

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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BENSHOT, LLC, a Wisconsin Limited  
Liability Company,

Plaintiff,

v.

Case No.: 18-CV-1716

LUCKY SHOT USA LLC, a Florida  
Limited Liability Company, and

2 MONKEY TRADING LLC, a Florida  
Limited Liability Company,

Defendants.

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**COMPLAINT**

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Plaintiff BenShot, LLC, a Wisconsin Limited Liability Company (“BenShot”), by its attorneys, as and for its Complaint against Defendants Lucky Shot USA LLC, a Florida Limited Liability Company (“Lucky Shot USA”) and 2 Monkey Trading LLC, a Florida Limited Liability Company (“2 Monkey”), allege as follows:

**PARTIES**

1. BenShot is a Wisconsin Limited Liability Company with its headquarters located at 140 Industrial Park Avenue, Hortonville, Wisconsin 54944. BenShot manufactures, promotes, sells, and distributes unique drinking glasses and sells its products throughout the United States, including the State of Wisconsin.

2. Lucky Shot USA is a Florida Limited Liability Company with its headquarters located at 3601 Vineland Rd. Suite 14, Orlando, Florida 32811 and whose registered manager is Douglas Ingalls (“Ingalls”). Lucky Shot USA promotes, sells and distributes products made from used

ammunition and artillery shells. Lucky Shot USA operates and does business as the storefront “Lucky Shot USA” on [www.Amazon.com](http://www.Amazon.com) and sells its products in interstate commerce, including the State of Wisconsin and the Eastern District of Wisconsin.

3. 2 Monkey is a Florida Limited Liability Company with its headquarters also located at 3601 Vineland Rd. Suite 14, Orlando, Florida 32811 and whose registered manager is also Ingalls. 2 Monkey is the parent company of Lucky Shot USA and designs, promotes, sells, and distributes products, including Lucky Shot branded products. 2 Monkey acts in concert with Lucky Shot USA to sell Lucky Shot branded products and sells its products in interstate commerce, including the State of Wisconsin and the Eastern District of Wisconsin.

### **JURISDICTION AND VENUE**

4. This action arises under the Lanham Act (15 U.S.C. §§ 1116, 1117, 1118 and 1125(a)). In addition, BenShot seeks relief under common law. This Court has jurisdiction over the Lanham Act claim pursuant to 28 U.S.C. §§ 1331. This court has supplemental jurisdiction over the non-federal common law claims pursuant to 28 U.S.C. §1367(a) because these claims are so closely related that they form part of the same case or controversy.

5. This court has personal jurisdiction over Lucky Shot USA. Lucky Shot USA conducts business in this judicial district through purposeful, continuous, and systematic contacts, including by offering to sell, selling, and promoting the products which are subject of the claims below.

6. This court has personal jurisdiction over 2 Monkey. 2 Monkey conducts business in this judicial district through purposeful, continuous, and systematic contacts, including by offering to sell, selling, and promoting the products which are subject of the claims below.

7. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and (c) because Lucky

Shot and 2 Monkey are both subject to personal jurisdiction in this judicial district and a substantial part of the events giving rise to BenShot's claims occurred in this judicial district and Lucky Shot USA and 2 Monkey engaged in false advertising in this judicial district.

### **FACTUAL BACKGROUND**

8. BenShot is a family owned business in Hortonville, Wisconsin, and has manufactured and sold unique drinking glass designs since 2015 with an emphasis on providing products solely made in the USA and creating sustainable jobs in the local community.

9. In 2015 BenShot invented and started selling a series of unique and distinct drinking glass designs consisting of a projectile embedded in the side of a drinking glass via an indentation in the glass. The designs included a 0.308 caliber bullet embedded in the side of a shot glass (the "BenShot Bulletproof Shot Glass") and a 0.308 caliber bullet embedded in the side of a tumbler glass (the "BenShot Rocks Glass"), shown by the representative examples below.



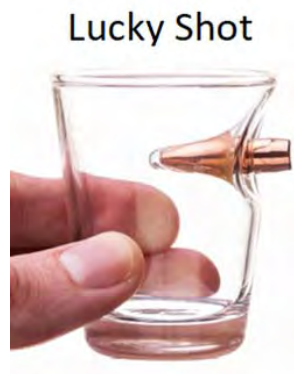
10. Within a short period of time BenShot's unique designs became extremely popular throughout the United States particularly with firearm enthusiasts, military personnel, veterans, patriots of the USA, and customers who highly value products made in the USA.

11. In response to the popularity BenShot developed and started selling additional unique

designs, including a 0.50 BMG caliber bullet embedded in the side of a pint glass (the “BenShot Pint Glass”) and a 0.308 caliber bullet embedded in the side of a wine glass (the “BenShot Wine Glass”), shown by the representative examples below.



12. About October 2016 Lucky Shot USA started advertising and selling a shot glass with a 0.308 caliber bullet embedded in the side (the “Lucky Shot Bullet Shot Glass”) on at least Amazon.com and [www.LuckyShotUSA.com](http://www.LuckyShotUSA.com). A representative sample of the Lucky Shot Bullet Shot Glass is shown below.



13. About March 2017 Lucky Shot USA started selling a whiskey glass with a 0.308 caliber bullet embedded in the side (the “Lucky Shot Whiskey Glass”) on at least Amazon.com and [www.LuckyShotUSA.com](http://www.LuckyShotUSA.com). About August 2017 Lucky Shot USA started selling a pint glass with a 0.50 BMG caliber bullet embedded in the side (the “Lucky Shot Pint Glass”) and a wine glass with a 0.308 caliber bullet embedded in the side (the “Lucky Shot Wine Glass”) on at least

Amazon.com. A representative sample of the Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass is shown below.



14. Since at least 2017 Lucky Shot USA has operated the website [www.MilitaryBalls.com](http://www.MilitaryBalls.com) which markets, advertises, promotes and sells Lucky Shot branded products to military and veteran organizations.

15. 2 Monkey is listed as the manufacturer of the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass, and Lucky Shot Wine Glass by Lucky Shot USA on Amazon.com. A printout of the listings taken October 4, 2018, is attached as Exhibits A – D.

16. The retail packaging of at least the Lucky Shot Bullet Glass, Lucky Shot Whiskey Glass and Lucky Shot Wine Glass states, “Distributed by 2 Monkey Trading, LLC. Packaging and product design © 2 Monkey Trading, LLC.”

17. 2 Monkey owns the federal trademark registration to the mark “Lucky Shot.” A copy of the resulting Registration, No. 4,608,312, retrieved from the USPTO website is attached as Exhibit E.

18. Lucky Shot USA and 2 Monkey display the terms “U.S.A.” and “HANDCRAFTED” as

part of a logo (the “Lucky Shot Logo”) used to market, promote and advertise Lucky Shot branded products on marketing and advertising materials, product packaging and at least the websites LuckyShotUSA.com and 2Monkey.com. A representative sample is shown below.



19. Lucky Shot USA and 2 Monkey advertise and promote the Lucky Shot Bullet Shot Glass as Made in USA.

20. Lucky Shot USA and 2 Monkey’s point-of-purchase displays for the Lucky Shot Bullet Shot Glass includes in large text “MADE IN THE USA” accompanied by an image of the American flag on the display shipper display card. Further, the Lucky Shot Logo is prominently displayed on the display shipper display card with the words “U.S.A.” and “HANDCRAFTED.” A printout of the display is attached as Exhibit F.

21. Below are representative examples of Lucky Shot USA and 2 Monkey’s Bullet Shot Glass retail packaging which includes the Lucky Shot Logo prominently displayed on the top and both sides of the packaging with the words “U.S.A.” and “HANDCRAFTED.”



Top View



Left Side View



Right Side View

22. Further, as shown in Exhibit A, Lucky Shot USA states as a key product feature its Amazon.com listing for the “Bullet Handblown Shot Glass Gift Set – Set of 4” which includes 4 Lucky Shot Bullet Shot Glasses, “Top Premium Quality Brand. Made in the USA[.]”

23. Lucky Shot USA and 2 Monkey advertise and promote the Lucky Shot Whiskey Glass as Made in USA.

24. Lucky Shot USA and 2 Monkey’s point-of-purchase displays for the Lucky Shot



Whiskey Glass includes in large text “MADE IN THE USA” accompanied by an image of the American flag on the display shipper display card. Further, the Lucky Shot Logo is prominently displayed on the display shipper display card with the words “U.S.A.” and “HANDCRAFTED.” A printout of the display is attached as Exhibit G.

25. As shown in Exhibit B, in its listing on Amazon for the Lucky Shot Whiskey Glass, Lucky Shot USA displays partial images of the American flag in front of an image of the Lucky Shot Whiskey Glass and also displays in large text, “MADE IN THE USA” at the bottom of the listing.

26. Below are representative examples of Lucky Shot USA and 2 Monkey’s Lucky Shot Whiskey Glass retail packaging which includes prominently displayed on the top and both sides of the packaging with the words “U.S.A.” and “HANDCRAFTED.”



Top View





Left Side View



Right Side View

27. Lucky Shot USA and 2 Monkey advertise and promote the Lucky Shot Pint Glass and Lucky Shot Wine Glass as Made in USA.

28. Below is a representative example of the product packaging for the Lucky Shot Pint Glass and Lucky Shot Wine Glass which both include the Lucky Shot Logo prominently displayed on the top and both sides of the of the packaging with the words “U.S.A.” and “HANDCRAFTED.”



29. As Exhibits C and D illustrate, Lucky Shot USA also states as a key product feature in its Amazon.com listings for the Lucky Shot Pint Glass and the Lucky Shot Wine Glass, “Top Brand items made right here in the USA.” In addition, Lucky Shot USA also displays as part of its listings partial images of the American flag in front of an image of the Lucky Shot Pint Glass and in front of the Lucky Shot Wine Glass.

30. Lucky Shot USA represents its entire product line as Made in USA.

31. As of at least September 10, 2018, Lucky Shot USA states in a welcome letter to new newsletter subscribers, “Each Lucky Shot USA product is American made to cater to the discriminating eye of historians and collectors alike.” Further, the newsletter includes the words “MADE IN THE USA” as part of the Lucky Shot Logo, which appears directly above the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass. A printout of the newsletter is attached as Exhibit H.

32. Lucky Shot USA’s Instagram account profile states, “Our products are proudly made in the USA!” and Lucky Shot USA’s profile image also states, “MADE IN THE U.S.A.” Further, photos of the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass are posted shortly below the made in USA claims. A printout of the first few pages of LuckyShot’s Instagram profile accessed on October 3, 2018, is attached as Exhibit I and also available at: <https://www.instagram.com/luckyshotusa/>.

33. Lucky Shot USA displays on the website, LuckyShotUSA.com, the words “MADE IN THE USA” as part of its newsletter subscription section at the bottom of each page on the website. A printout of the homepage of [www.LuckyShotUSA.com](http://www.LuckyShotUSA.com) as of October 3, 2018, is attached as Exhibit J.

34. Lucky Shot USA states on its website, [www.MilitaryBalls.com](http://www.MilitaryBalls.com), “Proudly Made in

America” display in front of a picture of at least the Lucky Shot Bullet Shot Glass. A printout of the homepage of [www.MilitaryBalls.com](http://www.MilitaryBalls.com) accessed on October 12, 2018, is attached as Exhibit K.

35. Lucky Shot USA advertises on Google.com stating, “Lucky Shot USA | Handcrafted in the USA | [LuckyShotUSA.com](http://LuckyShotUSA.com).” A printout of a search completed on Google.com on October 3, 2018, for the terms “Made in China Lucky Shot USA” is attached as Exhibit L.

36. Lucky Shot USA has the term “USA” as part of its legal business name, Lucky Shot USA LLC.

37. Lucky Shot USA operates the website domain [www.LuckyShotUSA.com](http://www.LuckyShotUSA.com), which contains the term “USA” as part of the domain name.

38. 2 Monkey represents the entire Lucky Shot branded product line is Made in USA.

39. 2 Monkey displays the Lucky Shot Logo, which includes the terms “U.S.A” and “HANDMADE” within the Logo, on all Lucky Shot branded product packaging.

40. 2 Monkey advertises Lucky Shot branded products using the Lucky Shot Logo with the term “U.S.A” replaced with “MADE IN THE USA” on its website, [www.2monkey.com](http://www.2monkey.com). A printout of the homepage of [www.LuckyShotUSA.com](http://www.LuckyShotUSA.com) as of October 3, 2018, is attached as Exhibit M.

41. In response to Lucky Shot USA and 2 Monkey’s advertising of at least the Lucky Shot Bullet Shot Glass and the Lucky Shot Whiskey Glass as Made in USA, BenShot became increasingly concerned Lucky Shot branded products, and more specifically the Lucky Shot Bullet Shot Glass and the Lucky Shot Whiskey Glass, were not in fact made in the USA despite being claimed as such.

42. In March of 2017 Ben Wolfgram (“Wolfgram”) from BenShot had a phone conversation

with Ingalls from Lucky Shot USA and 2 Monkey about their copying of BenShot's Bulletproof Shot Glass and BenShot Rocks Glass designs and competitive behavior.

43. During the conversation Ingalls admitted the drinking glass with the indentation for the bullet already formed in the glass (the "Glass Portion") of the Lucky Shot Bullet Shot Glass and the Lucky Shot Whiskey Glass were made in China and not made in the USA.

44. In May of 2018 Wolfgram of BenShot had another phone conversation with Ingalls from Lucky Shot USA and 2 Monkey where Ingalls again admitted the Glass Portion of at least the Lucky Shot Bullet Shot Glass and Lucky Shot Whiskey Glass were made in China and not made in the USA.

45. 2 Monkey offers the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass for sale on at least [www.2monkey.com](http://www.2monkey.com) and the international product sourcing website [Alibaba.com](http://Alibaba.com). A printout of 2 Monkey's listings for the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass as of October 2, 2018, is attached as Exhibits N - Q.

46. 2 Monkey states in its Company Overview on its [Alibaba.com](http://Alibaba.com) company profile page, "Our products are designed and developed in the USA and contract manufactured in China." A printout of 2 Monkey's Company Overview from September 13, 2018 is attached as Exhibit R.

47. As shown in the image below, taken on October 11, 2018, the bottom panel of the packaging for the Lucky Shot Whiskey Glass states, "Glass and packaging made in China."



48. Upon information and belief Lucky Shot USA boldly and falsely state and suggest the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass are Made in USA without qualification.

49. Upon information and belief 2 Monkey boldly and falsely state and suggest the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass are Made in USA without qualification.

50. According to the Federal Trade Commission (“FTC”), in order for a product to be called “Made in USA,” without qualifications or limits on the claim it must be the product must be ‘all or virtually all’ made in the U.S. Attached as Exhibit S is a copy of the FTC’s manual as of September 13, 2018, “Complying with the MADE IN USA STANDARD.” (the “FTC Manual”). The FTC Manual is also accessible at: <https://www.ftc.gov/tips-advice/business-center/guidance/complying-made-usa-standard>. The FTC Manual further defines “all or virtually all” as “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.”

51. By importing at least the Glass Portion of the Lucky Shot Bullet Shot Glass from China, the Lucky Shot Bullet Shot Glass does not contain “no or – negligible – foreign content.”

