

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TIMOTHY O’SULLIVAN, *individually and*
On behalf of all others similarly situated,)

Plaintiff,)

v.)

ISPRING WATER SYSTEMS, LLC, a)
Domestic limited liability company,)

Defendant.)
_____)

CIVIL ACTION NUMBER

COMPLAINT – CLASS ACTION

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff, TIMOTHY O’SULLIVAN, individually and on behalf of all other persons similarly situated, by his undersigned attorneys, Hurt Stolz, P.C. and Kozonis Law, P.C., for his Class Action Complaint against Defendant, iSpring Water Systems, LLC (“iSpring”), alleges the following based upon personal knowledge as to himself and his own action, and, as to all other matters, respectfully alleges, upon information and belief and investigation of his counsel, as follows:

NATURE OF THE ACTION

1.

This is a class action case brought on behalf of all purchasers of Defendant iSpring’s products that were packaged, labeled, advertised, marketed, sold, and/or

distributed as made in the United States, including, but not limited to, iSpring's water filtration systems and parts (hereinafter the "Products"). Through a fraudulent, unlawful, deceptive and unfair course of conduct, Defendant packaged, labeled, advertised, marketed, sold, and/or distributed the Products with the false representation that the Products are all made in the United States. In reality, Defendant's Products are wholly imported and/or sources of significant inputs to Defendant's Products are from overseas.

2.

Defendant's express or implied representations that the Products were made in the United States are false, deceptive and misleading, and violate almost every state warranty, consumer protection, and product labeling law in the United States.

3.

Plaintiff now brings this proposed consumer class action on behalf of himself and all other persons nationwide, who from the applicable limitations period(s) up to and including the present, purchased Defendant's Products. Defendant has deceived Plaintiff and other consumers nationwide. Through Defendant's unfair and deceptive practices, Defendant has collected millions of dollars from the sale of its Products that it would not have otherwise earned. Plaintiff brings this action to stop Defendant's misleading practice.

JURISDICTION AND VENUE

4.

This Court has subject matter jurisdiction pursuant to the Class Action Fairness Act of 2005 (hereinafter referred to as “CAFA”) codified as 28 U.S.C. § 1332(d)(2) because the claims of the proposed Class Members exceed \$5,000,000 (*see infra* at ¶ 52) and because Defendant is a citizen of a different state than most Class Members.

5.

The Court has personal jurisdiction over Defendant because Defendant’s headquarters are located in Georgia and Defendant regularly conducts business in this District.

6.

Venue is proper because a substantial portion of the events complained of occurred in this District.

PARTIES

7.

Plaintiff, Timothy O’Sullivan, is a citizen of the State of South Carolina residing in the City of Bluffton, and is a member of the Classes defined herein. Mr. O’Sullivan and members of the Classes suffered an injury in fact caused by the false,

fraudulent, unfair, deceptive and misleading practices of Defendant set forth in this Complaint. Plaintiff Timothy O’Sullivan and members of the Classes would not have purchased the Products had they known they were not made in the United States.

8.

Defendant, iSpring, is a Georgia limited liability company with its principal office place of business at 3020 Trotters Parkway, Alpharetta, GA 30004.

FACTUAL ALLEGATIONS

9.

Defendant manufactures, markets, advertises, packages, and distributes reverse osmosis (“RO”) water filtration systems and parts all across the United States.

10.

Defendant Products include residential and commercial RO systems, whole house water systems, ultrafiltration systems, shower, faucet, and counter top filters, filter cartridges and housings, RO coolers, and kitchen faucets and fittings.

11.

Defendant directs and controls all significant aspects of the sale of its well-known Products, including the manufacturing, marketing, packaging, distribution, and pricing.

12.

The Products are sold at hundreds (if not thousands) of stores throughout the United States and on consumer retail websites such as Amazon.com, Walmart.com, Homedepot.com, Sears.com, and Purewaterfilter.org.

13.

According to Defendant, it is the “#1 Best Seller” of water filtration systems in the United States.

14.

Defendant sells its well-known water filtration systems for a premium. For example, Defendant charges approximately \$186.00 for one of its residential RO water filtration system.¹

¹ http://www.homedepot.com/p/ISPRING-5-Stage-Under-Sink-Reverse-Osmosis-Water-Filter-with-Brushed-Nickel-Faucet-RCC7/206396226?cm_mmc=Shopping%7cTHD%7cG%7c0%7cG-BASE-PLA-D26P-Plumbing%7c&gclid=Cj0KEQjwmcTJBRCYirao6oWPYMsBEiQA9hQPblR_s

15.

Unlike Defendant's residential water filtration system, a typical water filtration system costs as little as \$54.00.²

16.

Defendant is able to sell the Products for a premium because, as highlighted in the following images, Defendant advertised, marketed, labeled, packaged and/or disseminated the Products with express and/or implied representations that the Products are made in the United States³:

YH7k9SaXsYpRENaa9HM4OUYEj7taOeeJurVzq4aAo358P8HAQ&gclsrc=aw.ds.

² See e.g., <http://www.homedepot.com/p/GE-Whole-Home-Water-Filtration-System-GXWH35F/100471274>.

³ See also Group Exhibit A, attached hereto.

iSpring #APG16 Pressure Gauge 0 220 psi 1/4 inch fitting



How to check water pressure by using pressure gauge?

- Connect a piece of hose to the gauge
- Attach the other end to your tap
- Turn the water on fully
- Read the pressure ♦ It♦s as simple as that!

Why iSpring Water Systems?

- Family owned innovative small business that thrives on customers satisfaction
- Built in USA Legendary brand of water filter
- WQA Gold Seal & NSF Certified product to ensure product quality, material safety and your health
- Free tech support before and after sale from Atlanta, Georgia. We love to help our customers.
- Ship from Atlanta facility daily. Only 2-day transit time for most states in Eastern time zone and part of Central time zone (including Texas)



"built in usa" site: 123filter.com



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iSpring Water Systems - #1 Best Seller Reverse Osmosis Water Filter

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Roll over image to zoom in

iSpring RCC7 - WQA Gold Seal Certified - 5-Stage 75 GPD Residential Under-Sink Reverse Osmosis Drinking Water Filtration System

by iSpring

★★★★★ 2,145 customer reviews | 896 answered questions

#1 Best Seller in Hot & Cold Water Dispensers

Price: **\$178.09 & FREE Shipping**. Details

Your cost could be **\$173.09**. Qualified customers get \$5 in Gift Card funds on first \$100 reload of their Amazon Gift Card Balance. [Learn more](#)

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In Stock.

Want it Monday, Oct. 24? Order within **26 hrs 56 mins** and choose **Two-Day Shipping** at checkout. [Details](#)
Ships from and sold by Amazon.com in [easy-to-open packaging](#). Gift-wrap available.

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Buy water filter replacement services directly on Amazon. Backed by our Happiness Guarantee.
Estimate \$150.95

- Rejects up to 99% of 1,000+ pollutants including chlorine, fluoride, lead, arsenic, pesticides, pathogens, sulfur, THMs, PFOA and PFOS
- European Style Brushed Nickel Faucet; Transparent housing for visual filter monitoring
- Earned Water Quality Association (WQA) Gold Seal for exceptional quality, safety, and durability
- Streamlined DIY installation process; Fits most under sink cabinets
- Proudly Built in the USA; Based out of Atlanta, Georgia

Built in USA



Lifetime Support
Questions? Contact our team of WQA certified professionals for a prompt and informative answer.



Superior Performance
One of few to earn the WQA Gold Seal Certification for overall quality and performance.



Customer Confidence
Love it or leave it, simple as that. We provide a full 1-year money back guarantee with every system sold.



Built in USA

1-800-231-2999
www.ispringfilter.com
USFilter.com

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& marketplace (22)

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In-store: [Set Your Location](#)

sort by

Refine Your Search

Category

Under Sink (15)

Water Coolers (3)

Countertop (2)

Faucet Mounts (2)

Price

\$0 - \$75 (5)

\$75 - \$225 (4)

\$225 - \$300 (6)

\$300 - \$425 (4)

\$425 & above (3)

\$264.99

iSpring RCC7AK - Built in USA, WQA Certified Reverse

Sold by 2Shop

[compare now](#)

~~\$299.99~~
See price

iSpring #RCC7AK 6-stage 75 GPD Reverse Osmosis

Sold by iSpring Water ...

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~~\$699.99~~
\$599.99

iSpring RCS5T 500 GPD Tankless Side-Flow Commercial 5-

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iSpring 300GPD Commercial Reverse Osmosis Water Filter

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advertisement

iSpring RCC7 - Built in USA, WQA Certified Reverse Osmosis 5-Stage 75GPD Under-Sink Water Filter with Brushed Nickel EU Faucet & See-through Housing

2 reviews Q&A By: iSpring Water Systems



\$178⁴⁸ + FREE shipping

Get this by Christmas

Sold & Shipped by **iSpring Water Systems, LLC**

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Quantity:

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iSpring WKW21 3-Stage 10-Inch Whole House Drinking Water Filter

Be the first to write a review.

Item condition: For parts or not working

"Mount is damaged as visible in photograph. Item comes as photographed. Additional pieces may be?" ... [Read more](#)

Time left: 8d 22h @ 2:30PM

Price: **US \$22.95**

[Buy It Now](#)

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1 watching

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Delivery: Estimated between **Fri, Jun. 2** and **Thu, Jun. 8**

17.

Contrary to the aforementioned representations, Defendant's Products are ***not*** made in the United States.

18.

Attached hereto as Exhibit B is the Federal Trade Commission's ("FTC") Enforcement Policy Statement on U.S. Origin Claims. This document provides guidance to manufacturers and merchants regarding the use of "Made in the USA" and similar claims in marketing and advertising.

19.

As this guidance makes clear, a claim that a product is made in the USA can be express or implied. The "Made in USA" claim with respect to Defendant's products constituted an express claim of domestic origin.

20.

For a product to be called American-made or claimed to be of domestic origin, without qualifications or limits on that claim, the product must be "all or virtually all" made in the United States. The term "United States," as referred to in the Enforcement Policy Statement, includes the 50 states, the District of Columbia, and all U.S. territories and possessions. "All or virtually all" means that all significant

parts and processing that go into the product must be of U.S. origin. That is, the product should contain no – or negligible – foreign content.

21.

When a manufacturer or marketer makes an unqualified, express claim that a product is American-made, it should have and rely on a “reasonable basis” to support the claim at the time it is made. This means a manufacturer or marketer needs competent and reliable evidence to back up the claim that its product is “all or virtually all” made in the United States.

22.

In a Federal Register notice, the Customs Service indicated that, where a product has a foreign origin, any references to the United States would be considered misleading to the ultimate purchaser and would require foreign country-of-origin marking in accordance with 19 C.F.R. § 134.46. 62 Fed. Reg. 44,211, 44,213 (1997).

23.

In February of 2017, the FTC filed a complaint against Defendant alleging that Defendant deceived consumers with false, misleading, or unsupported claims that its Products are “Built in USA,” “Built in USA Legendary brand of water filter,” and “Proudly Built in the USA.” A copy of the Complaint and Decision and Order entered into thereafter are attached hereto as Exhibit C.

24.

As a result of the complaint filed by the FTC, Defendant agreed to stop making misleading unqualified claims that the Products are made in the United States. *See* FTC Press Release attached hereto as Exhibit D.

