

## Complaint

## IN THE MATTER OF

**IMPERIAL PAINTS, LLC**  
**D/B/A**  
**LULLABY PAINTS AND ECOS PAINTS**CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF  
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

*Docket No. C-4647; File No. 162 3080*  
*Complaint, April 24, 2018 – Decision, April 24, 2018*

This consent order addresses Imperial Paints, LLC's marketing, sale, and distribution of purportedly "VOC-free" paints. The complaint alleges that respondent made unsubstantiated representations that its paints: (1) are free of volatile organic compounds ("VOCs"); (2) are VOC-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers. The consent order prohibits emission-free and VOC-free claims unless both content and emissions are actually zero or at trace levels.

*Participants*

For the *Commission*: Robert M. Frisby, Megan Gray, Katherine Johnson, and Alejandro Rosenberg.

For the *Respondent*: Ryan Clark and Joan Long, Barnes & Thornburg LLP.

**COMPLAINT**

The Federal Trade Commission, having reason to believe that Imperial Paints, LLC, a limited liability company, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Imperial Paints, LLC ("Imperial"), also doing business as, *inter alia*, Lullaby Paints and ECOS Paints is a South Carolina limited liability company with its principal office or

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place of business at 350 East St. John Street, Spartanburg, South Carolina 29302.

2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed paint products to consumers, including Lullaby Paints and ECOS Paints.

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.

### Imperial's Lullaby Paints

4. Respondent distributes Lullaby Paints directly to consumers through its websites, including <http://imperialpaintsllc.com/> and <http://lullabypaints.com/>, and through independent retailers.

5. Respondent and its independent retailers have disseminated or have caused to be disseminated advertisements, packaging, and other promotional materials for Lullaby Paints to consumers, including the attached Exhibits A-M. These materials contain the following statements and depictions:

a.

**How can I safely paint my nursery?**

① **What's harmful about paint?**  
PAINT CAN CONTAIN HIGHLY TOXIC CHEMICALS, such as phthalates, solvents, tars, and formaldehyde which are released into the air for up to five years.

② **Are all paints harmful?**  
OVER 99% OF PAINTS, INCLUDING MANY LABELED AS ZERO VOC, LOW VOC, or GREEN carry the following disclaimer:  
**WARNING:** This product contains chemicals known to cause cancer and birth defects or other reproductive harm.  
In contrast, Lullaby Paints does not contain these toxic chemicals.

③ **What are the health issues caused by paint chemicals?**  
ASTHMA & ALLERGIES, COGNITIVE, SOCIAL AND DEVELOPMENTAL ISSUES. Pregnant moms, unborn and newborn babies are particularly at risk from these chemicals.

④ **Why is Lullaby Paints safe?**  
NO TOXINS, NO SOLVENTS, NO ODORS. Lullaby Paints have been formulated to provide pregnant moms and their babies with a safe alternative.

**Lullaby Paints is committed to making beautiful, safe, non-toxic paints for mothers, babies and their nurseries. We believe our level of safety exceeds the highest industry standards.**

Made in the USA

Safe for use on baby's walls, cribs, and toys. Safe for pregnant mothers

UK Allergy Seal of Approval

EN 71 Certification for use in children's toys

Green Wellcome and Food Conservation Awards

**Paint So Fresh It Feels Like Outdoors**

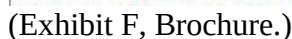
**lullaby PAINTS**

Being safe | green-minded | non-toxic | no-odor

© 2013 Lullaby Paints, LLC. All rights reserved. PO Box 100, Spartanburg, SC 29302  
© 2013 Lullaby Paints, LLC. All rights reserved.

(Exhibit G, Brochure.)

b.



- c. The World's Finest Baby Safe Paint! (Exhibit J, [www.lullabypaints.com/](http://www.lullabypaints.com/)).
- d. There's no good reason why a premium quality, hard wearing, beautiful paint needs to contain toxic chemicals. Know how we know that? At Lullaby Paints, after years of development, we have proven it. We are pioneers in paint-making and extremely proud of our final product: the safest paint available. Newborn baby-safe. Pregnant mom-safe. Safe enough for kids to paint with. (Exhibit I, [www.lullabypaints.com/safety/](http://www.lullabypaints.com/safety/)).
- e. Safe for baby. And the environment. Our award-winning paint is praised as much for its color, coverage and durability, as it is for its safety. Attaining the highest certifications for product purity, Lullaby Paints is known in the industry as the safest paint available. Recognized by consumer advocacy groups and leading environmental organizations, used by hospitals and maternity facilities, lauded by magazines, designers and bloggers and, most of all, enjoyed by moms as pregnancy safe paints. We've

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revolutionized how safe and eco-friendly paints can be, for mom, baby, everybody. (Exhibit L, [www.lullabypaints.com/how-it-works](http://www.lullabypaints.com/how-it-works)).

- f. Why Lullaby paints? . . . Tested and proven for over 20 years. These products are safe. (Exhibit G, brochure).

**Imperial's ECOS Paints**

6. Respondent distributes ECOS Paints directly to consumers through its websites, including <http://imperialpaintsllc.com/> and <http://ecospaints.net/>, and through independent retailers.

7. Respondent and its independent retailers have disseminated or have caused to be disseminated advertisements, packaging, and other promotional materials for ECOS Paints to consumers, including the attached Exhibits N-Q. These materials contain the following statements and depictions:

- a. WHAT IS SO DIFFERENT ABOUT ECOS PAINTS?  
Unlike traditional paints, even those labeled as “environmentally friendly”, ECOS Paints are non-toxic and have no odor. Developed twenty five years ago with a unique formulation, our products were originally designed for people with multiple chemical sensitivities, asthma, allergies, and issues with everyday chemicals.

For over two decades, we have provided world class, high quality paints and relief from noxious chemicals to discerning individuals around the world. Today our customers also include people who are focused on the environment and sustainability; healthcare providers; mothers concerned about their baby's health, and companies seeking to protect the health of their employees, guests and visitors. Our paints are zero VOC and do not contain harmful solvents that off gas into the air. Safer for you, your family and the environment. (Exhibit P, [www.ecospaints.net/mcs.html](http://www.ecospaints.net/mcs.html).)

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- b. Proven Technology
  - 25 Years of Successful Use
  - Award Winning
  - Tested and Certified.

For twenty five years, ECOS and Air Pure Paints have been sought out by people with multiple chemical sensitivities, concerned pregnant mothers, the environmentally conscious, corporations committed to sustainability, and the general public who care. Now manufactured in the US, these products are available for discerning customers who are equally committed to the health of the environment. (Exhibit N, Print Ad.)

**Count I**  
**Unsubstantiated Claims**

8. In connection with the advertising, promotion, offering for sale, or sale of Lullaby and ECOS Paints, Respondent has represented, directly or indirectly, expressly or by implication, that:

- a. Lullaby and ECOS Paints are VOC-free.
- b. Lullaby and ECOS Paints will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers.
- c. Lullaby and ECOS Paints have been tested and proven to be safe.

9. The representations set forth in Paragraph 8 were not substantiated at the time the representations were made.

**Count II**  
**Means and Instrumentalities**

10. Respondent has distributed promotional materials, including the statements and depictions contained in Exhibits A

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through Q to independent retailers. In so doing, Respondent has provided them with the means and instrumentalities for the commission of deceptive acts or practices.

**Violations of Section 5**

11. 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.

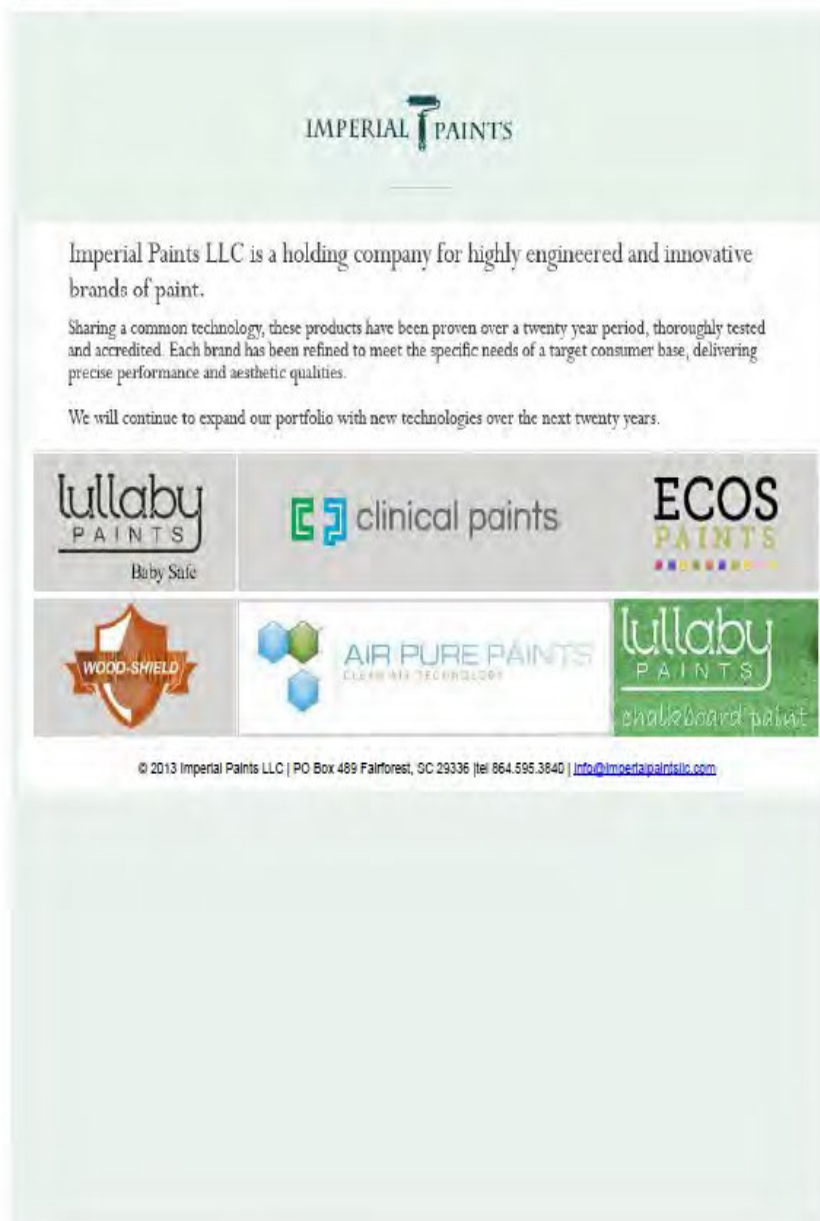
**THEREFORE**, the Federal Trade Commission this twenty-fourth day of April, 2018, has issued this Complaint against Respondent.

By the Commission.

## Complaint

**Exhibit A**

Imperial Paints LLC



## Complaint

**Exhibit B**

## What is Baby Safe?

Lullaby Paints is committed to making beautiful, safe, non-toxic paints for mothers, babies and their nurseries. We believe our safety levels exceed the highest industry standards.



**100% NON-TOXIC & NO ODOR**  
No Harmful Chemicals



**20 YEARS OF CUSTOMER SATISFACTION**  
Proven Technology and Performance



**INTERNATIONAL RECOGNITION**  
Multiple Awards and Accreditations



**SAFE FOR TOYS AND CRIBS**  
Ideal for Contact



Made in  
USA



UK Allergy  
& Asthma



JPMA  
The Joint Paint Manufacturers Association



EN 71  
Certified



Glaxo Wellcome  
Award



Baby Safe

## Complaint

## Exhibit C

**HIDDEN DANGERS IN YOUR BABY'S NURSERY**

**DID YOU KNOW THE AIR IN A NEWLY FURNISHED AND PAINTED NURSERY MAY CONTAIN MORE THAN 300 TOXIC CHEMICALS?** Parents take baby-proofing steps every day to prevent harm to their children. We use car seats, child gates, outlet covers. The list goes on and on. But what about the invisible risks? Wondering what other hidden dangers are lurking in your baby's room? Read on to find out what they are and how to avoid them.