52. By importing at least the Glass Portion of the Lucky Shot Whiskey Glass from China, the Lucky Shot Whiskey Glass does not contain “no or – negligible – foreign content.”

53. By importing at least the Glass Portion of the Lucky Shot Pint Glass from China, the Lucky Shot Pint Glass does not contain “no or – negligible – foreign content.”

54. By importing at least the Glass Portion of the Lucky Shot Wine Glass from China, the Lucky Shot Wine Glass does not contain “no or – negligible – foreign content.”

55. Upon information and belief Lucky Shot USA boldly and falsely state and suggest all its products as Made in USA without qualification.

56. Upon information and belief 2 Monkey boldly and falsely state and suggest the entire Lucky Shot branded product line is Made in USA without qualification.

57. The FTC Manual also states, “Manufacturers and marketers should not indicate, either expressly or implicitly, that a whole product line is of U.S. origin (‘Our products are made in the USA’) when only some products in the product line are made in the U.S. according to the ‘all or virtually all’ standard.”

58. By making improper unqualified Made in USA statements and representations on its product packaging, websites, advertising, and marketing materials relating to the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass, Lucky Shot Wine Glass and the entire line of Lucky Shot branded products, Defendants are making false and misleading material statements of fact, that are causing and likely to continue to cause injury to BenShot due to the significance and value that “buying American” has on potential and actual customers of the products BenShot sells.



59. A Consumer Reports survey from 2015 found that 77 percent of Americans are willing to pay more for a product that has a Made in America claim. *See “What does the ‘Made in America’ label really mean?”* Consumer Reports, July 2015, available at: [www.consumerreports.org/cro/magazine/2015/07/from-our-president-july-2015/index.htm](http://www.consumerreports.org/cro/magazine/2015/07/from-our-president-july-2015/index.htm) (last visited September 26, 2018).

60. BenShot has spent and continues to spend substantial financial resources in creating and maintaining a glass manufacturing facility as well as advertising and promoting all of its unique and distinct designs as made in the U.S.A., an extremely important factor to its customers and their purchasing decisions.

61. As such, Lucky Shot USA and 2 Monkey’s wrongful conduct in marking and promoting improper unqualified claims and representations the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass products as Made in USA when they are not has egregiously injured BenShot and has been undertaken willfully and with Lucky Shot USA and 2 Monkey’s intent and knowledge that such action would cause confusion, mistake, or deception among the public.

62. Lucky Shot USA and 2 Monkey, by indicating expressly and implicitly all of the Lucky Shot branded product line is of U.S. origin has caused further injury to BenShot and has been undertaken willfully and with intent and knowledge that such action would cause, mistake, or deception among the public.

63. Lucky Shot USA is currently promoting the sale of the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass as Made in USA on its website [www.luckyshotusa.com](http://www.luckyshotusa.com), Amazon.com and in interstate commerce.

64. 2 Monkey is currently promoting the sale of the Lucky Shot Bullet Shot

Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass as Made in USA on its website [www.2monkey.com](http://www.2monkey.com), [Alibaba.com](http://Alibaba.com) and in interstate commerce.

65. Lucky Shot USA sells Lucky Shot branded products, including at least the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass and Lucky Shot Wine Glass to customers in this judicial district including but not limited to through its storefront on Amazon.com. An image of the Lucky Shot products and an October 9, 2018, receipt of the product purchased is attached as Exhibits T - W.

66. 2 Monkey sells products at retail locations in this judicial district, including but not limited to Fleet Farm located at 3035 W. Wisconsin Avenue, Appleton, WI 54914. An image of the product and a September 17, 2018 receipt of the product is attached as Exhibits X and Y.

**FIRST CLAIM FOR RELIEF  
AND SUPPORTING FACTUAL ALLEGATIONS**

Section 43(a) of the Lanham Act  
False Designations of Origin

67. BenShot repeats its allegations set forth in paragraphs 1-66 above with the same force and effect as if set forth herein in their entirety.

68. Lucky Shot USA sells unique drinking glasses in interstate commerce in the same markets and trade channels as BenShot.

69. 2 Monkey sells unique drinking glasses in interstate commerce in the same markets and trade channels as BenShot.

70. Lucky Shot USA and 2 Monkey's improper unqualified use of Made in USA claims in connection to the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine glass falsely designates the origin of these products and falsely represent the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass as made in USA. As a result, the public and purchasers

believe that at least the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass originate from the USA when they do not.

71. Lucky Shot USA and 2 Monkey's improper unqualified use of Made in USA claims in connection with the entire product line of Lucky Shot branded products falsely suggests and designates the origin of products and falsely represent are all made in the USA. As a result, the public and purchasers to believe that all Lucky Shot branded products originate from the USA when they do not.

72. Lucky Shot USA and 2 Monkey's wrongful conduct constitutes the improper use in commerce of a symbol, devise or combination thereof, and a false designation of origin, which is likely to deceive as to the origin, or cause consumer confusion, or to cause mistake, sponsorship, or approval in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

73. As a direct and proximate result of Lucky Shot USA and 2 Monkey's actions, BenShot has been and continues to be damaged by Lucky Shot USA and 2 Monkey's acts in an amount not yet determined, which BenShot is entitled to recover. BenShot is entitled to injunctive relief and to all other remedies provided by law, including without limitation those set forth in 15 U.S.C. §§ 1116, 1117, and 1118.

**SECOND CLAIM FOR RELIEF  
AND SUPPORTING FACTUAL ALLEGATIONS**  
Common Law Unfair Competition

74. BenShot repeats its allegations set forth in paragraphs 1-73 above with the same force and effect as if set forth herein in their entirety.

75. Taken as a whole, Lucky Shot USA and 2 Monkey's actions in making improper unqualified made in USA claims by improperly marketing, advertising, promoting, and marking the entire product line of Lucky Shot branded products, and more specifically the Lucky Shot

Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass products as made in USA when they are not is an attempt to cause confusion in the marketplace with the intent to deceive consumers.

76. Lucky Shot USA and 2 Monkeys wrongful conduct constitutes unfair methods of competition and unfair and deceptive acts or practices in trade or commerce and creates a likelihood of confusion, misunderstanding, or deception in the public's minds as to the origin of the parties' goods.

77. Lucky Shot USA and 2 Monkey's unlawful actions have resulted in unjust enrichment of Lucky Shot USA and 2 Monkey and have caused BenShot to suffer substantial damage.

78. As such Lucky Shot USA and 2 Monkey's conduct causing confusion, mistake, or deception constitutes common law unfair competition.

#### **JURY DEMAND**

BenShot demands a trial by jury on all issues triable by a jury.

#### **REQUEST FOR RELIEF**

**WHEREFORE**, BenShot prays that this Court enter judgment in its favor against Lucky Shot USA and 2 Monkey as follows:

A. A permanent injunction enjoining and restraining Lucky Shot USA and 2 Monkey, its officers, managers, agents, servants, employees, attorneys, parents, subsidiaries, and related companies from:

1. using improper unqualified Made in USA claims or representations in connection with the advertising, promotion, offering for sale of drinking glasses; and
2. otherwise competing unfairly with BenShot.

B. Finding that Lucky Shot USA and 2 Monkey have unfairly competed with BenShot by the acts complained of herein.

C. Directing that Lucky Shot USA and 2 Monkey destroy at Lucky Shot USA and 2 Monkey's cost all signs, products, packaging, promotional material, advertising material, catalogs, and any other items relating to Lucky Shot branded products, the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass that bear or suggest improper unqualified Made in USA claims or representations.

D. Directing that Lucky Shot USA and 2 Monkey recall from all distributors, retailers, or other recipients any and all Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass, Lucky Shot Wine Glass and Lucky Shot branded product and packaging that bear or suggest improper unqualified Made in USA claims or representations sold or distributed by Lucky Shot USA and 2 Monkey and, upon recall, to deliver such goods up to BenShot's counsel for destruction or donation at Lucky Shot USA and 2 Monkey's costs.

E. Directing that Lucky Shot USA and 2 Monkey engage in corrective advertising designed to inform past, present, and potential consumers of each and every Lucky Shot branded product with improper unqualified Made in USA claims or representations, including the Lucky Shot Bullet Shot Glass, Lucky Shot Whiskey Glass, Lucky Shot Pint Glass and Lucky Shot Wine Glass, or in a manner directed by the court.

F. That Lucky Shot USA and 2 Monkey be required, in accordance with Section 34(a) of the U.S. Trademark Act, 15 U.S.C. §1116(a), to file with the Court, and serve upon BenShot, a report in writing, under oath, setting forth in detail the manner and form in which Lucky Shot USA and 2 Monkey have complied with the terms of any injunction entered by this Court.

G. Requiring Lucky Shot USA and 2 Monkey to account for and pay over to BenShot all

profits realized by it by reason of its unlawful acts in violation of false advertising and unfair competition.

H. A finding that this case is exceptional within the meaning of 15 U.S.C. §1117(a) for reason of Lucky Shot USA and 2 Monkey's conduct.

I. BenShot's actual cost in bringing this civil action, including actual and reasonable attorneys' fees pursuant 15 U.S.C. §1117(a).

J. An order requiring Lucky Shot USA and 2 Monkey to pay BenShot punitive damages in an amount as yet undetermined caused by the foregoing acts of Lucky Shot USA and 2 Monkey.

K. Costs and other such relief as just.

Dated this 29th day of October, 2018.

Respectfully submitted,

BENSHOT, LLC

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**EXHIBIT A**

Décor \$10 and under with FREE shipping

Back to search results for "lucky shot bullet shot glass gift set"



Roll over image to zoom in

### .308 Real Bullet Handblown Shot Glass Gift Set - Set of 4

by Lucky Shot

★★★★★

10 customer reviews

Amazon's Choice for "lucky shot bullet shot glass gift set"

Price: \$49.99 & FREE Shipping. Details

- Hand-blown Shot Glass embedded with a Real .308 Bullet. Set includes 4 glasses and a premium giftbox. 2 oz pour.
- The Ultimate Gift idea for almost any occasion. Say Congratulations, Thank You, Happy birthday, Happy Retirement, and Happy Father's Day by giving Them The Gifts They really want!
- Top Brand Items as recently featured on TV Programs like Fox Firepower, Fox and Friends, and more!
- 100% authentic, including the bullets! Glasses are hand-blown, making each one unique.
- Top Premium Quality Brand. Made in the USA

Compare with similar items

New (2) from \$49.99 & FREE shipping. Details



Ad feedback

Share

\$49.99

& FREE Shipping. Details

Want it tomorrow, Oct. 5? Order within 5 hrs 12 mins and choose One-Day Shipping at checkout. Details

In Stock.

Sold by LuckyShotUSA and Fulfilled by Amazon. Gift-wrap available.

Qty: 1

Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click ordering for this browser

Deliver to Milwaukee 53212

Add to List

Add to Wedding Registry

Other Sellers on Amazon

New (2) from \$49.99 & FREE shipping. Details

Have one to sell? Sell on Amazon

### Frequently bought together



Total price: \$144.97

Add all three to Cart

Add all three to List

One of these items ships sooner than the other. Show details

✓ This item: .308 Real Bullet Handblown Shot Glass Gift Set - Set of 4 \$49.99

✓ Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 4 \$59.99

✓ Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2 \$34.99

### Sponsored products related to this item



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2  
★★★★★ 151  
\$34.99 prime



Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 6  
★★★★★ 31  
\$59.99 prime



Lucky Shot .308 Real Bullet Handmade Whiskey Glass  
★★★★★ 220  
\$19.99 prime



.50 Caliber Bottle Openers Set of 6 Made in the USA By Lucky Shot - Flag Bag included  
★★★★★ 4  
\$49.99 prime



Lucky Shot 12 Gauge Shotgun Shell Shot Glasses Set of 4  
★★★★★ 5  
\$10.99 prime



[set of 2] The Original BenShot Bullet Rocks Glass with Real 0.308 Bullet Made in the USA  
★★★★★ 95  
\$34.99 prime



50 Caliber BMG Real Bullet Bottle Opener - Made in the USA  
★★★★★ 8  
\$12.99 prime



50 Caliber BMG Real Bullet Bottle Opener - Set of 6 - Made in the USA  
★★★★★ 8  
\$54.99 prime



50 Jello Shot Syri (55 SYRINGE SHO RECIPES eBOOK), an Instant F...  
★★★★★ 301  
\$24.99 prime

### Customers who bought this item also bought



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 4  
★★★★★ 36  
\$59.99 prime



Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 2  
★★★★★ 151  
1 offer from \$24.99



Lucky Shot .50 Cal Real Bullet Handmade Pint Glass  
★★★★★ 120  
\$25.99 prime



Barbuzzo 50 Caliber Shot Glass - Set of 2 Shot Glasses Shaped like Bullet Casings - Step up to the...  
★★★★★ 226  
\$11.64 prime



Lucky Shot .308 Real Bullet Handmade Whiskey Glass  
★★★★★ 220  
\$19.99 prime



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2  
★★★★★ 151  
\$34.99 prime

### Special offers and product promotions

• Your cost could be \$0.00 instead of \$49.99! Get a \$50 Amazon.com Gift Card instantly upon approval for the Amazon Rewards Visa Card Apply now

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## Have a question?

Find answers in product info, Q&amp;As, reviews



## Compare with similar items

			
<b>This item</b> .308 Real Bullet Handblown Shot Glass Gift Set - Set of 4	[set of 2] The Original BenShot Shot Glass with Real 0.308 Bullet #Bulletproof MADE in the USA	The Original BenShot Shot Glass with Real 0.308 Bullet #Bulletproof MADE in the USA	50 Caliber Bullet Shaped Shot Glasses 4 Pack   Durable Dual Layered 1.5 Oz Novelty Gag Funny Glasses Dishwasher Safe   For Shots, Drinks, Tequila, Whiskey, Beer, Espresso, Beverages & More by DOPECHA
<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>
<b>Customer Rating</b>	★★★★★ (10)	★★★★★ (45)	★★★★★ (16)
<b>Price</b>	\$49 <sup>99</sup>	\$22 <sup>99</sup>	\$14 <sup>99</sup>
<b>Shipping</b>	FREE Shipping	FREE shipping on orders over \$25	FREE shipping on orders over \$25
<b>Sold By</b>	LuckyShotUSA	BenShot, LLC	BenShot, LLC
<b>Material Type</b>	Glass	Glass, Copper, Metal	Glass

## Product description

Don't be fooled by the impostors... Brought to you by none other than Lucky Shot USA, we present to you the shot glass that defies all odds, now available in our Lucky Shot USA gift box perfect for all your gift giving needs! The proof is stuck right in glass. That's right, tried and tested to be no ordinary shot glass. This shot glass will have you feeling bulletproof, even when your throwing back 100 proof! Bottoms up! We challenge you to take a shot and we will make it your best shot! This set of 4 Real Bullet Handblown Shot Glass is presented in linen box with foam protection interior and to top it off a gold stamped Lucky Shot USA logo. This .308 Real Bullet Shot Glass is embedded with a REAL .308 Bullet and is not dishwasher safe, please hand wash only. Our products are considered safe for use and are 100% antithetic, including the bullets. These products may contain minor blemishes or scratches but are considered to be consistent with their history. Please note, this glass is not bullet nor shatter proof, and because they resemble live ammunition, we do not recommend bringing our products where live ammunition may not be permitted (i.e. schools, airports, government/federal buildings, etc.).

