May 21, 2019

VIA EMAIL AND OVERNIGHT MAIL

Andrew Smith, Director, Bureau of Consumer Protection
James A. Kohm, Associate Director, Division of Enforcement
Julia Ensor, Attorney, Division of Enforcement
Federal Trade Commission
600 Pennsylvania Ave. N.W.
Washington, D.C. 20580

Re: Williams-Sonoma, Inc.’s Continuing Use of False Made in the USA Marketing

Dear Attorneys Smith, Kohm, and Ensor:

As you know, the FTC previously investigated Williams-Sonoma, Inc. – a California-based multi-billion dollar retail company – for falsely marketing certain Chinese-made products as “Crafted in America.” This investigation resulted in a June 2018 closing letter from the FTC indicating that the Commission was not pursuing its investigation due to the company’s corrective actions at that time. In connection with this investigation, Williams-Sonoma represented to the FTC that the false U.S.-origin claim at issue was “an isolated error that occurred when Company personnel transposed two SKU numbers” and pledged to follow an established three-step process to prevent future consumer deception with respect to country-of-origin claims for products on its website and to ensure compliance with the FTC’s Enforcement Policy Statement on U.S.-Origin Claims.

Unfortunately, much like its Made in USA marketing, Williams-Sonoma’s representations to the FTC were false. Between April and May 2019, TINA.org collected hundreds of examples of products that are or have been marketed by Williams-Sonoma as made in the USA but are either imported or made with imported materials, according to origin information inconspicuously provided on the company’s various websites. The examples collected by TINA.org were drawn from seven of Williams-Sonoma’s sites – Williams-Sonoma, Williams-Sonoma Home, Rejuvenation, Pottery Barn, PBteen, Pottery Barn Kids, and West Elm – and are available at https://www.truthinadvertising.org/williams-sonoma-summary-of-action/.
By way of example, through May 2019, Williams-Sonoma marketed its Goldtouch Bakeware as “made in the USA” on the bakeware section of its site, while the company inconspicuously states – on an individual product page, in a “Dimensions & More Info” section that is beneath the “Add To Cart” button – that consumers must click on to open and read – that this Goldtouch Bakeware product below (as well as others) is Made in China.
Similarly, the company markets several of its Williams-Sonoma Home furniture lines as “Handcrafted in the USA,” including, for example, its Fitzgerald line,

while the company inconspicuously states – again, on an individual product page, in a “Dimensions & More Info” section – that this Fitzgerald furniture product is also Made in China:

Note: The above screenshots are excerpts taken from the actual webpage and are not representative of the proximity of the origin information to the product description.
In social media marketing, Williams-Sonoma also claims its Presidio sofa is “Made in USA.”

The Williams-Sonoma YouTube page that features this video contains no origin information about the Presidio sofa. However, according to inconspicuous “Additional Information” on Williams-Sonoma’s product webpage, the sofa contains imported materials.

Note: The above screenshots are excerpts taken from the actual webpage and are not representative of the proximity of the origin information to the product description.
Most of Williams-Sonoma’s other brands fare no better. On its Rejuvenation Homepage and Furniture page, as well as in promotional emails, the company markets its furniture as “Made in America” and “Made in the USA.”

Rejuvenation Homepage

Rejuvenation May 2019 promotional email

Rejuvenation furniture page
while the company states, in the “Ideas” section of its Rejuvenation website, which is several clicks removed from the homepage, that its leather – a critical component of all of its leather furniture – is imported:  

Leather gets better with age. Like your favorite bomber jacket or Little League glove, it has sentimental comfort that patinas over time, and immediately makes you feel right at home. Few things can be as simultaneously luxurious and lived-in as leather.

We partner with industry-leading leather experts that source the best hides to ensure your pieces will last a lifetime and more. Our options are all top-grain, which means they come from the top layer of the hide for unmatched quality. The leather is then tanned using different processes to create a variety of stunning colors and textures.

• Prized for its natural depth and longevity, leather is easy to clean and ultra-durable.

• Our 100% leather upholstery selection wears beautifully and will develop a rich patina over time.

• High-quality leather is carefully sourced from Italy, Thailand, and New Zealand and then tanned on large European bull hides.