**CRIB**  
Formaldehyde, a known carcinogen and asthma trigger, is often used in the pressed/composite woods that many cribs and furnishings are made of.  
**FIX IT:** Choose solid wood furniture or gently used furniture that's already had a chance to off-gas. (Be sure cribs meet current safety standards.)

**CRIB MATTRESS**  
72% of crib mattresses are made with potentially dangerous chemicals like flame retardants, antiseptics, and waterproofing finishes.  
**FIX IT:** Look for all organic and/or Greenguard Certified mattresses.

**PAINT**  
Conventional paint can off-gas toxic volatile organic compounds (VOCs) for up to 3 years or more.  
**FIX IT:** Use zero VOC, non-toxic, solvent-free paint (conspicuously labeled as such) on walls.

**CHANGING STATION**  
70% of foam baby products such as changing pads, car seats, and cradle cushions contain toxic flame-retardants.  
**FIX IT:** Choose products with wool- or cotton-filled pads with PVC-free waterproof linings.

**BABY CARE PRODUCTS**  
In 2009, the Campaign for Safe Cosmetics found 14-dioxane, a chemical linked to cancer, in 87% of products tested.  
82% contained formaldehyde, though they were marketed as "gentle" and "pure" on the label.  
**FIX IT:** Look for organic care products or try making your own.

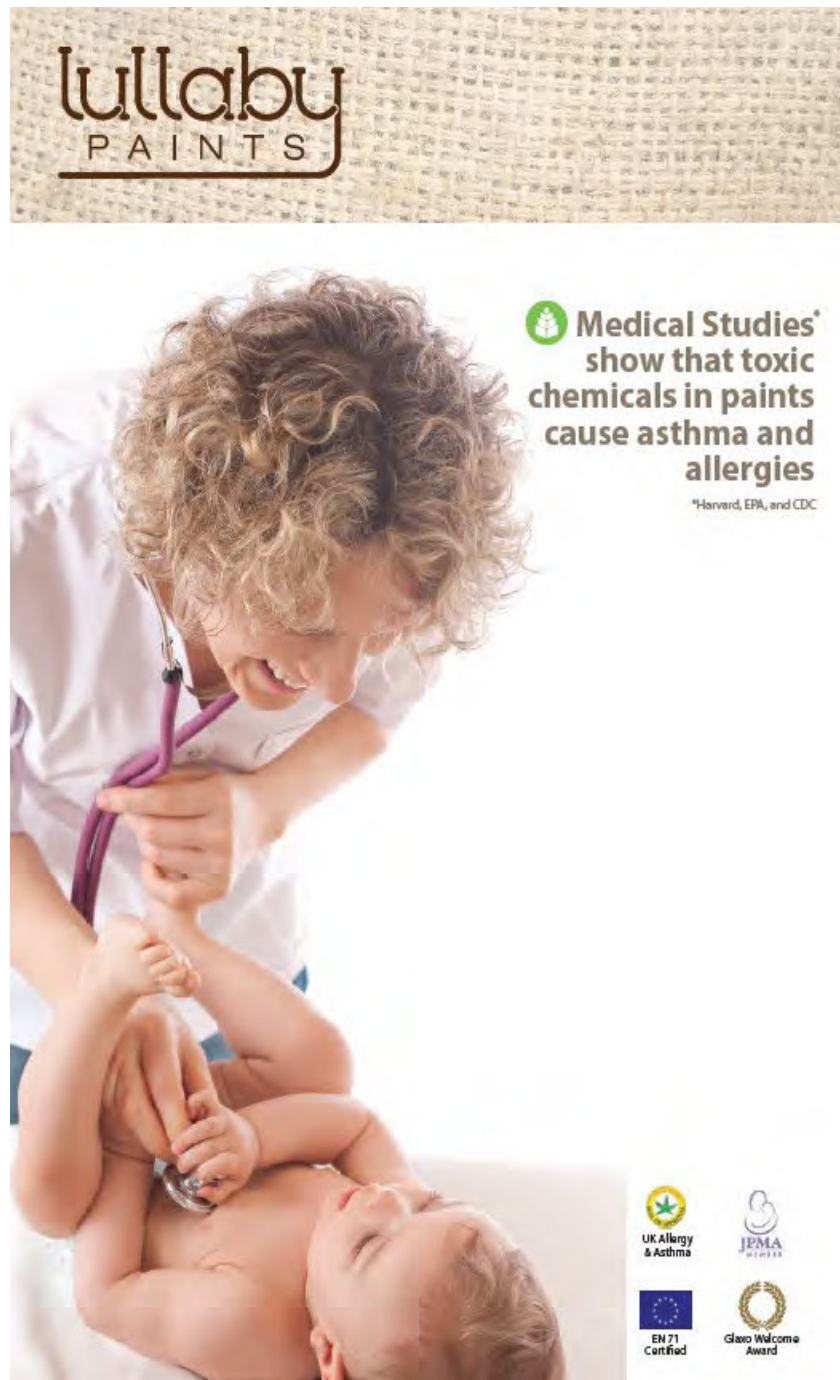
**TOYS**  
Polyvinyl chloride (PVC) is used in everything from teething rings to baby bibs, often contains dangerous toxic additives such as phthalates, lead, and cadmium.  
**FIX IT:** Choose PVC-free (usually BPA-free) baby teething and bibs.

Knowledge is power. With it, you can create a healthier home for your family. Start out by choosing a few easy steps and, when they become habit, move on to a few more. No one can do everything, but everyone can do something. Learn more at [HealthyChild.org](http://HealthyChild.org).

Source: [MILKINNOV.COM](http://MILKINNOV.COM), [SWSONS.THEBAYSHIRK.COM](http://SWSONS.THEBAYSHIRK.COM), [CHEL.COM](http://CHEL.COM), [CLEANHEALTHYVIV.COM](http://CLEANHEALTHYVIV.COM), [ABC.COM](http://ABC.COM), [NIE.COM](http://NIE.COM),

Complaint

**Exhibit D**



Complaint

**Exhibit E**

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## Exhibit F

Featured By



Healthy Child  
HEALTHY WORLD

JPMA  
MEMBER

PROJECT  
NURSERY™

Lullaby Paints is committed to making beautiful, safe, non-toxic paints for mothers, babies and their nurseries. We believe our level of safety exceeds the highest industry standards.

- Made in the USA
- Safe for use on baby's walls, cribs, and toys. Safe for pregnant mothers.
- UK Allergy Seal of Approval
- EN 71 Certification for use in children's toys
- Glaxo Wellcome and Ford Conservation Awards



Paint So Fresh It Feels Like Outdoors

**lullaby**  
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lullaby | premium finishes | interior paints | designer colorMatch

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© 2013 Lullaby Paints, LLC. CHILDREN AND CHILDREN

### Why Lullaby Paints?

For your baby's health, safety & well-being



**Safe for baby and mom**  
SAFE TO APPLY AND BE AROUND. Our specially formulated paints provide the highest safety standards without compromising quality.



**Non-toxic, no odor, no VOCs**  
THERE'S GOOD STUFF INSIDE. No toxic chemicals, no odor, no VOCs. We are an environmentally responsible paint company, providing the highest standards for your baby.



**Help reduce asthma, allergy, MCS**  
INTRODUCING NEW COLORS. Developed without chemical odors which have been shown to cause asthma, allergies and eczema in children.

Paints and finishes healthy, ethical choice for your baby and family. To learn more call a Sales Associate about Lullaby Paints today.

**Paint Coverage Per Gallon**

| Paint Type                  | Coverage    |
|-----------------------------|-------------|
| 1 Gallon Lullaby Paints     | 560 sq. ft. |
| 1 Gallon Traditional Paints | 375 sq. ft. |

\*Our proprietary technology has been developed to improve coverage and reduce emissions.

**32 Designer Colors & Color Matching**

- 8 Collections Each with 4 Colors**  
Designer colors coordinated into perfectly matched collections.
- Match Color Strips/Swatches**  
We match other paint samples and color swatches.
- Furniture, Bedding and Fabric**  
Have a furniture piece that needs to be matched? We can help.



**Safety comes first**

"It's wonderful to be able to use a safe, premium paint to surround my baby. It gives me peace of mind."

## Complaint

## Exhibit G



## How can I safely paint my nursery?

## Q What's harmful about paint?

PAINT CAN CONTAIN HIGHLY TOXIC CHEMICALS, such as phthalates, solvents, texanol, and formaldehydes which are released into the air for up to five years.

## Q Are all paints harmful?

OVER 95% OF PAINTS, INCLUDING MANY LABELED AS ZERO-VOC, LOW-VOC, or GREEN carry the following disclaimer:

**WARNING:** This product contains chemicals known to cause cancer and birth defects or other reproductive harm.

In contrast, Lullaby Paints does not contain these toxic chemicals.

## Q What are the health issues caused by paint chemicals?

ASTHMA & ALLERGIES, COGNITIVE, SOCIAL AND DEVELOPMENTAL ISSUES. Pregnant moms, unborn and newborn babies are particularly at risk from these chemicals.

## Q Why is Lullaby Paints safe?

NO TOXINS, NO SOLVENTS, NO ODOR. Lullaby Paints have been formulated to provide pregnant moms and their babies with a safe alternative.

**Want to Learn More?**  
See the Harvard, EPA and AECOM-CDC Studies.  
Go to <http://www.lullabypaints.com/learnmorefacts>

Lullaby Paints is committed to making beautiful, safe, non-toxic paints for mothers, babies and their nurseries. We believe our level of safety exceeds the highest industry standards.



Made in the USA



Safe for use on baby's walls, cribs, and toys. Safe for pregnant mothers



UK Allergy Seal of Approval



EN 71 Certification for use in children's toys



Glaxo Wellcome and Ford Conservation Awards

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baby safe | premium finishes | interior paints | designer collections

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Paint So Fresh It  
Feels Like Outdoors

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Safety comes  
first

"It's wonderful to be able to use a safe, premium paint to surround my baby. It gives me peace of mind."

as featured on:

PROJECT NURSERY

Why Lullaby Paints?  
for your baby's health, safety & wellbeing

## Safe for baby and mom

SAFE TO APPLY AND BE AROUND. Our specially formulated paints provide the highest safety standards without compromising quality



Tested and proven for over 20 years  
THESE PRODUCTS ARE SAFE. Our products have over 20 years of usage around the world and are manufactured to the most stringent standards



## Non-toxic, no odor, no VOCs

THERE'S GOOD STUFF INSIDE. No toxic chemicals, no odor, no VOCs. We are an environmentally responsible paint company, providing the highest standards for your baby



## Help reduce asthma, allergy, MCS

PREVENTIVE MEASURES. Developed without chemicals which have been shown to cause asthma, allergies and eczema in children



## Industry leader in coverage

LEAD THE MARKET IN COVERAGE. Our paints can cover 560 sq. ft. per gallon, that's 40% more than the industry average



## Complete line of colors and finishes

DISCOVER OUR WIDE SELECTION. 32 colors in 8 designer collections and the ability to color match any shade

## Paint Coverage Per Gallon



1 Gallon  
Lullaby Paints



1.5 Gallons  
Traditional Paints

1 Gallon  
Lullaby Paints 560 sq. ft.

1 Gallon  
Traditional Paints 375 sq. ft.

\*Our proprietary technology has been developed to improve coverage and reduce emissions.