## Product information

Package Dimensions	8.3 x 8.3 x 4.6 inches
Item Weight	1.27 pounds
Shipping Weight	1.27 pounds (View shipping rates and policies)
Manufacturer	2 Monkey Trading
ASIN	B077XM6L87
Customer Reviews	★★★★★ 10 customer reviews 4.9 out of 5 stars
Best Sellers Rank	#73,855 in Kitchen & Dining (See Top 100 in Kitchen & Dining) #382 in Kitchen & Dining > Bar Tools & Glasses > Bar, Cocktail & Wine Glasses > Shot Glasses #7,674 in Kitchen & Dining > Glassware & Drinkware #35,331 in Home & Kitchen > Kitchen & Dining > Food Service Equipment & Supplies
Date first listed on Amazon	December 4, 2017

## Warranty &amp; Support

**Product Warranty:** For warranty information about this product, please [click here](#)

## Feedback

If you are a seller for this product, would you like to [suggest updates through seller support](#)?  
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## Sponsored products related to this item

						
Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2 ★★★★★ 151 \$34.99 <a href="#">prime</a>	Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 6 ★★★★★ 220 \$19.99 <a href="#">prime</a>	Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 6 ★★★★★ 31 \$59.99 <a href="#">prime</a>	.50 Caliber Bottle Openers Set of 6 Made in the USA By Lucky Shot - Flag Bag included ★★★★★ 4 \$49.99 <a href="#">prime</a>	Lucky Shot .50 Cal Real Bullet Handmade Pint Glass - Set of 4 ★★★★★ 12 \$89.99 <a href="#">prime</a>	GiftTree Personalized Shot Glass Holder Set for Tequila and Other Hard Liquors   Mo... \$59.95	[set of 2] The Original BenShot Bullet Rocks Glass with Real 0.308 Bullet Made in t... ★★★★★ 95 \$34.99 <a href="#">prime</a>

Ad feedback



Ad feedback

Customer Questions & Answers

See questions and answers

Customer reviews



See all 10 customer reviews

Share your thoughts with other customers

Write a customer review

Top customer reviews

Tracey Johnson

★★★★★ Love Love Love

September 11, 2018

Verified Purchase

Bought this as a gift. I was very impressed with the packaging and quality! My dad who loves guns was so happy the glasses were a hit and everyone was asking were I got them. Well done! Will buy again

Helpful Not Helpful Comment Report abuse

Sherry Shelton

★★★★★ Adorable novelty shot glass!

September 6, 2018

Verified Purchase

They are a very nice novelty shot glass. I gave them as gifts. Very satisfied.

Helpful Not Helpful Comment Report abuse

CCR

★★★★★ As advertised

July 11, 2018

Verified Purchase

Great product as promised. Looks bigger in picture but a good shot glass

Helpful Not Helpful Comment Report abuse

Theodore W. Nelson

★★★★★ Very interesting item

September 21, 2018

Verified Purchase

I gave them as a gift, I thought they were very unique.

Helpful Not Helpful Comment Report abuse

Dznefreak

★★★★★ Unique looking shot glasses

June 2, 2018

Verified Purchase

Love them!! I should of ordered the glasses too....he's definitely going to use these!!

Helpful Not Helpful Comment Report abuse

Amazon Customer

★★★★★ Five Stars

February 19, 2018

Verified Purchase

Perfect Gift!

Helpful Not Helpful Comment Report abuse

L

★★★★★ Amazing

July 28, 2018

Verified Purchase



Ad feedback

Most recent customer reviews

DRS

★★★★★ Five Stars

Great conversation pieces.

Published 3 months ago

Boryslav Deputat

★★★★★ Four Stars

ok

Published 5 months ago

Search customer reviews

Search



Great product!

Helpful

Not Helpful

Comment

Report abuse

Amber Smith

★★★★★ Five Stars

June 14, 2018

Verified Purchase

Loved them they are so cute.

Helpful

Not Helpful

Comment

Report abuse

See all 10 reviews

Write a customer review

## Customers who viewed this item also viewed



Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 6  
★★★★★ 32  
\$59.99 ✓prime



[set of 2] The Original BenShot Shot Glass with Real 0.308 Bullet  
#Bulletproof MADE in the USA  
★★★★★ 45  
\$22.99 ✓prime



The Original BenShot Shot Glass with Real 0.308 Bullet #Bulletproof MADE in the USA  
★★★★★ 655  
\$14.99 ✓prime



50 Caliber Bullet Shaped Shot Glasses 4 Pack | Durable Dual Layered 1.5 Oz Novelty Gag Funny...  
★★★★★ 16  
\$20.99 ✓prime



Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 2  
★★★★★ 151  
1 offer from \$24.99



Fairly Odd Novelties 12 Gauge Shotgun Shell Shot Glasses Set of 4  
★★★★★ 88  
\$8.77

Pages with related products. See and discover other items: odd gift ideas, unique gift for retirement.

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**EXHIBIT B**



Save on professional dish soap | amazonbasics

Back to search results for "lucky shot USA whiskey glass set of 2"



Roll over image to zoom in

## Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2

by Lucky Shot

★★★★★ 151 customer reviews | 5 answered questions

Amazon's Choice for "lucky shot USA whiskey glass set of 2"

Price: \$34.99 & FREE Shipping. Details

- Hand-blown Whiskey Glass embedded with a Real .308 Bullet right here in the USA! 10 oz pour.
- The Ultimate Gift idea for almost any occasion. Say Congratulations, Thank You, Happy birthday, Happy Retirement, and Happy Father's Day by giving Them The Gifts They really want!
- Top Brand items as recently featured on TV Programs like Fox Firepower, Fox and Friends, and more!
- 100% authentic, including the bullets! Glasses are hand-blown, making each one unique.
- Glasses meet FDA safety guidelines. Do not contain gunpowder or lead residue. Hand wash only

Compare with similar items

New (2) from \$34.99 & FREE shipping. Details



Ad feedback

Share 280+ Shares

\$34.99

& FREE Shipping. Details

Want it tomorrow, Oct. 5? Order within 8 hrs & mins and choose One-Day Shipping at checkout. Details

In Stock.

Sold by LuckyShotUSA and Fulfilled by Amazon. Gift-wrap available.

Qty: 1

Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click ordering for this browser

Deliver to Milwaukee 53212

Add to List

Add to Wedding Registry

Other Sellers on Amazon

New (2) from \$34.99 & FREE shipping. Details

Have one to sell? Sell on Amazon

### Frequently bought together



Total price: \$75.97

Add all three to Cart

Add all three to List

One of these items ships sooner than the other. Show details

✓ This item: Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2 \$34.99

✓ The Wine Savant Whiskey Stones Bullets Stainless Steel - Bullet Chillers Set of 6, Stainless Steel... \$14.99

✓ Lucky Shot .50 Cal Real Bullet Handmade Pint Glass \$25.99



\$14.95 prime

Ad feedback

### Sponsored products related to this item

Page 1 of 30



### Customers who bought this item also bought

Page 1 of 3



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Have a question?

Find answers in product info, Q&As, reviews

From the manufacturer

.308 Real Bullet hand-blown Whiskey Glass Set of 2



We brought you the Shot Glass that continues to defy all odds...but we didn't stop there. We have taken 'Bulletproof' to a new level and we are proud to bring you the world's most epic whiskey glass.



Made from handblown glass and embedded with a REAL .308 caliber bullet, this whiskey glass accommodates a generous 8.5 oz pour; making it the only whiskey glass you will ever need.



A whiskey glass made for the real whiskey drinker...because a real whiskey drinker never shoots their whiskey, we drink our whiskey.



Savor the quality of your whiskey with Lucky Shot USA's .308 Bulletproof Whiskey Glass. Feel bulletproof when you're throwing back 100 proof. Bottoms up!



Compare with similar items



This item Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2

Add to Cart

Customer Rating	★★★★★ (151)
Price	\$34 <sup>99</sup>
Shipping	FREE Shipping
Sold By	LuckyShotUSA
Color	Glass
Material Type	Glass



Ashcroft Set of 2 Unique Whiskey Glasses - Iceberg Collection - Scotch, Liquor or Bourbon Tumblers, Ultra-Clarity Glassware, Elegant, and Dishwasher Safe

Add to Cart

Customer Rating	★★★★★ (214)
Price	\$24 <sup>99</sup>
Shipping	FREE shipping on orders over \$25
Sold By	Ashcroft Products LLC
Color	Clear
Material Type	Glass



JoyJolt Carre Square Scotch Glasses, Old Fashioned Whiskey Glasses 10-Ounce, Ultra Clear Whiskey Glass for Bourbon and Liquor Set Of 2 Glassware

Add to Cart

Customer Rating	★★★★★ (159)
Price	\$34 <sup>95</sup>
Shipping	FREE Shipping
Sold By	Essential products USA
Color	Clear
Material Type	Glass



Pacific Whiskey Glasses, Gift Pack Set Of 2 - Scotch Lead Free Liquor Tumblers, Dishwasher Safe, Classic Old Fashioned Barware, Rum Vodka Glassware, Elegant Ultra Clarity Cocktail Bourbon Whiskey Glass

Add to Cart

Customer Rating	★★★★★ (53)
Price	\$28 <sup>87</sup>
Shipping	FREE Shipping
Sold By	PRIME INSTINCTS
Color	Clear
Material Type	Glass

Product description

We brought you the Shot Glass that continues to defy all odds...but we didn't stop there. We have taken "Bulletproof" to a new level and we are proud to bring you the world's most epic whiskey glass... Lucky Shot USA's .308 Bullet Whiskey Glass! Made from handblown glass and embedded with a REAL .308 caliber bullet, this whiskey glass accommodates a generous 8.5 oz pour; making it the only whiskey glass you will ever need. A whiskey glass made for the real whiskey drinker... because a real whiskey drinker never shoots their whiskey, we drink our whiskey. Savor the quality of your whiskey with Lucky Shot USA's .308 Bulletproof Whiskey Glass. Feel bulletproof when you're throwing back 100 proof. Bottoms up! This product resembles live ammunition; therefore, bringing our products where live ammunition may not be permitted (i.e. schools, airports, government/federal buildings, etc.) is not recommended. Lucky Shot is a registered trademark of 2 Monkey Trading, LLC. This listing and its products, descriptions, images and trade names are the intellectual property of 2 Monkey Trading, LLC and may not be utilized (by others) individually or as a listing unless authorized in writing from 2 Monkey Trading, LLC.

Product information

Product Dimensions	8 x 4 x 4 inches
Item Weight	1.85 pounds
Shipping Weight	1.85 pounds (View shipping rates and policies)
Manufacturer	2 Monkey Trading
ASIN	B06XDGQLZS
Customer Reviews	★★★★★ 151 customer reviews 4.5 out of 5 stars

Warranty & Support

Product Warranty: For warranty information about this product, please [click here](#)

Feedback

If you are a seller for this product, would you like to [suggest updates through seller support?](#)  
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Best Sellers Rank

#9,796 in Kitchen & Dining (See Top 100 in Kitchen & Dining)  
 #19 in Kitchen & Dining > Bar Tools & Glasses > Bar, Cocktail & Wine Glasses > Old Fashioned Glasses  
 #616 in Kitchen & Dining > Glassware & Drinkware  
 #3,770 in Home & Kitchen > Kitchen & Dining > Food Service Equipment & Supplies

Date first listed on Amazon

March 2, 2017

Related Video Shorts (0) [Upload your video](#)

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Your name here

Sponsored products related to this item



Whiskey Glasses Set of 4 in Gift Box - New Style Old Fashioned Drinking Glasses - GL...  
 ★★★★★ 88  
 \$27.55 [prime](#)



50 Caliber Bottle Openers Set of 6 Made in the USA By Lucky Shot - Flag Bag Included  
 ★★★★★ 4  
 \$49.99 [prime](#)



Premium Whiskey Glasses - Lead Free Hand Blown Crystal - Thick Weighted Bottom (12oz)...  
 ★★★★★ 13  
 \$24.95 [prime](#)



Whiskey Glasses Set of 2 in Gift Box - New Style Old Fashioned Drink Glasses - Glass...  
 ★★★★★ 57  
 \$21.84 [prime](#)



Corkcicle Cigar Glass - Double Old Fashioned Glass With Built-in Cigar Rest  
 ★★★★★ 59  
 \$24.95 [prime](#)



Highball Glasses - Drinking Glasses Set of 4 - Cocktail Glasses 20oz - Glass Water...  
 ★★★★★ 132  
 \$25.91 [prime](#)



.308 Real Bullet Handblown Whiskey Glass - MERICA EST. 1776  
 ★★★★★ 1  
 \$24.99 [prime](#)

[Ad feedback](#)[Ad feedback](#)

## Customer Questions &amp; Answers

[See questions and answers](#)

## Customer reviews

★★★★★ 151  
 4.5 out of 5 stars \*

5 star 77%  
 4 star 13%  
 3 star 4%  
 2 star 1%  
 1 star 5%

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Share your thoughts with other customers

[Write a customer review](#)

## Read reviews that mention

glasses unique smaller packaged conversation gun  
 bullets gifts drink glue enthusiast ice novelty  
 idea hit drinking birthday rest nicely bar

## Top customer reviews

Ragman

★★★★★ Junk!!!!!!!

December 30, 2017

Verified Purchase

Terrible!!! I ordered two glasses, which took 23 days to deliver. They did not come in their original boxes or any paperwork. The glass is very thin and cheaply made. The picture shows that there is a thick bottom. However, the actual bottom is as thin as the rest of the glass. The bullet looks real. Since this is cheaply made and from China, I will not be drinking out of these glasses; which is unfortunate. I would return, but I don't want to deal with the hassle. Very disappointed.

3 people found this helpful

[Helpful](#) [Not Helpful](#) [Comment](#) [Report abuse](#)

[Ad feedback](#)

## Customer images

[See all customer images](#)

## Most recent customer reviews

Sarah18253

★★★★★ Perfect gift for a shooter!!

Husband absolutely LOVES these! I was afraid they would look cheap and fake, but they look awesome. [Read more](#)  
 Published 5 days ago

grandma v



Tiffany Godfrey

★★★★☆ Really cool, but kind of small.

September 7, 2017

Verified Purchase

These are cool glasses, but they're smaller than I thought they would be. I guess I should I looked closer to see the ounces, but it would have been nice to have an image attached for the dimensions of the glasses. However, the image does just show whiskey on the rocks, which these glasses will work for, but if you wanted a mixed drink like whiskey and ginger ale or something, these glasses wouldn't really be big enough. I still like them, but we use them more for display on our wet bar more so than actually using them.

2 people found this helpful

Helpful Not Helpful

Comment Report abuse

Krista

★★★★★ Don't last long!

March 29, 2018

Verified Purchase

I purchased these for my husband as a Valentine's Day gift. He has been using them occasionally since then. Today one of the bullets came out. I am very disappointed that they have only lasted slightly over a month and were not used many times. These were pricey and now without the bullet, look ridiculous. Apparently I have now missed the "return window" so I'm stuck with these!

