



January 19, 2021

VIA EMAIL

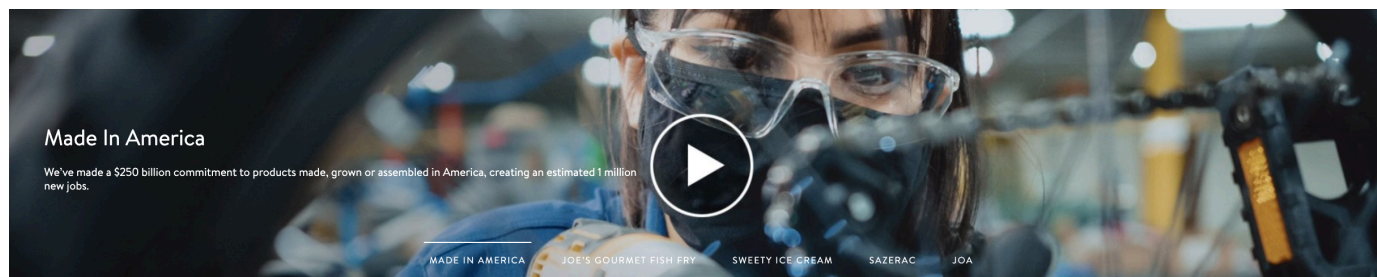
James A. Kohm, Associate Director
Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
Mail Stop CC-9528
600 Pennsylvania Ave. N.W.
Washington, D.C. 20580
[REDACTED]

Re: Walmart's Continuing False and Deceptive U.S.-Origin Marketing

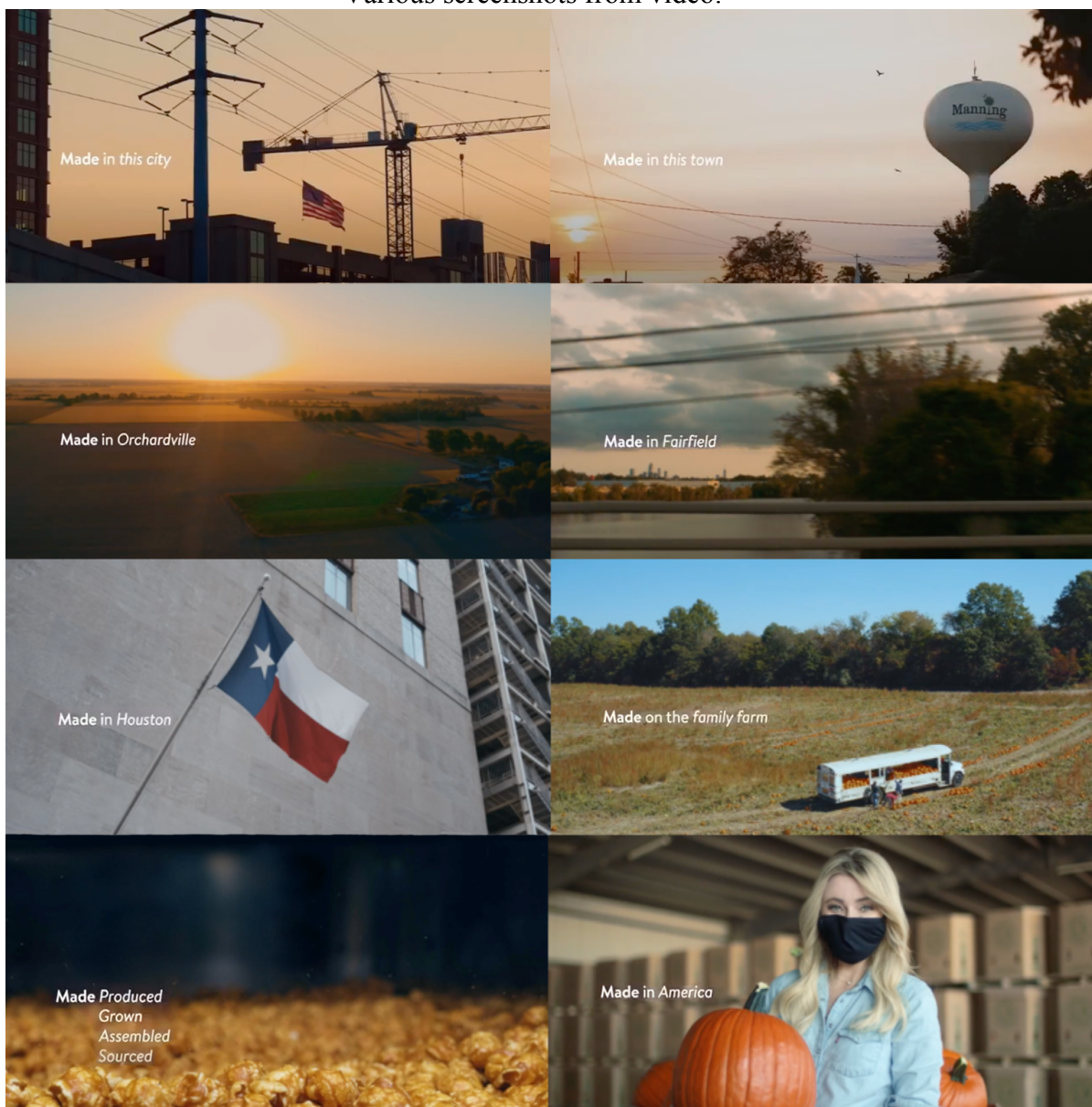
Dear Mr. Kohm:

As you will recall, in July 2015 TINA.org filed a complaint with the FTC regarding false and deceptive Made in USA representations on Walmart.com, which resulted in an FTC investigation and eventual closing letter. Pursuant to that closing letter, the Commission raised concerns regarding country-of-origin claims on the Walmart website, as well as concerns relating to the clarity and conspicuousness of disclosures on "Made in USA" labels used in conjunction with Walmart's Investing in American Jobs Program.¹

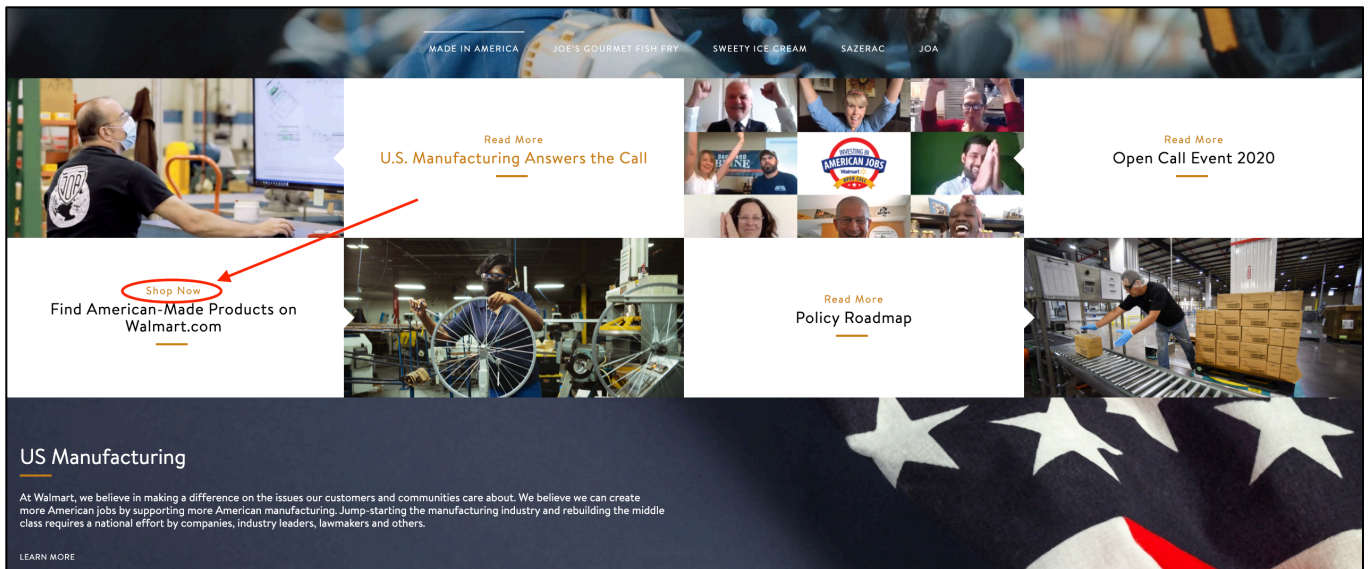
Now, more than five years later, the world's largest retailer² continues to violate the law. Walmart, through its American jobs initiative website portal, is still advertising products as Made in the USA when they contain imported components. Specifically, a search for "made in usa" on Walmart's website leads consumers to its "America At Work" webpage. At the top of this webpage,³ Walmart features a "Made In America" video, which is also aired on national television and was promoted on social media,⁴ that contains numerous unqualified U.S.-origin statements:



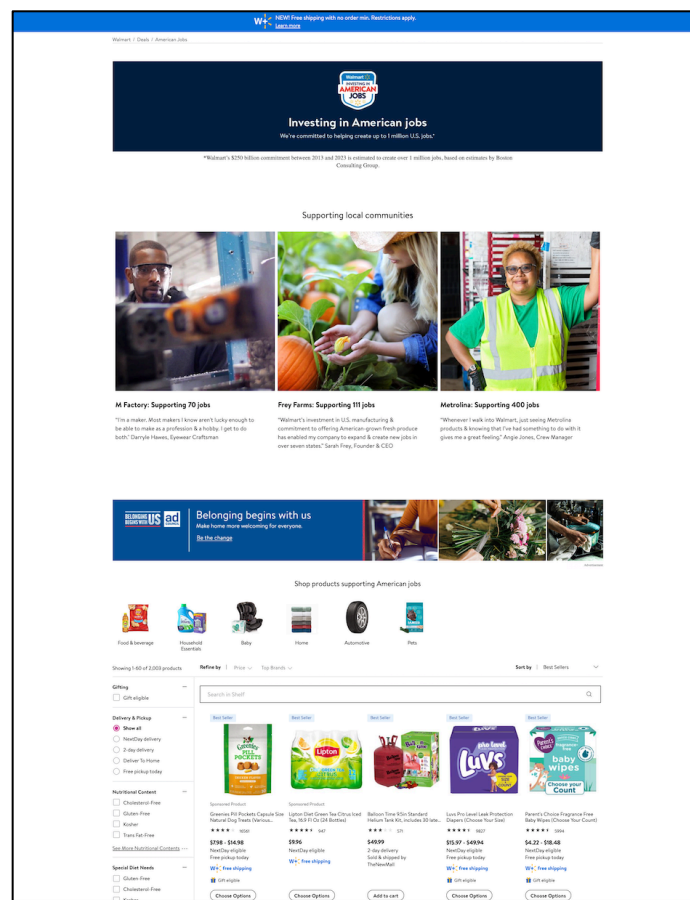
Various screenshots from video:



Beneath this video is, among other things, a link entitled “Find American-Made Products on Walmart.com” (located just above a section entitled “US Manufacturing.”)



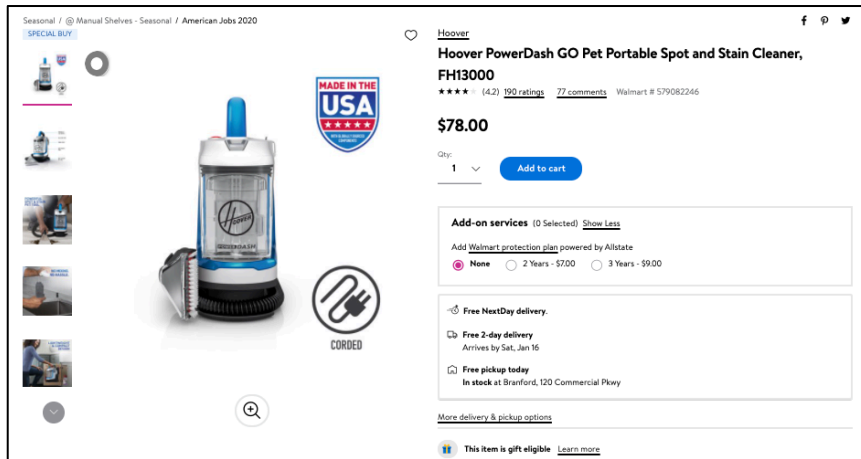
Clicking on the “Shop Now” to “Find American-Made Products on Walmart.com” brings consumers to Walmart’s “Investing in American jobs” webpage,⁵ which lists approximately 2,000 products that are – presumably – American-made.



