

What Would Bruce Springsteen Say?

The Federal Trade Commission (FTC) has taken action against a company that licenses a certificate that a product is “Made in USA” yet takes no steps to ensure that the products are in fact made in the USA.

Made in the USA Brand, LLC, based in Ohio agreed to an FTC consent decree requiring the company to stop its deceptive claims and advertising. USA Brand charged fees ranging from \$250 to \$2,500 to companies to license for display a certificate claiming the product is “Made in USA.” The certification mark was registered with the United States Patent and Trademark Office.

The FTC complaint found USA Brand “awards licenses to any company, product, or entity that self-certifies that it meets the accreditation standard” of the FTC’s Enforcement Policy Statement for U.S.-Origin Claims. USA Brand “does not audit licensees to confirm ongoing compliance with the accreditation standard,” the FTC charged. Additionally, the company “has never rejected an application to use its Certification mark and has never terminated any licensee’s use of its Certification Mark.”



In its promotional material, USA Brand “represented that entities and products using its Certification Mark have been independently and objectively evaluated for compliance” with the accreditation standard when, in fact, that is not true, according to the FTC.

The FTC found in numerous instances that entities promoted on USA Brand’s “website have sold products containing significant imported content, and Respondent does not possess competent and reliable evidence that any entity promoted on its website sells products that are all or virtually all made in the United States.”

Under the consent decree, USA Brand is prohibited from claiming that any products or companies meet its certification standards unless it either conducts an independent and objection evaluation or discloses that the companies and products are self-certified. The company also is prohibited from claiming that any product is made in the USA or in any other country unless the claim is true and supported by competent and reliable evidence or the products are self-certified, which USA Brand discloses.

In Re: Made in the USA Brand, LLC, FTC File No. 142 3121, approved July 22, 2014.