4 people found this helpful

Helpful Not Helpful

Comment Report abuse

Brian Downing

★★★★★ I like that they're hand made

December 11, 2017

Verified Purchase

I like that they're hand made. The two that I ordered are different sizes and I always give the smaller one to my guest. I think it adds character to the set. My only complaint is that they a large ice cube, be it square or round, will not fit in the glass do to the bullet. I would definitely recommend this product and would buy again.

3 people found this helpful

Helpful Not Helpful

Comment Report abuse

Chelygirl

★★★★★ Love these glasses this is the second set I purchased

January 12, 2018

Verified Purchase

Love these glasses this is the second set I purchased. The first was a gift, my husband was upset I didn't get them for him, so I re-ordered! Great glass, makes a great conversation piece! I highly recommend them.

One person found this helpful

Helpful Not Helpful

Comment Report abuse

Cheri Mecum

★★★★★ Great Quality

January 22, 2018

Verified Purchase

my son loved them when I gave them to him for Christmas !!

One person found this helpful

Helpful Not Helpful

Comment Report abuse

Lucille Hernandez

★★★★★ Five Stars

January 22, 2018

Verified Purchase

Love them, they look as great as the photos! My boyfriend uses them almost every night

One person found this helpful

Helpful Not Helpful

Comment Report abuse

research BAU buy

★★★★★ Five Stars

January 20, 2018

Verified Purchase

These were pretty cool. My husband loves them.

One person found this helpful

Helpful Not Helpful

Comment Report abuse

See all 151 reviews »

Write a customer review

★★★★★ look cool

Fun to show off.

Published 17 days ago

RB

★★★★★ Great gift for the hunter, soldier, police officer

Nicely made and unique. Have purchased several of these for gifts. They are always well received.

Published 22 days ago

Christopher Jones

★★★★★ Great glasses!

Awesome glasses! Very happy with the quality

Published 28 days ago

Amazon Customer

★★★★☆ Bullet failure

Bullet fell out after first drink, maybe the whiskey vapor was too strong for this pussy glass.

Published 28 days ago

Throw it in the Bag

★★★★★ Four Stars

These are very cool but they are a bit smaller than I expected.

Published 1 month ago

Paul Rome

★★★★★ As expected!

Really nice and good quality glass.

Published 1 month ago

Jake

★★★★★ Great Whiskey Glasses

I bought these for drinking whiskey. They work great and are crafted very well. Smooth, compact, and that embedded bullet makes it easy to hold on to the glass while drinking...

Published 1 month ago

Amazon Customer

★★★★★ Good quality

Rapid delivery, good quality, as indicated in photos

Published 1 month ago

CONNIE COHN

★★★★★ Must have for bourbon drinkers.

Perfect gift for my adult son. It's just as pictured. Great conversation starter.

Published 1 month ago

Search customer reviews

## Customers who viewed this item also viewed



Lucky Shot .308 Real Bullet Handmade Whiskey Glass  
★★★★★ 220  
\$18.99 [prime](#)



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 4  
★★★★★ 36  
\$59.99 [prime](#)



Bullet Whiskey Glass by Beyond 5 - .308 Hand-Blown Whiskey Glass...  
★★★★★ 9  
\$19.96 [prime](#)



Ashcroft Set of 2 Unique Whiskey Glasses - Iceberg Collection - Scotch, Liquor or Bourbon Tumblers...  
★★★★★ 214  
\$24.99 [prime](#)



The Wine Savant Whiskey Stones Bullets Stainless Steel - Bullet Chillers Set of 6, Stainless Steel...  
★★★★★ 43  
\$14.99 [prime](#)



JoyJolt Carre Square Scotch Glasses, Old Fashioned Whiskey Glasses 10-Ounce, Ultra Clear...  
★★★★★ 159  
\$34.95 [prime](#)

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Goodreads  
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Prime Video Direct  
Video Distribution Made Easy

Woot!  
Deals and "Shenanigans"

6pm  
Social deals on fashion brands

Home Services  
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Box Office Mojo  
Find Movies Box Office Data

IMDb  
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Shopbop  
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Zappos  
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AbeBooks  
Books, art & collectibles

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Digital Educational Resources

Comixology  
Thousands of Digital Comics

IMDbPro  
Get Into Entertainment Professionals' Area

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EXHIBIT C



Save on professional dish soap | amazonbasics

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## Lucky Shot .50 Cal Real Bullet Handmade Pint Glass

by Lucky Shot

★★★★★ 120 customer reviews | 7 answered questions

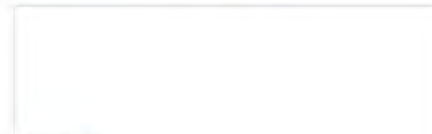
Amazon's Choice for "bullet beer glass"

Price: \$25.99 & FREE Shipping. Details

- 50 Caliber Hand Blown Pint Glass holds your 16 oz pour
- Pint Glass is embedded with a genuine 50 caliber bullet, makes you feel bulletproof!
- Top Brand items made right here in the USA. Recently featured on TV Programs like Fox Firepower, Fox and Friends, and more!
- The Ultimate Gift idea for almost any occasion. Say Congratulations, Thank You, Happy birthday, Happy Retirement, and Happy Father's Day by giving Them The Gifts They really want!
- Glasses meet USDA safety guidelines. Do not contain gunpowder or lead residue. Hand wash only

Compare with similar items

New (3) from \$25.99 & FREE shipping. Details



Ad feedback

Share 230+ Shares

\$25.99

& FREE Shipping. Details

Want it tomorrow, Oct. 5? Order within 4 hrs 14 mins and choose One-Day Shipping at checkout. Details

Only 4 left in stock - order soon.

Sold by LuckyShotUSA and Fulfilled by Amazon. Gift-wrap available.

Qty: 1

Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click ordering for this browser

Deliver to Milwaukee 53212

Add to List

Add to Wedding Registry

Other Sellers on Amazon

\$33.74

+ Free Shipping

Sold by: Star Spangled LLC

New (3) from \$25.99 & FREE shipping. Details

Have one to sell?

Sell on Amazon

Unbreakable Tritan™ Highly Stackable Made in USA



Drinique Caliber Pint 16 Ounce Craft Beer Glasses | Set of 4 Clear | Premium...

\$23.98 prime

Ad feedback

### Frequently bought together



Total price: \$59.97

Add all three to Cart

Add all three to List

One of these items ships sooner than the other. Show details

✓ This item: Lucky Shot .50 Cal Real Bullet Handmade Pint Glass \$25.99

✓ Lucky Shot .308 Real Bullet Handmade Whiskey Glass \$19.99

✓ 50 Caliber BMG Real Bullet Bottle Opener by American Brass \$13.99

### Sponsored products related to this item



Lucky Shot .308 Real Bullet Handmade Whiskey Glass  
★★★★★ 220  
\$19.99 prime



Lucky Shot .50 Cal Real Bullet Handmade Pint Glass - Set of 4  
★★★★★ 12  
\$89.99 prime



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2  
★★★★★ 151  
\$34.99 prime



50 Caliber BMG Real Bullet Bottle Opener - Made in the USA  
★★★★★ 8  
\$12.99 prime



50 Caliber BMG Real Bullet Bottle Opener - Set of 6 - Made in the USA  
★★★★★ 8  
\$54.99 prime



Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 6  
★★★★★ 31  
\$59.99 prime

Persi Lowl stam  
★  
\$20.00

Ad feedback

### Customers who bought this item also bought





Lucky Shot .308 Cal Real Bullet Handmade Stemless Wine Glass

★★★★★ 29

\$19.99 prime

Lucky Shot .308 Real Bullet Handmade Whiskey Glass

★★★★★ 220

\$19.99 prime

50 Caliber BMG Real Bullet Bottle Opener by American Brass

★★★★★ 298

\$13.99 prime

.308 Real Bullet hand-blown Shot Glass

★★★★★ 414

4 offers from \$11.48

Lily's Home Upside Down Double Wall Beer Glass, Insulated and Ideal for Beer or Other Cold...

★★★★★ 140

\$9.95 prime

The Original BenShot Bullet Rocks Glass with Real 0.308 Bullet Made in the USA

★★★★★ 687

\$19.99 prime


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Have a question?

Find answers in product info, Q&As, reviews

Compare with similar items



This item Lucky Shot .50 Cal Real Bullet Handmade Pint Glass

Add to Cart

★★★★★ (120)


\$25<sup>99</sup>

FREE Shipping

LuckyShotUSA

Clear

Glass



The Original BenShot Pint Glass with Real Bullet Made in the USA

Add to Cart

★★★★★ (50)


\$25<sup>99</sup>

FREE Shipping

BenShot, LLC

Transparent glass, copper bullet

Glass, Copper, Metal



Barbuzzo Last Man Standing - Bullet Pint Glass - Durable Hand Blown Glass - Hand Sculpted with a Faux 50 Caliber Bullet - Great Man Gift and Addition to the Man Cave - Holds 17 Ounces

Add to Cart

★★★★★ (92)


\$12<sup>50</sup>

FREE shipping on orders over \$25

Amazon.com

Clear

Glass



Lucky Shot .50 Cal Real Bullet Handmade Pint Glass - Set of 4

Add to Cart

★★★★★ (12)

\$89<sup>99</sup>

FREE Shipping

LuckyShotUSA

Clear

Glass

Product description

Don't be fooled by the imposters... Brought to you by none other than Lucky Shot USA, we present to you the pint glass that defies all odds. Individually handcrafted for superiority, embedded with unsurpassed precision for strength, this is the pint glass that breaks the rules, WITHOUT MERCY. The proof is stuck right in the glass. That's right, tried and tested to be no ordinary pint glass. This pint glass will have you feeling bulletproof. Lucky Shot USA's new 50 Cal Real Bullet Pint Glass accommodates a 16 OZ pour. This .50 Cal Real Bullet Pint Glass is embedded with a REAL .50 Cal bullet and is not dishwasher safe, please hand wash only. Our products are considered safe for use and are 100% antithetic, including the bullets. These products may contain minor blemishes or scratches but are considered to be consistent with their history. Please note, this glass is not bullet nor shatter proof, and because they resemble live ammunition, we do not recommend bringing our products where live ammunition may not be permitted (i.e. schools, airports, government/federal buildings, etc.). Lucky Shot USA High Caliber. Handcrafted. We are committed to giving munitions a second chance!

Product information

Package Dimensions

6.8 x 5.5 x 5.4 inches

Item Weight

2.43 pounds

Shipping Weight

2.43 pounds (View shipping rates and policies)

Manufacturer

2 Monkey Trading

ASIN

B074KNY773

Customer Reviews

★★★★★ 120 customer reviews  
4.7 out of 5 stars

Best Sellers Rank

#10,797 in Kitchen & Dining (See Top 100 in Kitchen & Dining)  
#29 in Kitchen & Dining > Bar Tools & Glasses > Bar, Cocktail & Wine Glasses > Beer Glasses  
#695 in Kitchen & Dining > Glassware & Drinkware  
#4,201 in Home & Kitchen > Kitchen & Dining > Food Service Equipment & Supplies

Date first listed on Amazon

August 4, 2017

Warranty & Support

Product Warranty: For warranty information about this product, please [click here](#)

Feedback

If you are a seller for this product, would you like to [suggest updates through seller support](#)?  
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Your name here

Sponsored products related to this item

The Original BenShot Pint Glass with Real Bullet  
Made in the USA  
★★★★★ 50  
\$25.99 ✓prime

SNOWFOX B10017-01 Insulated Stainless Steel Beer Glass  
★★★★★ 106  
\$34.99 ✓prime

Solo Clear Plastic Cups, 216 Count  
★★★★★ 8  
\$25.00 ✓prime

Lucky Shot .50 Cal Real Bullet Handmade Pint Glass - Set of 4  
★★★★★ 12  
\$89.99 ✓prime

Black 30mm A-10 Warthog Gau 8 Shot Glass Engraved Have a Nice Day  
★★★★★ 3  
\$14.99 ✓prime

GiftTree Tap House Custom Beer Glasses, Set of 4 Pint Glasses made by Libbey Glass ...  
★★★★★ 10  
\$49.95

Costway 120 Can Beverage Refrigerator and Cooler Mini Fridge with Glass Door for So...  
★★★★★ 13  
\$199.99

Ad feedback



Ad feedback

Customer Questions & Answers

See questions and answers

Customer reviews

★★★★★ 120  
4.7 out of 5 stars



Share your thoughts with other customers

Write a customer review

See all 120 customer reviews

Read reviews that mention

- gun birthday beer glasses enthusiast unique
- conversation neat packaged gifts novelty father
- hit present nicely avid kick idea drink

See more

Top customer reviews

B. Kenagy

★★★★★ **Don't put ice in this glass!!**

December 26, 2017

Verified Purchase

I bought this as a gift because it looked cool. Arrived fine, I took it out of the box and looked at it to make sure no cracks or anything and didn't see any. I went to the fridge to put ice cubes in to make a drink and the first ice cube dropped on the glass around the bullet and it broke. I tried contacting the seller and have not received a response. If you cant even put ice in the glass, it makes the product not functional. I might try to order another one if the seller actually responds back.

13 people found this helpful

Helpful Not Helpful Comment Report abuse

Kellie D'Angelo

★★★★★ **No bullet**

November 30, 2017

Verified Purchase

Received this in good packaging, however there was no bullet in the glass or anywhere in the package. Will need to return.



Ad feedback

Customer images



See all customer images

Most recent customer reviews

Pamela Heurich

★★★★★ **Great gift!**

This is the perfect gift for my grandson! He will get a big kick out of it.

Published 11 days ago

Ada carpio

★★★★★ **Súper cool**

Love it! This was a gift for my husband on his bday and it is super cool!

Published 15 days ago

Amazon Customer

★★★★★ **Great Christmas gift**

My gun enthusiast friend really liked it, and ordered more for his friends.



5 people found this helpful

Helpful

Not Helpful

Comment

Report abuse

Lisa

★★★★★ Super cool!

February 10, 2018

Verified Purchase

Super cool!!! My husband loved it and uses it all the time. However, I found the same one at the shooting range for half the price. Wish I went there first.

One person found this helpful

Helpful

Not Helpful

Comment

Report abuse

Frank Easton

★★★★☆ Great but with a minor imperfection

December 14, 2017

Verified Purchase

Bought it for a longtime friend who spent two decades in the navy as a boiler technician on destroyers. The glass arrived today and it looks great, not quite like the picture but close. The reason one star is missing is because the adhesive holding the bullet is all on one side instead of being evenly spread, makes it more noticeable. Still though a solid glass and tribute to one of history's greatest projectiles that has served since 1933.

One person found this helpful

Helpful

Not Helpful

Comment

Report abuse

JM

★★★★★ Great novelty gift!

October 7, 2017

Verified Purchase

Great novelty gift for gun enthusiasts. Well made pint glass with authentic bullet imbedded in side wall of glass. Shipped fast, great price.

One person found this helpful

Helpful

Not Helpful

Comment

Report abuse

Bailey Danielle

★★★★★ Nice novelty glass, durable

March 4, 2018

Verified Purchase

Got these as a gift for my boyfriend's brother-in-law and his nephew and they loved it! They are into guns and thought it was the neatest thing. Perfect for a jack and Coke (and orange soda for the teen). Came in a nice box so gift wrapping was easy too.

Helpful

Not Helpful

Comment

Report abuse

multiple intelligences

★★★★★ Beer basket.