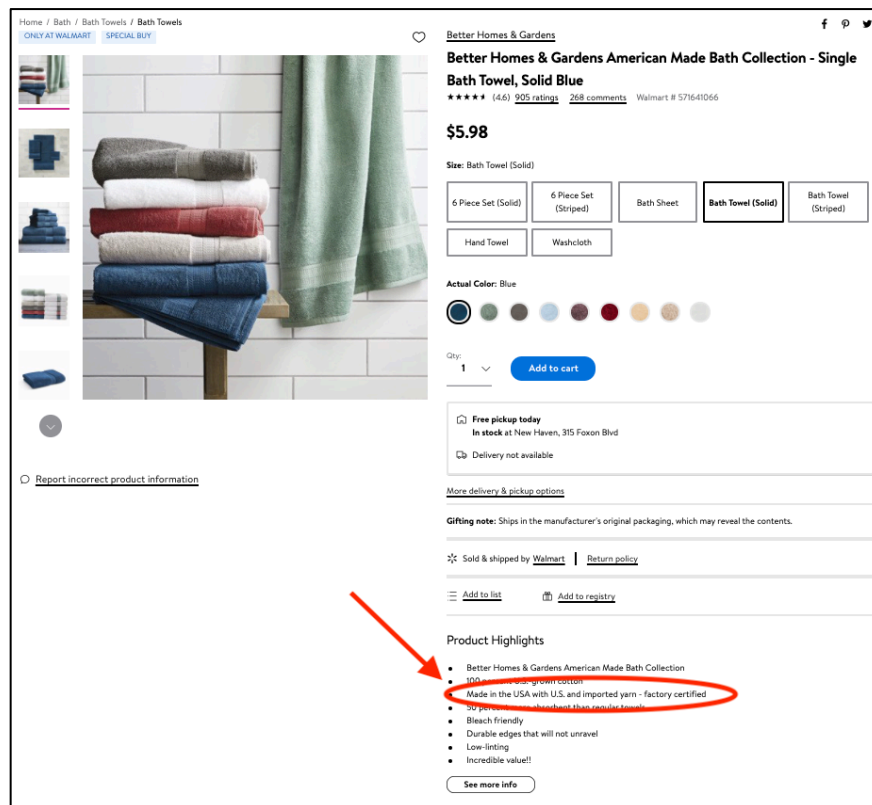
Screenshot of “Find American-Made Products on Walmart.com” filter results on Jan. 13, 2021

However, a review of the products showcased in the “American-Made” filter reveals that many do not meet the FTC’s definition of USA-made and/or fail to clearly and conspicuously disclose qualifying information. Specifically, TINA.org compiled a sampling of more than 40 products, which purportedly contain imported parts, according to hard to find origin information provided on the individual product pages, and some of which are accompanied by product specifications that confusingly state the origin of the product as “USA or Imported.”⁶

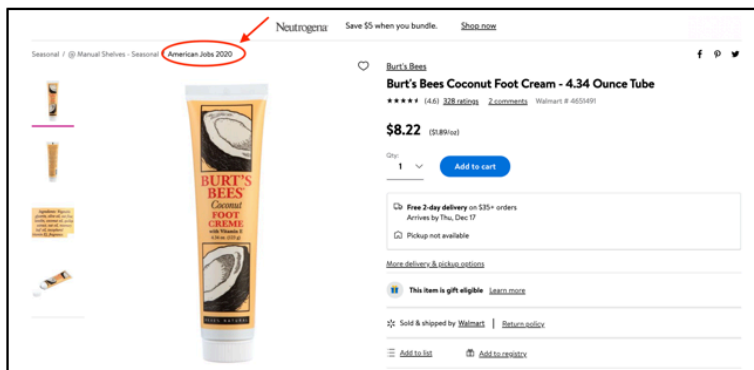
Examples of products included in Walmart’s “America-Made Products” filter:



“Made in the USA with globally sourced components”⁷



“Made in the USA with U.S. and imported yarn”⁸



Features	
Country of Origin - Components	USA or Imported
Form	Creams
Gender	Unisex

“USA or Imported”⁹

While Walmart attempts to redefine the Made in USA standard as “made, grown, or assembled in America” sporadically on its website and other marketing materials,¹⁰ that definition is at odds with the Commission’s “all or virtually” standard, and is drowned out by the many unqualified Made in USA claims Walmart makes elsewhere.

