

IT IS ORDERED that Respondents, and Respondents’ 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 hat, 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 or components, and/or processing.

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II.**DISCLOSURE OF MATERIAL CONNECTION**

IT IS FURTHER ORDERED that Respondents and Respondents' 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 labeling, advertising, promotion, offering for sale, or sale of any product, package, certification, service, practice, or program, must not make any representation, in any manner, expressly or by implication, about any user or endorser of such product, package, Certification, service, practice, or program unless Respondents disclose, Clearly and Conspicuously, and in close proximity to the representation, any Material Connection, when one exists, between such user or endorser and (1) Respondents or (2) any other individual or entity affiliated with the product or service.

III.**PROHIBITED MISREPRESENTATIONS REGARDING
CERTIFICATIONS**

IT IS FURTHER ORDERED that Respondents, Respondents' 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 marketing, promoting, offering for sale, or selling any product, good, or service, are permanently restrained and enjoined from representing, expressly or by implication, that a product or service meets Respondents' Certification Standard, unless:

- A. An entity with no Material Connection to Respondents or any company, group, or other association that Respondents authorize to use any "American Made Matters" Certification or other marketing or promotional material has conducted an independent and objective evaluation, audit, or verification check to confirm that the product or service meets the Certification Standard; or

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- B. Respondents' Certification or any other promotional materials clearly and prominently disclose(s) that products or services may meet Respondents' Certification Standard through self-certification.

**IV.
SUBSTANTIATION**

IT IS FURTHER ORDERED that Respondents, Respondents' 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:

- A. The representation is true, not misleading, and at the time it is made, Respondents possess and rely upon a reasonable basis for the representation; or
- B. For representations made through use of Respondents' Certification or other "American Made Matters" materials, the Certification and related promotional materials clearly and prominently disclose that products or services may meet Respondents' Certification Standard through self-certification, and Respondents neither know nor should know that the self-certification is misleading.

**V.
MEANS AND INSTRUMENTALITIES**

IT IS FURTHER ORDERED that Respondents, Respondents' 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, good, or service, shall not provide to others the means and instrumentalities with which to make any representation prohibited by Parts I, III, or IV above. For the

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purposes of this Part, “means and instrumentalities” means any information, including, but not necessarily limited to, any Certification, advertising, labeling, promotional, sales training, or purported substantiation materials, for use by trade customers in their marketing of any product or service.

VI.**ACKNOWLEDGMENTS OF THE ORDER**

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

- A. Each 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.
- B. For 20 years after the issuance date of this Order, each 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 a Respondent delivered a copy of this Order, that Respondent must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

VII.**COMPLIANCE REPORT AND NOTICES**

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

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- A. One year after the issuance date of this Order, each Respondent must submit a compliance report, sworn under penalty of perjury, in which each 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 that 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 and the involvement of any other Respondent; (d) describe in detail whether and how that 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 (e) provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.
- B. Each 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 any 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. Each Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such 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,

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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 Bollman Hat Company, Docket No. C-4643.

VIII. RECORDKEEPING

IT IS FURTHER ORDERED that Respondents 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, each 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 concerning the subject matter of the Order, whether received directly or indirectly, such as through a third party, and any response;

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

IX.
COMPLIANCE MONITORING

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

- A. Within 10 days of receipt of a written request from a representative of the Commission, each 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 each Respondent. Respondents must permit representatives of the Commission to interview anyone affiliated with any Respondent who has agreed

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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 Respondents or any individual or entity affiliated with Respondents, 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 April 12, 2038, 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.

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

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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 Bollman Hat Company and SaveAnAmericanJob, LLC, jointly d/b/a American Made Matters (“respondents”).

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 respondents’ marketing, sale, and distribution of hats with claims that the products are of U.S.-origin, and respondents’ marketing, sale, and distribution of memberships in their “American Made Matters” (“AMM”) program to companies wishing to make U.S.-origin claims for their products.

According to the FTC’s complaint, respondents represented that their products are “Made in USA.” In fact, many of the respondents’ hats are wholly imported, and others contain significant imported content. Therefore, this representation was false or misleading.