November 1, 2017

Verified Purchase

Great fun. Purchased for a charity auction ... a beer basket. Can't wait to see how it is received.

One person found this helpful

Helpful

Not Helpful

Comment

Report abuse

Lindsay

★★★★★ Five Stars

November 13, 2017

Verified Purchase

This is super! As described... can't wait to gift it for Christmas.

One person found this helpful

Helpful

Not Helpful

Comment

Report abuse

[See all 120 reviews](#)[Write a customer review](#)

Published 16 days ago

Lisa

★★★★★ Great

Made well &amp; perfect for my gun-lovin', reloading husband.

Published 26 days ago

D. Kent

★★★★★ Unique

It was a gift &amp; he loved it. So did his friends.

Published 1 month ago

S. Savage

★★★★★ Great conversation piece, with function!

This was a Novelty Birthday gift for my son, given in addition to other gifts. I thought it might be a great conversation piece when he has his friends over.

[Read more](#)

Published 1 month ago

Deborah

★★★★★ Five Stars

Beautiful Gift...especially if you are looking for a One-of-a-kind!

Published 1 month ago

Stephen Mehalek

★★★★★ Thee Best Gift Ever

Thanks Guys for a great product and fast courteous service. This is the best thing to buy for every person I can think of. [Read more](#)

Published 1 month ago

fista

★★★★★ Awesome product

Cool cup.

Published 1 month ago

Curtis Smith

★★★★★ Nice pint glass

Well made sturdy feeling glass

Published 2 months ago

Search customer reviews

Q

Search

## Customers who viewed this item also viewed



The Original BenShot Pint Glass with Real Bullet  
Made in the USA  
★★★★★ 50  
\$25.99 [prime](#)



Lucky Shot .308 Real Bullet Handmade Whiskey Glass  
★★★★★ 220  
\$19.99 [prime](#)



Barbuzo Last Man Standing - Bullet Pint Glass - Durable Hand Blown Glass - Handmade  
★★★★★ 92  
\$12.50 [prime](#)



Lucky Shot .50 Cal Real Bullet Handmade Pint Glass - Set of 4  
★★★★★ 12  
\$89.99 [prime](#)



Lily's Home Upside Down Double Wall Beer Glass, Insulated and Ideal for Beer or Other Cold...  
★★★★★ 140  
\$9.95 [prime](#)



BigMouth Inc Boobie Beer Glass, Funny Novelty Drinking Glass, Holds 27 oz, Pilsner, Great for...  
★★★★★ 65  
\$17.99 [prime](#)

Amazon Brand - Solimo Men's One Daily ...

42

Shop now

Ad feedback

Pages with related products. See and discover other items: [Best Rated in Beer Glasses](#), [new kitchen gifts](#), [odd gift ideas](#), [Best Tulip glasses for beer](#), [Best housewarming gifts for men](#), [Best ipa glasses for beer](#)

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EXHIBIT D



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Roll over image to zoom in

## Lucky Shot .308 Cal Real Bullet Handmade Stemless Wine Glass

by Lucky Shot

★★★★★ 29 customer reviews

Amazon's Choice for "bullet wine glass"

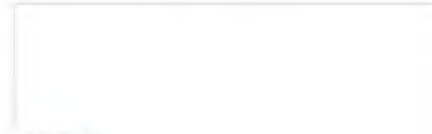
Price: \$19.99 ✓prime

FREE Shipping on orders over \$25—or get FREE Two-Day Shipping with Amazon Prime

- .308 Stemless wine glass accommodates 15 oz of your favorite red!
- Our .308 Stemless wine glass is embedded with a genuine .308 bullet!
- Top Brand items made right here in the USA. Recently featured on TV Programs like Fox Firepower, Fox and Friends, and more!
- 100% authentic, including the bullets! Wine glasses are hand-blown, making each one unique.
- Glasses meet FDA safety guidelines. Do not contain gunpowder or lead residue. Hand wash only

Compare with similar items

New (2) from \$19.99 & FREE shipping on orders over \$25.00. Details



Ad feedback

Share

\$19.99 ✓prime

FREE Shipping on orders over \$25—or get FREE Two-Day Shipping with Amazon Prime

Want it TODAY, Oct. 4? Order within 4 hrs 36 mins and choose Same-Day Delivery at checkout. Details

In Stock.

Sold by LuckyShotUSA and Fulfilled by Amazon. Gift-wrap available.

Qty: 1

Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Turn on 1-Click ordering for this browser

Deliver to Milwaukee 53212

Add to List

Add to Wedding Registry

### Other Sellers on Amazon

New (2) from \$19.99 & FREE shipping on orders over \$25.00. Details

Have one to sell?

Sell on Amazon

2oz Mini Red Solo Cups – 100 Count – Disposable Tiny Shot...

Ad feedback

### Frequently bought together



Total price: \$65.97

Add all three to Cart

Add all three to List

One of these items ships sooner than the other. Show details

✓ This item: Lucky Shot .308 Cal Real Bullet Handmade Stemless Wine Glass \$19.99

✓ Lucky Shot .308 Real Bullet Handmade Whiskey Glass \$19.99

✓ Lucky Shot .50 Cal Real Bullet Handmade Pint Glass \$25.99

### Sponsored products related to this item



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 2  
★★★★★ 151  
\$34.99 ✓prime



Lucky Shot .50 Cal Real Bullet Handmade Pint Glass  
★★★★★ 120  
\$25.99 ✓prime



Lucky Shot .308 Real Bullet Handmade Whiskey Glass Set of 6  
★★★★★ 220  
\$19.99 ✓prime



Lucky Shot .308 Real Bullet Handmade Shot Glass Set of 6  
★★★★★ 31  
\$59.99 ✓prime



Lucky Shot .50 Cal Real Bullet Handmade Pint Glass - Set of 4  
★★★★★ 12  
\$89.99 ✓prime



[set of 2] The Original BenShot Bullet Rocks Glass with Real 0.308 Bullet  
Made in t...  
★★★★★ 95  
\$34.99 ✓prime



Coravin Model Two Plus Pack Wine Preservation System  
★★★★★ 97  
\$349.95 ✓prime



Funny Wine Glass, Mothers Day Gift, M Juice 16 oz Novelty Glass, ...  
★★★★★ 5  
\$11.97 ✓prime

Ad feedback

### Customers who bought this item also bought



Lucky Shot .308  
Real Bullet  
Handmade Whiskey Glass  
★★★★★ 220  
\$19.99 prime





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Have a question?

Find answers in product info, Q&As, reviews

Compare with similar items

				
This item Lucky Shot .308 Cal Real Bullet Handmade Stemless Wine Glass	[set of 2] The Original BenShot Shot Glass with Real 0.308 Bullet #Bulletproof MADE in the USA	Thumbsup UK, Revolver Shot Glass	The Original Shot Glass Embedded with a Sanddollar - Set of 4	
<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	
Customer Rating	★★★★★ (29)	★★★★★ (45)	★★★★★ (0)	
Price	\$19 <sup>99</sup>	\$22 <sup>99</sup>	\$6 <sup>90</sup>	\$44 <sup>99</sup>
Shipping	FREE shipping on orders over \$25	FREE shipping on orders over \$25	FREE shipping on orders over \$25	FREE Shipping
Sold By	LuckyShotUSA	BenShot, LLC	Amazon.com	StuckInGlass
Material Type	Glass	Glass, Copper, Metal	Glass	Glass

Product description

We brought you the Shot Glass that continues to defy all odds...but we didn't stop there. We have taken "Bulletproof" to a new level and we are proud to bring you the world's most epic wine glass... Lucky Shot USA's .308 Bullet Wine Glass! Made from hand blown glass and e mbedded with a REAL .308 caliber bullet, this wine glass accommodates a generous pour; making it the only wine glass you will ever need. This .308 Real Bullet Wine Glass is embedded with a REAL .308 Cal bullet and is not dishwasher safe, please hand wash only. Our products are considered safe for use and are 100% antithetic, including the bullets. These products may contain minor blemishes or scratches but are considered to be consistent with their history. Please note, this glass is not bullet nor shatter proof, and because they resemble live ammunition, we do not recommend bringing our products where live ammunition may not be permitted (i.e. schools, airports, government/federal buildings, etc.). Lucky Shot USA High Caliber. Handcrafted. We are committed to giving munitions a second chance!

Product information

Package Dimensions	4.4 x 4.3 x 4.2 inches
Item Weight	8 ounces
Shipping Weight	8 ounces (View shipping rates and policies)
Manufacturer	2 Monkey Trading
ASIN	B074KNN6R5
Customer Reviews	★★★★★ 29 customer reviews 4.4 out of 5 stars
Best Sellers Rank	#90,780 in Kitchen & Dining (See Top 100 in Kitchen & Dining) #522 in Kitchen & Dining > Bar Tools & Glasses > Bar, Cocktail & Wine Glasses > Shot Glasses #10,143 in Kitchen & Dining > Glassware & Drinkware #44,513 in Home & Kitchen > Kitchen & Dining > Food Service Equipment & Supplies
Date first listed on Amazon	August 4, 2017

Warranty & Support

**Product Warranty:** For warranty information about this product, please [click here](#)

Feedback

If you are a seller for this product, would you like to [suggest updates through seller support](#)?  
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Sponsored products related to this item





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★★★★★ 3  
\$14.99 [prime](#)



Shot Glass With Bullet, Authentic .308 Bullet Embedded, Brand New Bullet Shot Glass...  
★★★★★ 8  
\$14.99 [prime](#)



.50 Caliber Bottle Openers Set of 6 Made in the USA By Lucky Shot - Flag Bag included  
★★★★★ 4  
\$49.99 [prime](#)



Oster BLSTPB-WPK My Blend 250-Watt Blender with Travel Sport Bottle, Pink  
★★★★★ 4116  
\$24.04 [prime](#)



Veneto Kitchen's 12-Piece 600 W Pulverizing Bullet-Shaped Blender System Including ...  
★★★★★ 55  
\$26.74 [prime](#)



Whiskey Rocks, 6 Diamond Shaped and Polished Sipping Stones, Made of Natural Basalt...  
★★★★★ 10  
\$14.95 [prime](#)

[Ad feedback](#)



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## Customer Questions & Answers

[See questions and answers](#)

## Customer reviews

★★★★★ 29

4.4 out of 5 stars



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Share your thoughts with other customers

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## Top customer reviews

Kindle Customer

★★★★★ Looks even better in real life.

January 27, 2018

[Verified Purchase](#)

What a great item. It was a gift for an avid gun collector- and he loved it! The wine glass arrived right on time, well packaged and in perfect condition. I'm very happy with this purchase.

[Helpful](#)

[Not Helpful](#)

[Comment](#)

[Report abuse](#)

LBH

★★★★★ Love it!

May 22, 2018

[Verified Purchase](#)

My friend called right after receiving it. "It's a TEN! (Laughed). It's great! really well done. I love it!"

[Helpful](#)

[Not Helpful](#)

[Comment](#)

[Report abuse](#)

Julie

★★★★★ Lucky Shot!

November 28, 2017

[Verified Purchase](#)

Such a clever idea and quite the conversation piece. Well made, and strong glass.

[Helpful](#)

[Not Helpful](#)

[Comment](#)

[Report abuse](#)

Leanin Tree

★★★★★ Is a very nice glass.

February 18, 2018

[Verified Purchase](#)



[Ad feedback](#)

## Customer images



[See all customer images](#)

## Most recent customer reviews

J D

★★★★★ Unique

Great novelty gift

Published 2 months ago

Susanne Scarpati

★★★★★ Five Stars

It's a b-day present for my son-in-law next week

Published 2 months ago

Sarah

★★★★★ Five Stars

Bought it as a gift, he loves it and thought it was really cool

Published 3 months ago

The Heath

Everyone takes a second look at. Is a very nice glass.

Helpful Not Helpful Comment Report abuse

JudyH

★★★★★ Five Stars

January 12, 2018

Verified Purchase

The glasses arrived in good order and everyone loved them. They were a Christmas gift.

Helpful Not Helpful Comment Report abuse

Shayna

★★★★☆ Bullet has detached

September 17, 2018

Verified Purchase

A little sad because I've not owned it for a year and the bullet has already detached from the glass.



Helpful Not Helpful Comment Report abuse

J. Johnston

★★★☆☆ Two Stars

April 8, 2018

Verified Purchase

After two uses the bullet failed out.

Helpful Not Helpful Comment Report abuse

Dr. Steven B. Roberts

★★★★★ Great

August 11, 2018

Verified Purchase

Great

Helpful Not Helpful Comment Report abuse

[See all 29 reviews](#)

[Write a customer review](#)

★★★★★ Five Stars

Highly entertaining and appropriate for the recipient.

Published 3 months ago

Amazon Customer

★★★★★ Five Stars

Great gift for NRA members

Published 3 months ago

Lori P

★★★★☆ Great Wine Glass

UPDATE on July 10, 2018: This glass has been used about once a week and only hand washed. The bullet has already fallen out. [Read more](#)

Published 4 months ago

Alan S.

★★★★☆ Four Stars

good

Published 5 months ago

Vivienne Stevenson

★★★★★ Five Stars

Great gift - my husband was delighted with it. Beautifully crafted.

Published 6 months ago

Nathalie R Pacheco

★★★★★ Five Stars

My husband absolutely loved this! His favorite wine glass!

Published 6 months ago

Search customer reviews

Customers who viewed this item also viewed



Lucky Shot .308 Cal Real  
Bullet Stemless Wine Glass  
- Set of 2  
★★★★★ 13  
\$34.99 [prime](#)

[Ad feedback](#)

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**United States of America**  
United States Patent and Trademark Office

# Lucky Shot

**Reg. No. 4,608,312**

**Registered Sep. 23, 2014**

**Int. Cls.: 14 and 21**

**TRADEMARK**

**PRINCIPAL REGISTER**

2 MONKEY TRADING, LLC (FLORIDA LIMITED LIABILITY COMPANY)  
8837 BREWERTON RD.  
BREWERTON, NY 13029

FOR: JEWELRY, NAMELY, NECKLACES, BRACELETS, RINGS, TIE BARS, CUFF LINKS,  
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 7-15-2013; IN COMMERCE 7-15-2013.

FOR: KITCHEN UTENSILS, NAMELY, BOTTLE OPENERS, IN CLASS 21 (U.S. CLS. 2, 13,  
23, 29, 30, 33, 40 AND 50).

FIRST USE 7-15-2013; IN COMMERCE 7-15-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-029,728, FILED 8-6-2013.

BERYL GARDNER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

EXHIBIT F







EXHIBIT G



EXHIBIT H

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### Welcome to Lucky Shot

You made it clear when you requested to join our newsletter:

*You want to be part of a team dedicated to keeping history alive.*

Each Lucky Shot product is American made to cater to the discriminating eye of historians and collectors alike. Our pride in creating these artifacts matches our admiration for our nation's military veterans as well as troops serving around the globe. That pride is shown with every piece as it's repurposed to our incomparable standard of excellence. Start your collection today, or watch our expanding product line until you find the piece that speaks to you. Lucky Shot remains a family owned and operated business, and we value each new customer as part of our team which means exclusive first looks at new products and innovations. Stay posted to our newsletter for discounts, promotions, and educational posts commemorating our nation's history.