Walmart’s history of deceptive Made in USA marketing claims on its website now spans more than five years and is exacerbated by consumers’ current need/desire to shop online during the global pandemic. Obviously, as the world’s largest retailer, the company’s continuing failure to address these issues cannot be related to a lack of resources or sophistication. Indeed, a Walmart representative was a panelist at the Commission’s 2019 Made in the USA workshop.¹¹ As such, TINA.org urges the FTC to reopen its investigation of Walmart and take appropriate enforcement action.

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

Sincerely,

Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.

Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

Cc: Annemarie O’Shea, Senior Associate Counsel, Walmart Global eCommerce

¹ FTC’s October 20, 2015 letter to Walmart,
https://www.ftc.gov/system/files/documents/closing_letters/nid/151020walmartletter.pdf.

² <https://www.forbes.com/sites/laurendebter/2020/05/13/the-worlds-largest-retailers-2020-walmart-amazon-increase-lead-ahead-of-the-pack/?sh=13737a1918d3>.

³ https://corporate.walmart.com/americaatwork?&search_redirect=true&redirectQuery=made%20in%20usa.

⁴ Walmart TV Commercial, ‘Made in America’ Song by Record Company,
<https://www.ispot.tv/ad/tdSX/walmart-made-in-america-song-by-life-to-fix>.

Media Measurement	
National Airings	1
First Airing	3/18/2021
Last Airing	2
Recently Aired On	The SpongeBob Movie: Sponge Out of Water (Movie) on Nick
Est. Spend	1
TV Impressions	1
National	1
Local	1
VOD/OTT	1

Attention & Performance Analytics	
Attention Score	91.7
Earned Online Views	1
Social Impressions	1
Sentiment	80% positive
Engagement Rating	1
Industry Share of Voice	1
Spend	1
Impressions	1
Engagement	1

Sampling of October 2020 social media ads and posts that promote the Made in America video:

Walmart
Sponsored • Paid for by WALMART INC.
Nearly two thirds of Walmart products are made in America. We're proud that Joe's Gourmet Fish Fry is one of them.

Walmart
Sponsored • Paid for by WALMART INC.
Nearly two thirds of Walmart products are made in America. We're proud that Sweetie Ice Cream is one of them.

Walmart
Sponsored • Paid for by WALMART INC.
Made in America means something special to us. It's why we've committed \$250 billion in products made, grown, produced, or assembled in the U.S.
Walmart will invest \$250 billion in products that support American jobs by 2023.



TINA.org's full sampling of Walmart's recent Made in USA marketing is available at <https://www.truthinadvertising.org/2021-walmart-database/>.

⁵ <https://www.walmart.com/m/deals/american-jobs>.

⁶ All of the examples collected by TINA.org are available at <https://www.truthinadvertising.org/2020-walmart-made-in-usa-database/>.

For each product in the database, TINA.org compared the origin information provided by Walmart.com to origin information provided on the manufacturers' websites, to the extent origin information was available. With one exception, all of the third-party manufacturer information TINA.org could locate confirmed that the products at issue contain imported parts. The exception is Sterilite – this manufacturer's website, sterilite.com, indicates that its products are "Made in USA," which then begs the question, why does Walmart.com's specifications state that certain Sterilite products are entirely imported while others contain imported parts?

Seasonal / @ Manual Shelves - Seasonal / **American Jobs 2020** [rackle your symptoms.](#) [Shop now](#)

Sterilite
Sterilite 18 Gallon Dark Indigo Latching Tuffl Tote, 2 Piece
 ★★★★★ (4.8) [54 ratings](#) [10 comments](#) Walmart # 567077823

\$7.98
 Only 7 left!