## Premium Finishes

Durable and long-lasting finishes

| Walls/Ceilings |          |            |       | Trim/Doors |  |
|----------------|----------|------------|-------|------------|--|
| Matt           | Eggshell | Soft Sheen | Satin | Gloss      |  |
| ✓              | ✓        | ✓          | ✓     | ✓          |  |

## 32 Designer Colors &amp; Color Matching

8 Collections Each with 4 Colors  
Designer colors coordinated into perfectly matched collections

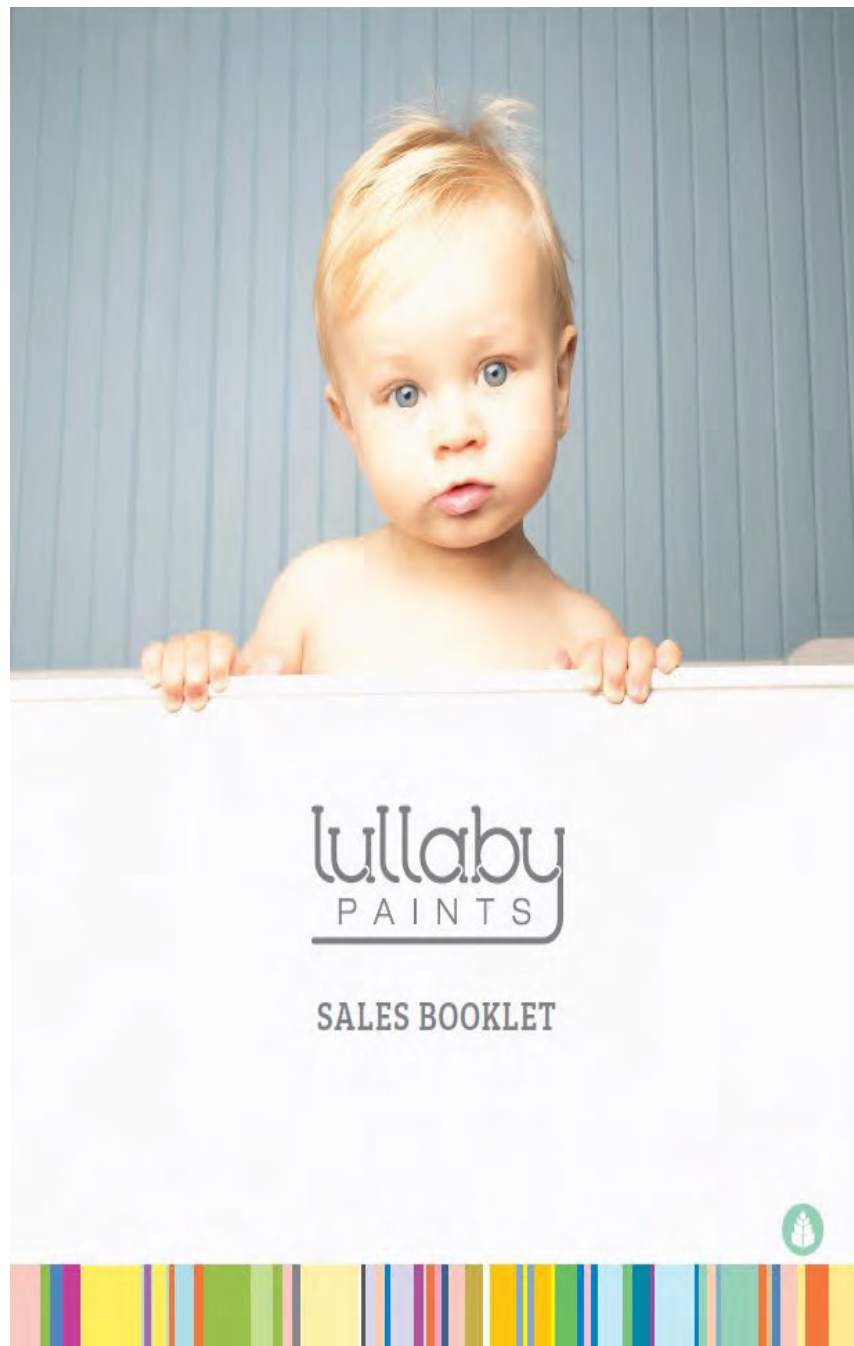
Match Color Strips/Swatches  
We match other paint samples and color swatches

Furniture, Bedding and Fabric  
Have a furniture piece that needs to be matched? We can help.

Provide and nurture healthy environments for your baby and family  
To Learn More Ask a Sales Associate about Lullaby Paints Today

Complaint

**Exhibit H**



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### About Us

For twenty five years we have been making paints for the chemically sensitive. People who have a hard time coping with everyday chemicals, or those who suffer from common medical conditions like asthma and allergies. We have given them respite, the ability to enjoy their own homes, or a good night's rest.

Today we are bringing our technology to an equally deserving group - everybody else.

There is no good reason why paint needs to contain harmful chemicals. Ingredients that cause asthma and allergies in children, that are carcinogenic, or can cause cognitive development issues. We make durable, colorful, premium paints, that have been used and accredited around the world for over two decades - without the need for toxic ingredients. We invite you to explore our safe world of color.

### Why Lullaby Paints fits in a nursery store?

- Unique nursery decor item
- Designer chic pouches
- New product channel
- Superior value proposition - quality and safety
- Complements existing design services
- No inventory
- No technical expertise needed
- Manufacturer support for all technical, support and paint inquiries

### What's unique about Lullaby Paints?

- Made specifically for pregnant moms and their babies
- Safe (no toxins, no harmful chemicals, no off-gasses, no VOCs)
- No odor
- No compromise - easy to apply, scrubable, durable, vibrant colors, just like you'd expect from a premium paint



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## Our Program

### What do I receive as a retailer upon joining the program?

We offer:

- 1) Designer, ohio sample pouches for sale in the store
- 2) Retail stand for display purposes (if needed)
- 3) Retailer Pack - includes merchandizing & collateral materials

### Do I need to hold any inventory or paint cans?

Your retail store will hold no inventory or paint cans.

### How do I get my store setup to take orders?

We take care of creating your retailer account. You simply get a username and password. From that point, you can send orders via Lullaby Paints Retailer site.

### How do I get paid?

Three ways:

- 1) Selling designer, sample pouches
- 2) Store orders – When a customer purchases paint, the retailer will take payment directly from them and then place/pay for the order through our website using the retailer discount account.
- 3) Online Orders – For orders that are placed online by your customers, they are required to refer the retail store on checkout process. From that point, your retail store will get the appropriate credit for the sale.



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### How does my customer receive the paint?

We will arrange for delivery of the paint either to the store or directly to the customer – according to the retailer's preference. The retailer does not have to stock any paint - other than the sample pouches.

### What if we have technical questions, customer concerns?

We handle the painting and technical support for your customer. They can reach us via email ([info@lullabypaints.com](mailto:info@lullabypaints.com)), phone (1-866-587-3586) or fax (1-864-595-3841).

### What if my customer purchases directly on the website?

Should a customer decide to purchase paint directly through our website, they will be presented with an required option during "Checkout" to refer the retail store where they viewed the product. When they select a store, that retailer will get the appropriate credit for the sales and receive a commission check in the mail the following month.

### When do I get the commission paid to my retailer account?

Payment for the retailer, if earned as a commission, is earned at the point of purchase. The retailer receives the full price of the paint from the consumer and remits only the wholesale price to Lullaby Paints.

### What is the retail and commission pricing for the product?

Sample Pouch:  
Quart Pouch:  
Gallon Pouch:



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## What are the merchandizing options for my retail store?

**Included free as retailer signup:**

Starter Pack: (5) Five Posters, Buyer's Guide, Press Kit, USB Drive, Four Sample Pouches, Three Large Pouches (Gallon, Quart, Pint) Trifold Brochures

**Choose a merchandizing option:**

|                     |                   |
|---------------------|-------------------|
| Full Sample Set:    | 32 Sample Pouches |
| Partial Sample Set: | 24 Sample Pouches |
| Small Sample Set:   | 6 Sample Pouches  |
| Retail Stand:       | 96 Sample Pouches |

**How does ordering product work?**

All orders will be shipped by Lullaby Paints either directly to the customer, or to the retail store, in accordance with Imperial Paints standard delivery terms. Sample pouches for the retail store must be ordered with a minimum quantity of six pouches.

**What are the payment terms?**

Orders paid for in full, by credit card, at the time of purchase.



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## Investing In Your Child

### Why is Paint Important?

- Your child will spend up to 16 hours a day in their nursery for the next 3 years.
- Paint fumes from traditional paints include benzene, antimony trioxide, toluene, xylene, ethylene glycol, and texanol. All of these are hazardous to the health of your child.
- Paint offgases for up to 5 years after application. Fumes do not stop when the noxious smell of paint solvents ends.
- Children do not possess an adult's ability to absorb, metabolize and excrete contaminants. They are at risk of developing cognitive and respiratory disorders like asthma and allergies.

### Why should you buy Lullaby Paints?

- Lullaby Paints is the safe paint for a baby's nursery. No chemicals that cause asthma and allergies.

### Why take the risk?

- It only takes 1-100 PPB (parts per billion) of toxic paint chemicals to cause harm in pregnant mothers and babies.
- Paint manufacturers are regulated by third party certifiers, not the EPA or another governmental organization.
- US regulations ban only 11 chemicals used in personal care products, compared with 1,328 chemicals, which are banned in the EU.
- According to the Harvard School of Public Health, paint fumes have been directly linked to the development of asthma and allergies in children.



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## What's Included

**Nursery Wall Paint Eggshell**

- Baby Safe - specially formulated for babies' nurseries
- Non-toxic, Zero-VOC, no solvents
- No odor
- No mess packaging

**Sample Pouches**

- 2 oz
- No odor, non-toxic, zero VOC
- Try before you buy

**Retailer Kit**

- USB, Product Brochures
- 4 In store Posters

**Retail Stand**

- Holds 96 Sample Pouches
- Elegant wood construction
- Elegant construction
- Pricing available upon request



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**It's our LULLABY GUARANTEE!**

Lullaby Paints 100% baby safe formula are the safe option for you and your child's rooms.

They contain none of the harmful chemicals found in other paints, without compromising quality or longevity of the paint. There are no solvents, turpentine or terpenes, benzene, toluene, xylene, VOCs, essential oils, glycols (even PEG), texanol, coalescents, heavy metals (including lead, cadmium, mercury), formaldehyde, acrolein, vinyl chloride, phthalates, alkylphenol ethoxylates (APEOs), or acrylic softeners. In addition, Lullaby Paints do not contain casein or other animal products. In fact, there is nothing toxic, carcinogenic, or even allergenic in them!

Lullaby Paints are simply the safest paint available. Newborn baby-safe. Pregnant mom-safe. Safe enough for kids to paint with. And, our award winning paints are praised as much for their color, coverage and durability, as they are for their safety. Check out our designer collections today!