25.

Defendant made the aforementioned misrepresentations and/or omissions with the intention that Plaintiff and other consumers would rely on them. The only conceivable purpose for falsely and deceptively making these claims about the Products is to stimulate sales and enhance Defendant's profits.

26.

The aforementioned misrepresentations and/or omissions of Defendant are significant and material to a reasonable consumer. Plaintiff and members of the Classes relied on Defendant's misrepresentations and/or omissions to purchase the Products.

27.

A 2015 survey by Consumer Reports magazine found that almost 80% of Americans are willing to pay more for American-made goods.

This month . . . we examine one of the nation's most ubiquitous labels: Made in America. **It's a phrase that wields real power in the marketplace.** A recent Consumer Reports survey found that 77 percent of

Americans are willing to pay more for a product that has the claim.

“What does the ‘Made in America’ label really mean?” Consumer Reports, July 2015, available at www.consumerreports.org/cro/magazine/2015/07/from-ourpresident-july-2015/index.htm, (emphasis added).

28.

These consumers choose to purchase American because of a “belief in American quality and safety,” and because it is “the best way to support the American economy and workers.” *See* Exhibit E attached hereto.

29.

Because of Defendant’s deceptive advertising practices, consumers (including Plaintiff) were fraudulently induced to purchase the Products.

Plaintiff’s Experience with Defendant’s Products

30.

Plaintiff is a patriotic American who seeks out and prefers to purchase goods made in the United States rather than imported goods, and is willing to pay a premium for American-made goods.

31.

Like other Class members, Plaintiff prefers to “buy American” because of his “belief in American quality and safety,” and because it is “the best way to support the American economy and workers.”

32.

In January 2014, Plaintiff purchased one of Defendant’s Products - a well-known water filtration system. *See* Exhibit F hereto.

33.

In May of 2017, Plaintiff discovered for the first time that Defendant’s Products, including the water filtration system he purchased, are not made in the United States.

34.

Plaintiff purchased and paid a premium for the water filtration system because Defendant advertised and packaged the product as made in the United States.

35.

Plaintiff would not have purchased and paid a premium for the water filtration system had he known that it was wholly imported and/or sources of significant inputs to the water filtration system are from overseas.

36.

Plaintiff is in the same Classes as all other consumers who purchased Defendant's Products during the relevant time period. Plaintiff and the members of the Classes were in fact misled by Defendant's misrepresentations and/or omissions in respect to the Products. Plaintiff and members of the Classes would have purchased other less expensive water filtration systems and parts, if any at all, if they had not been deceived by the misleading and deceptive packaging, labeling, advertising and/or marketing of the Products by Defendant.

37.

Consumers are particularly vulnerable to these kinds of false and deceptive marketing practices. Most consumers are unable to verify that products such as Defendant's are, in fact, made in the United States. As set forth above, this is a material factor in consumers' purchasing decisions.

38.

Plaintiff intends to make future purchases of water filtration systems and parts that are represented as made in the United States. Because Defendant operates under various business names and sells the Products through various stores and consumer retail websites, Plaintiff has no way of knowing the products he is purchasing are, in fact, made in the United States. Accordingly, without injunctive relief, consumers

– including Plaintiff – could easily fall prey to such deceptive marketing tactics in the future.

CLASS ACTION ALLEGATIONS

39.

Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

40.

Plaintiff brings this action individually and on behalf of all other persons similarly situated pursuant to Federal Rule of Civil Procedure 23. The class definition(s) may depend on the information obtained throughout discovery. Notwithstanding, at this time, Plaintiff brings this action and seeks certification of the following Classes:

National Class: All persons within the United States who purchased the Products from the beginning of any applicable limitations period through the date of class certification (the “National Class” or the “Class”).

South Carolina Sub-Class: All persons in South Carolina who purchased the Products from the beginning of any applicable limitations period through the date of class certification (the “South Carolina Sub-Class”).

41.

Excluded from the Classes are the Defendant, and any entities in which the Defendant has a controlling interest, the Defendant's agents, employees and their legal representatives, any Judge to whom this action is assigned and any member of such Judge's staff and immediate family, Plaintiff's counsel, their staff and immediate family.

42.

Plaintiff reserves the right to amend the Class definitions if further information and discovery indicate that the Class definitions should be narrowed, expanded, or otherwise modified.

43.

Certification of Plaintiff's claims for class-wide treatment is appropriate because Plaintiff can prove the elements of his claims on a class-wide basis using the same evidence as would be used to prove those elements in individual actions alleging the same claims.

44.

Numerosity – Federal Rule of Civil Procedure 23(a)(1). The members of the Classes are so numerous that their individual joinder herein is impracticable. On information and belief, Class Members number in at least the thousands. The precise

number of Class Members and their addresses are presently unknown to Plaintiff, but may be ascertained from Defendant's books and records. Class Members may be notified of the pendency of this action by mail, email, Internet postings, and/or publication.

45.

Commonality and Predominance – Federal Rule of Civil Procedure 23(a)(2) and 23(b)(3). Common questions of law and fact exist as to all Class Members and predominate over questions affecting only individual Class Members. Such common questions of law or fact include:

- a) Whether Defendant made express or implied representations that the Products are made in the United States;
- b) Whether Defendant had a "reasonable basis" to make express or implied representations that the Products are made in the United States;
- c) Whether the Products are made in the United States as defined by the FTC;
- d) Whether the Products are wholly imported and/or sources of significant inputs to the Products are from overseas;
- e) Whether the marketing, advertising, packaging, labeling, and other promotional materials for the Products are deceptive;

- f) Whether consumers paid a premium for Defendant's Products;
- g) Whether Defendant's actions violate the state consumer fraud statute invoked below;
- h) Whether Defendant breached express warranties to Plaintiff and Class members;
- i) Whether Plaintiff and Class members were damaged by Defendant's conduct;
- j) Whether Defendant was unjustly enriched at the expense of Plaintiff and Class members; and
- k) Whether Plaintiff and class members are entitled to injunctive relief.

46.

Defendant engaged in a common course of conduct giving rise to the legal rights Plaintiff seeks to enforce, on behalf of himself and the other Class Members. Similar or identical statutory and common law violations, business practices, and injuries are involved. Individual questions, if any, pale in comparison, in both quality and quantity, to the numerous common questions that dominate this action.

47.

Typicality – Federal Rule of Civil Procedure 23(a)(3). Plaintiff's claims are typical of the claims of the other members of the Classes because, among other

things, all Class Members were comparably injured through Defendant's uniform misconduct described above. Further, there are no defenses available to Defendant that are unique to Plaintiff or to any particular Class Members.

48.

Adequacy of Representation – Federal Rule of Civil Procedure 23(a)(4).

Plaintiff is an adequate Class representative because his interests do not conflict with the interests of the other Class Members he seeks to represent; he has retained counsel competent and experienced in complex class action litigation; and he will prosecute this action vigorously. The Classes' interests will be fairly and adequately protected by Plaintiff and the undersigned counsel.

49.

Insufficiency of Separate Actions – Federal Rule of Civil Procedure 23(b)(1). Absent a representative class action, members of the Classes would continue to suffer the harm described herein, for which they would have no remedy. Even if separate actions could be brought by individual consumers, the resulting multiplicity of lawsuits would cause undue burden and expense for both the Court and the litigants, as well as create a risk of inconsistent rulings and adjudications that might be dispositive of the interests of similarly situated purchasers, substantially impeding their ability to protect their interests, while establishing incompatible

standards of conduct for Defendant. The proposed Classes thus satisfy the requirements of Fed. R. Civ. P. 23(b)(1).

50.

Declaratory and Injunctive Relief – Federal Rule of Civil Procedure

23(b)(2). Defendant has acted or refused to act on grounds generally applicable to Plaintiff and the other members of the Classes, thereby making appropriate final injunctive relief and declaratory relief, as described below, with respect to the members of the Classes as a whole.

51.

Superiority – Federal Rule of Civil Procedure 23(b)(3). A class action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The damages or other financial detriment suffered by Plaintiff and the other members of the Classes are relatively small compared to the burden and expense that would be required to individually litigate their claims against Defendant, so it would be impracticable for members of the Classes to individually seek redress for Defendant's wrongful conduct. Even if members of the Classes could afford individual litigation, the court system could not. Individualized litigation would create a potential for inconsistent or contradictory

judgments, and increase the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

52.

Basis for Determination of Jurisdictional Amount Pursuant to LR 23.1.

As set forth above (*see* ¶ 4), this Court has subject matter jurisdiction pursuant CAFA because the claims of the proposed Class Members exceed \$5,000,000. “The amount in controversy is not proof of the amount the plaintiff will recover. Rather, it is an estimate of the amount that will be put at issue in the course of the litigation.” *Verizon Communications*, 627 F.3d 395, 400 (10th Cir. 2011) quoting *McPhail v. Deere & Co.*, 529 F.3d 947, 956 (10th Cir. 2008). Plaintiff believes the jurisdictional amount is satisfied on the following basis: Defendant claims to be the “#1 Best Seller” of water filtration systems in the United States. In fact, Defendant’s Products are sold at major retail stores such as Amazon.com, Walmart.com, Homedepot.com, Sears.com, and Purewaterfilter.org. Moreover, a “Youtube” video posted in late-2013 indicates that over 300,000 users viewed a video about how to install one of

Defendant's well-known water filtration systems.⁴ Based on this information, Plaintiff believes it is safe to assume that, at a minimum, 250,000 consumers have purchased one of the Products over the applicable Class Period. Defendant charges approximately \$186 for one of its well-known water filtration systems. *See supra* at ¶ 14. By attributing a modest 10% price premium (\$18.60) for Defendant's false "Made in the USA" claims⁵ to the purchase price of 250,000 units, that amounts to a total compensatory damages award of \$4,650,000. In addition, Plaintiff seeks an award of his attorneys' fees as permitted under the Georgia Fair Business Practices Act, OCGA §§ 10-1-390 *et seq.* Applying a 30% fee award⁶ to the conservative estimate of \$4,650,000 in potential compensatory damages, the potential attorneys'

⁴ <https://www.youtube.com/watch?v=sDhC9XMKLPA>.

⁵ A 2015 survey by Consumer Reports magazine found that a majority of Americans are willing to pay 10% or more for American-made goods. *See* <http://www.consumerreports.org/cro/magazine/2015/05/made-in-america/index.htm>.

⁶ A fee award of approximately 30% of the judgment is "well within the reasonable range of percentage of the fund awards" in class actions. *See Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles*, No. CV 07-3072 AHM FMMX, 2009 WL 9100391, at **4-5 (C.D. Cal. June 24, 2009) (finding 31% fee award of \$3.9 million in attorney's fees reasonable in class action suit and noting a study that attorneys' fees in class actions averaged approximately 32% of the recovery); *see also Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1050 (9th Cir. 2002) (affirming 28% fee award of \$7 million of attorney's fees in class action).

fee award could easily amount to \$1,395,000 (30% of \$4,650,000), thus bringing the total potential recovery to \$6,045,000.⁷

CAUSES OF ACTION

Count I - Violation of the Georgia Fair Business Practices Act

(On Behalf of the National Class)

53.

Plaintiff incorporates by reference all of the foregoing paragraphs of this Complaint as if fully stated herein.