Thank you!

-President

Douglas Ingalls



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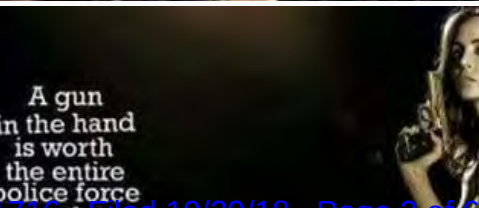
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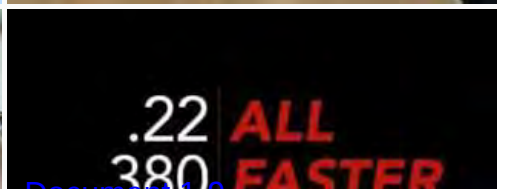
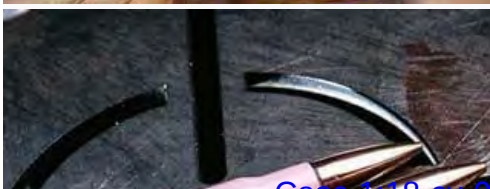
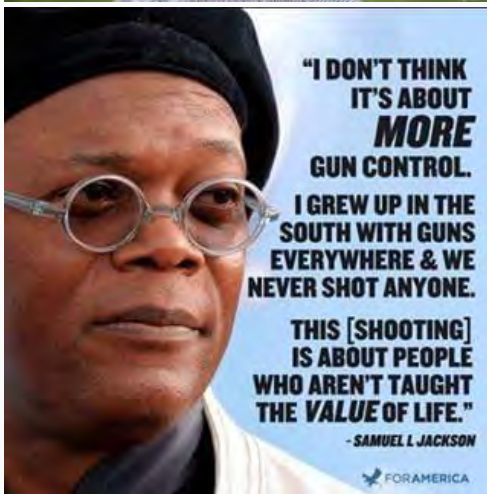
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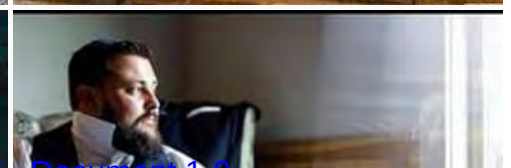
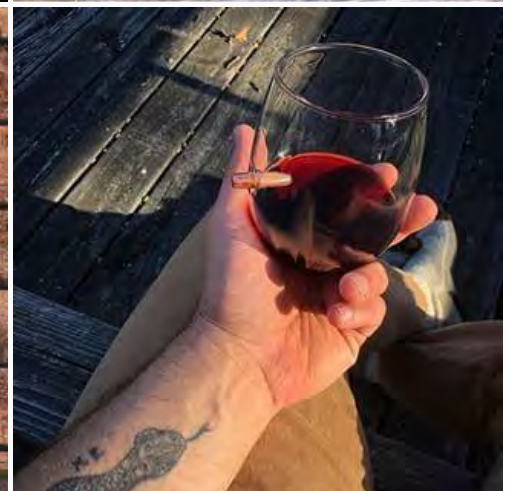
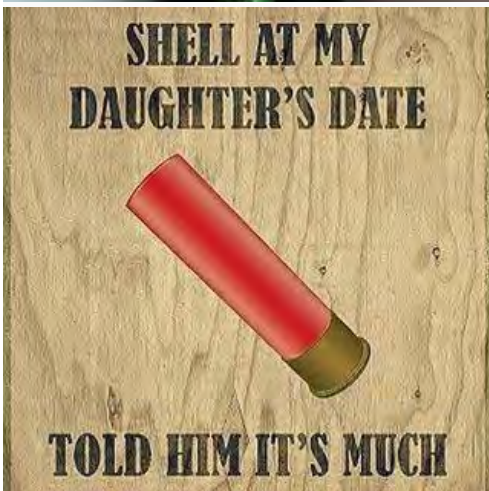
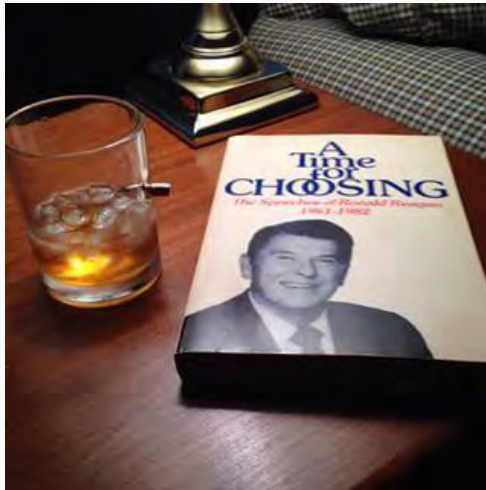
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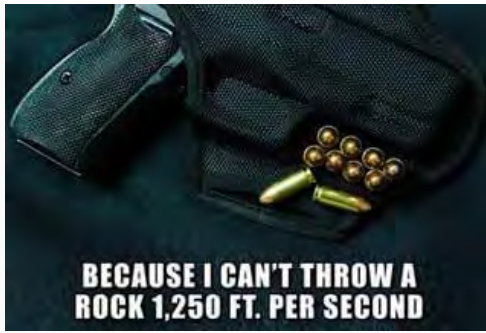




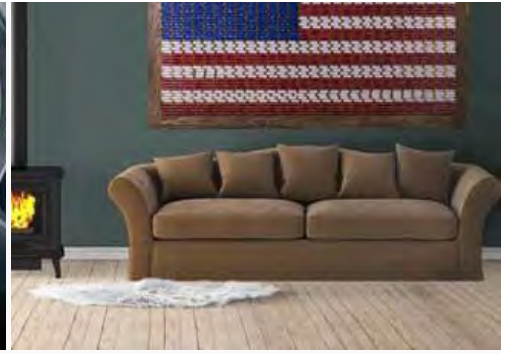












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## LUCKY SHOT GLASSWARE GLASSES EMBEDDED WITH REAL .308 BULLETS

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BULLET BOTTLE OPENERS



GROOMSMEN GIFTS



MILITARY GIFTS

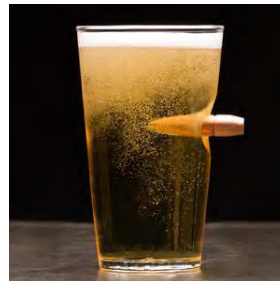
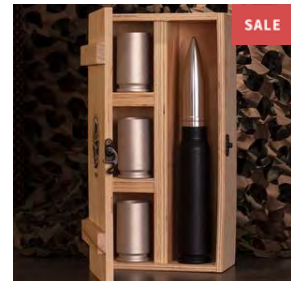


30MM SHOT GLASSES &amp; BAR SETS

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from \$ 25.99
30MM A-10 WARTHOG WALL  
MOUNT REAL SHELL BAR SET
 ★★★★★ 95 reviews  
\$ 99.99 ~~\$ 129.99~~


.308 BULLET COFFEE MUG

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\$ 19.99
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SHOT GLASS
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BRASS BOTTLE OPENER GIFT SET
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\$ 59.99


105MM HOWITZER ASHTRAY

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\$ 49.99
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Lucky Shot's exclusive line of Made in the Trenches products are inspired by trench art or fashioned directly from period components dating back to WWI.

[SHOP THE COLLECTION](#)

## NOT JUST BULLET BOTTLE OPENERS

Welcome to Lucky Shot USA, home of high caliber, handcrafted goods made from once-fired U.S military munitions. From 9MM bullets to 30MM A-10 Warthog rounds, if our military fired it, we get our hands on it and turn it into something badass. We're family owned and operated and direct manufacture all of our products, nearly 100% of which are made right here in the USA.

We're proud to count veterans, law enforcement officers and first responders among our closest family and friends, and we work regularly with the USO to support our troops. Our recommissioned ammo products make the perfect gift for groomsmen, military personnel, police, firefighters, veterans, hunters, bridesmaids, bartenders and more. Kick back, crack open a cold one and have a look around.

### SUBSCRIBE TO OUR NEWSLETTER

Save 10% Off Your First Order. We Promise NO SPAM!

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A large, stylized stamp that reads "MADE IN THE USA" in a bold, distressed font, tilted slightly to the right. The stamp is set against a dark, textured background that resembles a piece of old paper or a wall.



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407-985-3966 x 110

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#### INTERESTED IN PLACING A BULK ORDER?

We offer volume discounts for charitable events, military balls, unit reunions and wholesale customers.

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EXHIBIT K





AIR FORCE GIFTS

ARMY GIFTS

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NAVY GIFTS

## Need Military Ball Gift Ideas?

We Offer Gifts Made From Once Fired U.S. Military Munitions  
Proudly Made in America



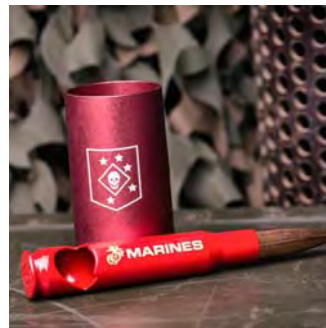
MilitaryBalls.com is your one-stop source for high-caliber, handcrafted military ball gifts, military event souvenirs and promotional items. We offer guaranteed lowest pricing exclusively for military and veterans' organizations and refuse to be undersold. Have a quote from somewhere else? We'll beat it--guaranteed!



Air Force Gifts



Army Gifts



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What To Wear To A Military Ball: Guys Edition

Attending your first military ball is an awesome experience, but can also be a daunting one. We covered do's and don'ts for what the ladies should wear in this post; now it's time to tackle attire for the guys. Lucky for you, gentlemen, it's pretty straightforward. I'll give you the scoop from my own experience ... [Read more](#)

What To Wear To a Military Ball: Ladies Edition

The guys have it easy: either they're the service member and they're wearing their dress uniform, or they're the date and they're in a nice suit or tux. They barely have to use any brain cells to figure out what to wear, but for the ladies, there's a lot more effort involved! The bottom line ... [Read more](#)

So You're Going To Your First Military Ball... Here's What You Should Know

You're headed to your first military ball. Whether you're a service member yourself or the lucky date of one, it can be overwhelming knowing what to expect. Not to mention there's a lot of condescending advice floating around out there telling you that you must do this or absolutely can't do that. In general, military ... [Read more](#)

 luckyshtusa

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We specialize in repurposing spent military munitions into unique items. Our products are proudly made in the USA! Tag us for a chance to be featured!



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EXHIBIT L



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### Lucky Shot USA | Handcrafted in the USA | LuckyShotUSA.com

[www.luckyshotusa.com/](https://www.luckyshotusa.com/)

Re-purposed spent military munitions **made** into unique collectibles. Family Owned & Operated. Bullet Bottle Openers. Groomsmen Gifts. 30MM **Shot** Glasses. Gift Sets. **Made** in the **USA**. As Seen on Shark Tank. Types: Bottle Openers, Drinkware, **Shot** Glasses, Gifts.

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### Lucky Shot USA

<https://luckyshotusa.com/>

Bullet bottle openers, bullet **shot** glasses, personalized groomsmen gifts, bullet jewelry, unique bar sets and military gifts, **made** in the **USA**.

Missing: ~~china~~ | Must include: [china](#)

[About Us](#) · [308 Real Bullet Handmade](#) ... · [Shot Glasses](#) · [Made in the Trenches](#)

### .308 Real Bullet Shot Glass "Bulletproof" Shot Glass - Lucky Shot USA

<https://luckyshotusa.com/products/308-bulletproof-shot-glass>

★★★★★ Rating: 5 - 194 reviews - \$14.99 - In stock

... in the glass. A hand-blown 1.5 oz **shot** glass with embedded .308 bullet. ... Very well **made**, already have gotten comments about it from friends. Would buy ...

### About Us - Lucky Shot USA

<https://luckyshotusa.com/pages/about-us>

**Lucky Shot, USA** is a family owned and operated business committed to a niche ... All of our products are skillfully crafted from 100% American-**made** munitions ...

Missing: ~~china~~ | Must include: [china](#)

### Amazon.com | .308 Real Bullet hand-blown Whiskey Glass Set of 2 ...

<https://www.amazon.com/308-Real-Bullet-hand-blown-Whiskey.../B06XGQLZS>

★★★★★ Rating: 4.5 - 130 reviews

Shop **Lucky Shot** at the Amazon Dining & Entertaining store. ... [set of 2] The Original BenShot Bullet Rocks Glass with Real Bullet 0.308 **Made** in the **USA** .... Since this is cheaply **made** and from **China**, I will not be drinking out of these glasses; ...

### Amazon.com | .308 Real Bullet hand-blown Whiskey Glass: Old ...

<https://www.amazon.com/Lucky-Shot-SYNCHKG119101-Real.../B06XD68M9M>

★★★★★ Rating: 4.5 - 185 reviews

Shop **Lucky Shot** at the Amazon Dining & Entertaining store. ... Hand-blown Whiskey Glass embedded with a Real .308 Bullet right here in the **USA**! .... A whiskey glass **made** for the real whiskey drinker... because a real whiskey drinker never .... These cheap **chinese** knock offs look like they would break easier because the ...

### Personalized Bullet Bottle Openers & Groomsmen by LuckyShotUSA

<https://www.etsy.com/shop/LuckyShotUSA>

★★★★★ Rating: 5 - 2,563 reviews

Jun 3, 2017 - All of our **Lucky Shot** line of bullet bottle openers, 30MM **Shot** Glasses and bullet jewelry is **made** in the **USA** from once fired American **made** ...

### Images for Made in China Lucky Shot USA



➔ [More images for Made in China Lucky Shot USA](#)

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### Lucky shot | Etsy

[https://www.etsy.com/market/lucky\\_shot](https://www.etsy.com/market/lucky_shot)

Jameson Irish Whiskey liquor bottle **shot** glasses **Made** From tops or necks of bottles ..... Vintage china thimble - Ireland - **Lucky Clover** - Holiday souvenir.

### Collectible Shot Glasses for sale | eBay

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**Case 1:18-cv-01716 Filed 10/29/18 Page 2 of 3 Document 1-12**



Results 1 - 48 of 52156 - 2 Monkey Trading **Lucky Shot** .308 Bullet **Shot** Glass LS-BSG-308 QTY-1 ....  
HAND WASH ONLY **MADE IN CHINA** GOOD CONDITION PLEASE SEE ALL PICTURES .... Square **Shot**  
Glasses, Set of 6 **Made in U.S.A.**..

Nato helicopter shooting 'a lucky shot' - Telegraph

<https://www.telegraph.co.uk/news/.../asia/.../Nato-helicopter-shooting-a-lucky-shot.html>

Aug 7, 2011 - An ISAF spokesman identified the aircraft as a **US** Chinook helicopter ... taking off could have conspired to **make** a "lucky shot" said one official.

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The Original Bullet Shot Glass | Made in USA

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BenShot the original and only bullet glasses **made** 100% in the **USA**. Custom laser etching. Highlights: Established In 2015, Multiple Payment Options Available.