Company Inquiries

Julian Crawford

CEO

[REDACTED]

[REDACTED]



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## Features

|                    |                         |                                                                                                                                      |
|--------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>SAFETY</b>      | <b>INGREDIENTS</b>      | Safe paint - there are no toxins, no solvents, no glycols, no phthalates, and no VOCs in our paint                                   |
|                    | <b>INDUSTRY</b>         | Traditional paints contain toxic chemicals which have been shown to be carcinogenic, cause birth defects and other reproductive harm |
|                    | <b>STANDARDS</b>        | Current industry standards for paint are no guarantee of product safety, as they allow for the use of harmful chemicals              |
|                    | <b>TIME FRAME</b>       | Harmful chemicals (VOCs) offgas from paints for up to five years after application                                                   |
|                    | <b>EFFECTS</b>          | Chemicals in paints have been directly linked to asthma, allergy and cognitive issues in children                                    |
| <b>QUALITY</b>     | <b>YEARS IN USE</b>     | Our paint has been used successfully around the world for over 20 years                                                              |
|                    | <b>INDUSTRY LEADING</b> | Industry leading performance for color and durability                                                                                |
| <b>PERFORMANCE</b> | <b>COVERAGE</b>         | 1.5x the industry average, with 560 sq. ft. (single coat) per gallon vs 375 sq. ft. industry average                                 |
|                    | <b>ODOR</b>             | None                                                                                                                                 |
|                    | <b>COLORS</b>           | 32 Designer Colors, 8 Collections                                                                                                    |
|                    | <b>COLOR MATCHING</b>   | Yes. From color swatches, paint samples or fabric. We match all major paint brand colors                                             |
|                    | <b>DRY TIME</b>         | 20 to 30 minutes to touch, generally 1 to 2 hours between applications                                                               |
|                    | <b>FINISHES</b>         | WALL: Eggshell, Soft Sheen, Matt, Semi Gloss<br>TRIM: Satin, Gloss                                                                   |
| <b>SHIPPING</b>    | <b>SHIPPING COST</b>    | Included in the price                                                                                                                |
|                    | <b>SHIPPING TIME</b>    | USPS - typically 2 to 3 business days                                                                                                |



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## Paint Comparison

|                                     | TRADITIONAL PAINTS                                                                      |             | Lullaby Paints     |
|-------------------------------------|-----------------------------------------------------------------------------------------|-------------|--------------------|
|                                     | Zero-VOC                                                                                | Low-VOC     |                    |
| VOCs (g/L)                          | 10-50                                                                                   | 50-150      | None               |
| Solvents                            | Yes                                                                                     | Yes         | No                 |
| Odor                                | Yes                                                                                     | Yes         | No                 |
| Coverage per gallon                 | 375 sq. ft.                                                                             | 375 sq. ft. | 560 sq. ft.        |
| Toxic Chemicals                     | formaldehyde, benzene, antimony trioxide, toluene, xylene, ethylene glycol, and texanol |             | No toxic chemicals |
| Off-Gas Duration                    | 3 years                                                                                 | 3 years     | None               |
| Color Matching                      | Yes                                                                                     | Yes         | Yes                |
| Paint Required for Typical Nursery* | 3 gallons                                                                               | 3 gallons   | 2 gallons          |

\*Based on 10' x 12' nursery, two coat coverage



**lullaby**  
PAINTS

## Complaint



tullaby  
PAINTS

## Complaint

**ZERO VOC****NO ODOR****SCRUBBABLE & WASHABLE****FAST DRYING****BABY SAFE****PREGNANT MOM SAFE****HUNDREDS OF COLORS**

At Lullaby paints, we are parents and future parents who are genuinely concerned about the health and safety of babies. We're creating the next evolution of an industry and transforming nurseries across the country into spaces where babies can truly thrive.

**Nursery Wall Paint Eggshell****USAGE**

A zero VOC, water based, no odor, eggshell finish for interior use.

**AVAILABILITY**

Quart and Gallon pouches

**COVERAGE**

Purchase the needed amount; 560 sq. ft. per gallon (one coat).

**DRY TIME**

At 77°F and 50% dry time to touch is 30 min. and dry time to re-coat is 2 hours.

**THINNING**

Thinning is not recommended.

**HANDLING**

No special precautions necessary. This product contains Titanium Dioxide and Calcium Carbonate in suspension, posing no hazard. Sanding or crushing when dried may produce small quantities of dust.

**SURFACE PREPARATION**

Surfaces should be clean, dry, sound and free from grease. If unsure, clean first with sugar soap and rinse well. Remove all soft, dusty and loose material and abrade

lightly to a feathered edge to provide a key. On bare plaster & plasterboard, prime first with ECOS Plaster Sealer\* Fillers - seal with ECOS Filler Sealer\*

**APPLICATION**

Mix paint thoroughly before use. Keep lid on pouch of unused portion to prevent skinning. Apply with brush to out-in edges and roller to roll wall surfaces. For brushing, use a high-quality brush. For rolling, use 3/8" to 1/2" nap roller cover. For airless sprayer — no thinning is recommended, 2000 – 2500 PSI, tip — .015"–.021". For conventional sprayer and HVLP, reduce up to one half pint per gallon with clean water. Provide adequate ventilation during application and drying time.

**\*\*\* WARNING:** Older buildings may contain lead-based paint, which requires professional remediation if it is disturbed. If in doubt, consult with a professional from a Lead-Safe Certified Firm.

**INGREDIENTS**

Water, acrylic dispersion, vinyl acetate dispersions, titanium dioxide, pigments (various), thickeners – cellulose and polymeric, barytes, limestone, clay, synthetic wax, dispersing aids (various).

**HAZARDOUS COMPONENTS**

None

**VOCs/SOLVENTS**

None

**CLEAN UP**

Remove excess paint from equipment before washing with water.

**TOXICOLOGICAL INFORMATION**

Long term experience of this product type indicates no danger to health when properly handled under normal conditions.

**DISPOSAL**

Waste product should not be discharged directly into drains or

waterways without treatment. Disposal of product and packaging should always comply with local and national regulations. Waste water containing product should be treated in a separation and biological treatment plant.

**PHYSICAL PROPERTIES**

Physical form: Liquid – paste

Color: Variable

Odor: Faint – none

Flash point: Not applicable

Vapor pressure: 23hPa @ 20°C

Relative density: 1.0 – 1.4

Solubility in water: Insoluble but

miscible in all proportion

PH: 8 – 11

Viscosity: Variable

Flammability: Non-flammable

**ECO INFORMATION**

Degradation/elimination:

The product can be virtually eliminated from water by abiotic processes, e.g. adsorption onto activated sludge.

Eco-Toxic Effects:

No long term effects.

Bioaccumulation:

No evidence for bioaccumulation.

**STORAGE**

Store between +5°C and 20°C protected from frost and direct sunlight. Do not use storage vessels or pipe work made of aluminum, copper or their alloys. Detailed advice on storage systems can be provided.

[www.lullabypaints.com](http://www.lullabypaints.com)

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PO Box 489

Fairforest, SC 29336

864.595.3840



Complaint

Paint Coverage

Room Coverage Calculator:

- **Industry Leading** coverage at 560 sq. ft. per gallon. Dry time - 20-30 minutes to touch, 2 to 3 hours between applications
- **Two Coat Estimates:**

|              | CEILING<br>HEIGHT | 10'<br>Length | 12'<br>Length | 14'<br>Length | 16'<br>Length |  |
|--------------|-------------------|---------------|---------------|---------------|---------------|--|
| 10'<br>Width | 8'                | 1.2 gal       | 1.4 gal       | 1.4 gal       | 1.6 gal       |  |
|              | 10'               | 1.6 gal       | 1.6 gal       | 1.8 gal       | 2.0 gal       |  |
| 12'<br>Width | 8'                | 1.4 gal       | 1.4 gal       | 1.6 gal       | 1.6 gal       |  |
|              | 10'               | 1.6 gal       | 1.8 gal       | 2.0 gal       | 2.0 gal       |  |
| 14'<br>Width | 8'                | 1.4 gal       | 1.6 gal       | 1.6 gal       | 1.8 gal       |  |
|              | 10'               | 1.8 gal       | 2.0 gal       | 2.0 gal       | 2.4 gal       |  |
| 16'<br>Width | 8'                | 1.6 gal       | 1.6 gal       | 1.8 gal       | 2.0 gal       |  |
|              | 10'               | 2.0 gal       | 2.0 gal       | 2.4 gal       | 2.4 gal       |  |

How much paint do I need?

Standard nursery 10' X 12', 8' ceiling. Two coats coverage.

|                   |                    |           |
|-------------------|--------------------|-----------|
| Traditional Paint | 375 sq. ft./gallon | 3 gallons |
| Lullaby Paints    | 560 sq. ft./gallon | 2 gallons |



## Complaint

## Color Collection

## TWINKLE COLLECTION



STARLIGHT



MOONSTONE



ALABASTER



LUMINOUS

## GOLDEN SLUMBERS



BENG



STRAW SACK



ANTIQUE WHITE



FRENCH BLUE

## Color Matching:

We can color match color samples, color cards, fabric samples, bedding, etc. at no extra charge.

## SLEEP BABY SLEEP



COTTON CANDY



SNOWY FLEECE

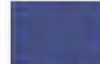


CELADON



HYDRANGEA

## OLD KING COLE



ROYAL BLUE



KING'S RED



ARMY BLANKET



SALTIRE

## BAA BAA BLACK SHEEP



SHEEP'S WOOL



PORTOBELLO



PAVOTTI



THATCH

## IT'SY BITSY



CITRON



BLACK



AZURE SEA



TANGERINE

## PRETTY LITTLE HORSES



WAME



EQUINE



SABINO



BLAZE

## HUSH LITTLE BABY



WICKER CHAIR



DAWN MIST



FLAX



LILAC



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## Complaint



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PAINTS

## Complaint

## Safety

**What are VOCs?**

This process does not just occur when the paint is applied ("the new paint smell"), but continues to release for up to three years.

**What's in the paint fumes?**

Chemicals released include known carcinogens (cancer causing chemicals) and toxic chemicals such as glycols, toluenes, formaldehyde, texanol or phthalates.

**Do all paints contain these chemicals?**

Over 98% of paints, including many labeled as Zero-VOC, Low-VOC, and green contain these chemicals.

**Doesn't the Government regulate paint and these chemicals?**

The EPA does not provide standards for paints, but leaves the responsibility up to paint manufacturers or third party certifiers.

**What do paint companies provide as a warning?**

Paint manufacturers provide an MSDS sheet with their paint, similar to a Nutrition Information Label. The EPA allows paints manufacturers to call their product zero-VOC even if it contains off-gassing chemicals.

**What about the third party certifications?**

All third party certifications including the highest levels of certification allow for at least 2 teaspoons (~50 g/L) of these chemicals as part of their standards in their testing guidelines.

**What amount of chemicals can cause damage?**

1-5 ppm (parts per million) cause damage ranging from acute skin and eye irritation to long-term damage to the kidney, neural, respiratory, and cognitive functions.

**Who is most at risk?**

Unborn babies, newborn babies and children are at the greatest risk due to their ongoing cognitive, neural and respiratory development.



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## Complaint



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## Complaint

## EGGSHELL WALL PAINT APPLICATION NOTES

**Description**

- Lullaby Paints Eggshell gives a washable low-sheen finish

**Storage**

- Protect from frost/freezing

**Where to Use**

- Interior walls and ceilings
- Particularly kitchens, bathrooms, and other areas where steam and condensation are a problem.
- Not ideally suited for use directly on lining paper. A coat of soft sheen to seal first is needed.

**Preparation**

- Surfaces should be clean, dry, sound and free from grease. If unsure, clean first with sugar soap and rinse well.
- Remove all soft, dusty and loose material and abrade lightly to a feathered edge to provide a key.
- On bare plaster/plasterboard, prime first with ECOS Plaster Sealer.\*
- Fillers - seal with ECOS Filler Sealer\* Interior walls and ceilings.

**Application**

- DO NOT THIN
- Stir gently and thoroughly before use.
- Apply where possible using narrow (6 to 7 inch) foam or fine pile "gloss" roller.
- Do not layoff. Do not go back over painted areas. Do not spread.
- May be sprayed using an airless spray system.
- Best results are normally achieved with two coats.
- Allow six hours between coats.

- Avoid applying below 41°F (5°C) and above 88°F (20°C).
- Clean equipment with water, as soon as you have finished painting.
- At 77°F and 50% dry time to touch is 30 min. and dry time to re-coat is 2 hours.

**Coverage**

Varies with surface porosity, but on hard non-porous surfaces estimate:

- 140 sq. ft. per quart (single coat)
- 560 sq. ft. per gallon (single coat)

**Health and Safety**

Avoid contact with skin and eyes. Wash off splashes with water. Do not ingest. WARNING: Older buildings may contain lead-based paint, which requires professional remediation if it is disturbed. If in doubt, consult with a professional from a Lead-Safe Certified Firm.

**Getting the Most Out of Your Pouch**

Twist and squeeze pouch for full use. In addition, the pouch can be cut open using scissors. Squeeze out air before resealing.

**Discarding Paint Pouches**

Let dry in an air cooled place and discard in accordance with local ordinance.

Help us to provide a healthy, safe environment for moms and babies.

\*Where to Find ECOS Paints <http://www.ecospaints.net>



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## Complaint



tullaby  
PAINTS

## Complaint

## Accreditations

## Facts:

- \* Our product is defined by what it doesn't contain, rather than what it does. Lullaby Paints contain no toxins, no glycols, and no harmful chemicals. There is no current industry standard which measures this level of purity sufficiently to adequately differentiate our product.