54.

The Georgia Fair Business Practices Act (“FBPA”), OCGA §§ 10-1-390 *et seq.*, prohibits the use of unfair or deceptive business practices in the conduct of trade or commerce. The FBPA is to be liberally construed to effectuate its purposes. OCGA § 10-1-391.

⁷ Plaintiff sets forth the information contained in this Paragraph for the sole purpose of satisfying the jurisdictional basis requirement set forth in LR23.1. Plaintiff sets forth this information without the benefit of fact or expert discovery. Plaintiff expressly reserves the right to amend this Paragraph if and when further information and discovery indicate that it should be modified including, but not limited to, the price premium, average price per unit and the number of units sold set forth herein.

55.

OCGA § 10-1-393(b)(4)(A) provides that the “the following practices are declared unlawful: [u]sing deceptive representations or designations of geographic origin in connection with goods or services.”

56.

Defendant violated OCGA § 10-1-393(b)(4)(A) of the FBPA by marketing and representing that its Products are made in the United States when they, in fact, are not made in the United States.

57.

It is alleged on information and belief that Defendant’s violations of the FBPA set forth herein were done with awareness of the fact that the conduct alleged was wrongful and were motivated solely for increased profit. It is also alleged on information and belief that Defendant did these acts knowing the harm that would result to Plaintiff and the Class members and that Defendant did these acts notwithstanding that knowledge.

58.

As a direct and proximate result of Defendant’s violations of the FBPA, Plaintiff and Class members are entitled to the following remedies against

Defendant: (a) a declaration that Defendant violated the FBPA; and (b) an injunction preventing Defendant's unlawful actions.

59.

Plaintiff suffered an "injury-in-fact" because Plaintiff's money was taken by Defendant as a result of Defendants' false 'Made in U.S.A.' claims set forth herein.

60.

Moreover, Defendant's deceptive practices involving the Products were designed, established, and initiated from Defendant's marketing and sales agents located at Defendant's corporate headquarters in Georgia and were designed to be uniformly relied upon by consumers nationwide when they purchased the Products thereby implicating the legitimate interest of the State of Georgia in ensuring that entities within its jurisdiction operate in accordance with Georgia law.

61.

Therefore, Georgia has a legitimate interest in applying its law to adjudicate this dispute and to ensure that its residents comply with its consumer protection laws while serving Georgia and out-of-state consumers.

62.

Accordingly, Georgia law has significant contacts to the claims asserted by this Class so that application of its consumer fraud laws to all Class claimants is not arbitrary, capricious, or unfair and is not a violation of due process.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other members of the National Class proposed in this Complaint, respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is a proper class action, certifying the National Class as requested herein, designating Plaintiff as Class Representative, and appointing the undersigned counsel as Class Counsel for the National Class;
- b) Enjoining Defendant from engaging in the unlawful conduct set forth herein;
- c) Ordering Defendant to pay actual damages to Plaintiff and the other members of the National Class;
- d) Ordering Defendant to pay punitive damages, as allowable by law, to Plaintiff and the other members of the National Class;

- e) Ordering Defendant to pay reasonable attorneys' fees and litigation costs to Plaintiff and the other members of the National Class;
- f) Ordering Defendant to pay both pre- and post-judgment interest on any amounts awarded; and
- g) Ordering such other and further relief as may be just and proper.

Count II

Violation of the South Carolina Unfair Trade Practices Act

(In the Alternative to Count I and on behalf of the South Carolina Sub-Class)

63.

Plaintiff incorporates by reference Paragraphs 1-52 of this Complaint as if fully stated herein.

64.

The South Carolina Unfair Trade Practices Act (the "UTPA"), S.C. Code §§ 39-5-10 *et seq.*, prohibits the use of unfair or deceptive business practices in the conduct of trade or commerce.

65.

Defendant's conduct in marketing, advertising, packaging, labelling and/or selling the Products as made in the United States constitutes the act, use and

employment of deception, fraud, false pretenses, false promises, misrepresentation, and unfair practices in the conduct of Defendant's trade or commerce.

66.

It is alleged on information and belief that Defendant's violations of the UTPA set forth herein were done with awareness of the fact that the conduct alleged was wrongful and were motivated solely for increased profit. It is also alleged on information and belief that Defendant did these acts knowing the harm that would result to Plaintiff and the Class members and that Defendant did these acts notwithstanding that knowledge.

67.

As a direct and proximate result of Defendant's violations of the UTPA, Plaintiff and Class members are entitled to the following remedies against Defendant: (a) a declaration that Defendant violated the UTPA; and (b) an injunction preventing Defendant's unlawful actions.

68.

Plaintiff suffered an "injury-in-fact" because Plaintiff's money was taken by Defendant as a result of Defendants' false 'Made in U.S.A.' claims set forth herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other members of the Illinois Sub-Class proposed in this Complaint, respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is a proper class action, certifying the South Carolina Sub-Class as requested herein, designating Plaintiff as Class Representative, and appointing the undersigned counsel as Class Counsel for the South Carolina Sub-Class;
- b) Enjoining Defendant from engaging in the unlawful conduct set forth herein;
- c) Ordering Defendant to pay actual damages to Plaintiff and the other members of the South Carolina Sub-Class;
- d) Ordering Defendant to pay punitive damages, as allowable by law, to Plaintiff and the other members of the South Carolina Sub-Class;
- e) Ordering Defendant to pay reasonable attorneys' fees and litigation costs to Plaintiff and the other members of the South Carolina Sub-Class;
- f) Ordering Defendant to pay both pre- and post-judgment interest on any amounts awarded; and

g) Ordering such other and further relief as may be just and proper.

Count III

Unjust Enrichment

(On Behalf of the National Class and the South Carolina Sub-Class)

69.

Plaintiff incorporates by reference all of the foregoing paragraphs of this Complaint as if fully stated herein.

70.

Plaintiff brings this claim against Defendant on behalf of himself, the National Class, and the South Carolina Subclass (for purposes of this Count, the “Classes”).

71.

Plaintiff and the other members of the Classes conferred benefits on Defendant by purchasing the Products.

72.

Defendant has been unjustly enriched in retaining the revenues derived from the purchases of the Products by Plaintiff and the other members of the Classes. Retention of those monies under these circumstances is unjust and inequitable because the marketing, advertising, packaging and/or labelling of the Products was misleading to consumers, which caused injuries to Plaintiff and the other members

of the Classes because they would not have purchased or paid a premium for the Product had they known the true facts, that the Products were not made in the United States.

73.

Because Defendant's retention of the non-gratuitous benefits conferred on it by Plaintiff and the other members of the Classes is unjust and inequitable, Defendant must pay restitution to Plaintiff and the other members of the Classes for its unjust enrichment, as ordered by the Court.

74.

Moreover, Defendant's misrepresentations described herein were designed, established, and initiated from Defendant's marketing and sales agents located at Defendant's corporate headquarters in Georgia and were designed to be uniformly relied upon by consumers nationwide when they purchased the Products thereby implicating the legitimate interest of the State of Georgia in ensuring that entities within its jurisdiction operate in accordance with Georgia law.

75.

Therefore, Georgia has a legitimate interest in applying its law to adjudicate this dispute and to ensure that its residents comply with its common law while serving Georgia and out-of-state consumers.

76.

Accordingly, Georgia law has significant contacts to the claims asserted by this Class so that application of Georgia unjust enrichment law to all Class claimants is not arbitrary, capricious, or unfair and is not a violation of due process.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other members of the Classes proposed in this Complaint, respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is a proper class action, certifying the Classes as requested herein, designating Plaintiff as Class Representative, and appointing the undersigned counsel as Class Counsel for the Classes;
- b) Ordering Defendant to pay restitution to Plaintiff and the other members of the Classes;
- c) Ordering Defendant to pay both pre- and post-judgment interest on any amounts awarded; and
- d) Ordering such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all claims in this Complaint so triable. Plaintiff also respectfully requests leave to amend this Complaint to conform to the evidence, if such amendment is needed for trial.

Respectfully submitted, this 15th day of June, 2017.

HURT STOLZ, P.C.

s/ James W. Hurt, Jr. _____

James W. Hurt, Jr.

Georgia Bar No.: 380104

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jhurt@hurtstolz.com

-and-

KOZONIS LAW, LTD.

s/ Gary M. Klinger _____

Gary M. Klinger

(pro hac vice pending)

4849 N. Milwaukee Ave., Ste. 300
Chicago, Illinois 60630
Phone: 773.545.9607
Fax: 773.496.8617
gklinger@kozonislaw.com

**ATTORNEYS FOR PLAINTIFF
AND THE PUTATIVE CLASSES**

CERTIFICATE OF COMPLIANCE

Pursuant to Local R. 7.1(D), this is to certify that the foregoing complies with the font and point setting approved by the Court in Local R. 5.1(B). The foregoing CLASS ACTION COMPLAINT was prepared on a computer, using Times New Roman 14 point font.

Respectfully submitted, this 15th day of June, 2017.

HURT STOLZ, P.C.

s/ James W. Hurt, Jr.

James W. Hurt, Jr.

Georgia Bar No.: 380104

345 West Hancock Avenue
Athens, Georgia 30601
(706) 395-2750
Facsimile: (866) 766-9245
jhurt@hurtstolz.com

ATTORNEY FOR PLAINTIFF

EXHIBIT A

iSpring #APG16 Pressure Gauge 0 220 psi 1/4 inch fitting | iSpring Wate... http://www.123filter.com/catalog/ispring-123filter-pressure-gauge-0-220...

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iSpring Water Systems, LLC (since 2005)
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iSpring #APG16 Pressure Gauge 0 220 psi 1/4 inch fitting

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- Attach the other end to your tap
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- Read the pressure - it's as simple as that!

Why iSpring Water Systems?

- Family owned innovative small business that thrives on customers satisfaction
- Built in USA Legendary brand of water filter
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- Free tech support before and after sale from Atlanta, Georgia. We love to help our customers.
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Reviews

Customers who bought this product also purchased

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iSpring Membrane Double Clamp #ACN22 **\$7.50**

iSpring 500GPD RO 2-Year Filter Supply Pack, Fits RCS5T **\$252.99**

iSpring High pressure switch for Reverse Osmosis Water Filter with Booster Pump #AHP **\$11.90**

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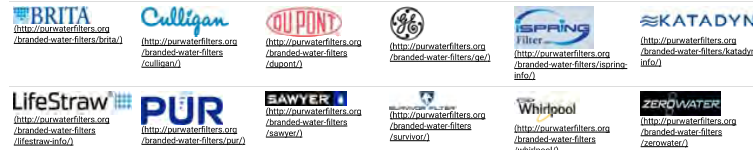
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- How to Choose Your Home Water Filter (<http://purwaterfilters.org/choose-home-water-filter/>)
- Desalination for Pure Drinking Water (<http://purwaterfilters.org/368-2/>)
- The Truth About Water Filters In 5 Minutes (<http://purwaterfilters.org/the-truth-about-water-filters-in-5-minutes/>)
- Drinking Water Safety Management – Strategy and Framework (<http://purwaterfilters.org/drinking-water-safety-management-strategy-framework/>)

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EXHIBIT B



FEDERAL TRADE COMMISSION

PROTECTING AMERICA'S CONSUMERS

Enforcement Policy Statement on U.S. Origin Claims

TAGS: Appliances | Advertising and Marketing | Made in USA

DATE: December 1, 1997

Federal Trade Commission

I. INTRODUCTION

The Federal Trade Commission ("FTC" or "Commission") is issuing this statement to provide guidance regarding its enforcement policy with respect to the use of "Made in USA" and other U.S. origin claims in advertising and labeling. The Commission has determined, as explained below, that unqualified U.S. origin claims should be substantiated by evidence that the product is all or virtually all made in the United States. This statement is intended to elaborate on principles set out in individual cases and advisory opinions previously issued over the course of many years by the Commission. This statement, furthermore, is the culmination of a comprehensive process in which the Commission has reviewed its standard for evaluating U.S. origin claims. Throughout this process, the Commission has solicited, and received, substantial public input on relevant issues. The Commission anticipates that from time to time, it may be in the public interest to solicit further public comment on these issues and to assess whether the views expressed in this statement continue to be appropriate and reflect consumer perception and opinion, and to determine whether there are areas on which the Commission could provide additional guidance.

