



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Enforcement
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April 15, 2013

Via Email

Aniruddh Roy
Regulatory Engineer
Air-Conditioning, Heating, and Refrigeration Institute
2111 Wilson Boulevard, Suite 500
Arlington, VA 22201-3001

Dear Mr. Roy:

In a March 28, 2013 letter to the Commission, you requested guidance on three issues related to the FTC's recent amendments for online energy disclosures (78 Fed. Reg. 2200 (Jan. 10, 2013)).¹ Those amendments require manufacturers to make their EnergyGuide labels available online by July 15, 2013. First, according to your letter, AHRI plans to post its members' labels on the AHRI website to facilitate their compliance with this new requirement. Second, for split-system air conditioners, AHRI plans to include a disclaimer box on the online labels directing consumers to a copy of the AHRI certification containing the ratings for specific condenser-evaporator coil combinations. Finally, you have asked whether manufacturers selling products from their website may comply with section 305.20 of the Rule by linking to the AHRI website.

In response to your inquiry, the FTC staff has no objection to AHRI's plan to place its members' EnergyGuide labels on its website. The new rule (16 C.F.R. 305.6) states that manufacturers "must make a copy of the label available on a publicly accessible website in a manner that allows catalog sellers to hyperlink to the label or download it." It does not mandate that such websites belong to the manufacturer. Second, with regard to your proposal for a split-system air conditioner label disclosure, AHRI should not place such disclaimers on the label itself. Although nothing prohibits a disclaimer about split-system unit ratings on your website, the Rule does not allow the inclusion of additional disclaimers on the label (*see, e.g.*, 16 C.F.R.

¹ Your letter also requests changes to the recently announced requirements for the inclusion of capacity information on heating and cooling equipment labels (78 Fed. Reg. 8362 (Feb. 5, 2013)). The FTC staff plans to address those rulemaking issues in a later proceeding.

305.12(f)(8)). Because online retailers (*i.e.*, catalog sellers) are likely to post the labels on their own sites to meet Rule's retailer requirements, a disclaimer about an AHRI certificate may be confusing to consumers viewing the labels on such retail sites. Accordingly, we urge you to include such information in a location other than the label itself. Finally, manufacturers offering their products for sale on websites can link to the AHRI website using the EnergyGuide icon required by the Rule, as long as the link takes the consumer directly to the label.

The views expressed in this letter are those of the staff assigned to enforce the Commission's Energy Labeling Rule (16 C.F.R. Part 305). In accordance with Section 1.3(c) of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.3(c), this is a staff opinion only and has not been reviewed or approved by the Commission or by an individual Commissioner. It is not binding upon the Commission and is given without prejudice to the right of the Commission later to rescind the advice and, when appropriate, to commence an enforcement proceeding. In conformance with Section 1.4 of the Commission's Rules of Practice, 16 C.F.R. § 1.4, this letter is being placed on the public record. If you have any further questions, please contact me at (202) 326-2889.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hampton Newsome', with a long horizontal flourish extending to the right.

Hampton Newsome
Attorney