## Accreditations:



## Awards:



## Complaint

**Notes:**lullaby  
PAINTS

Complaint

Notes:



## Complaint



## Exhibit I



Complaint

**Exhibit J**

## Complaint

## Exhibit K

The screenshot shows the Lullaby Paints website. The header includes the Lullaby Paints logo, navigation links (home, shop, why lullaby, free color chips, custom colors, blog), and a user profile section for 'Taylor' with a 'Log Out' button. A sidebar on the left lists categories: About Us, Press, FAQs, Paints, Health Facts, Safety, and Contact Us. The main content area is titled 'Q&A WITH ELIZABETH A. MCLEOD, M.D.' and features a portrait of Dr. McLeod, who is a Pediatric Allergist/Immunologist at Children's Hospital of Pittsburgh. Below her photo is a list of questions and answers regarding paint safety and health concerns.

**Q&A WITH ELIZABETH A. MCLEOD, M.D.**

**Here's a series of questions we asked Dr. McLeod:**

- Q: What are the most risks with modern paints?**

**A:** Many studies link fumes and VOCs from traditional paints with health problems like asthma, allergies, cognitive impacts and even cancer. I should really come do the survey for environmental paints when certain chemicals such as formaldehyde (carcinogen), benzene (carcinogen), 7-nitrotoluene (neurotoxicity), tri-n-butylamine (very, very flammable), and formaldehyde (cancer-causing) are not used. VOCs are respiratory irritants, such as respiratory issues, irritation and burning, and sometimes do up eyes, skin and affect a baby's respiratory.
- Q: Why are babies more at risk?**

**A:** Unborn and newborn babies are going through critical stages of development that make them uniquely vulnerable to toxic exposures. In fact, some data indicates that there are impact on the mitochondria, but could have long-term implications for your child. (Consider what alcohol consumption during pregnancy can do.) In addition, exposure in the first months of life, babies' respiratory systems, especially are equally less capable of dealing with toxic exposures. And, because infants have more years of life in front of them than adults, they have more time to develop chronic diseases that may be triggered by toxic exposures.
- Q: Why is this important to a parent or pregnant mother?**

**A:** Babies spend up to sixteen hours a day in their parents' bedroom. Or napping. As you can guess, during this time they're breathing in any airborne materials, such as paint fumes.
- Q: Are there any health issues in particular that I should pay?**

**A:** Honestly, they all concern me. But, as a pediatrician, I'm seeing a very concerning rise in asthma. And if a child is struggling to breathe, or can't run and play, that's a serious effect and can potentially cause many other medical and psychological impacts. One of the main goals, the American Lung Association has been to reduce significantly and they have 27 million people (1/3 of the population) suffer from this condition. There's a growing body of evidence linking asthma to a variety of environmental factors. For example, a child raised in a household with high levels of lead paint that has been with high concentrations of pesticides given the pesticides are extremely toxic to kids in their bedrooms track higher thousands of hours of asthma attacks, there's much we can do to prevent this.
- Q: What can parents do to help?**

**A:** Research, research, and research are the building blocks of health. You can't control jewelry, and you're already playing exposure to lead, but don't forget about the last factor. Creating a safe, healthy environment is important for giving your baby the best possible start in life. Using Lullaby Paints is one simple way to eliminate the proven health risks associated with traditional paints. Improve your indoor air quality, and protect your little bundle of joy.

At the bottom of the page, there is a section for 'WANT MORE INFO? EMAIL US OR VISIT OUR WEBSITE' with a 'Sign Up' button and a 'Log Out' button. There are also social media icons for Facebook, Twitter, and Instagram. The footer includes links for 'Contact Us', 'Privacy Policy', 'Terms of Use', 'About Us', and 'FAQ'.

## Complaint

**Exhibit L**

Why Lullaby

log in | sign up |  cart  
live toll-free (866) 587-3588 | [help](#)


[home](#) [shop](#) [why lullaby](#) [free color chips](#) [custom colors](#) [blog](#)

**NEW! LULLABY PAINTS**

Shop for paint from the convenience of your own home. Browse, sample, choose, relax...

**FREE SAMPLE CARDS**  
**DELIVERY TO YOUR DOOR**  
**ALL-IN-ONE PAINTING KITS**



1
2
3
done.

**Get Inspired**  
Browse our designer collections and inspiration boards to find the perfect colors for your baby's nursery. From whimsical, to chic, to elegant - and everything in between.

**Try Before You Buy**  
Order free paint chips, color cards, or 2 oz. sample pouches - all from the comfort of your own home. Perfect for reviewing your color choices on your nursery walls.

**Fast Shipping**  
Order your favorite colors using our easy-to-use website and we'll drop ship your paint right to your doorstep. Delightful design delivered directly!

**It Couldn't Be Easier**  
Try the All-In-One-Kit for extreme convenience. It comes with everything you'll need to get the job done right. Relax, we've got you covered.

## Features



**The World's Best Nursery Paint**

Made from the finest ingredients, our baby safe paints are carefully selected for their safety and performance. In fact, our paints are so safe they include food grade ingredients. Our rich, deep pigments are imported from Europe and meet the highest environmental and safety standards. And because our resins are not diluted with cheap solvents, they're thicker and cover your walls with ease.

[SHOP NOW](#)

**Safe for baby. And the environment.**

<http://lullabypaints.com/how-it-works.html>[4/12/2016 11:54:43 AM]

## Complaint

## Why Lullaby



Our award-winning paint is praised as much for its color, coverage and durability, as it is for its safety. Attaining the highest certifications for product purity, Lullaby Paints is known in the industry as the safest paint available. Recognized by consumer advocacy groups and leading environmental organizations, used by hospitals and maternity facilities, lauded by magazines, designers and bloggers and, most of all, enjoyed by moms as pregnancy safe paints. We've revolutionized how safe and eco-friendly paints can be, for mom, baby, everybody.

[SHOP NOW](#)


## Expert Help

Colors for your baby's nursery are nearly as important as what you put in it. That's why we have a whole team of experts standing by to guide you as you design, decide, and create. View our collections of how-to posts, DIY articles, inspirational nurseries, and safety advice so you can choose the very best paint for your baby's room. Let us help you with technical questions that you might have concerning coverage, finish, application, or maintenance. Give us a call, send us an email - we're here for you!

[SHOP NOW](#)


## Designer Inspiration

Trend-setting designers, world class brands, boutique retailers and inspired moms all lend their creative expertise to the development of our nursery color collections and design inspiration. Browse our site for DIY ideas, expert advice, and recommendations for accessories and furniture to complete the perfect baby's room and create a beautiful home. LullabyPaints.com is the canvas that brings it all together.

[SHOP NOW](#)

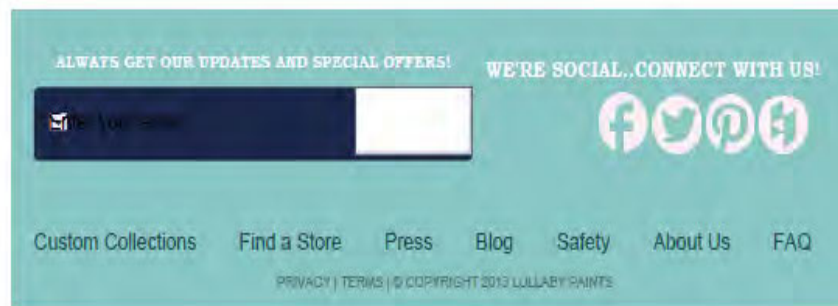

## Shop From Home

Create the perfect nursery with our sensational nursery colors! Browse our website for the perfect colors for your baby's nursery and have samples shipped to your door. Want something different? We can even match a color of your choice. Then order Lullaby Paints through our simple check out process. For the complete "shop from home experience" buy an All-In-One-Kit, which comes with everything that you will need to paint your room, including a brush, roller, tray tape and more. Painting has never been easier or safer.

[SHOP NOW](#)

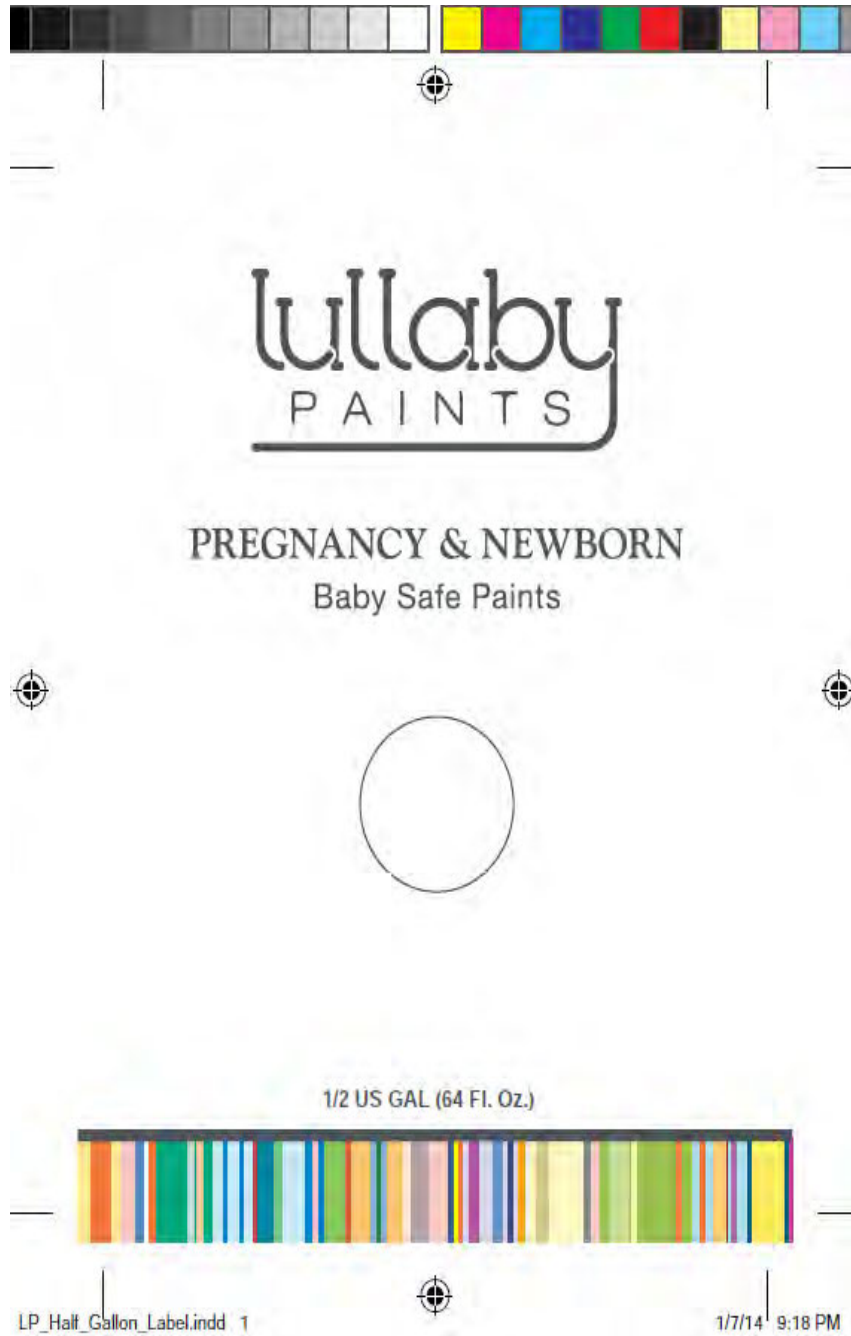
## Complaint

Why Lullaby

<http://lullabypaints.com/how-it-works.html>[4/12/2016 11:54:43 AM]

Complaint

**Exhibit M**



## Complaint

**Nursery Wall Paint**

Pouch Size 1/2 Gallon (64 Fl. Oz.)  
Coverage Area 280 Sq. Ft.

|                       |      |
|-----------------------|------|
| VOCs                  | None |
| Solvents              | None |
| Odor                  | None |
| Flammability          | None |
| Hazardous Ingredients | None |

**INGREDIENTS:** Water, acrylic dispersion, vinyl acetate dispersion, titanium dioxide, pigments (various), thickeners cellulosic and polymeric, barytes, limestone, clay, synthetic wax, dispersing aids (various).