The principles set forth in this enforcement policy statement apply to U.S. origin claims included in labeling, advertising, other promotional materials, and all other forms of marketing, including marketing through digital or electronic means such as the Internet or electronic mail. The statement, moreover, articulates the Commission's enforcement policy with respect to U.S. origin claims for all products advertised or sold in the United States, with the exception of those products specifically subject to the country-of-origin labeling requirements of the Textile Fiber Products Identification Act,⁽¹⁾ the Wool Products Labeling Act,⁽²⁾ or the Fur Products Labeling Act.⁽³⁾ With respect to automobiles or other passenger motor vehicles, nothing in this enforcement policy statement is intended to affect or alter a marketer's obligation to comply with the requirements of the American Automobile Labeling Act⁽⁴⁾ or regulations issued pursuant thereto, and any representation required by that Act to appear on automobile labeling will not be considered a deceptive act or practice for purposes of this enforcement policy statement, regardless of whether the representation appears in labeling, advertising or in other promotional material. Claims about the U.S. origin of passenger motor vehicles other than those representations required by the American Automobile Labeling Act, however, will be governed by the principles set forth in this statement.

II. BACKGROUND

Both the FTC and the U.S. Customs Service have responsibilities related to the use of country-of-origin claims. While the FTC regulates claims of U.S. origin under its general authority to act against deceptive acts and practices, foreign-origin markings on products (e.g., "Made in Japan") are regulated primarily by the U.S. Customs Service ("Customs" or "the Customs Service") under the Tariff Act of 1930. Specifically, Section 304 of the Tariff Act, 19 U.S.C. § 1304,

administered by the Secretary of the Treasury and the Customs Service, requires that all products of foreign origin imported into the United States be marked with the name of a foreign country of origin. Where an imported product incorporates materials and/or processing from more than one country, Customs considers the country of origin to be the last country in which a "substantial transformation" took place. A substantial transformation is a manufacturing or other process that results in a new and different article of commerce, having a new name, character and use that is different from that which existed prior to the processing. Country-of-origin determinations using the substantial transformation test are made on a case-by-case basis through administrative determinations by the Customs Service.⁽⁵⁾

The FTC also has jurisdiction over foreign origin claims in packaging insofar as they go beyond the disclosures required by the Customs Service (e.g., claims that supplement a required foreign origin marking, so as to represent where additional processing or finishing of a product occurred). In addition, the Commission has jurisdiction over foreign-origin claims in advertising, which the U.S. Customs Service does not regulate.

Where Customs determines that a good is not of foreign origin (*i.e.*, the good undergoes its last substantial transformation in the United States), there is generally no requirement that it be marked with any country of origin. For most goods, neither the Customs Service nor the FTC requires that goods made partially or wholly in the United States be labeled with "Made in USA" or any other indication of U.S. origin.⁽⁶⁾ The fact that a product is not required to be marked with a foreign country of origin does not mean that it is permissible to promote that product as "Made in USA." The FTC will consider additional factors, beyond those considered by the Customs Service in determining whether a product is of foreign origin, in determining whether a product may properly be represented as "Made in USA."

This statement is intended to address only those issues related to U.S. origin claims. In developing appropriate country-of-origin labeling for their products, marketers are urged also to consult the U.S. Customs Service's marking regulations.

III. INTERPRETING U.S. ORIGIN CLAIMS: THE FTC'S DECEPTION ANALYSIS

The Commission's authority to regulate U.S. origin claims derives from Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 45, which prohibits "unfair or deceptive acts or practices." The Commission has set forth its interpretations of its Section 5 authority in its Deception Policy Statement,⁽⁷⁾ and its Policy Statement Regarding Advertising Substantiation Doctrine.⁽⁸⁾ As set out in the Deception Policy Statement, the Commission will find an advertisement or label deceptive under Section 5, and therefore unlawful, if it contains a representation or omission of fact that is likely to mislead consumers acting reasonably under the circumstances, and that representation or omission is material. In addition, objective claims carry with them the implication that they are supported by valid evidence. It is deceptive, therefore, to make a claim unless, at the time the claim is made, the marketer possesses and relies upon a reasonable basis substantiating the claim. Thus, a "Made in USA" claim, like any other objective advertising claim, must be truthful and substantiated.

A representation may be made by either express or implied claims. "Made in USA" and "Our products are American made" would be examples of express U.S. origin claims. In identifying implied claims, the Commission focuses on the overall net impression of an advertisement, label, or other promotional material. This requires an examination of both the representation and the overall context, including the juxtaposition of phrases and images, and the nature of the transaction. Depending 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. For example, assume that a company advertises its product in an advertisement that features pictures of employees at work at what is identified as the company's U.S. factory, these pictures are superimposed on an image of a U.S. flag, and the advertisement bears the headline "American Quality." Although there is no express representation that the company's product is "Made in USA," the net impression of the advertisement is likely to convey to consumers a claim that the product is of U.S. origin.

Whether any particular symbol or phrase, including an American flag, conveys an implied U.S. origin claim, will depend upon the circumstances in which the symbol or phrase is used. Ordinarily, however, the Commission will not consider a marketer's use of an American brand name⁽⁹⁾ or trademark,⁽¹⁰⁾ without more, to constitute a U.S. origin claim, even though some consumers may believe, in some cases mistakenly, that a product made by a U.S.-based manufacturer is

made in the United States. Similarly, the mere listing of a company's U.S. address on a package label, in a nonprominent manner, such as would be required under the Fair Packaging and Labeling Act,⁽¹¹⁾ is unlikely, without more, to constitute a "Made in USA" claim.

IV. SUBSTANTIATING U.S. ORIGIN CLAIMS: THE "ALL OR VIRTUALLY ALL" STANDARD

Based on its review of the traditional use of the term "Made in USA," and the record as a whole, the Commission concludes that consumers are likely to understand an unqualified U.S. origin claim to mean that the advertised product is "all or virtually all" made in the United States. Therefore, when a marketer makes an unqualified claim that a product is "Made in USA," it should, at the time the representation is made, possess and rely upon a reasonable basis that the product is in fact all or virtually all made in the United States.^{(12), (13)}

A product that is all or virtually all made in the United States will ordinarily be one in which all significant parts⁽¹⁴⁾ and processing that go into the product are of U.S. origin. In other words, where a product is labeled or otherwise advertised with an unqualified "Made in USA" claim, it should contain only a *de minimis*, or negligible, amount of foreign content. Although there is no single "bright line" to establish when a product is or is not "all or virtually all" made in the United States, there are a number of factors that the Commission will look to in making this determination. To begin with, in order for a product to be considered "all or virtually all" made in the United States, the final assembly or processing of the product must take place in the United States. Beyond this minimum threshold, the Commission will consider other factors, including but not limited to the portion of the product's total manufacturing costs that are attributable to U.S. parts and processing; and how far removed from the finished product any foreign content is.

A. Site of Final Assembly or Processing

The consumer perception evidence available to the Commission indicates that the country in which a product is put together or completed is highly significant to consumers in evaluating where the product is "made." Thus, regardless of the extent of a product's other U.S. parts or processing, in order to be considered all or virtually all made in the United States, it is a prerequisite that the product have been last "substantially transformed" in the United States, as that term is used by the U.S. Customs Service – *i.e.*, the product should not be required to be marked "made in [foreign country]" under 19 U.S.C. § 1304.⁽¹⁵⁾ Furthermore, even where a product is last substantially transformed in the United States, if the product is thereafter assembled or processed (beyond *de minimis* finishing processes) outside the United States, the Commission is unlikely to consider that product to be all or virtually all made in the United States. For example, were a product to be manufactured primarily in the United States (and last substantially transformed there) but sent to Canada or Mexico for final assembly, any U.S. origin claim should be qualified to disclose the assembly that took place outside the United States.

B. Proportion of U.S. Manufacturing Costs

Assuming the product is put together or otherwise completed in the United States, the Commission will also examine the percentage of the total cost of manufacturing the product that is attributable to U.S. costs (*i.e.*, U.S. parts and processing) and to foreign costs.⁽¹⁶⁾ Where the percentage of foreign content is very low, of course, it is more likely that the Commission will consider the product all or virtually all made in the United States. Nonetheless, there is not a fixed point for all products at which they suddenly become "all or virtually all" made in the United States. Rather, the Commission will conduct this inquiry on a case-by-case basis, balancing the proportion of U.S. manufacturing costs along with the other factors discussed herein, and taking into account the nature of the product and consumers' expectations in determining whether an enforcement action is warranted. Where, for example, a product has an extremely high amount of U.S. content, any potential deception resulting from an unqualified "Made in USA" claim is likely to be very limited, and therefore the costs of bringing an enforcement action challenging such a claim are likely to substantially outweigh any benefit that might accrue to consumers and competition.

C. Remoteness of Foreign Content

Finally, in evaluating whether any foreign content is significant enough to prevent a product from being considered all or virtually all made in the United States, the Commission will look not only to the percentage of the cost of the product

that the foreign content represents, but will also consider how far removed from the finished product the foreign content is. As a general rule, in determining the percentage of U.S. content in its product, a marketer should look far enough back in the manufacturing process that a reasonable marketer would expect that it had accounted for any significant foreign content. In other words, a manufacturer who buys a component from a U.S. supplier, which component is in turn made up of other parts or materials, may not simply assume that the component is 100% U.S. made, but should inquire of the supplier as to the percentage of U.S. content in the component.⁽¹⁷⁾ Foreign content that is incorporated further back in the manufacturing process, however, will often be less significant to consumers than that which constitutes a direct input into the finished product. For example, in the context of a complex product, such as a computer, it is likely to be insignificant that imported steel is used in making one part of a single component (e.g., the frame of the floppy drive). This is because the steel in such a case is likely to constitute a very small portion of the total cost of the computer, and because consumers purchasing a computer are likely, if they are concerned about the origin of the product, to be concerned with the origin of the more immediate inputs (floppy drive, hard drive, CPU, keyboard, etc.) and perhaps the parts that, in turn, make up those inputs. Consumers are less likely to have in mind materials, such as the steel, that are several steps back in the manufacturing process. By contrast, in the context of a product such as a pipe or a wrench for which steel constitutes a more direct and significant input, the fact that the steel is imported is likely to be a significant factor in evaluating whether the finished product is all or virtually all made in the United States. Thus, in some circumstances, there may be inputs one or two steps back in the manufacturing process that are foreign and there may be other foreign inputs that are much further back in the manufacturing process. Those foreign inputs far removed from the finished product, if not significant, are unlikely to be as important to consumers and change the nature of what otherwise would be considered a domestic product.