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Your Moon Phase (Coming Soon)

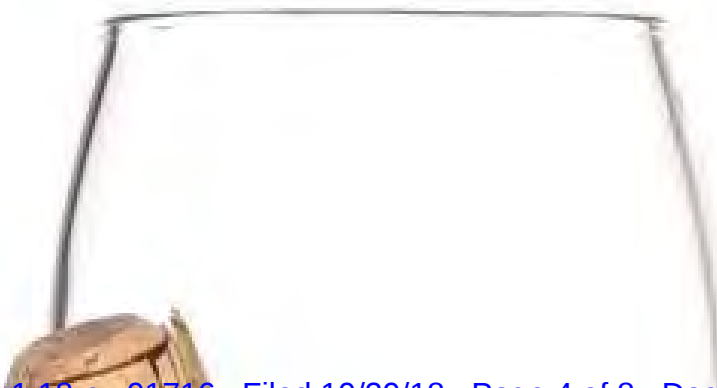




STUCK IN GLASS PRODUCTS



**The Shredder - Whiskey Glass**  
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**The Ninja**  
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LUCKY SHOT USA PRODUCTS

**.308 Bottle Opener Key Chain Display**  
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**25mm Bushmaster Bottle Opener Display with 18 pcs**  
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EXHIBIT N




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EXHIBIT O



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.308 Real Bullet Handmade Whiskey Glass

50 - 199 Units **US \$11.00** >=200 Units **US \$10.00**

Capacity: 201-300ml

Contact Supplier

Leave Messages

2 MONKEY TRADING LLC

1 YR US

Gold Supplier

A&V Checked

View Company Profile

Product Details Company Profile Report Suspicious Activity

Overview

Quick Details

Drinkware Type:	Glass	Shape:	Round	Quantity:	>10
Glass Type:	Old Fashioned Glass	Usage:	Whiskey		

Supply Ability

Supply Ability: 250000 Unit/Units per Month

Packaging & Delivery

Lead Time: 48 Days

We brought you the Shot Glass that continues to defy all odds...but we didn't stop there. We have taken "Bulletproof" to a new level and we are proud to bring you the world's most epic whiskey glass...

Lucky Shot USA's .308 Bullet Whiskey Glass!


Handmade whiskey glass embedded with a REAL .308 caliber bullet, this whiskey glass accommodates a generous 10 oz pour; making it the only whiskey glass you will ever need.

A whiskey glass made for the real whiskey drinker... because a real whiskey drinker never shoots their whiskey, we drink our whiskey. Savor the quality of your whiskey with Lucky Shot USA's .308 Bulletproof Whiskey Glass. Feel bulletproof when you're throwing back 100 proof. Bottoms up!


Not Dishwasher safe. Please handwash only.

**Lucky Shot USA® High Caliber. Handcrafted. We are committed to giving munitions a second chance!**


You May Like




.308 Real Bullet Handmade Shot Glass  
**US \$6.0-7.0** / Unit  
100 Unit/Units




.308 REAL BULLET HANDMADE WINE  
**US \$4.5-4.5** / Unit  
1000 Unit/Units




12 Gauge Shotgun Shell Shot Glasses Set  
**US \$4.0-5.0** / Set  
100 Set/Sets




.308 Caliber Real Bullet Hat Clip in Brass  
**US \$3.5-4.0** / Unit  
100 Unit/Units




.308 Retractable Twist Pen in Polished Brass  
**US \$10.0-11.0** / Unit  
100 Unit/Units



50 Caliber Bullet Bottle Opener in Brass With  
**US \$3.25-3.25** / Unit  
1000 Unit/Units




12 Gauge American Flag Wall Art  
**US \$40.0-50.0** / Unit  
10 Unit/Units




Charm Buttons BOOGIE BOARD

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**US \$6.0-7.0** / Unit  
100 Unit/Units



.308 REAL BULLET H...  
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1000 Unit/Units



12 Gauge Shotgun Sh...  
**US \$4.0-5.0** / Set  
100 Set/Sets



.308 Caliber Real Bull...  
**US \$3.5-4.0** / Unit  
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EXHIBIT P





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### 50 CALIBER REAL BULLET HANDMADE PINT GLASS

100 - 199 Units

>=200 Units

US \$14.00

US \$13.00

Capacity: 401-500ml

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2 MONKEY TRADING LLC


1 YR US

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.308 REAL BULLET HANDMADE WINE  
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12 Gauge Shotgun Shell Shot Glasses Set  
US \$4.0-5.0 / Set  
100 Set/Sets




.308 Caliber Real Bullet Hat Clip in Brass  
US \$3.5-4.0 / Unit  
100 Unit/Units




.308 Retractable Twist Pen in Polished Brass  
US \$10.0-11.0 / Unit  
100 Unit/Units



50 Caliber Bullet Bottle Opener in Brass With  
US \$3.25-3.25 / Unit  
1000 Unit/Units



12 Gauge American Flag Wall Art  
US \$40.0-50.0 / Unit  
10 Unit/Units



Charm Buttons BOOGIE BOARD

Product Details

Company Profile

Report Suspicious Activity

### Overview

Quick Details

Drinkware Type: Glass Quantity: 1 Glass Type: Pint Glass

Supply Ability

Supply Ability: 250000 Unit/Units per Month

Packaging & Delivery

Lead Time: 48 Days


Shotgunning a beer just took on a whole new meaning. Our Bullet Pint Glass is a handmade masterpiece (yes, it's REAL glass!) with a genuine 50 caliber BMG projectile embedded in the side. Enjoy the sweet taste of 16 ounces of freedom and the conversations that are sure to follow when you raise a toast with this bar showpiece!

This .50 Cal Real Bullet Pint Glass is not dishwasher safe, please hand wash only. Our products do not contain gunpowder or lead residue, making them 100% safe. Because our products resemble live ammunition, we do not recommend bringing them where live ammunition is not permitted (i.e. schools, airports, government/federal buildings, etc.). Please note, this glass is not bullet nor shatterproof.


**Lucky Shot USA ® High Caliber. Handcrafted. We are committed to giving munitions a second chance!**

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You May Like




.308 Real Bullet Hand...  
US \$6.0-7.0 / Unit  
100 Unit/Units



.308 REAL BULLET H...  
US \$4.5-4.5 / Unit  
1000 Unit/Units



12 Gauge Shotgun Sh...  
US \$4.0-5.0 / Set  
100 Set/Sets



.308 Caliber Real Bull...  
US \$3.5-4.0 / Unit  
100 Unit/Units

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EXHIBIT Q



.308 REAL BULLET HANDMADE WINE GLASS

FOB Reference Price: [Get Latest Price](#)

>=1000 Units

US \$4.50


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**2 MONKEY TRADING LLC**


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50 Caliber Bullet Bottle Opener in Brass With  
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1000 Unit/Units
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12 Gauge American Flag Wall Art  
US \$40.0-50.0 / Unit  
10 Unit/Units
- 

Charm Buttons BOOGIE BOARD
- 

Charm Buttons STRAWBERRY

Product Details

Company Profile

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Product Description

Company Information

Overview

Quick Details

Drinkware Type:	Glass	Shape:	Round	Quantity:	1
Glass Type:	Wine Glass				

Supply Ability

Supply Ability: 250000 Unit/Units per Month

Packaging & Delivery

Lead Time  48 Days

Product Description

Swirl and sip in style with the wine glass that's a little bit of class... and a whole lot of badass! With a genuine .308 projectile embedded in the side, our stemless Bullet Wine Glass is expertly handcrafted for those who appreciate the finer things in life, whether that's a rich Bordeaux or a round of target practice.

Our products are considered safe for use and are 100% authentic, including the bullets. These products may contain minor blemishes or scratches but are considered to be consistent with their history. Please note, this glass is not bullet nor shatter proof, and because they resemble live ammunition, we do not recommend bringing our products where live ammunition may not be permitted (i.e. schools, airports, government/federal buildings, etc.)

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#### Company Information

Like most great ideas, it started with a beer. Our flagship product was the original Bullet Bottle Opener, crafted from the casing of a .50 caliber machine gun round. When demand for it skyrocketed, we ran with the idea, dreaming up a full line of products up-cycled from repurposed ammo and artillery shells.


We didn't stop there. Our ideas began to grow as did our company. Your Moon Phase was created and had a very successful run in the Smithsonian. Our moon phase jewelry is the perfect gift to give to remember special moments in life.

Stuck In Glass, came soon after. It offers a unique twist on hand blown glass ware that captures a piece of everyone's personality in every glass.


We're a family owned and operated company committed to producing high quality, hand crafted items you'll keep for years to come. All products are skillfully crafted from 100% American-made munitions, hand blown glass and hand crafted metals.

Send your message to this supplier


You May Like




.308 Real Bullet Hand...  
**US \$6.0-7.0** / Unit  
100 Unit/Units



12 Gauge Shotgun Sh...  
**US \$4.0-5.0** / Set  
100 Set/Sets



.308 Caliber Real Bull...  
**US \$3.5-4.0** / Unit  
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EXHIBIT R





Company Overview

Company Introduction

Company Capability

Trade Capacity

Production Capacity

R&D Capacity

Business Performance

Buyer Interactions

Ratings & Reviews

Additional Information

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EXHIBIT S

# Complying with the MADE IN USA STANDARD

Federal Trade Commission | [business.ftc.gov](https://business.ftc.gov)







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## Introduction

The Federal Trade Commission (FTC) is charged with preventing deception and unfairness in the marketplace. The FTC Act gives the Commission the power to bring law enforcement actions against false or misleading claims that a product is of U.S. origin. Traditionally, the Commission has required that a product advertised as *Made in USA* be “all or virtually all” made in the U.S. After a comprehensive review of *Made in USA* and other U.S. origin claims in product advertising and labeling, the Commission announced in December 1997 that it would retain the “all or virtually all” standard. The Commission also issued an Enforcement Policy Statement on U.S. Origin Claims to provide guidance to marketers who want to make an unqualified *Made in USA* claim under the “all or virtually all” standard and those who want to make a qualified *Made in USA* claim.

This publication provides additional guidance about how to comply with the “all or virtually all” standard. It also offers some general information about the U.S. Customs Service’s requirement that all products of foreign origin imported into the U.S. be marked with the name of the country of origin.

This publication is the Federal Trade Commission staff’s view of the law’s requirements. It is not binding on the Commission. The Enforcement Policy Statement issued by the FTC is at the end of the publication.



## Basic Information About *Made In USA* Claims

Must U.S. content be disclosed on products sold in the U.S.?

U.S. content must be disclosed on automobiles and textile, wool, and fur products (*see page 15*). There's no law that requires most other products sold in the U.S. to be marked or labeled *Made in USA* or have any other disclosure about their amount of U.S. content. However, manufacturers and marketers who choose to make claims about the amount of U.S. content in their products must comply with the FTC's *Made in USA* policy.

What products does the FTC's *Made in USA* policy apply to?

The policy applies to all products advertised or sold in the U.S., except for those specifically subject to country-of-origin labeling by other laws (*see pages 15-17*). Other countries may have their own country-of-origin marking requirements. As a result, exporters should determine whether the country to which they are exporting imposes such requirements.

What kinds of claims does the Enforcement Policy Statement apply to?

The Enforcement Policy Statement applies to U.S. origin claims that appear on products and labeling, advertising, and other promotional materials. It also applies to all other forms of marketing, including marketing through digital or electronic mechanisms, such as Internet or e-mail.

A *Made in USA* claim can be express or implied.

**Examples** of express claims: *Made in USA*. "Our products are American-made." "USA."

In identifying implied claims, the Commission focuses on the overall impression of the advertising, label, or promotional material. Depending on the context, U.S. symbols or geographic references (for example, U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories) may convey a claim of U.S. origin either by themselves, or in conjunction with other phrases or images.

**Example:** A company promotes its product in an ad that features a manager describing the “true American quality” of the work produced at the company’s American factory. Although there is no express representation that the company’s product is made in the U.S., the overall — or net — impression the ad is likely to convey to consumers is that the product is of U.S. origin.

### Brand names and trademarks

Ordinarily, the Commission will not consider a manufacturer or marketer’s use of an American brand name or trademark by itself as a U.S. origin claim. Similarly, the Commission is not likely to interpret the mere listing of a company’s U.S. address on a package label in a non-prominent way as a claim of U.S. origin.

**Example:** A product is manufactured abroad by a well-known U.S. company. The fact that the company is headquartered in the U.S. also is widely known. Company pamphlets for its foreign-made product prominently feature its brand name. Assuming that the brand name does not specifically denote U.S. origin (that is, the brand name is not “Made in America, Inc.”), using the brand name by itself does not constitute a claim of U.S. origin.

## Representations about entire product lines

Manufacturers and marketers should not indicate, either expressly or implicitly, that a whole product line is of U.S. origin (“Our products are made in USA”) when only some products in the product line are made in the U.S. according to the “all or virtually all” standard.

## Does the FTC pre-approve *Made in USA* claims?

The Commission does not pre-approve advertising or labeling claims. A company doesn’t need approval from the Commission before making a *Made in USA* claim. As with most other advertising claims, a manufacturer or marketer may make any claim as long as it is truthful and substantiated.

## The Standard For Unqualified *Made In USA* Claims

What is the standard for a product to be called *Made in USA* without qualification?

For a product to be called *Made in USA*, or claimed to be of domestic origin without qualifications or limits on the claim, the product must be “all or virtually all” made in the U.S. The term “United States,” as referred to in the Enforcement Policy Statement, includes the 50 states, the District of Columbia, and the U.S. territories and possessions.

What does “all or virtually all” mean?

“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.

What substantiation is required for a *Made in USA* claim?

When a manufacturer or marketer makes an unqualified claim that a product is *Made in USA*, 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 U.S.

What factors does the Commission consider to determine whether a product is “all or virtually all” made in the U.S.?

The product’s final assembly or processing must take place in the U.S. The Commission then considers other factors, including how much of the product’s total manufacturing costs can be assigned to U.S. parts and processing, and how far removed any foreign content is from the finished product. In some instances, only a small portion of the total manufacturing costs are attributable to foreign processing, but that processing represents a significant amount of the product’s overall processing. The same could be true for some foreign parts. In these cases, the foreign content (processing or parts) is more than negligible, and, as a result, unqualified claims are inappropriate.

**Example:** A company produces propane barbecue grills at a plant in Nevada. The product’s major components include the gas valve, burner and aluminum housing, each of which is made in the U.S. The grill’s knobs and tubing are imported from Mexico. An unqualified *Made in USA* claim is not likely to be deceptive because the knobs and tubing make up a negligible portion of the product’s total manufacturing costs and are insignificant parts of the final product.

**Example:** A table lamp is assembled in the U.S. from American-made brass, an American-made Tiffany-style lampshade, and an imported base. The base accounts for a small percent of the total cost of making the lamp. An unqualified *Made in USA* claim is deceptive for two reasons: The base is not far enough removed in the manufacturing process from the finished product to be of little consequence and it is a significant part of the final product.

What items should manufacturers and marketers include in analyzing the percentage of domestic content in a particular product?

Manufacturers and marketers should use the cost of goods sold or inventory costs of finished goods in their analysis. Such costs generally are limited to the total cost of all manufacturing materials, direct manufacturing labor, and manufacturing overhead.

Should manufacturers and marketers rely on information from American suppliers about the amount of domestic content in the parts, components, and other elements they buy and use for their final products?

If given in good faith, manufacturers and marketers can rely on information from suppliers about the domestic content in the parts, components, and other elements they produce. Rather than assume that the input is 100 percent U.S.-made, however, manufacturers and marketers would be wise to ask the supplier for specific information about the percentage of U.S. content before they make a U.S. origin claim.