**FIRST AID:** Eye contact: May cause temporary irritation. Flush with water for fifteen minutes, holding eyelid open. Skin contact: Prolonged contact may cause irritation. Wash thoroughly with soap and water. Do not ingest.

Lullaby Paints offers the world's only decorator's grade, non-toxic wall paint. Traditional paints contain harmful chemicals, and alternative eco-friendly paints do not match the durability and coverage of Lullaby Paints. Used successfully around the world for over twenty years, Lullaby Paints promises performance, without environmental compromise.

**lullaby**  
PAINTS

Questions or Comments?  
1-866-587-3586 • [www.lullabypaints.com](http://www.lullabypaints.com)

**Nursery Wall Paint**

- Eggshell Finish, Scrubbable, Premium, Hard Wearing
- Safe for Mom, Baby + Kids
- Always Non-Allergenic & Asthma Friendly
- Zero-VOC, No Odor, Fast Drying
- Non-Toxic

**DRY TIME:** At 77°F and 50% humidity; dry to touch in 20 minutes, recoat in 2 hours.

**THINNING:** Thinning is not recommended.

**SURFACE PREPARATION:** Surfaces should be clean, dry, sound and free from grease, dust and dirt. If unsure, clean first with mild detergent and rinse well.

**APPLICATION:** Shake paint thoroughly before use. Intermix pouches first to ensure uniform color. Apply with a brush to cut-in edges and a roller for wall surfaces. We recommend two coats.

**BRUSHING:** Use a high-quality synthetic brush.

**ROLLING:** Use a 3/8" to 1/2" tight woven, shed resistant cover.

**STORAGE:** Store between 41°F and 77°F; protected from frost and direct sunlight. To keep touch-up paint, force excess air out of a pouch containing any unused paint and screw cap back on to avoid skimming.

**Dispose of in accordance with local ordinance.**

Please Recycle

## Complaint


**Nursery Trim/Door  
/Furniture Paint**

Pouch Size 1/2 Gallon (64 Fl. Oz.)  
Coverage Area 215 Sq. Ft.

|                       |      |
|-----------------------|------|
| VOCs                  | None |
| Solvents              | None |
| Odor                  | None |
| Flammability          | None |
| Hazardous Ingredients | None |

**INGREDIENTS:** Water, acrylic dispersion, vinyl acetate dispersion, titanium dioxide, pigments (various), thickeners cellulosic and polymeric, barytes, limestone, clay, synthetic wax, dispersing aids (various), and polymeric, barytes, limestone, clay, synthetic wax, dispersing aids (various).

**FIRST AID:** Eye contact: May cause temporary irritation. Flush with water for fifteen minutes, holding eyelid open. Skin contact: Prolonged contact may cause irritation. Wash thoroughly with soap and water. Do not ingest.

Lullaby Paints offers the world's only decorator's grade, non-toxic paint. Traditional paints contain harmful chemicals, and alternative eco-friendly paints do not match the durability and coverage of Lullaby Paints. Used successfully around the world for over twenty years, Lullaby Paints promises performance, without environmental compromise.



Questions or Comments?  
1-866-587-3586 • [www.lullabypaints.com](http://www.lullabypaints.com)

**Nursery Trim/Door /  
Furniture Paint**

• Premium, Hard Wearing Finish

• Safe for Mom, Baby + Kids

- Always Non-Allergenic & Asthma Friendly
- Zero-VOC, No Odor, Fast Drying
- Non-Toxic

**DRY TIME:** At 77° F and 50% humidity; dry to touch in 20 minutes, recoat in 2 hours.

**THINNING:** Thinning is not recommended.

**SURFACE PREPARATION:** Surfaces should be clean, dry, sound and free from grease, dust and dirt. If unsure, clean first with mild detergent and rinse well.

**APPLICATION:** Shake paint thoroughly before use. Inter-mix pouches first to ensure uniform color. Apply with a brush. We recommend two coats.

**BRUSHING:** Use a high-quality synthetic brush.

**STORAGE:** Store between 41° F and 77° F, protected from frost and direct sunlight. To keep touch-up paint, force excess air out of a pouch containing any unused paint and screw cap back on to avoid skimming.

**Dispose of in accordance with local ordinance.**

Please Recycle 

## Complaint



**Nursery Wall Primer**  
Pouch Size 1/2 Gallon (64 Fl. Oz.)  
Coverage Area 215 Sq. Ft.

|                       |      |
|-----------------------|------|
| VOCs                  | None |
| Solvents              | None |
| Odor                  | None |
| Flammability          | None |
| Hazardous Ingredients | None |

**INGREDIENTS:** Water, acrylic dispersion, vinyl acetate dispersion, titanium dioxide, pigments (various), thickeners cellulosic and polymeric, barytes, limestone, clay, synthetic wax, dispersing aids (various).

**FIRST AID:** Eye contact: May cause temporary irritation. Flush with water for fifteen minutes, holding eyelid open. Skin contact: Prolonged contact may cause irritation. Wash thoroughly with soap and water. Do not ingest.

Lullaby Paints offers the world's only decorator's grade, non-toxic wall primer. Traditional primers contain harmful chemicals, and alternative eco-friendly primers do not match the durability and coverage of Lullaby Paints. Used successfully around the world for over twenty years, Lullaby Paints promises performance, without environmental compromise.

**lullaby**  
PAINTS

Questions or Comments?  
1-866-587-3586 • [www.lullabypaints.com](http://www.lullabypaints.com)

**Nursery Wall Primer**

- For bare, hard plaster and drywall
- Safe for Mom, Baby + Kids
- Always Non-Allergenic & Asthma Friendly
- Zero-VOC, No Odor, Fast Drying
- Non-Toxic

**DRY TIME:** At 77° F and 50% humidity; dry to touch in one hour, paint after four hours.

**THINNING:** Thinning is not recommended.

**SURFACE PREPARATION:** Surfaces should be clean, dry, sound and free from grease, dust and dirt. If unsure, clean first with mild detergent and rinse well.

**APPLICATION:** Shake primer thoroughly before use. Apply with a brush to cut-in edges and a roller for wall surfaces. Ensure primer is completely dry before painting.

**BRUSHING:** Use a high-quality synthetic brush.

**ROLLING:** Use a 3/8" to 1/2" tight woven, shed resistant cover.

**STORAGE:** Store between 41° F and 77° F, protected from frost and direct sunlight. To keep excess primer, force excess air out of a pouch containing any unused primer and screw cap back on to avoid skimming.

**Dispose of in accordance with local ordinance.**

Please Recycle 

## Complaint

**Nursery Wood Primer**

Pouch Size 1/2 Gallon (64 Fl. Oz.)  
Coverage Area 260 Sq. Ft.

|                       |      |
|-----------------------|------|
| VOCs                  | None |
| Solvents              | None |
| Odor                  | None |
| Flammability          | None |
| Hazardous Ingredients | None |

**INGREDIENTS:** Water, acrylic dispersion, vinyl acetate dispersion, titanium dioxide, pigments (various), thickeners cellulosic and polymeric, barytes, limestone, clay, synthetic wax, dispersing aids (various).

**FIRST AID:** Eye contact: May cause temporary irritation. Flush with water for fifteen minutes, holding eyelid open. Skin contact: Prolonged contact may cause irritation. Wash thoroughly with soap and water. Do not ingest.

Lullaby Paints offers the world's only decorator's grade, non-toxic wood primer. Traditional primers contain harmful chemicals, and alternative eco-friendly primers do not match the durability and coverage of Lullaby Paints. Used successfully around the world for over twenty years, Lullaby Paints promises performance, without environmental compromise.

**lullaby**  
PAINTS

Questions or Comments?  
1-866-587-3586 • [www.lullabypaints.com](http://www.lullabypaints.com)

**Nursery Wood Primer**

For dry, bare wood

Safe for Mom, Baby + Kids

- Always Non-Allergenic & Asthma Friendly
- Zero-VOC, No Odor, Fast Drying
- Non-Toxic

**DRY TIME:** At 77° F and 50% humidity; dry to touch in one hour, paint after four hours.

**THINNING:** Thinning is not recommended.

**SURFACE PREPARATION:** Surfaces should be clean, dry, sound and free from grease, dust and dirt. If unsure, clean first with mild detergent and rinse well.

**APPLICATION:** Shake primer thoroughly before use. Apply with a brush. Ensure primer is completely dry before painting.

**BRUSHING:** Use a high-quality synthetic brush.

**STORAGE:** Store between 41° F and 77° F, protected from frost and direct sunlight. To keep excess primer, force excess air out of a pouch containing any unused primer and screw cap back on to avoid skimming.

**Dispose of in accordance with local ordinance.**

Please Recycle

Complaint

**Exhibit N****Proven Technology**

- 25 Years of Successful Use
- Award Winning
- Tested and Certified



For twenty five years, ECOS and Air Pure Paints have been sought out by people with multiple chemical sensitivities, concerned pregnant mothers, the environmentally conscious, corporations committed to sustainability, and the general public who care.

Now manufactured in the US, these products are available for discerning customers who are equally committed to the health of the environment.

**IMPERIAL PAINTS**ECOS PAINTS  
AIR PURE PAINTS

Complaint

**Exhibit O**

## ECOS Organic Paints



The World's best selling water based, VOC Free paint

- **ULTIMATE PURITY, ABSOLUTELY NO**  
VOCs, glycol, solvent, pesticides, and herbicides.
- **7000x PURER THAN THE LATEST EUROPEAN STANDARDS**
- **ALL INGREDIENTS DECLARED**
- **QUALITY WITHOUT COMPROMISE**  
Odorless, non-yellowing, non-toxic, and non-allergenic

## Complaint

OUR STORY

ECOS Paints were created in England in the early 1980s. Originally, they were formulated for two groups of people: primarily for those with allergies and conditions like MCS (Multiple Chemical Sensitivity). Secondly, for those at risk of developing these conditions.

Naturally, this means our paints have to be completely safe for everyone, so that's our benchmark - nothing gets an ECOS Paints logo unless it is truly zero VOC, zero solvent, zero glycol, and non-allergenic!

Every paint manufacturer now realizes that they have to stop selling products that are killing people. What they are finding though is that they cannot do this by simply "improving" their traditional products. You can only go so far with that approach before the paint stops working as a paint! Long before you get that far, quality also drops dramatically. ECOS Paints are proud to have a world-unique range of formulations that are both safe and top quality.

Of course when a product is 100% safe for your indoor environment, it is inherently safe for the wider environment. We are not going to jump on the green bandwagon, but we might brag a little about having been safe for the environment before anyone was even thinking about it.

There is no substitute for time to ensure a product is tested and developed properly. We are years ahead of anyone in the world and are using our experience to educate people of the dangers they face from traditional paints and finishes. We also strive to change the way the industry works and encourage every manufacturer to stop poisoning the world. That's where you come in and we can work together - as a team, we can make a difference! Don't settle for anything less than the health and safety of yourself and your family.

Old fashioned values are important to us and we think that shows in the relationships we build with you over time. Thank you for taking the time to find out a little about ECOS Paints. We look forward to helping you with your next project but, more importantly, to serving you right.

Thank you!

The ECOS Paints Family

## Complaint

## PAINTS FOR STANDARD APPLICATIONS

*ECOS Paints offer a completely unique range of decorative finishes. It's the only range of totally solvent-free paints available anywhere in the world today and has been independently tested to reveal zero VOCs (Volatile Organic Compounds), even when colored.*

VOCs are a major contributor to atmospheric pollution and lead to global warming. In addition, the use of solvent-based paints is a major cause of Sick Building Syndrome, Danish Painter's Syndrome, Asthma, Allergies, Chemical Sensitivities and the general Flu-like symptoms reported by many people using conventional paints, including flat and silk wall paints!