In this analysis, raw materials⁽¹⁸⁾ are neither automatically included nor automatically excluded in the evaluation of whether a product is all or virtually all made in the United States. Instead, whether a product whose other parts and processing are of U.S. origin would not be considered all or virtually all made in the United States because the product incorporated imported raw materials depends (as would be the case with any other input) on what percentage of the cost of the product the raw materials constitute and how far removed from the finished product the raw materials are.⁽¹⁹⁾ Thus, were the gold in a gold ring, or the clay used to make a ceramic tile, imported, an unqualified "Made in USA" claim for the ring or tile would likely be inappropriate.⁽²⁰⁾ This is both because of the significant value the gold and the clay are likely to represent relative to the finished product and because the gold and the clay are only one step back from the finished articles and are integral components of those articles. By contrast, were the plastic in the plastic case of a clock radio that was otherwise all or virtually all made in the United States found to have been made from imported petroleum, the petroleum is far enough removed from, and an insignificant enough input into, the finished product that it would nonetheless likely be appropriate to label the clock radio with an unqualified U.S. origin claim.

V. QUALIFYING U.S. ORIGIN CLAIMS

A. *Qualified U.S. Origin Claims Generally*

Where a product is not all or virtually all made in the United States, any claim of U.S. origin should be adequately qualified to avoid consumer deception about the presence or amount of foreign content. In order to be effective, any qualifications or disclosures should be sufficiently clear, prominent, and understandable to prevent deception. Clarity of language, prominence of type size and style, proximity to the claim being qualified, and an absence of contrary claims that could undercut the effectiveness of the qualification, will maximize the likelihood that the qualifications and disclosures are appropriately clear and prominent.

Within these guidelines, the form the qualified claim takes is up to the marketer. A marketer may make any qualified claim about the U.S. content of its products as long as the claim is truthful and substantiated. Qualified claims, for example, may be general, indicating simply the existence of unspecified foreign content (e.g., "Made in USA of U.S. and imported parts") or they may be specific, indicating the amount of U.S. content (e.g., "60% U.S. content"), the parts or materials that are imported (e.g., "Made in USA from imported leather"), or the particular foreign country from which the parts come ("Made in USA from French components").⁽²¹⁾

Where a qualified claim takes the form of a general U.S. origin claim accompanied by qualifying information about foreign content (e.g., "Made in USA of U.S. and imported parts" or "Manufactured in U.S. with Indonesian materials"), the Commission believes that consumers are likely to understand such a claim to mean that, whatever foreign materials or parts the product contains, the last assembly, processing, or finishing of the product occurred in the United States. Marketers therefore should avoid using such claims unless they can substantiate that this is the case for their products. In particular, such claims should only be made where the product was last substantially transformed in the United States. Where a product was last substantially transformed abroad, and is therefore required by the U.S. Customs Service to be labeled "Made in [foreign country]," it would be inappropriate, and confusing, to use a claim such as "Made in USA of U.S. and imported parts."⁽²²⁾

B. Claims about Specific Processes or Parts

Regardless of whether a product as a whole is all or virtually all made in the United States, a marketer may make a claim that a particular manufacturing or other process was performed in the United States, or that a particular part was manufactured in the United States, provided that the claim is truthful and substantiated and that reasonable consumers would understand the claim to refer to a specific process or part and not to the general manufacture of the product. This category would include claims such as that a product is "designed" or "painted" or "written" in the United States or that a specific part, e.g., the picture tube in a television, is made in the United States (even if the other parts of the television are not). Although such claims do not expressly disclose that the products contain foreign content, the Commission believes that they are normally likely to be specific enough so as not to convey a general claim of U.S. origin. More general terms, however, such as that a product is, for example, "produced," or "manufactured" in the United States, are likely to require further qualification where they are used to describe a product that is not all or virtually all made in the United States. Such terms are unlikely to convey to consumers a message limited to a particular process performed, or part manufactured, in the United States. Rather, they are likely to be understood by consumers as synonymous with "Made in USA" and therefore as unqualified U.S. origin claims.

The Commission further concludes that, in many instances, it will be appropriate for marketers to label or advertise a product as "Assembled in the United States" without further qualification. Because "assembly" potentially describes a wide range of processes, however, from simple, "screwdriver" operations at the very end of the manufacturing process to the construction of a complex, finished item from basic materials, the use of this term may, in some circumstances, be confusing or misleading to consumers. To avoid possible deception, "Assembled in USA" claims should be limited to those instances where the product has undergone its principal assembly in the United States and that assembly is substantial. In addition, a product should be last substantially transformed in the United States to properly use an "Assembled in USA" claim. This requirement ensures against potentially contradictory claims, i.e., a product claiming to be "Assembled in USA" while simultaneously being marked as "Made in [foreign country]." In many instances, this requirement will also be a minimum guarantee that the U.S. assembly operations are substantial.

C. Comparative Claims

U.S. origin claims that contain a comparative statement (e.g., "More U.S. content than our competitor") may be made as long as the claims are truthful and substantiated. Where this is so, the Commission believes that comparative U.S. origin claims are unlikely to be deceptive even where an unqualified U.S. origin claim would be inappropriate. Comparative claims, however, should be presented in a manner that makes the basis for the comparison clear (e.g., whether the comparison is being made to another leading brand or to a previous version of the same product). Moreover, comparative claims should not be used in a manner that, directly or by implication, exaggerates the amount of U.S. content in the product, and should be based on a meaningful difference in U.S. content between the compared products. Thus, a comparative U.S. origin claim is likely to be deceptive if it is made for a product that does not have a significant amount of U.S. content or does not have significantly more U.S. content than the product to which it is being compared.

D. U.S. Customs Rules and Qualified and Comparative U.S. Origin Claims

It is possible, in some circumstances, for marketers to make certain qualified or comparative U.S. origin claims (including claims such as that the product contains a particular amount of U.S. content, certain claims about the U.S.

origin of specific processes or parts, and certain comparative claims) even for products that are last substantially transformed abroad and which therefore must be marked with a foreign country of origin. In making such claims, however, marketers are advised to take care to follow the requirements set forth by the U.S. Customs Service and to ensure, for purposes of Section 5 of the FTC Act, that the claim does not deceptively suggest that the product is made with a greater amount of U.S. parts or processing than is in fact the case.

In looking at the interaction between the requirements for qualified and comparative U.S. origin claims and those for foreign origin marking, the analysis is slightly different for advertising and for labeling. This is a result of the fact that the Tariff Act requires foreign origin markings on articles or their containers, but does not govern claims in advertising or other promotional materials.

Thus, on a product label, where the Tariff Act requires that the product be marked with a foreign country of origin, Customs regulations permit indications of U.S. origin only when the foreign country of origin appears in close proximity and is at least of comparable size.⁽²³⁾ As a result, under Customs regulations, a product may, for example, be properly marked "Made in Switzerland, finished in U.S." or "Made in France with U.S. parts," but it may not simply be labeled "Finished in U.S." or "Made with U.S. parts" if it is deemed to be of foreign origin.

In advertising or other promotional materials, the Tariff Act does not require that foreign origin be indicated. The Commission recognizes that it may be possible to make a U.S. origin claim in advertising or promotional materials that is sufficiently specific or limited that it does not require an accompanying statement of foreign manufacture in order to avoid conveying a broader and unsubstantiated meaning to consumers. Whether a nominally specific or limited claim will in fact be interpreted by consumers in a limited matter is likely to depend on the connotations of the particular representation being made (e.g., "finished" may be perceived as having a more general meaning than "painted") and the context in which it appears. Marketers who wish to make U.S. origin claims in advertising or other promotional materials without an express disclosure of foreign manufacture for products that are required by Customs to be marked with a foreign country of origin should be aware that consumers may believe the literal U.S. origin statement is implying a broader meaning and a larger amount of U.S. content than expressly represented. Marketers are required to substantiate implied, as well express, material claims that consumers acting reasonably in the circumstances take from the representations. Therefore, the Commission encourages marketers, where a foreign-origin marking is required by Customs on the product itself, to include in any qualified or comparative U.S. origin claim a clear, conspicuous, and understandable disclosure of foreign manufacture.

Endnotes:

1. 15 U.S.C. § 70.
2. 15 U.S.C. § 68.
3. 15 U.S.C. § 69.
4. 49 U.S.C. § 32304.
5. For goods from NAFTA countries, determinations are codified in "tariff shift" regulations. 19 C.F.R. § 102.
6. For a limited number of goods, such as textile, wool, and fur products, there are, however, statutory requirements that the U.S. processing or manufacturing that occurred be disclosed. See, e.g., Textile Fiber Products Identification Act, 15 U.S.C. § 70(b).
7. Letter from the Commission to the Honorable John D. Dingell, Chairman, Committee on Energy and Commerce, U.S. House of Representatives (Oct. 14, 1983); *reprinted in Cliffdale Associates, Inc.*, 103 F.T.C. 110, appendix (1984).
8. 49 Fed. Reg. 30,999 (1984); *reprinted in Thompson Medical Co.*, 104 F.T.C. 648, appendix (1984).

9. This assumes that the brand name does not specifically denote U.S. origin, e.g., the brand name is not "Made in America, Inc."
10. For example, a legal trademark consisting of, or incorporating, a stylized mark suggestive of a U.S. flag will not, by itself, be considered to constitute a U.S. origin claim.
11. 15 U.S.C. § 1451 *et seq.*
12. For purposes of this Enforcement Policy Statement, "United States" refers to the several states, the District of Columbia, and the territories and possessions of the United States. In other words, an unqualified "Made in USA" claim may be made for a product that is all or virtually all manufactured in U.S. territories or possessions as well as in the 50 states.
13. In addition, marketers should not represent, either expressly or by implication, that a whole product line is of U.S. origin (e.g., "Our products are Made in USA") when only some products in the product line are, in fact, made in the United States. Although not the focus of this Enforcement Policy Statement, this is a principle that has been addressed in Commission cases both within and outside the U.S. origin context. *See, e.g., Hyde Athletic Industries*, FTC Docket No. C-3695 (consent order December 4, 1996) (complaint alleged that respondent represented that all of its footwear was made in the United States, when a substantial amount of its footwear was made wholly in foreign countries); *New Balance Athletic Shoes, Inc.*, FTC Docket No. 9268 (consent order December 2, 1996) (same); *Uno Restaurant Corp.*, FTC Docket No. C-3730 (consent order April 4, 1997) (complaint alleged that restaurant chain represented that its whole line of thin crust pizzas were low fat, when only two of eight pizzas met acceptable limits for low fat claims); *Häagen-Dazs Company, Inc.*, FTC Docket No. C-3582 (consent order June 7, 1995) (complaint alleged that respondent represented that its entire line of frozen yogurt was 98% fat free when only certain flavors were 98% fat free).
14. The word "parts" is used in its general sense throughout this enforcement policy statement to refer to all physical inputs into a product, including but not limited to subassemblies, components, parts, or materials.
15. It is conceivable, for example, that occasionally a product imported into the United States could have a very high proportion of its manufacturing costs be U.S. costs, but is nonetheless not considered by the U.S. Customs Service to have been last substantially transformed in the United States. In such cases, the product would be required to be marked with a foreign country of origin and an unqualified U.S. origin claim could not appropriately be made for the product.
16. In calculating manufacturing costs, manufacturers should ordinarily use as their measure the cost of goods sold or finished goods inventory cost, as those terms are used in accordance with generally accepted accounting principles. Such costs will generally include (and be limited to) the cost of manufacturing materials, direct manufacturing labor, and manufacturing overhead. Marketers should also note the admonishment below that, in determining the percentage of U.S. content, they should look far enough back in the manufacturing process that a reasonable marketer would expect that it had accounted for any significant foreign content.
17. For example, assume that a company manufactures lawn mowers in its U.S. plant, making most of the parts (housing, blade, handle, etc.) itself from U.S. materials. The engine, which constitutes 50% of the total cost of manufacturing the lawn mower, is bought from a U.S. supplier, which, the lawn mower manufacturer knows, assembles the engine in a U.S. factory. Although most of the parts and the final assembly of the lawn mower are of U.S. origin and the engine is assembled in the United States, the lawn mower will not necessarily be considered all or virtually all made in the United States. This is because the engine itself is made up of various parts that may be imported and that may constitute a significant percentage of the total cost of manufacturing the lawn mower. Thus, before labeling its lawn mower "Made in USA," the manufacturer should look to its engine supplier for more specific information as to the engine's origin. For instance, were foreign parts to constitute 60% of the cost of producing the engine, then the lawn mower would contain a total of at least 30% foreign content, and an unqualified "Made in USA" label would be inappropriate.