• Pure aniline dye saturates the hides with rich color, highlighting the inherent characteristics in each piece.
An April 2019 version of the Rejuvenation homepage had a similar issue, claiming that its outdoor lighting is “Made in America.”\(^{15}\)

However, all three of the featured products in the image above are either imported or contain imported parts, according to product specifications information that is frequently hidden from sight unless a consumer hovers over the “Product Description” section of the webpage and scrolls down to reveal the final lines of text, as well as product packaging:\(^{16}\)

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**Screenshot from Rejuvenation Pittock Single Sconce product webpage indicating the product is “Imported”**

**Photograph of Rejuvenation Pittock Single Sconce product packaging stating the product is “Made in China”**
On its Furniture landing page, Rejuvenation also claims its solid walnut bedroom furniture is “made in the USA,” while the very bed featured in the image above is actually imported, according to the Product Specifications box.
Williams-Sonoma also markets many Pottery Barn, PBteen, Pottery Barn Kids, and West Elm products as made in the USA, as well as “Crafted” and “Handcrafted” in America (among other similar terms), while product specifications state that the items contain imported materials or are fully made in other countries.

For example, in a video on the pbteen.com website, as well as on the PBteen YouTube channel, Williams-Sonoma claims its PBteen upholstered furniture is “Made in America.”

[Video language: “Furniture’s been made in Hickory for over 100 years. … Here at Pottery Barn Teen, we take pride and put our heart and soul into every product that we build here. … Everything here is handcrafted. … Made in America means pride, it means opportunity, and it means people are working in America. It makes our country stronger. … I see a label that says ‘Made in America’ and I’m proud.”]

while TINA.org’s database shows that is frequently not the case:

Note: The above screenshots are excerpts taken from the actual webpage and are not representative of the proximity of the origin information to the product description.
The above examples are merely a handful of the more than 800 collected by TINA.org that do not meet the FTC’s definition of Made in the USA.

Simply put, TINA.org’s findings make clear that the FTC’s June 2018 closing letter was ineffective at putting an end to Williams-Sonoma’s deceptive U.S.-origin marketing. Such false and misleading statements have the potential of deceiving millions of consumers, the majority of whom prefer and specifically seek out products made in the U.S. Thus, it is critically important that the company’s continuing consumer deception be addressed if the Commission’s Enforcement Policy Statement on U.S.-Origin Claims is to be taken seriously by not only Williams-Sonoma but other companies as well. As such, TINA.org urges the FTC to reopen its investigation of Williams-Sonoma and take appropriate enforcement action.

If you have any questions or need further information, please do not hesitate to contact us.

Sincerely,

[Signature]
Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.

[Signature]
Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

Cc: David King, General Counsel
    Danielle Hohos, Deputy General Counsel
    Williams-Sonoma, Inc.
    3250 Van Ness Ave.
    San Francisco, CA 94109


3 Id.

4 The more than 800 product examples in TINA.org’s database include products that have been marketed directly, as well as indirectly, as made in the USA. For example, Williams-Sonoma claims on its Pottery Barn Kids website, that its “bedding essentials,” among other things, are made in the USA without defining the term or specifying which products are included in the “bedding essentials” category. See https://www.potterybarnkids.com/shop/tips-and-ideas/crafted-in-america-feature/. Thus, TINA.org’s Pottery Barn Kids database includes quilts, sheet sets, blankets, pillow and duvet inserts, and mattress pads that are imported or contain imported components because a reasonable consumer may interpret Made in USA bedding essentials to encompass those items. See TINA.org’s Pottery Barn Kids database, www.truthinadvertising.org/pottery-barn-kids-database.

5 TINA.org’s databases represent samplings and are not intended to be a complete list of deceptive Williams-Sonoma Made in USA marketing materials or a complete list of products that contain imported materials or are made in other countries.

TINA.org’s Williams-Sonoma database: www.truthinadvertising.org/williams-sonoma-database
TINA.org’s Williams-Sonoma Home database: www.truthinadvertising.org/williams-sonoma-home-database
TINA.org’s Rejuvenation database: www.truthinadvertising.org/rejuvenation-database
TINA.org’s Pottery Barn database: www.truthinadvertising.org/pottery-barn-database
TINA.org’s PBteen database: www.truthinadvertising.org/pbteen-database
TINA.org’s Pottery Barn Kids database: www.truthinadvertising.org/pottery-barn-kids-database
TINA.org’s West Elm database: www.truthinadvertising.org/west-elm-database

6 https://www.williams-sonoma.com/shop/bakeware/?cm_type=gnav. See also How to Make the Most of Goldtouch Bakeware | Williams Sonoma, https://www.youtube.com/watch?v=3_tq6Vu9Ydk.

Note that all of the examples of Williams-Sonoma marketing materials highlighted in this letter are captured and preserved in TINA.org’s databases.