Most paints currently on sale, contain solvents and VOCs. ECOS Paints contain none. As a result they are ideal for children's bedrooms, nurseries, kitchens and anywhere in the home, especially if you or a member of your family is chemically sensitive or suffers from asthma or allergies.

Using ECOS paints means that rooms are safe and pleasant to live in, play in, sleep in, and eat in!

We have a full range of finishes for walls and trim, including all the primers you might need for the perfect finish. For walls, we have the traditional Matt finish as well as a more contemporary Soft Sheen. For humid areas (like bathrooms) and places that might need more frequent cleaning (kitchens, for example), our Eggshell is ideal. It is less glossy than a semi-gloss, so far more attractive.

For woodwork and trim, we have Gloss or Satin (semi-gloss) finishes.

Our floor paints will revive old floors, and protect them for years to come. Tough enough for factory floors (we run a fork-lift truck over it!).

All our paints are available in our wide range of standard colors, or can be matched to a color of your choosing if you have something very specific in mind. Call or email us for a free color chart, or to ask about our color-matching service.

PAINTS FOR STANDARD APPLICATIONS



## Complaint

## AIR PURE PAINTS

The air in your home can be 70x more polluted than outdoors - a cocktail of solvents and chemicals like formaldehyde\* from sources such as carpets, furnishings, MDF, some paints and lacquers, cleaning products, personal products, aerosols etc.

### Better than Zero-VOC

These allow ultimate air purity and are ideal for asthmatics and those with ME, allergies or chemical sensitivities. They go beyond simply not adding harmful chemicals to the environment - they actually remove them. By a unique application of molecular sieve technology, we actively remove VOCs like formaldehyde from the environment. This is perfect if you have existing paints that are off-gassing as it is stopped before it even reaches the air in your building. It also catches them from the air in your room, provided air-flow carries them to the surface of the paint. We currently have four products in this range for specific applications.

### Air Purifying Paint (APP)

This revolutionary Matt-finish wall paint absorbs 98-99% of volatile pollutants, chemicals, solvents and VOCs from the atmosphere in your home down to around one part per million. The air purifier ingredient in APP neutralizes those pollutants permanently.

### MDF Passivating Primer (MDFP)

For interior MDF, chipboard, particle board, and plywood, all of which can outgas formaldehyde\* and other VOCs into the indoor atmosphere for many months or years. This can be one of the main causes of poor indoor air quality and a variety of medical problems, as well as affecting allergies and conditions such as asthma.

### Anti-Formaldehyde Radiator Paint (AFR)

Conventional hot-water radiators can off-gas large amounts of formaldehyde\* and can easily be the largest source of formaldehyde in the home! The active ingredient in AFR paint absorbs approx 98-99% formaldehyde before it can off-gas into your home or office environment.

### Deodorizing Satin Paint for Wood (DSP)

This does for woodwork and trim, what APP does for walls. It neutralizes smells, solvents, VOCs, etc. where other (smelly) paints have been used. Suitable for interior woodwork and previously painted metal, MDF, radiators, etc.

\*Formaldehyde is a carcinogen with mutagenic effects (causes birth defects). Other solvents have many effects including brain, liver, nerve and kidney damage, and respiratory problems.

## Complaint

## VARNISHES

*Not every surface needs to be painted. The beauty of wood can be preserved with a protective coating of Clear Varnish, or enhanced with a Woodstain Varnish.*

Get creative and try a Woodwash, to accentuate the grain and create a whole new look.

For exterior woodwork, you need protection from the sun too, so our Exterior Woodstain Varnish includes an effective UV inhibitor to prevent the wood being bleached/grayed and damaged by the sun's rays.

Like everything with an ECOS Paints label, these are all completely non-toxic and non-allergenic, and have none of that offensive chemical smell you associate with traditional clear and colored finishes.

## CHALKBOARD - IN ANY COLOR

*The days of chalkboards in school are all but gone, but the wonderful character of them remains and is seeing a huge resurgence in interest.*

A surface you can write or draw on and wipe clean as often as you like is still an opportunity to expand your mind.

Chalkboard paint can be applied to almost any hard surface so don't limit yourself. Try a notice door, customizable office storage, a children's desk-top, a shopping list side to your refrigerator, or a whole wall in a child's room!

Better yet, you are no longer limited to black. Make the chalkboard any color that fits your room or application. We've seen it used for office walls in all sorts of shades, and white produce-boards in supermarkets, with colored chalk. This is not your old school chalkboard but, naturally, it's 100% safe.



## Complaint

## SPECIALIST PAINTS

*Some applications need something special. We have developed a wide range of very specialized finishes and treatments, whilst adhering to our stringent standards of safety. These are some of the most unique finishes available in the world!*

### Nursery Paints

Some of the most vulnerable people to chemicals are babies and expectant mothers. At the same time, when we find out there's a new addition to the family on the way, it's only natural to want to prepare a space for them. Our Nursery Paint has been certified to the EN71:3 standard for use on children's toys, and is fully washable, so it will stay looking great until long after they've decided they want their own color scheme.

### Firewall Paints

This matt flame-retardant paint attains a Class 1(A) rating to ASTM E-84. This is the best possible rating achievable and makes this paint suitable for the most demanding applications including use in enclosed vertical exit-ways.

### ANTI-EMR (radiation shielding) Paint

This permanent wall treatment uses non-toxic nickel flake to give up to 99% shielding\* against electro-magnetic radiations and needs no special equipment or expertise to apply. It is perfect for home use, or industrial applications such as computer rooms, hospital IC units and other facilities where EMR from mobile phones etc. is problematic. (\*Independently tested to give 99% shielding of microwave energy on mobile phone bands frequencies)

### Insulating Paints

This energy-saving super-matt paint insulates the walls and ceilings in your home, saving you money on energy bills - year on year, every day, 24 hours per day. Cooler in summer and warmer in winter!

### Radiator Paints

Our Radiator Paints are designed for previously painted or primed domestic central heating hot-water radiators.

### Designer Paints

You're looking for a particular style but why should you have to compromise on safety or quality? Super-Chalky wall paint recreates the Mediterranean feel, and Feng Shui is a multi-surface coating which lends a uniquely harmonious feel to the home.

## Complaint

## ACCESORIES & FINISHING TOUCHES

*Any craftsman will tell you that preparation is the key to a good finish. When you need to complete the job properly, you need primers, fillers, and sealers too, but not at the expense of safety and your health. So, of course, we have these too, all meeting our exacting standards.*

|                      |                                                                                                                    |
|----------------------|--------------------------------------------------------------------------------------------------------------------|
| Clay Paint           | A super-dry, soft and mellow chalky clay paint for interior walls                                                  |
| Concrete Sealer      | Anti-dusting, consolidating, washable interior sealer for concrete floors                                          |
| Cover-up Paint       | An ultra-flat paint to hide minor to moderate surface imperfections, by eradicating reflectance                    |
| Distemper            | Super-matt, non-dusting wipeable resin-bound Distemper for interior walls & ceilings                               |
| Filler Sealer        | Prevents cracking and peeling on fillers that normally reject painting                                             |
| Knotting Compound    | A white, solvent-free, solution for sealing resinous knots on bare wood                                            |
| Masonry Paint        | Superior quality smooth paint for exterior walls                                                                   |
| Multi-Purpose Filler | Super-quality filler for cracks, joints, and holes • even deep holes up to 1" in a single application              |
| Plaster Sealer       | A non-toxic, odorless sealer for new/bare plaster                                                                  |
| Shed & Fence         | Decorative treatment for exterior woodwork                                                                         |
| Stabilizing Solution | Reduces crumbling and flaking on concrete, masonry, brick, mortar, etc.                                            |
| Stainblock           | Highly concealing primer for difficult stains                                                                      |
| Stone & Tile Sealer  | Protect stone and tile floors, and similar surfaces, from staining                                                 |
| Stormseal            | Solvent-free silicone water repellent for porous exterior concrete, etc.                                           |
| Undercoat            | VOC-free undercoat for primed bare wood and previously painted metal                                               |
| Wall Primer          | For sealing interior bare plaster and drywall, prior to painting                                                   |
| Wood Glue            | Multi-purpose glue, free of solvents, VOCs, formaldehyde, ideal for priming bare wood, ply and wood fiber products |
| Wood Primer          | Decorative limed-style interior wood finish for an antique/designer look                                           |
| Woodwash             |                                                                                                                    |

This list is not exhaustive • space will not allow that. In a brief form such as this brochure, we cannot cover all the possible scenarios and problems you may need to deal with. So, if you don't see what you need, or want advice, we're here to help. Email or call us and we'll do all we can to solve your problem.

ACCESORIES & FINISHING TOUCHES



## Complaint

### Contact Info

ECOS Paints  
PO Box 489  
Fairforest SC 29336  
Tel: 864.595.3840

For general information or for help with ordering, you can email us at:  
**enquiries@ecospaints.net**

For more technical queries, contact our technical team at:  
**technical@ecospaints.net**

We look forward to your call, and to serving you!

### Office Hours

Monday - Friday  
9:00 am - 5:00 pm (EST)

### Shipping Terms

We have partnered with FedEx for our general shipping needs. Because of the volume we ship, they give us an excellent rate which we pass straight on to you.

There are no hidden costs and we do not mark-up on shipping. The standard rate is for Ground shipping but, if you have a rush job, we can also ship using express methods - ask us for details.

If you place your order by 2:00pm (EST), we will almost always ship it to you the same day. After that, we will strive to do so but, in order to maintain quality control, we would rather ship it the next day, than rush something to you without following our QC procedures. Our reputation is founded on quality!



### A Note about Our Packaging & the Environment

**A note about our packaging and the environment:**

We use containers which are 100% post-consumer recycled, and 100% recyclable. Our shipping boxes are also recycled and recyclable.



We use recycled materials wherever possible and recycle whatever we can.

We strongly encourage everyone, including you, our friends and neighbors, to do the same.

## Complaint

**Exhibit P**

MCS Safe Paint | Chemical Sensitivity Safe Paint | ECOS Paints




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### WHY ECOS

- [Air Purifying Paint](#)
- [Architects & Contractors](#)
- [Chalkboard Paint](#)
- [Concrete Stain & Sealer](#)
- [Eco Friendly Paints](#)
- [Floor Paints](#)
- [Free Samples](#)
- [Green Lodging](#)
- [Houzz](#)
- [Healthcare](#)
- [Latex Free](#)
- [MCS Safe](#)
- [No VOC Paints](#)
- [Organic Paints](#)
- [Per Paints](#)
- [Poly Varnish](#)
- [Self Priming Paint](#)
- [Shop By color](#)
- [Sustainable Materials](#)
- [The ECOS Color Experience](#)
- [What's in it?](#)
- [WoodShield Stain](#)

## Why do many people need special paint?

Everybody knows that some people are much more sensitive to smells, chemicals and pollutants than others. With paint, while we all notice the fumes and strong odors (which often cause headaches, breathing issues and nausea) for certain individuals the reaction is so severe it can lead to hospitalization.

What to do? A freshly painted home looks wonderful, but if the consequence is having to leave it for days, or weeks until the worst of the fumes pass, then this simply is not an option. There is a solution – ECOS Paints. Imagine having multiple chemical sensitivities and being able to paint a room yourself. We have many customers who have experienced just this, sending us comments like “I have never been able to be around liquid paint before and now, here I am painting my own house”.

[BUY NOW](#)
[Doorstep Delivery](#)




### WHAT IS SO

<http://www.ecospaints.net/mcs.html>[4/12/2016 11:40:56 AM]

## Complaint

MCS Safe Paint | Chemical Sensitivity Safe Paint | ECOS Paints

**DIFFERENT ABOUT  
ECOS PAINTS?**

Unlike traditional paints, even those labeled as “environmentally friendly”, ECOS Paints are non-toxic and have no odor. Developed twenty five years ago with a unique formulation, our products were originally designed for people with multiple chemical sensitivities, asthma, allergies, and issues with everyday chemicals.