18. For purposes of this Enforcement Policy Statement, the Commission considers raw materials to be products such as minerals, plants or animals that are processed no more than necessary for ordinary transportation.
19. In addition, because raw materials, unlike manufactured inputs, may be inherently unavailable in the United States, the Commission will also look at whether or not the raw material is indigenous to the United States, or available in commercially significant quantities. In cases where the material is not found or grown in the United States, consumers are likely to understand that a "Made in USA" claim on a product that incorporates such materials (e.g., vanilla ice cream that uses vanilla beans, which, the Commission understands, are not grown in the United States) means that all or virtually all of the product, except for those materials not available here, originated in the United States. Nonetheless, even where a raw material is nonindigenous to the United States, if that imported material constitutes the whole or essence of the finished product (e.g., the rubber in a rubber ball or the coffee beans in ground coffee), it would likely mislead consumers to label the final product with an unqualified "Made in USA" claim.
20. Nonetheless, in these examples, other, qualified claims could be used to identify truthfully the domestic processing that took place. For example, if the gold ring was designed and fabricated in the United States, the manufacturer could say that (e.g., "designed and fabricated in U.S. with 14K imported gold"). Similarly, if the ceramic tile were manufactured in the United States from imported clay, the manufacturer could indicate that as well.
21. These examples are intended to be illustrative, not exhaustive; they do not represent the only claims or disclosures that would be permissible under Section 5 of the FTC Act. As indicated, however, qualified claims, like any claim, should be truthful and substantiated and should not overstate the U.S. content of a product. For example, it would be inappropriate for a marketer to represent that a product was "Made in U.S. of U.S. and imported parts" if the overwhelming majority of the parts were imported and only a single, insignificant part was manufactured in the United States; a more appropriate claim would be "Made in U.S. of imported parts."
22. On the other hand, that the last substantial transformation of the product takes place in the United States may not alone be sufficient to substantiate such a claim. For example, under the rulings of the U.S. Customs Service, a disposable razor is considered to have been last substantially transformed where its blade is made, even if it is thereafter assembled in another country. Thus, a disposable razor that is assembled in Mexico with a U.S.-made blade and other parts of various origins would be considered to have been last substantially transformed in the United States and would not have to bear a foreign country-of-origin marking. Nonetheless, because the final assembly of the razor occurs abroad, it would be inappropriate to label the razor "Made in U.S. of U.S. and imported parts." It would, however, likely be appropriate to label the razor "Assembled in Mexico with U.S.-made blade," "Blade made in United States, razor assembled in Mexico" or "Assembled in Mexico with U.S. and imported parts."
23. 19 C.F.R. § 134.46. Specifically, this provision provides that:

In any case in which the words "United States," or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any city or locality in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced appear on an imported article or its container, and those words, letters or names may mislead or deceive the ultimate purchaser as to the actual country of origin of the article, there shall appear, legibly and permanently, in close proximity to such words, letters or name, and in at least a comparable size, the name of the country of origin preceded by "Made in," "Product of," or other words of similar meaning.

In a *Federal Register* notice announcing amendments to this provision, the Customs Service indicated that, where a product has a foreign origin, any references to the United States made in the context of a statement relating to any aspect of the production or distribution of the product (e.g., "Designed in USA," "Made for XYZ Corporation, California, U.S.A.," or "Distributed by ABC, Inc., Colorado, USA") would be considered misleading to the ultimate

EXHIBIT C

172 3033

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Maureen K. Ohlhausen, Acting Chairman**
 Edith Ramirez
 Terrell McSweeney

In the Matter of

iSPRING WATER SYSTEMS, LLC
a limited liability company.

Docket No.

COMPLAINT

The Federal Trade Commission, having reason to believe that iSpring Water Systems, LLC, a limited liability company (“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:

1. Respondent iSpring Water Systems, LLC (“iSpring”), also doing business as 123filter.com, is a Georgia limited liability company with its principal office or place of business at 3020 Trotters Parkway, Alpharetta, GA 30004.
2. Respondent advertises, labels, offers for sale, and distributes products to consumers, including, but not limited to, water filtration systems and parts. Respondent advertises these products primarily online, including, but not limited to, on its own website 123filter.com, and through third-party websites including, but not limited to, amazon.com, overstock.com, sears.com, and homedepot.com. Respondent offers for sale, sells, and distributes its products throughout the United States.
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.
4. Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for its products, including, but not necessarily limited to, the attached Exhibits A-C. These materials contain the following statements, among others:
 - A. “Built in USA Legendary brand of water filter” (Exhibit A, 123filter.com web advertisement);

- B. “Built in USA” (Exhibit B, search result demonstrating instances phrase occurs on 123filter.com website);
- C. “Built in USA” (Exhibit C, amazon.com, sears.com, walmart.com, and purwaterfilter.org product listings).

5. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-C, Respondent has represented, expressly or by implication, that its products, including, but not limited to, water filtration systems and parts, are all or virtually all made in the United States.

6. In fact, in many instances, Respondent’s products are wholly imported. In other instances, Respondent sources significant inputs to its products from overseas.

7. Therefore, Respondent’s express or implied representations that its products are made in the United States deceive consumers.

COUNT I (False or Unsubstantiated Representation)

8. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of its products, Respondent has represented, directly or indirectly, expressly or by implication, that such products, including, but not limited to, water filtration systems and parts, are all or virtually all made in the United States.

9. In fact, in many instances, Respondent’s products are wholly imported. In other instances, Respondent sources significant inputs to its products overseas. Therefore, the representation set forth in Paragraph 8 is false or misleading, or was not substantiated at the time the representation was made.

VIOLATION OF SECTION 5

10. 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 _____ day of _____, 20__, has issued this Complaint against Respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL:

Exhibit A

iSpring #APG16 Pressure Gauge 0 220 psi 1/4 inch fitting | iSpring Wate... http://www.123filter.com/catalog/ispring-123filter-pressure-gauge-0-220...

123 Filter.com
iSpring Water Systems, LLC (since 2005)
PayPal VISA

FREE SHIPPING
US 48 states for orders over \$35

HOME Knowledge base Installers Policies About Us Contact Us

Warranty Registration My Account
Model: APG16
Search for compatible cartridges and parts

iSpring #APG16 Pressure Gauge 0 220 psi 1/4 inch fitting

Click to enlarge

List Price: ~~\$38.24~~
\$23.90 Add \$11.11 to qualify for **FREE** Shipping
\$22.71 after **5.0%** checkout discount.

Add to Cart
VIEWED & SECURED
Rating: Not rated yet (0)
Create your own review

Categories

- Replacement Water Filter Packs -> (40)
- Replacement Filter Cartridges -> (77)
- Under-sink Water Filters -> (20)
- Commercial Reverse Osmosis (1)
- Whole House Water Filters (15)
- Refrigerator Water Filters (10)
- Faucet Mounted Filters (4)
- Shower Filter (4)
- Counter-top Water Filter (6)
- RO, Kitchen, Bath Faucets -> (33)
- Parts and Accessories -> (99)
- Booster Pump (4)
- Filter Housings (6)
- Fittings (57)
- Flood Prevention (5)
- Membrane Housing (4)
- O-Rings (5)
- Tanks (8)
- TDS Tester (3)
- Teflon tape (1)
- Tubings (2)
- Wrench (4)

Videos

iSpring Reverse Os...
How to install iSpring reverse osmosis?
LittleWell Faucet M...
Faucet Mount Water Filter

Online Marketplaces
amazon.com
HOME DEPOT
Sears
Rakuten
Cart

Notifications
Notify me of updates to iSpring Pressure Gauge 0 220 psi 1/4 inch fitting

Information
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Privacy Notice
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Wednesday 16 November, 2016

How to check water pressure by using pressure gauge?

- Connect a piece of hose to the gauge
- Attach the other end to your tap
- Turn the water on fully
- Read the pressure - it's as simple as that!

Why iSpring Water Systems?

- Family owned innovative small business that thrives on customers satisfaction
- Built in USA Legendary brand of water filter
- WOA Gold Seal & NSF Certified product to ensure product quality, material safety and your health
- Free tech support before and after sale from Atlanta, Georgia. We love to help our customers.
- Ship from Atlanta facility daily. Only 2-day transit time for most states in Eastern time zone and part of Central time zone (including Texas)

Reviews

Customers who bought this product also purchased

<p>iSpring Automatic Shut-off Valve (ASV) Quick Fitting \$12.99</p>	<p>iSpring Whole House 12GPM 55W UV Disinfection System / Ultra Violet Sterilizer \$279.99</p>	<p>iSpring Membrane Double Clamp #ACN22 \$7.50</p>
<p>iSpring 500GPD RO 2-Year Filter Supply Pack, Fits RCS5T \$252.99</p>	<p>iSpring High pressure switch for Reverse Osmosis Water Filter with Booster Pump #AHP \$11.90</p>	<p>iSpring Handheld TDS Meter With Carrying Case, 0 - 9990 ppm TDS Measurement Range, 1 ppm Resolution, +/- 2% Readout Accuracy \$14.99</p>

Exhibit B

Google "built in usa" site: 123filter.com 1 C

All Shopping News Videos Images More Settings Tools

About 5,450 results (0.67 seconds)

iSpring Water Systems - #1 Best Seller Reverse Osmosis Water Filter
<https://www.123filter.com/> ▼
 Got clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...
 You visited this page on 11/15/16.

Our Contact Information | iSpring Water Systems - #1 Best Seller ...
www.123filter.com/catalog/contact_us.html ▼
 Got clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS ... Thank you for visiting our website. If you have any ...

