



November 1, 2022

**VIA EMAIL**

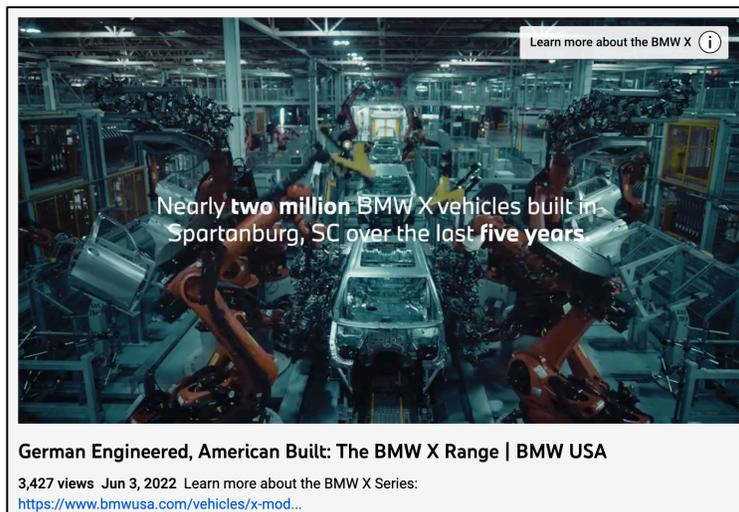
Howard S. Harris, General Counsel  
U.S. and Canadian BMW Group Companies  
300 Chestnut Ridge Rd.  
Woodcliff Lake, NJ  
howard.harris@bmwna.com

Re: BMW's Deceptive Built in USA Marketing

Dear Mr. Harris:

I am writing to you on behalf of Truth in Advertising, Inc. ("TINA.org"), a nonprofit consumer advocacy organization dedicated to protecting consumers from deceptive advertising. An investigation of BMW has revealed that it is deceptively marketing certain vehicles as "built" and "manufactured" in the United States when, in reality, the vehicles are assembled in the U.S. using imported parts. As you may be aware, according to the Federal Trade Commission, "built" and "manufactured" are synonymous with "made" in the U.S.<sup>1</sup> and therefore requires that any vehicle being marketed as such must be "all or virtually all" made domestically and contain "no – or negligible – foreign content."<sup>2</sup>

For example, BMW is claiming in national television and YouTube commercials that the BMW X series is "built" and "manufactured" in Spartanburg, South Carolina.<sup>3</sup>



In reality, however, all BMW X range vehicles assembled in the U.S. are made using a substantial amount of imported parts.<sup>4</sup> As such, BMW's Made in the USA claims are deceptive and in violation of Section 5 of the FTC Act, 15 U.S.C. § 45. To the extent similar deceptive claims are repeated in physical or digital labels, they would also be in violation of the FTC's Made in USA Labeling Rule, 16 CFR Part 323.

BMW has every right to boast of its assembly plants in the United States that create American jobs and strengthen the U.S. economy, but it cannot illegally embellish the amount of manufacturing that takes place domestically. BMW must ensure that its marketing messages are truthful, nondeceptive, and in compliance with the law.

We trust BMW will take immediate action to rectify this deceptive marketing.

If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "L. Smith". The signature is written in a cursive, flowing style.

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

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<sup>1</sup> See *United States v. iSpring Water Systems, LLC, et al.*, Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief, Apr. 19, 2019, [https://www.ftc.gov/system/files/documents/cases/172\\_3033\\_ispring\\_water\\_systems\\_-\\_stipulated\\_order.pdf](https://www.ftc.gov/system/files/documents/cases/172_3033_ispring_water_systems_-_stipulated_order.pdf) (“‘Made in the United States’ means 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,’ ‘produced,’ or ‘crafted’ in the United States or in America, or any other U.S.-origin claim.”). See also Made in USA Labeling Rule, 16 CFR Part 323 (“The term *Made in the United States* means any unqualified 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,’ ‘produced,’ ‘created,’ or ‘crafted’ in the United States or in America, or any other unqualified U.S.-origin claim.”)

<sup>2</sup> FTC, Complying with the Made in USA Standard, <https://www.ftc.gov/business-guidance/resources/complying-made-usa-standard>.

<sup>3</sup> BMW TV Spot, ‘America: Point X’, published Oct. 24, 2022, <https://www.ispot.tv/ad/2TVw/bmw-america-point-x-t2>; BMW Memorial Day Sales Event TV Spot, ‘America: Point X,’ published May 17, 2022, <https://www.ispot.tv/ad/blvD/bmw-memorial-day-sales-event-america-point-x-t2>; German Engineered, American Built: The BMW X Range | BMW USA, YouTube, June 3, 2022, <https://www.youtube.com/watch?v=PpjoSey9LAE>; Your Next X-venture Starts Here: The 2023 BMW X Range | BMW USA, YouTube, Aug. 17, 2022, <https://www.youtube.com/watch?v=ATxI3g81CXg>.

<sup>4</sup> See U.S. Department of Transportation, NHTSA, Part 583 American Automobile Labeling Act Reports, <https://www.nhtsa.gov/part-583-american-automobile-labeling-act-reports>; U.S. Department of Transportation, NHTSA, Part 583 American Automobile Labeling Act Report for 2022 makes and models, <https://www.nhtsa.gov/sites/nhtsa.gov/files/2022-09/MY2022-AALA-Alphabetical-8-30-22.pdf> (showing that, at most, 39 percent of 2022 BMW X range vehicles are of U.S. content); U.S. Department of Transportation, NHTSA, Part 583 American Automobile Labeling Act Report for 2023 makes and models, <https://www.nhtsa.gov/sites/nhtsa.gov/files/2022-10/MY2023-AALA-Alphabetical-10-6-22.pdf> (showing that, at most, 40 percent of 2023 BMW X range vehicles are of U.S. content).