Qty: 1 [Add to cart](#)

[Free pickup today](#)
 In stock at West Haven, 515 Saw Mill Rd

[Delivery not available](#)

[More delivery & pickup options](#)

[Sold by Walmart](#) | [Return policy](#)

[Add to list](#) | [Add to registry](#)

[Report incorrect product information](#)


Features	
Assembled Product Weight	5.8 lb
Pattern	None
Recommended Location	Not Applicable
Capacity	18 gal
Is Assembly Required	N
Country of Origin - Components	Imported
Material	Plastic
Manufacturer Part Number	15258N06
Actual Color	Dark Indigo
Model	1525
Brand	Sterilite
Country of Origin - Assembly	United States

<https://www.walmart.com/ip/Sterilite-18-Gallon-Dark-Indigo-Latching-Tuff1-Tote-2-Piece/879265072>.

And to make matters even more troubling, certain products that come through Walmart’s “made in usa” filter contain multiple, conflicting statements regarding the product’s origin, leaving consumers completely confused as to the true origin of the product.

For example, on the product page for the Lasko 16” Stand 3-Speed Fan with Remote, Model 1646, White, Walmart states in the specifications section that the “Country of Origin” for both the components and the assembly is “United States,” as opposed to “Imported” or “USA or Imported,” as is the case for the two products that Walmart uses as comparisons. Yet, just beneath the specifications for this product, Walmart indicates the product is “Made in the USA from domestic and imported parts.”

Home Improvement / Heating, Cooling, & Air Quality / Fans / Pedestal Fans



Lasko

Lasko 16" Stand 3-Speed Fan with Remote, Model 1646, White

★★★★

(4.2)

735 ratings

55 comments

Walmart # 550153799

\$36.44

Qty: 1

Add to cart

Add-on services (0 Selected) Show Less

Add Walmart protection plan powered by Allstate

☒ None
☐ 2 Years - \$4.00
☐ 3 Years - \$5.99

Free NextDay delivery on \$35+ orders of only NextDay items.

Free 2-day delivery Arrives by Sat, Jan 16


Pickup not available

More delivery & pickup options


Specifications

Comparison Chart


You are viewing



Lasko 16" Stand 3-Speed Fan, Model #1646, White with Remote



Lasko 16" Performance Pedestal Fan in White



Lasko 16" Oscillating Stand 3-Speed Fan, Model #2520, White

Features			
New	N	N	N
Warranty Length	See Manufacturer Warranty	1 Years	90 Days
Warranty Information	Lasko stands behind everything we build and all our products are backed	Limited Manufacturer Warranty	Lasko stands behind everything we build and all our products are backed
Recommended Location	Indoor	Indoor and Outdoor	Indoor
Country of Origin - Components	United States	Imported	USA or Imported
Electric Household Fan Type	Pedestal Fans	Pedestal Fans	Pedestal Fans
Diameter	16 ft	16" Blade Span	16"
Material	Metal	Metal	Metal
Manufacturer Part Number	1646	2526	2520
Color Category	White	White	White
Model	1646	2526	2520
Brand	Lasko	Lasko	Lasko
Country of Origin - Assembly	United States	Imported	USA or Imported

8

Made in the USA
Since 1906

Keep Your Cool
with
Lasko

**16" Remote Control Stand Fan
1646**

Enjoy a comfortable breeze in every room with the 16-inch White Stand. Great for use in living rooms, bedrooms, kitchens, and more, this pedestal fan features a 3 paddle blade, which provides a powerful flow of cooling air. This high performance fan has 3 speeds, widespread oscillation, fully-adjustable height, and tilt-adjustable fan head so you can customize your comfort level. This pedestal fan also includes a built-in auto-off timer and remote control, making it ideal for energy savings.

Fully-adjustable height, tilt fan head, and 3 speeds for complete airflow customization
Simple no-tool assembly
Easily portable, plus built-in safety features

Made in the USA from domestic and imported parts.

Lasko power fans are proudly made in the USA from domestic and imported parts. Lasko's dedicated teams in Pennsylvania and Texas design and build high quality and durable fans, and focus creating fans that are easy to assemble, use and maintain. Lasko stand fans are sold at retailers throughout America and the Caribbean.