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The complaint further alleges that the AMM seal represents by implication that respondents' products have been endorsed or certified by an independent third party. AMM, however, is a fictitious name for respondents, who created the AMM seal and use it in connection with the sale of their own products. Therefore, these representations were false or misleading.

The complaint next alleges that respondents made implied claims that products and entities using their AMM seal were independently and objectively evaluated for compliance with respondents' certification standard. These claims were false or misleading.

Finally, the complaint alleges that respondents claimed that all AMM members sell products that are all or virtually all made in the United States. Because respondents awarded the AMM certification to any company that self-certified that at least 50% of the cost of one of their products was incurred in the United States, with final assembly or transformation in the United States, this claim was false or misleading, or unsubstantiated at the time it was made.

Based on the foregoing, the complaint alleges that respondents 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 respondents 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 respondents from making U.S.-origin claims for their 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 or components, and/or processing.

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Part II prohibits respondents from making any representation about any user or endorser of any product, package, certification, service, practice, or program, unless respondents disclose clearly and conspicuously any material connection between a user or endorser and (1) respondents or (2) any other individual or entity affiliated with the product or service.

Part III prohibits respondents from representing, expressly or by implication, that a product or service meets respondents' certification standard, unless: (1) an entity with no material connection to that covered entity conducted an independent and objective evaluation to confirm that the certification standard was met; or (2) respondents' certification and marketing materials disclose clearly and conspicuously that the certification standard may be met through self-certification.

Part IV prohibits respondents from making any country-of-origin claim about a product or service unless the claim is true, not misleading, and respondents have a reasonable basis substantiating the representation. In the alternative, for country-of-origin representations made through AMM marketing materials, respondents may make such claims if (1) they neither know or have reason to know that the self-certification is misleading, and (2) disclose clearly and prominently that products or services meet the certification standard through self-certification.

Part V prohibits respondents from providing third parties with the means and instrumentalities to make the claims prohibited in Parts I, III, or IV.

Parts VI through IX are reporting and compliance provisions. Part VI requires respondents 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 acknowledgement from each such person that they have received a copy of the order. Part VII requires the filing of compliance reports within one year after the order becomes final and within 14 days of any change that would affect compliance with the order. Part VIII requires respondents to maintain certain records, including records necessary to demonstrate compliance with the

Analysis to Aid Public Comment

order. Part IX requires respondents to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview respondents' personnel.

Finally, Part X 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

**TELOMERASE ACTIVATION SCIENCES, INC.
AND
NOEL THOMAS PATTON**

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

*Docket No. C-4644; File No. 142 3101
Complaint, April 18, 2018 – Decision, April 18, 2018*

This consent order addresses Telomerase Activation Sciences, Inc.’s advertising for TA-65MD, a product that comes in capsule and powder forms, and TA-65 for Skin, a topical cream product. The complaint alleges that respondents violated Sections 5(a) and 12 of the FTC Act by making false or unsubstantiated health or performance claims regarding TA-65MD and TA-65 for Skin. The complaint further alleges that respondents represented that a 2012 paid-for segment on *The Suzanne Show* featuring TA-65MD was independent, educational programming and not paid commercial advertising and that consumers appearing in advertisements were independent users of TA-65MD, expressing their impartial views of satisfaction. The consent order prohibits any representation that a covered product reverses human aging; prevents or repairs DNA damage; restores aging immune systems; increases bone density; reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision; decreases recovery time of the skin after medical procedures; prevents or reduces the risk of cancer; or cures, mitigates, or treats any disease unless the representation is non-misleading and respondents possess and rely upon competent and reliable scientific evidence that substantiates that the representation is true.

Participants

For the *Commission*: Devin W. Domond, David P. Frankel,
Mary Johnson, and Andrew Wone.

For the *Respondents*: Leonard L. Gordon, Michelle C.
Jackson, Kristen Klesh, Claudia A. Lewis, and Brian M. Likins,
Venable, LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Telomerase Activation Sciences, Inc. (“TAS”), a corporation, and Noel Thomas Patton, individually and as an officer of TAS