



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

Division of Advertising Practices

September 17, 2009

**VIA EMAIL AND FEDERAL EXPRESS**

Mr. Gregory Everts, Esq.  
Quarles & Brady LLP  
33 East Main Street, Suite 900  
Madison, WI 53703

Re: Motomco Ltd., File No. 082-3261

Dear Mr. Everts:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation of Motomco Ltd. and its affiliate Bell Laboratories, Inc. for possible violations of Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 45. The investigation focused on the companies' labeling of TOMCAT brand rodent control glue traps as containing "eugenol, a natural anesthetic," as well as the TOMCAT website and promotional materials disseminated to retailers that made similar representations.

The investigation was in response to a complaint filed with the Commission in August 2008 by the People for the Ethical Treatment of Animals Foundation ("PETA") concerning the eugenol anesthetic claim. In the complaint, PETA asserted that Motomco's statements about eugenol "falsely implied that animals stuck in its [glue trap] product are anesthetized by eugenol and thus avoid pain . . . ." Over the past months, the Commission also has received emails and letters of complaint from thousands of individual consumers.

Upon careful review of the matter, including non-public information submitted to the staff, we have determined not to recommend enforcement action at this time. Among the factors we considered are changes made recently to the glue trap labeling and promotional materials, including the removal of the term "anesthetic" and other terms that would expressly or by implication make claims about the product's humaneness based on the purported anesthetic properties of eugenol.

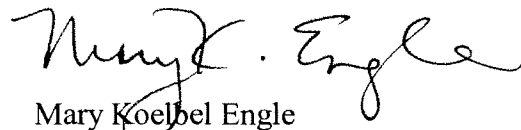
The staff recognizes the importance of safe, effective, and affordable means of rodent control. To that end, the U.S. Environmental Protection Agency includes non-chemical devices (*e.g.*, glue traps, live traps, snap traps) and chemical rodenticides as methods used to treat rodent

Mr. Gregory T. Everts, Esq.  
September 17, 2009  
Page 2

infestations.<sup>1</sup> Nevertheless, companies such as Motomco and Bell Laboratories should not advertise their rodent control products based on an attribute they cannot substantiate.

This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary Koelbel Engle". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail on the "e".

Mary Koelbel Engle  
Associate Director  
Division of Advertising Practices

---

<sup>1</sup>"Controlling Rodents," on EPA website at [www.epa.gov/pesticides/controlling/rodents.htm](http://www.epa.gov/pesticides/controlling/rodents.htm) (last updated Nov. 6, 2008).