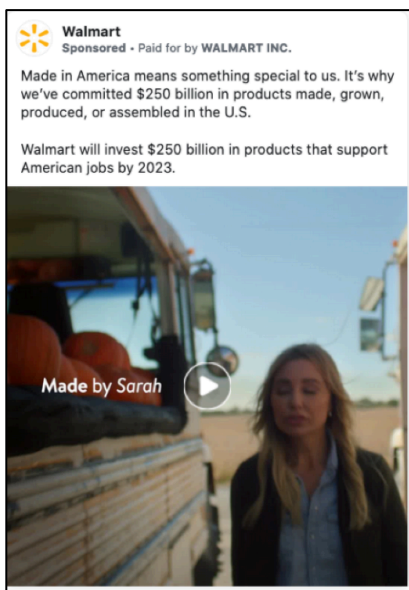
<https://www.walmart.com/ip/Lasko-16-Stand-3-Speed-Fan-with-Remote-Model-1646-White/15571817>.

⁷ https://www.walmart.com/ip/PowerDash-GO-Pet-Portable-Spot-and-Stain-Cleaner-FH13000/582983747?wpa_bd=&wpa_pg_seller_id=F55CDC31AB754BB68FE0B39041159D63. Of note, Hoover is itself engaged in deceptive Made in USA marketing as, among other things, the qualifying information that notifies consumers its products contain imported parts is not clear and conspicuous as is required by law. See Hoover's Made in USA Claims, <https://www.truthinadvertising.org/hoovers-made-in-usa-claims/>. Hoover's parent company, Royal Appliance Mfg. Co., is also the subject of a class-action lawsuit filed this month for allegedly falsely advertising Hoover vacuum cleaners as made in the USA when certain parts are from China. See *Sibirtzeff v. Royal Appliance Mfg. Co.*, Docket No. 21-cv-00192, S.D.N.Y., <https://www.truthinadvertising.org/hover-vacuum-cleaners/>.

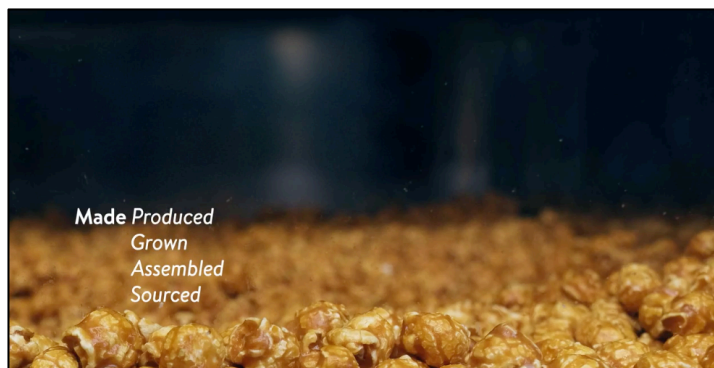
⁸ <https://www.walmart.com/ip/Better-Homes-Gardens-American-Made-Bath-Collection-Single-Bath-Towel-Solid-Blue/166853137>. Of note, consumers could easily purchase these towels without learning that they contain imported yarn as the "Add to cart" button for checkout is well above the ineffective qualifying origin information.

⁹ <https://www.walmart.com/ip/Burt-s-Bees-Coconut-Foot-Cream-4-34-Ounce-Tube/10317536>. Resourceful consumers who might search the Burt's Bees website to learn the true origin of this product will not be enlightened as the company's website does not provide origin information for this product.

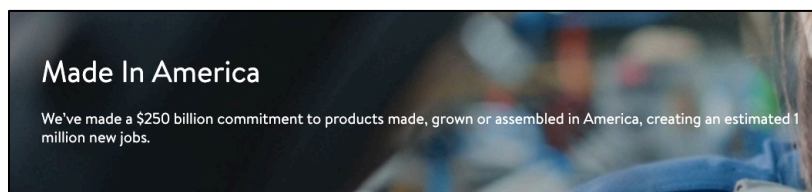
¹⁰ See, e.g., Walmart's "America At Work" webpage, Made in America video (where Walmart's attempted redefinition of "Made in the USA" is shown on the screen for just a couple seconds near the end of the video), and recent social media advertisements.



Oct. 2020 Facebook ad



Screenshot from Made in USA video



Screenshot from Walmart's America At Work webpage

¹¹ See https://www.ftc.gov/system/files/documents/reports/made-usa-ftc-workshop/p074204_-_musa_workshop_report_-_final.pdf at p. 5, fnnt 12.