About Us | iSpring Water Systems - #1 Best Seller Reverse Osmosis ...
www.123filter.com/catalog/about_us.html ▼
 Got clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Faq | Installation manual | iSpring Water Systems - #1 Best Seller ...
<https://www.123filter.com/catalog/knowledgebase.php> ▼
 Got clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Parts and Accessories | iSpring Water Systems
www.123filter.com/catalog/parts-and-components.html ▼
 ... a range of high quality parts and components for drinking water systems at 123filter! ... BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST ...

iSpring #RCC7 RCC7 5-Stage Residential Under-Sink Reverse ...
www.123filter.com/.../ispring-5-stage-75gpd-reverse-osmosis-system-rcc7-comparin... ▼
 Got clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Replacement Water Filter Packs | iSpring Water Systems
www.123filter.com/catalog/replacement-cartridge.html ▼
 Got clean water? BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI STANDARDS · HOME · Knowledge base · Installers · Policies ...

Warranty Registration | iSpring Water Systems - #1 Best Seller ...
www.123filter.com/catalog/warranty_registration.html ▼
 BUILT IN USA WITH WQA GOLD SEAL CERTIFICATION AGAINST NSF/ANSI ... We do not have the order information from vendors other than 123Filter.com ... and continue supplying replacement filter cartridges at factory direct prices.

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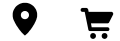
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Some articles on safe water and water filters:

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- Google+ (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/?share=google-plus-1&nb=1>)
- Email (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/?share=email&nb=1>)
- Print (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/#print>)
- Pinterest (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/?share=pinterest&nb=1>)
- LinkedIn (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/?share=linkedin&nb=1>)
- Reddit (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/?share=reddit&nb=1>)
- Custom (<http://purwaterfilters.org/product/ispring-rcc7-built-in-usa-wqa-certified-reverse-osmosis-5-stage-75gpd-under-sink-water-filter-with-brushed-nickel-eu-faucet-see-through-housing/?share=custom-1466591214&nb=1>)

Related Products

iSpring RCC7AK – Built in USA, WQA Certified Reverse Osmosis 6 Stages 75GPD Under Sink Water Filter w/ Alkaline stage, Clear Housing, Designer Faucet (<http://purwaterfilters.org/product/ispring-rcc7ak-built-in-usa-wqa-certified-reverse-osmosis-6-stages-75gpd-under-sink-water-filter-w-alkaline-stage-clear-housing-designer-faucet/>)



Details (<http://purwaterfilters.org/product/ispring-rcc7ak-built-in-usa-wqa-certified-reverse-osmosis-6-stages-75gpd-under-sink-water-filter-w-alkaline-stage-clear-housing-designer-faucet/>)

[Add To Cart](#)

iSpring F7-GAC 1-Year Replacement Filter Set for 5-stage RO Filters, Fits iSpring RCC7, RCC7P, RCC7U, RCC1P, RCC1UP, RCW5 (2pcs 2SED 2GAC 2CTO 1T33, no membrane) (<http://purwaterfilters.org/product/ispring-f7-gac-1-year-replacement-filter-set-for-5-stage-ro-filters-fits-ispring-rcc7-rcc7p-rcc7u-rcc1p-rcc1up-rcw5-2pcs-2sed-2gac-2cto-1t33-no-membrane/>)



Details (<http://purwaterfilters.org/product/ispring-f7-gac-1-year-replacement-filter-set-for-5-stage-ro-filters-fits-ispring-rcc7-rcc7p-rcc7u-rcc1p-rcc1up-rcw5-2pcs-2sed-2gac-2cto-1t33-no-membrane/>)

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iSpring GB1 Standard Reverse Osmosis RO Water Filter Faucet (<http://purwaterfilters.org/product/ispring-gb1-standard-reverse-osmosis-ro-water-filter-faucet/>)



Details (<http://purwaterfilters.org/product/ispring-gb1-standard-reverse-osmosis-ro-water-filter-faucet/>)

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iSpring RCC7AK-UV – WQA Gold Seal – Most Comprehensive 7-Stage 75GPD Reverse Osmosis Water Filter with Flow Sensor Switch, 11W UV & Alkaline Mineral Stage (<http://purwaterfilters.org/product/ispring-rcc7ak-uv-wqa-gold-seal-most-comprehensive-7-stage-75gpd-reverse-osmosis-water-filter-with-flow-sensor-switch-11w-uv-alkaline-mineral-stage/>)



Details (<http://purwaterfilters.org/product/ispring-rcc7ak-uv-wqa-gold-seal-most-comprehensive-7-stage-75gpd-reverse-osmosis-water-filter-with-flow-sensor-switch-11w-uv-alkaline-mineral-stage/>)

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Important Links

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- > [Frigidaire Water Filter \(http://frigidairwaterfilter.blogspot.com/\)](http://frigidairwaterfilter.blogspot.com/)
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172 3033

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney**

In the Matter of

**iSPRING WATER SYSTEMS, LLC
a limited liability company.**

)
)
) **Docket No. C-4611**

)
) **DECISION AND ORDER**
)
)

DECISION

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondent named 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 violation of the Federal Trade Commission Act.

Respondent and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) a statement by Respondent that it neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Decision and Order, and that only for purposes of this action, it 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 comment received from an interested person pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34. Now, in further conformity with the procedure prescribed in Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

Findings

1. Respondent is a Georgia limited liability company with its principal office or place of business at 3020 Trotters Parkway, Alpharetta, GA 30004.
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. “Clear(ly) and conspicuous(ly)” means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
 1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure (“triggering representation”) is made through only one means.
 2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.
 3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 5. On a product label, the disclosure must be presented on the principal display panel.
 6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the triggering representation appears.
 7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.

9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.
- B. “Made in the United States” shall mean any representation, express or implied, that a product or service, or a specified component thereof, is of U.S.-origin, including, but not limited to, a representation that such product or service is “made,” “manufactured,” “built,” or “produced” in the United States, or any other U.S.-origin claim.
- C. “Respondent” means iSpring Water Systems, LLC, also doing business as 123filter.com, and their successors and assigns.

Provisions

I.

PROHIBITED MISREPRESENTATIONS

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, sale, or distribution of any water filtration system or associated parts and accessories, or any other product or service, must not make any representation, expressly or by implication, that a product or service is Made in the United States unless:

- A. The final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or
- B. A Clear and Conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients, and/or processing.

II.

SUBSTANTIATION

IT IS FURTHER ORDERED that Respondent, Respondent’s officers, agents, servants, 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 promoting or offering for sale any product or service, shall not make any representation, in any manner, expressly or by implication, regarding the country of origin of any product or service unless the representation is true, not misleading, and at the time it is made, Respondent possesses and relies upon a reasonable basis for the representation.

III. 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 sworn under penalty of perjury.
- B. For 20 years after the issuance date of this Order, 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 conduct related to 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 Reports 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, a signed and dated acknowledgment of receipt of this Order.

IV. COMPLIANCE REPORTS AND NOTICES

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

- A. One year after the issuance date of this Order, Respondent must submit a compliance report, sworn under penalty of perjury, in which Respondent must: (a) 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; (b) identify all of Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales; (d) describe in detail whether and how Respondent is in compliance with each Provision of this Order, including a discussion of all of the changes Respondent made to comply with the Order; and (e) provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.
- B. Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following: (a) any designated point of contact; or (b) 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: 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 iSpring Water Systems, LLC.

V. RECORDKEEPING

IT IS FURTHER ORDERED that Respondent must create certain records for 20 years after the issuance date of the Order, and retain each such record for 5 years, unless otherwise specified below. Specifically, Respondent must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, 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. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission;
- E. A copy of each unique advertisement or other marketing material making a representation subject to this Order; and

- F. 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 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.

VI. 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.

VII. 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 6, 2037, 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:

- A. Any Provision in this Order that terminates in less than 20 years; and
- B. This Order if such complaint is filed after the Order has terminated pursuant to this Provision.

Provided, further, that 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.

Donald S. Clark
Secretary

SEAL:
ISSUED: April 6, 2017

EXHIBIT D



FEDERAL TRADE COMMISSION

PROTECTING AMERICA'S CONSUMERS

Marketer of Water Filtration Systems Settles with FTC, Agrees to Drop Misleading 'Made in USA' Claims

FOR RELEASE

February 1, 2017

TAGS: [deceptive/misleading conduct](#) | [Consumer Goods \(Non Food & Beverage\)](#) | [Bureau of Consumer Protection](#)

A Georgia-based distributor of water filtration systems will stop making misleading unqualified claims that its products are made in the United States, under a settlement with the Federal Trade Commission.

In its complaint against iSpring Water Systems, LLC, the FTC alleged that the company deceived consumers with false, misleading, or unsupported claims that its water filtration systems and parts are “Built in USA,” “Built in USA Legendary brand of water filter,” and “Proudly Built in the USA.” In fact, according to the complaint, iSpring’s products either are wholly imported or are made using a significant amount of inputs from overseas.

“Supporting American manufacturing is important to many consumers. If a product is advertised or labelled as ‘made’ or ‘built’ in the USA, consumers rightly expect that to be the case when they part with their hard-earned money,” said Acting FTC Chairman Maureen Ohlhausen. “This is an important issue for American business and their customers, and the FTC will remain vigilant in this area.”



iSpring markets water filtration products to consumers on its website, and through third parties that include Amazon, Overstock, and the websites of Sears, Home Depot, and Walmart.

The stipulated final order prohibits iSpring from making unqualified “Made in USA” claims for any product unless it can show that the product’s final assembly or processing – and all significant processing – take place in the United States, and that all or virtually all ingredients or components of the product are made and sourced in the United States. iSpring also is prohibited from making any country-of-origin representation about its products unless it possesses and relies upon a reasonable basis for that representation. The order permits iSpring to make qualified “Made in USA” claims as long as they include a clear and conspicuous disclosure about the extent to which the product contains foreign parts, ingredients, and/or processing.

More information about the FTC's consent agreement can be found in [the analysis to aid public comment](#).

The Commission vote to issue the complaint and accept the proposed consent order was 3-0. The FTC will publish the consent agreement package in the Federal Register shortly. The agreement will be subject to public comment for 30 days, beginning today and continuing through March 3, 2017, after which the Commission will decide whether to make the proposed consent order final. [Comments can be filed electronically](#) or in paper form by following the instructions in the "Supplementary Information" section of the Federal Register notice.

NOTE: The Commission issues an administrative complaint when it has "reason to believe" that the law has been or is being violated, and it appears to the Commission that a proceeding is in the public interest. When the Commission issues a consent order on a final basis, it carries the force of law with respect to future actions. Each violation of such an order may result in a civil penalty of up to \$40,654.

The FTC's [Enforcement Policy Statement on U.S. Origin Claims](#) provides further guidance on the Made in USA standard.

The Federal Trade Commission works to promote competition, and [protect and educate consumers](#). You can [learn more about consumer topics](#) and file a [consumer complaint online](#) or by calling 1-877-FTC-HELP (382-4357). Like the FTC on [Facebook](#), follow us on [Twitter](#), read our [blogs](#) and [subscribe to press releases](#) for the latest FTC news and resources.

PRESS RELEASE REFERENCE:

[FTC Approves Final Consents Settling Charges that Two Companies Made Misleading Made-in-the-USA Claims](#)

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ftc.gov

EXHIBIT E

SPECIAL REPORT

Made in America

Most Americans love the idea of buying a U.S.-made product instead of an import. But sometimes it's hard to tell what's real and what's not.