For over two decades, we have provided world class, high quality paints and relief from noxious chemicals to discerning individuals around the world. Today our customers also include people who are focused on the environment and sustainability; healthcare providers; mothers concerned about their baby’s health, and companies seeking to protect the health of their employees, guests and visitors. Our paints are zero VOC and do not contain harmful solvents that off gas into the air. Safer for you, your family and the environment.

If you care about the planet, ECOS Paints are the best choice for all your design and renovation needs! Check out all of our environmentally friendly paints, coatings, and products.

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Newsletter

<http://www.ecospaints.net/mcs.html> [4/12/2016 11:40:56 AM]

## Complaint

[MCS Safe Paint](#) / [Chemical Sensitivity Safe Paint](#) / [ECOS Paints](#)

## ECOS

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## Safety

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## Complaint

**Exhibit Q**

VOC Free Paint | Low VOC Paint | No VOC Paint | ECOS Paints




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### WHY ECOS

- [Air Purifying Paint](#)
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## What is zero VOC paint?

Zero VOC paint does not necessarily mean non-toxic, healthy, or safe.

Also, the EPA allows paint to be called Zero VOC\* even if the VOC content in it is not actually zero.

In addition, zero VOC paints can contain harmful chemicals, like highly toxic formaldehyde, which is not always required to be identified on the label.

Finally, the Zero VOC certification may only refer to the base paint - not the color tint.

[BUY NOW](#)
[Doorstep Delivery](#)



### WHAT THIS MEANS

Painting a single room with a "Zero VOC" product (containing five grams per liter of VOCs) will produce about the same mass of volatiles as if you sprayed out the entire contents of a can of deodorant. (There would be ten times this amount with low VOC paints).

<http://www.ecospaints.net/no-voc-paints.html>[4/12/2016 11:41:55 AM]

## Complaint

[VOC Free Paint](#) | [Low VOC Paint](#) | [No VOC Paint](#) | [ECOS Paints](#)

The problem is that VOCs from paint can cause serious health effects including skin and eye irritation, kidney damage, cancer, reproductive disruption, respiratory issues and impaired cognitive functions.

At ECOS, we have striven to go above and beyond common industry standards and green certifications to create the best Zero VOC paint. Our products do not contain the solvents, white spirit, turpentine, terpenes, ethereal oils, glycols, coalescents, vinyl chloride, acrolein, formaldehyde and formaldehyde donors, heavy metals, phthalates, APEOs and acrylic softeners found in many traditional paints. Instead, we offer a water based, zero VOC, glycol free, toxic solvent free, and odor free alternative.

So, whether you're looking for zero VOC paint, zero VOC varnish, zero VOC primer, or zero VOC stain - consider going one step further with ECOS Paints.

\*EPA Method 24 allows for up to 5g/L of VOCs

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## Complaint

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## Decision and Order

**DECISION**

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondent named 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 (“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 comments received from interested persons 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 is Imperial Paints, LLC, d/b/a Lullaby Paints and ECOS Paints, a South Carolina limited liability company with its principal office or place of business at 350 East St. John Street, Spartanburg, South Carolina 29302.

## Decision and Order

2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondent, and the proceeding is in the public interest.

**ORDER****Definitions**

For purposes of this Order, the following definitions apply:

- A. “Covered product” means any architectural coating applied to stationary structures, portable structures, and their appurtenances.
- B. “Volatile Organic Compound” (“VOC”) means any compound of carbon that participates in atmospheric photochemical reactions, but excludes carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and specific compounds that the EPA has determined are of negligible photochemical reactivity, which are listed at 40 C.F.R. Section 51.100(s).
- C. “Emission” means any compound that is emitted or produced during application, curing, or exposure of a covered product.
- D. “Trace” level of emission means:
  1. A VOC has not been intentionally added to the covered product;
  2. Emission of the covered product does not cause material harm that consumers typically associate with emission, including harm to the environment or human health; and
  3. Emission of the covered product does not result in more than harmless concentrations of any compound higher than would be found under

## Decision and Order

normal conditions in the typical residential home without interior architectural coating.

- E. “Respondent” means Imperial Paints, LLC, d/b/a Lullaby Paints and ECOS Paints, and its successor and assigns.

**I. Prohibited Misleading and Unsubstantiated Representations Regarding Emission and VOC Level of Covered Product**

**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, that the emission level of a covered product is zero, or that the VOC level of a covered product is zero, 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:

- A. The covered product’s emission is zero micrograms per meter cubed and the covered product’s VOC content is zero grams per liter; or
- B. The covered product does not emit or produce more than a trace level of emission.

For purposes of this Provision, “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.

## Decision and Order

**II. Prohibited Misleading and Unsubstantiated Representations Regarding Environmental and Health Claims**

**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, including through the use of a product name, regarding:

- A. The emission of the covered product;
- B. The VOC level of the covered product;
- C. The odor of the covered product;
- D. Any other health benefit or attribute of, or risk associated with exposure to, the covered product, including those related to VOC, emission, or chemical composition; or
- E. Any other environmental benefit or attribute of the covered product, including those related to VOC, emission, or chemical composition,

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 representation is true. For purposes of this Provision, "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.

## Decision and Order

**III. Notice to Dealers and Distributors**

**IT IS FURTHER ORDERED** that Respondent deliver as soon as practicable, but in no event later than 60 days after the effective date of this Order, a notice in the form shown in Attachment A to all of Respondent's dealers and distributors, and all other entities to which Respondent provided point-of-sale advertising, including product labels, for any covered product identified in Attachment A. The notice required by this paragraph must not include any document or other enclosures other than those referenced in Attachment A.

**IV. Means and Instrumentalities**

**IT IS FURTHER ORDERED** that Respondent, and its 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 provide to others the means and instrumentalities with which to make, directly or indirectly, expressly or by implication, including through the use of endorsements or trade names, any false, unsubstantiated, or otherwise misleading representation of material fact, including but not limited to any representation prohibited by Provision I or by Provision II above. For purposes of this Provision, "means and instrumentalities" shall mean any information, including, but not necessarily limited to, any advertising, labeling, or promotional, sales training, or purported substantiation materials, for use by trade customers in their marketing of any covered product, in or affecting commerce.

**V. 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.

## Decision and 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 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.
- 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.

**VI. Compliance Report and Notices**

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

- A. Sixty 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 a copy of the notice sent to dealers and distributors; and (5) provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.

## Decision and Order

- 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 proceeding by or against Respondent within 14 days of its filing.
- D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if applicable), and signature.
- E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Imperial Paints, Docket No. C-4647.

**VII. 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:

## Decision and Order

- 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 or II 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.

## Decision and Order

**VIII. Compliance Monitoring**

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

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

**IX. 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 24, 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:

## Decision and Order

- 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 the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

## Decision and Order

**Attachment A: Notice to Dealers and Distributors**

[on Respondent letterhead]

[insert date]

IMPORTANT NOTICE ABOUT \_\_\_\_\_  
ADVERTISING AND MARKETING MATERIALS

[insert addressee name] [insert addressee address used in the ordinary course of business]

Dear Dealer or Distributor,

In response to a complaint from the Federal Trade Commission, Imperial Paints, LLC, d/b/a Lullaby Paints and ECOS Paints, has agreed to qualify its claims that its paints contain zero VOCs (volatile organic compounds) or other harmful emissions, to ensure that retailers and dealers avoid misleading consumers. We request that you immediately replace existing \_\_\_\_\_ advertising and marketing materials with revised versions which include these qualifications. We have included appropriate materials for this purpose to affix to each can of \_\_\_\_\_ paint in your possession. Enclosed are illustrations of how to properly place the stickers.

The requirement to affix stickers is only needed if you currently have our product in your inventory. Please note that you will not have to add any stickers to any paint ordered or shipped after the date of this letter.

We will make revised marketing materials available to you shortly. Should you have any questions about compliance with this notice, please contact [insert contact person]. In addition, you can obtain further information about the settlement by visiting [www.ftc.gov](http://www.ftc.gov) and searching for “Imperial Paints.”

Sincerely, [name]  
[title]

## Analysis to Aid Public Comment

**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 Imperial Paints, LLC, a limited liability company (“respondent”), doing business as Lullaby Paints and Ecos Paints.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves respondent’s marketing, sale, and distribution of purportedly “VOC-free” paints. “VOC” is the abbreviation for volatile organic compounds. VOC-free includes claims such as “zero VOCs,” “0 VOCs,” and “No VOCs.” According to the FTC complaint, respondent made unsubstantiated representations that its paints: (1) are VOC-free; (2) are VOC-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies, pregnant women, and allergy and asthma sufferers. The FTC further alleges that respondent provided independent retailers with promotional materials containing the same claims it made to consumers. Thus, the complaint alleges that respondent engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains three provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits emission-free and VOC-free claims unless both content and emissions are actually zero or at trace levels. The orders define “emission” to include all

## Analysis to Aid Public Comment

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. The order defines "trace level of emission" to mean (1) no intentionally added VOC, (2) emission of the covered product does not cause material harm that consumers typically associate with emission, including harm to the environment or human health, and (3) emission of the covered product does not result in more than harmless concentrations of any compound higher than would be found under normal conditions in the typical residential home without interior architectural coating. Part II prohibits misleading representations regarding emission, VOC levels, odor, and any general environmental and health benefit of paints. The order requires competent and reliable scientific evidence to substantiate these representations. Part IV prohibits respondent from providing third parties with the means and instrumentalities to make false, unsubstantiated, or otherwise misleading representations of material fact regarding paints, including any representation prohibited by Parts I or II.

To correct existing unsubstantiated zero emission and VOC claims, Part III requires the respondent to send letters to its dealers and distributors, instructing them to put stickers on paint cans to obscure allegedly unsubstantiated emission and VOC claims.

Part V through IX are reporting and compliance provisions. Part V 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 VI requires that respondent submit compliance reports to the FTC within sixty (60) days of the order's issuance and submit additional reports when certain events occur. Part VII requires that respondent must create and retain certain records for five (5) years. Part VIII provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part IX is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

## Analysis to Aid Public Comment

If the Commission finalizes the agreement's proposed order, it plans to propose harmonizing with this order the consent orders issued in the PPG Architectural Finishes, Inc. (Docket No. C-4385) and The Sherwin-Williams Company (Docket No. C-4386) matters. Specifically, the Commission plans to issue orders to show cause why those matters should not be modified pursuant to Section 3.72(b) of the Commission Rules of Practice, 16 C.F.R. § 3.72(b).

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

**ICP CONSTRUCTION INC.**  
**F/K/A**  
**CALIFORNIA PRODUCTS CORP.**  
**D/B/A**  
**MURALO PAINTS**

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

*Docket No. C-4648; File No. 162 3081*  
*Complaint, April 24, 2018 – Decision, April 24, 2018*

This consent order addresses ICP Construction Inc.’s marketing, sale, and distribution of purportedly “VOC-free” paints. The complaint alleges that respondent made unsubstantiated representations that its paints: (1) are free of volatile organic compounds (“VOCs”); (2) are VOC-free during or immediately after painting; (3) will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies; and (4) will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies. The consent order prohibits emission-free and VOC-free claims unless both content and emission are actually zero or at trace level, and requires the respondent to send letters to its dealers and distributors, instructing them to post placards next to paint cans and at point of sale.

*Participants*

For the *Commission*: Robert M. Frisby, Megan Gray, Katherine Johnson, and Alejandro Rosenberg.

For the *Respondent*: Christopher Cole and Peter Miller, Crowell & Moring LLP.

**COMPLAINT**

The Federal Trade Commission, having reason to believe that ICP Construction, Inc., formerly known as California Products Corporation, doing business as Muralo Paints, (ICP or “Respondent”) has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges: