



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

Bureau of Consumer Protection
Division of Enforcement

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January 3, 2020

VIA EMAIL

John Devlin, CEO
Ensurent.com LLC, d/b/a Bulkfilter
6256 34th Ave. NW
Rochester, MN 55901

Dear Mr. Devlin:

We received your submissions on behalf of Ensurent.com LLC, d/b/a Bulkfilter (“Bulkfilter” or the “Company”). During our review, we discussed concerns that marketing materials may have overstated the extent to which the products Bulkfilter sells are made in the United States. Specifically, while Bulkfilter offers U.S.-origin carbon pre-filters, the Company also sells wholly imported HEPA filters. Additionally, in some instances, the Company offers bundles that include both the U.S.-origin and imported products.

As discussed, unqualified U.S.-origin claims in marketing materials – including claims that products are “Made,” “Built,” or “Manufactured” in the USA – likely suggest to consumers that all products advertised in those materials are “all or virtually all” made in the United States.¹ The Commission may analyze a number of different factors to determine whether a product is “all or virtually all” made in the United States, including the proportion of the product’s total manufacturing costs attributable to U.S. parts and processing, how far removed any foreign content is from the finished product, and the importance of the foreign content or processing to the overall function of the product.

In response to our inquiry, Bulkfilter explained that it inadvertently applied a packaging template containing unqualified “Made in USA” claims to all products, instead of only to U.S.-

¹ Federal Trade Commission, *Issuance of Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63768 (Dec. 2, 1997). Additionally, beyond express “Made in USA” claims, “[d]epending on the context, U.S. symbols or geographic references, such as U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories, may, by themselves or in conjunction with other phrases or images, convey a claim of U.S. origin.” *Id.*

origin products. To avoid deceiving consumers, Bulkfilter implemented a remedial action plan to clarify its representations. The plan included: (1) removing U.S.-origin claims from packaging templates for imported products and bundled items; (2) updating product images on the Company website; (3) updating product images on the Bulkfilter's eBay listings; and (4) collecting additional substantiation in support of the Company's unqualified claims for carbon pre-filters.

As discussed, it is appropriate for Bulkfilter to promote the fact that it supports American jobs and offers some U.S.-made products, provided that the Company limits its unqualified U.S.-origin claims to products that are "all or virtually all" made in the United States. As you know, FTC staff is available to work with companies to craft qualified claims that serve the dual purposes of conveying non-deceptive information to consumers and highlighting work done in the United States.

Based on Bulkfilter's actions and other factors, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,



Julia Solomon Ensor
Staff Attorney