Published: May 21, 2015 06:00 AM



Who gets to use the 'Made in America' tag? + | Just how American are these iconic brands? +

Almost 8 in 10 American consumers say they would rather buy an American-made product than an imported one, according to a recent Consumer Reports survey. And more than 60 percent say they're even willing to pay 10 percent more for it. For some, the decision might stem from a belief in American quality and safety. Others might think it's the best way to support the American economy and workers. But in our increasingly complex global economy, how much meaning does a label stating "Made in America" still hold? (Get more details from our nationally representative survey by clicking on the image a right.)



Click on the image to expand it and see what Americans have to say about buying American.

Some iconic American products, from the Apple iPhone to Cuisinart food processors, have little or no manufacturing presence on these shores, while many foreign makers have invested heavily in manufacturing plants in the U.S. The auto industry has long grappled with what it means to be made in America. (Read ["What Makes a Car 'American'?"](#)) But now, because of a wave of "reshoring," many [appliance manufacturers](#) and other companies are moving significant operations back to the USA. Since 2010, about 300 companies have returned here, according to the Reshoring Initiative, an industry-supported not-for-profit that focuses on bringing manufacturing jobs back.

And yet the perception persists that American manufacturing is in decline. It's fueled by the fact that very few products sold in the U.S. in certain high-profile categories, such as consumer electronics and clothing, are actually produced here. But the Department of Commerce reports that between 2009 and the end of 2014, U.S. manufacturing output grew by 45 percent, 646,000 jobs were added between February 2010 and May 2014, and another 243,000 positions are waiting to be filled. (Even so, such growth hasn't made up fully for losses during the 2008-2009 recession.)

Two reasons cited for a resurgence of American manufacturing in recent years are newly cheap energy and the narrowing gap in labor costs between the U.S. and other countries. But it's not just about costs. A third factor is increased investment in research and development.

Some analysts say that the frontier in innovation lies in "brainfacturing." It's a term that describes a new wave of manufacturing focused on research in digital technologies, automation, and new materials. In certain industries, such as software, American companies are so dominant that other countries are enacting legislation to encourage development of their own products in order to lessen their reliance on U.S. technology.

No matter how you define a "Made in America" label, though, it has selling power, and many marketing departments are rushing to capitalize on it. But consumers often don't know whether they can trust the claim. The Federal Trade Commission has issued standards for products that bear a "Made in the USA" label, but those guidelines aren't widely understood. And the claim gets even more confusing when compared with products that say "assembled" or "designed" in America. Adding to the cacophony, there is plenty of outright

deception by companies that slap Americana on their products, in hopes they'll be able to cash in on public sentiment before getting found out as a fraud.

In an effort to capture the wide range of voices on this nuanced topic, we asked 13 leaders to weigh in. We also provide a guide to some of the highest-rated products—ones that live up to the "Made in America" promise.

Who gets to use the 'Made in America' tag?

Renewed pride in American manufacturing has made it more fashionable—and profitable—for companies to wax patriotic in their advertising, even when the claims are far from bona fide. "We see many goods which say 'Made in the USA,' but they're actually made in China," says Hal Sirkin, a senior partner at The Boston Consulting Group, global-management consultants.

The federal government's "Made in USA" standards empower the Federal Trade Commission to take action against companies that make false or misleading claims.



All or almost all of a product bearing the label must be of U.S. origin, i.e., it should contain no foreign content (or a negligible amount) and its final assembly or processing must take place within the 50 states, the District of Columbia, or U.S. territories and possessions.

But the standards also allow manufacturers to make "qualified" claims for products that aren't entirely of domestic origin. One example: a GE refrigerator with 87 percent U.S. content.

Why fakes sneak through

The role of the FTC is to provide guidance to companies that want to use the label; it doesn't police every product on the market. "It's often a question of context," says Julia Solomon Ensor, a lawyer for the agency. "A product may convey that it's made in the USA, with a huge American flag on the package, but then there will be a tiny qualifier saying it consists of 100 percent imported parts."

The FTC would certainly challenge that kind of claim, but only after receiving a formal complaint from an outside party. "Most complaints come from competing companies, who can best determine if a product is truly made in the U.S.," Ensor says. "It's very difficult for the typical consumer to know if a claim is true or not."

It doesn't help that the FTC standards allow companies to design their own labels, unlike the federal Energy Star program, for example, with its distinctive blue label that's a recognized mark of energy efficiency. 'Made in the USA' labels, by comparison, take many forms, as the examples below show.

Paradoxically, plenty of products that really are manufactured domestically don't carry a 'Made in America' label. For example, many Kenmore appliances are produced in the U.S., but you won't see any patriotic labeling on them because Kenmore also has contracts with foreign manufacturers.

How to recognize imports

Given the vagaries of "Made in the USA" labeling, another strategy is to look for a "Country of Origin" mark, which Customs and Border Protection require on all imported products. It must be in a conspicuous place where it can be seen with casual handling, so you should be able to find it easily while shopping in a store. With refrigerators, for example, the country of origin is on the manufacturing sticker usually found on an interior wall. With gas grills, the sticker can be found on the back of the metal frame or cart. (Bear in mind that the marking isn't required on American-made products.)

We've mined our current Ratings in a dozen product categories for recommended models that were made in the USA out of mostly U.S.-supplied parts, even if their manufacturers don't advertise the fact. See [our list](#).

If you come across a claim that seems bogus, [file a complaint at ftc.gov](#) or call 877-FTC-HELP. An investigation will probably take a while, and the FTC won't respond to you directly, so playing the vigilante role won't help with your immediate purchase. But you'll be doing your part to uphold the integrity of the "Made in the USA" claim.

Just how American are these iconic brands?



Photo: Trey Wright

Company	Key facts
GE Appliances (Louisville, Ky.)	Since 2009, GE has invested \$1 billion to bring some of its manufacturing home to the U.S., with most of the investment going to Appliance Park, a 900-acre facility in Louisville. That's led to 3,000 new manufacturing jobs. GE's qualified "Made in America" label tells how much U.S. content is in each appliance. For example, the company says its bottom-freezer refrigerators comprise 87 percent domestic parts.
Whirlpool (Benton Harbor, Mich.)	It's the world's largest appliance manufacturer; its brands include Amana, Jenn-Air, KitchenAid, and Maytag. It's also the leading producer of U.S. appliance factory jobs with eight factories nationwide employing 15,000 workers. About 80 percent of Whirlpool appliances sold in the U.S. are made here. Some foreign components are used, but Whirlpool's label doesn't indicate how much.
Frigidaire (Stockholm, Sweden)	Frigidaire, whose label says "Built with American pride," was founded in Fort Wayne, Ind., in 1916. It remained a U.S.-owned company until 1986, when it was purchased by the Swedish multinational Electrolux (which is also in the process of acquiring GE Appliances). Electrolux has been moving its manufacturing to Asia, Latin America, and other low-cost areas, but Frigidaire still maintains five plants in the U.S., including one in Memphis, Tenn., that opened in late 2013.
Apple (Cupertino, Calif.)	Although a few Apple products are American-made, including the Mac Pro computer manufactured in Austin, Texas, the bulk of its manufacturing happens in China. Hence the "Designed by Apple in California" label shown above. Apple claims that its innovation has produced more than 1 million U.S. jobs. But only 66,000 are actual Apple employees, including 30,000 retail workers.
Ariens (Brillion, Wis.)	Although many of its engines are imported, Ariens, which boasts of "American craftsmanship," employs more than 1,000 American workers in three factories to produce outdoor power equipment. Another 400 U.S.

	workers design, test, sell and support its products and customers.
Troy-Bilt (Valley City, Ohio)	Troy-Bilt's label, which says "Rooted in America," plays up its agrarian origins. In 1937, it revolutionized the rototiller, which is still a signature product, along with lawn mowers, leaf blowers, and other outdoor power equipment. It was bought by MTD, a Cleveland-based manufacturer, in 2001. Its five U.S. factories use a combination of domestic and foreign parts.

Editor's Note: This article also appeared in the July 2015 issue of *Consumer Reports* magazine.

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EXHIBIT F

amazon.com

Final Details for Order # 106-2678826- [REDACTED]

Print this page for your records.**Order Placed:** January 29, 2014**Amazon.com order number:** 106-2678826- [REDACTED]**Order Total: \$185.35****Shipped on January 29, 2014****Items Ordered**1 of: *iSpring 75GPD 5-Stage Reverse Osmosis Water Filter System*

Sold by: Amazon.com LLC

Condition: New

Price

\$170.96

Shipping Address:

Timothy O'Sullivan

[REDACTED]

BEAUFORT, SC [REDACTED]

United States

Item(s) Subtotal: \$170.96

Shipping & Handling: \$0.00

Total before tax: \$170.96

Sales Tax: \$0.00

Total for This Shipment: \$170.96

Shipping Speed:

Two-Day Shipping

Shipped on January 29, 2014**Items Ordered**1 of: *HM Digital TDS-EZ Water Quality TDS Tester, 0-9990 ppm Measurement Range , 1 ppm Resolution, +/- 3%**Readout Accuracy*

Sold by: Amazon.com LLC

Condition: New

Price

\$14.39

Shipping Address:

Timothy O'Sullivan

[REDACTED]

BEAUFORT, SC [REDACTED]

United States

Item(s) Subtotal: \$14.39

Shipping & Handling: \$0.00

Total before tax: \$14.39

Sales Tax: \$0.00

Total for This Shipment: \$14.39
-----**Shipping Speed:**
Two-Day Shipping**Payment information****Payment Method:**

██████ | Last digits: ██████

Billing address

Timothy O'Sullivan

██████████
BEAUFORT, SC ██████████
United States

Item(s) Subtotal: \$185.35

Shipping & Handling: \$0.00

Total before tax: \$185.35

Estimated tax to be collected: \$0.00
-----**Grand Total: \$185.35****Credit Card transactions**

██████ ending in ██████ January 29, 2014: \$14.39

██████ ending in ██████ January 29, 2014: \$170.96

To view the status of your order, return to [Order Summary](#).[Conditions of Use](#) | [Privacy Notice](#) © 1996-2017, Amazon.com, Inc. or its affiliates

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Beaufort County, SC
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James W. Hurt, Jr.,
Hurt Stolz, P.C., 345 West Hancock Avenue, Athens, GA 30601,
706-395-2750

DEFENDANTS

County of Residence of First Listed Defendant Fulton County, GA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
- Incorporated or Principal Place of Business In This State
- Incorporated and Principal Place of Business In Another State
- Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Overpayment of Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	PERSONAL PROPERTY		SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 864 SSID Title XVI	<input checked="" type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	LABOR	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 751 Family and Medical Leave Act		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 790 Other Labor Litigation		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 791 Employee Retirement Income Security Act		
	<input type="checkbox"/> 448 Education	IMMIGRATION		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		
	PRISONER PETITIONS			
	Habeas Corpus:			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332(d)(2)

Brief description of cause:

Violations of the Georgia Fair Business Practices Act and the South Carolina Unfair Trade Practices Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

June 15, 2017

SIGNATURE OF ATTORNEY OF RECORD

s/ James W. Hurt, Jr.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.