7 Disclosures must be clear and conspicuous, and appear “before consumers make a decision to buy – e.g., before they ‘add to shopping cart.’” FTC’s .com Disclosures: How to Make Effective Disclosures in Digital Advertising, https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf.
8 https://www.williams-sonoma.com/products/tartlet-baking-set/?pkey=cbakeware-williams-sonoma%7Cbakeware-usa-goldtouch&isx=0.0.6824.


In other examples, individual product pages contain conflicting U.S.-origin claims within the same page. For example, the Rejuvenation Hood - Classic Globe Pendant is marketed, in several places on the product page, as “built-to-order” in Portland, Oregon, which, according to the FTC, means the product was made in the USA, while the language at the very bottom of the Product Specifications section, which is not visible unless a user hovers over that portion of the webpage and scrolls down, states “Assembled in the USA of domestic and imported parts.”

HOOD (item 826489)
Classic Globe Pendant

$629.00

This product is built-to-order at our Portland, Oregon factory and delivered to your door in 2-3 weeks.

START WITH A POPULAR COMBINATION

PRODUCT DESCRIPTION

Our designs are inspired by the past to be enduring features in your home now and into the future. The Hood is a reproduction of a factory light made in 1915, and each one is built-to-order at our Portland factory today. Although historically inspired, the Hood is crafted with contemporary details and several finish options for a truly timeless fixture. Choose from several globe sizes and styles for a customized look, from a period-authentic wire net to a contemporary clear glass shade.

DETAILS YOU’LL APPRECIATE

- Vintage-inspired, industrial design
- Versatile solid brass fixture
- Built to order to your custom specifications in our Portland, Oregon factory

PRODUCT SPECIFICATIONS

- Solid brass parts
- Accommodates 60-watt bulbs
- Choose standard incandescent or energy-efficient GU24 sockets
- Suitable for indoor and covered outdoor use (UL Listed Damp)
- Assembled in the USA of domestic and imported parts
In its marketing materials, Williams-Sonoma uses the terms “made,” “benchmade,” “crafted,” “built,” “produced,” and “constructed” interchangeably and synonymously. See examples below (yellow highlights added by TINA.org):


CRAFTED IN AMERICA
MATTERS TO US — HERE’S WHY

At Pottery Barn Kids, we’re proud to be crafted in the USA. Lots of our upholstered furniture is built right here in America by talented craftsmen and craftswomen. When you choose a piece of Pottery Barn Kids furniture, know that each piece of fabric was cut and sewn, and each nail was driven, by a careful hand. More than just furniture, our engraving jewelry, bedding essentials and some rugs are all Made in the USA, too.

SUTTER STREET FACTORY

The small town of Hickory, North Carolina has a long history of furniture making and craftsmanship. In fact, it's home to one of the oldest furniture manufacturers in the United States. That’s why Pottery Barn Kids – and so many other businesses – chose this spot for our upholstered furniture factory.

Located right on Sutter Street, the Pottery Barn Kids factory is in the heart of furniture country. You can feel confident knowing that the most skilled craftsmen are putting together your family’s furniture as they have been for over 100 years.


https://www.westelm.com/shop/furniture/upholstered-furniture-collection/assembled-in-the-usa/?isx=0.508
A PEEK INSIDE OUR NORTH CAROLINA FACTORY

ILL SWANSON
September 5, 2018

Western North Carolina was known as the center of furniture-making in the US for more than a century, but eventually many of the jobs moved overseas and the local industry began declining, losing more than 60% of jobs in the two decades after 1992.

In 2001, Williams-Sonoma, Inc., west elm’s parent company, founded Sutter Street manufacturing to help revive the craft of furniture-making in this region. Skilled artisans, many of them second- and third-generation, now hand-build and upholster 350,000 pieces there annually with pride.

Sutter Street started with 25 associates and now employs more than 775 workers, making it a key driver in the renaissance of furniture-making in North Carolina. They make our Harmony Sofa and Graham Glider.

In addition to Sutter Street, we use other US factories to make our upholstered furniture, such as our best-selling Urban, Drake and Raleigh collections, which are handcrafted in Mississippi. We’re now making about 100,000 sofas and chairs in the US annually, and growing. This furniture not only offers great comfort + style, but also handcrafted-in-the-USA pride to your home.

Come along and see how our Harmony Sofa is crafted at Sutter Street in Claremont, North Carolina.

https://blog.westelm.com/2018/09/05/west-elms-north-carolina-factory/

https://www.truthinadvertising.org/wp-content/uploads/2019/05/Promotional-Email-5_09_19-WM.png
On its West Elm website, however, Williams-Sonoma uses the terms “assembled” and “made” – which, according to the FTC, have two very different meanings – interchangeably. This mixing up of terms is not only confusing but may also mislead consumers as to the true origin of products.