**Example:** A company manufactures food processors in its U.S. plant, making most of the parts, including the housing and blade, from U.S. materials. The motor, which constitutes 50 percent of the food



processor's total manufacturing costs, is bought from a U.S. supplier. The food processor manufacturer knows that the motor is assembled in a U.S. factory. Even though most of the parts of the food processor are of U.S. origin, the final assembly is in the U.S., and the motor is assembled in the U.S., the food processor is not considered "all or virtually all" American-made if the motor itself is made of imported parts that constitute a significant percentage of the appliance's total manufacturing cost. Before claiming the product is *Made in USA*, this manufacturer should look to its motor supplier for more specific information about the motor's origin.

**Example:** On its purchase order, a company states: "Our company requires that suppliers certify the percentage of U.S. content in products supplied to us. If you are unable or unwilling to make such certification, we will not purchase from you." Appearing under this statement is the sentence, "We certify that our \_\_\_\_ have at least \_\_\_\_% U.S. content," with space for the supplier to fill in the name of the product and its percentage of U.S. content. The company generally could rely on a certification like this to determine the appropriate country-of-origin designation for its product.

How far back in the manufacturing process should manufacturers and marketers look?

To determine the percentage of U.S. content, manufacturers and marketers should look back far enough in the manufacturing process to be reasonably sure that any significant foreign content has been included in their assessment of foreign costs. Foreign content incorporated early in the manufacturing process often will be less

significant to consumers than content that is a direct part of the finished product or the parts or components produced by the immediate supplier.

**Example:** The steel used to make a single component of a complex product (for example, the steel used in the case of a computer's floppy drive) is an early input into the computer's manufacture, and is likely to constitute a very small portion of the final product's total cost. On the other hand, the steel in a product like a pipe or a wrench is a direct and significant input. Whether the steel in a pipe or wrench is imported would be a significant factor in evaluating whether the finished product is "all or virtually all" made in the U.S.

Are raw materials included in the evaluation of whether a product is "all or virtually all" made in the U.S.?

It depends on how much of the product's cost the raw materials make up and how far removed from the finished product they are.

**Example:** If the gold in a gold ring is imported, an unqualified *Made in USA* claim for the ring is deceptive. That's because of the significant value the gold is likely to represent relative to the finished product, and because the gold — an integral component — is only one step back from the finished article. By contrast, consider the plastic in the plastic case of a clock radio otherwise made in the U.S. of U.S.-made components. If the plastic case was made from imported petroleum, a *Made in USA* claim is likely to be appropriate because the petroleum is far enough removed from the finished product, and is an insignificant part of it as well.

## Qualified Claims

What is a qualified *Made in USA* claim?

A qualified *Made in USA* claim describes the extent, amount or type of a product's domestic content or processing; it indicates that the product isn't entirely of domestic origin.

**Example:** “60% U.S. content.” “Made in USA of U.S. and imported parts.” “Couch assembled in USA from Italian Leather and Mexican Frame.”

When is a qualified *Made in USA* claim appropriate?

A qualified *Made in USA* claim is appropriate for products that include U.S. content or processing but don't meet the criteria for making an unqualified *Made in USA* claim. Because even qualified claims may imply more domestic content than exists, manufacturers or marketers must exercise care when making these claims. That is, avoid qualified claims unless the product has a significant amount of U.S. content or U.S. processing. A qualified *Made in USA* claim, like an unqualified claim, must be truthful and substantiated.

**Example:** An exercise treadmill is assembled in the U.S. The assembly represents significant work and constitutes a “substantial transformation” (a term used by the U.S. Customs Service — *see pages 13-14*). All of the treadmill's major parts, including the motor, frame, and electronic display, are imported. A few of its incidental parts, such as the handle bar covers, the plastic on/off power key, and the treadmill mat, are manufactured in the U.S. Together, these parts account for approximately three percent of the total cost of all the parts. Because the value of the U.S.-made parts is negligible compared to the value of all the parts, a claim on the treadmill that it is “Made in USA of U.S. and Imported Parts” is deceptive. A

claim like “Made in U.S. from Imported Parts” or “Assembled in U.S.A.” (*see page 13*) would not be deceptive.

#### U.S. origin claims for specific processes or parts

Claims that a particular manufacturing or other process was performed in the U.S. or that a particular part was manufactured in the U.S. must be truthful, substantiated, and clearly refer to the specific process or part, not to the general manufacture of the product, to avoid implying more U.S. content than exists.

Manufacturers and marketers should be cautious about using general terms, such as “produced,” “created” or “manufactured” in the U.S. Words like these are unlikely to convey a message limited to a particular process. Additional qualification probably is necessary to describe a product that is not “all or virtually all” made in the U.S.

In addition, if a product is of foreign origin (that is, it has been substantially transformed abroad), manufacturers and marketers also should make sure they satisfy Customs’ markings statute and regulations that require such products to be marked with a foreign country of origin (*see page 14*). Further, Customs requires the foreign country of origin to be preceded by “Made in,” “Product of,” or words of similar meaning when any city or location that is not the country of origin appears on the product.

**Example:** A company designs a product in New York City and sends the blueprint to a factory in Finland for manufacturing. It labels the product “Designed in USA — Made in Finland.” Such a specific processing claim would not lead a reasonable consumer to believe that the whole product was made in the U.S. The Customs Service requires the product to be marked “Made in,” or “Product of” Finland since the product

is of Finnish origin and the claim refers to the U.S. Examples of other specific processing claims are: “Bound in U.S. — Printed in Turkey.” “Hand carved in U.S. — Wood from Philippines.” “Software written in U.S. — Disk made in India.” “Painted and fired in USA. Blanks made in (foreign country of origin).”

**Example:** A company advertises its product, which was invented in Seattle and manufactured in Bangladesh, as “Created in USA.” This claim is deceptive because consumers are likely to interpret the term “Created” as *Made in USA* — an unqualified U.S. origin claim.

**Example:** A computer imported from Korea is packaged in the U.S. in an American-made corrugated paperboard box containing only domestic materials and domestically produced expanded rigid polystyrene plastic packing. Stating *Made in USA* on the package would deceive consumers about the origin of the product inside. But the company could legitimately make a qualified claim, such as “Computer Made in Korea — Packaging Made in USA.”

**Example:** The Acme Camera Company assembles its cameras in the U.S. The camera lenses are manufactured in the U.S., but most of the remaining parts are imported. A magazine ad for the camera is headlined “Beware of Imported Imitations” and states “Other high-end camera makers use imported parts made with cheap foreign labor. But at Acme Camera, we want only the highest quality parts for our cameras and we believe in employing American workers. That’s why we make all of our lenses right here in the U.S.” This ad is likely to convey that more than a specific product part (the lens) is of U.S. origin. The marketer should be prepared to substantiate the broader U.S. origin claim conveyed to consumers viewing the ad.



## Comparative Claims

Comparative claims should be truthful and substantiated, and presented in a way that makes the basis for comparison clear (for example, whether the comparison is to another leading brand or to a previous version of the same product). They should truthfully describe the U.S. content of the product and be based on a meaningful difference in U.S. content between the compared products.

**Example:** An ad for cellular phones states “We use more U.S. content than any other cellular phone manufacturer.” The manufacturer assembles the phones in the U.S. from American and imported components and can substantiate that the difference between the U.S. content of its phones and that of the other manufacturers’ phones is significant. This comparative claim is not deceptive.

**Example:** A product is advertised as having “twice as much U.S. content as before.” The U.S. content in the product has been increased from 2 percent in the previous version to 4 percent in the current version. This comparative claim is deceptive because the difference between the U.S. content in the current and previous version of the product are insignificant.

## Assembled in USA Claims

A product that includes foreign components may be called “Assembled in USA” without qualification when its principal assembly takes place in the U.S. and the assembly is substantial. For the “assembly” claim to be valid, the product’s last “substantial transformation” (*see page 14*) also should have occurred in the U.S. That’s why a “screwdriver” assembly in the U.S. of foreign components into a final product at the end of the manufacturing process doesn’t usually qualify for the “Assembled in USA” claim.

**Example:** A lawn mower, composed of all domestic parts except for the cable sheathing, flywheel, wheel rims and air filter (15 to 20 percent foreign content) is assembled in the U.S. An “Assembled in USA” claim is appropriate.

**Example:** All the major components of a computer, including the motherboard and hard drive, are imported. The computer’s components then are put together in a simple “screwdriver” operation in the U.S., are not substantially transformed under the Customs Standard, and must be marked with a foreign country of origin. An “Assembled in U.S.” claim without further qualification is deceptive.

## The FTC and The Customs Service

What is the U.S. Customs Service’s jurisdiction over country-of-origin claims?

The Tariff Act gives Customs and the Secretary of the Treasury the power to administer the requirement that imported goods be marked with a foreign country of origin (for example, “Made in Japan”).

When 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. Customs defines “substantial transformation” as a manufacturing process that results in a new and different product with a new name, character, and use that is different from that which existed before the change. Customs makes country-of-origin determinations using the “substantial transformation” test on a case-by-case basis. In some instances, Customs uses a “tariff shift” analysis, comparable to “substantial transformation,” to determine a product’s country of origin.

What is the interaction between the FTC and Customs regarding country-of-origin claims?

Even if Customs determines that an imported product does not need a foreign country-of-origin mark, it is not necessarily permissible to promote that product as *Made in USA*. The FTC considers additional factors to decide whether a product can be advertised or labeled as *Made in USA*.

Manufacturers and marketers should check with Customs to see if they need to mark their products with the foreign country of origin. If they don't, they should look at the FTC's standard to check if they can properly make a *Made in USA* claim.

The FTC has jurisdiction over foreign origin claims on products and in packaging that are beyond the disclosures required by Customs (for example, claims that supplement a required foreign origin marking to indicate where additional processing or finishing of a product occurred).

The FTC also has jurisdiction over foreign origin claims in advertising and other promotional materials. Unqualified U.S. origin claims in ads or other promotional materials for products that Customs requires a foreign country-of-origin mark may mislead or confuse consumers about the product's origin. To avoid misleading consumers, marketers should clearly disclose the foreign manufacture of a product.

**Example:** A television set assembled in Korea using an American-made picture tube is shipped to the U.S. The Customs Service requires the television set to be marked "Made in Korea" because that's where the television set was last "substantially transformed." The company's World Wide Web page states "Although our televisions are made abroad, they always contain U.S.-made picture tubes." This statement is not deceptive. However, making the statement "All our

picture tubes are made in the USA” — without disclosing the foreign origin of the television’s manufacture — might imply a broader claim (for example, that the television set is largely made in the U.S.) than could be substantiated. That is, if the statement and the entire ad imply that any foreign content or processing is negligible, the advertiser must substantiate that claim or net impression. The advertiser in this scenario would not be able to substantiate the implied *Made in USA* claim because the product was “substantially transformed” in Korea.

## Other Statutes

What are the requirements of other federal statutes relating to country-of-origin determinations?

### **Textile Fiber Products Identification Act and Wool**

**Products Labeling Act** — Require a *Made in USA* label on most clothing and other textile or wool household products if the final product is manufactured in the U.S. of fabric that is manufactured in the U.S., regardless of where materials earlier in the manufacturing process (for example, the yarn and fiber) came from. Textile products that are imported must be labeled as required by the Customs Service. A textile or wool product partially manufactured in the U.S. and partially manufactured in another country must be labeled to show both foreign and domestic processing.

On a garment with a neck, the country of origin must be disclosed on the front of a label attached to the inside center of the neck — either midway between the shoulder seams or very near another label attached to the inside center of the neck. On a garment without a neck, and on other kinds of textile products, the country of origin must appear on a conspicuous and readily accessible label on the inside or outside of the product.

Catalogs and other mail order promotional materials for textile and wool products, including those disseminated on the Internet, must disclose whether a product is made in the U.S., imported or both.

**The Fur Products Labeling Act** requires the country of origin of imported furs to be disclosed on all labels and in all advertising. For copies of the Textile, Wool or Fur Rules and Regulations, or the new business education guide on labeling requirements, call the FTC's Consumer Response Center (202-382-4357). Or visit the FTC online at **www.ftc.gov**. Click on Consumer Protection.

**American Automobile Labeling Act** — Requires that each automobile manufactured on or after October 1, 1994, for sale in the U.S. bear a label disclosing where the car was assembled, the percentage of equipment that originated in the U.S. and Canada, and the country of origin of the engine and transmission. Any representation that a car marketer makes that is required by the AALA is exempt from the Commission's policy. When a company makes claims in advertising or promotional materials that go beyond the AALA requirements, it will be held to the Commission's standard. For more information, call the Consumer Programs Division of the National Highway Traffic Safety Administration (202-366-0846).

**Buy American Act** — Requires that a product be manufactured in the U.S. of more than 50 percent U.S. parts to be considered *Made in USA* for government procurement purposes. For more information, review the Buy American Act at 41 U.S.C. §§ 10a-10c, the Federal Acquisition Regulations at 48 C.F.R. Part 25, and the Trade Agreements Act at 19 U.S.C. §§ 2501-2582.



## What To Do About Violations

What if I suspect noncompliance with the FTC's *Made in USA* standard or other country-of-origin mislabeling?

Information about possible illegal activity helps law enforcement officials target companies whose practices warrant scrutiny. If you suspect noncompliance, you may file a complaint online with the FTC Complaint Assistant at [ftc.gov/complaint](https://ftc.gov/complaint) or send an e-mail to **MUSA@ftc.gov**. If you know about import or export fraud, file a complaint with U.S. Customs and Border Protection at **<https://apps.cbp.gov/callegations/>**. Examples of fraudulent practices involving imports include removing a required foreign origin label before the product is delivered to the ultimate purchaser (with or without the improper substitution of a *Made in USA* label) and failing to label a product with a required country of origin.

You also can contact your state Attorney General and your local Better Business Bureau to report a company. Or you can refer your complaint to the National Advertising Division (NAD) of the Council of Better Business Bureaus by calling (212) 754-1320. NAD handles complaints about the truth and accuracy of national advertising. You can reach the Council of Better Business Bureaus on the web at **[adweb.com/adassoc17.html](http://adweb.com/adassoc17.html)**.

Finally, the **Lanham Act** gives any person (such as a competitor) who is damaged by a false designation of origin the right to sue the party making the false claim. Consult a lawyer to see if this private right of action is an appropriate course of action for you.

## For More Information

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit **ftc.gov** or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters consumer complaints into the Consumer Sentinel Network, a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

## Your Opportunity to Comment

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to **www.sba.gov/ombudsman**.

# Enforcement Policy Statement on U.S. Origin Claims

## 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,<sup>1</sup> the Wool Products Labeling Act,<sup>2</sup> or the Fur Products Labeling Act.<sup>3</sup> 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<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> 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,<sup>7</sup> and its Policy Statement Regarding Advertising Substantiation Doctrine.<sup>8</sup> 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<sup>9</sup> or trademark,<sup>10</sup> 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,<sup>11</sup> 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.<sup>12, 13</sup>

A product that is all or virtually all made in the United States will ordinarily be one in which all significant parts<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> 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<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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”).<sup>21</sup>

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.”<sup>22</sup>

## 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.<sup>23</sup> 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.

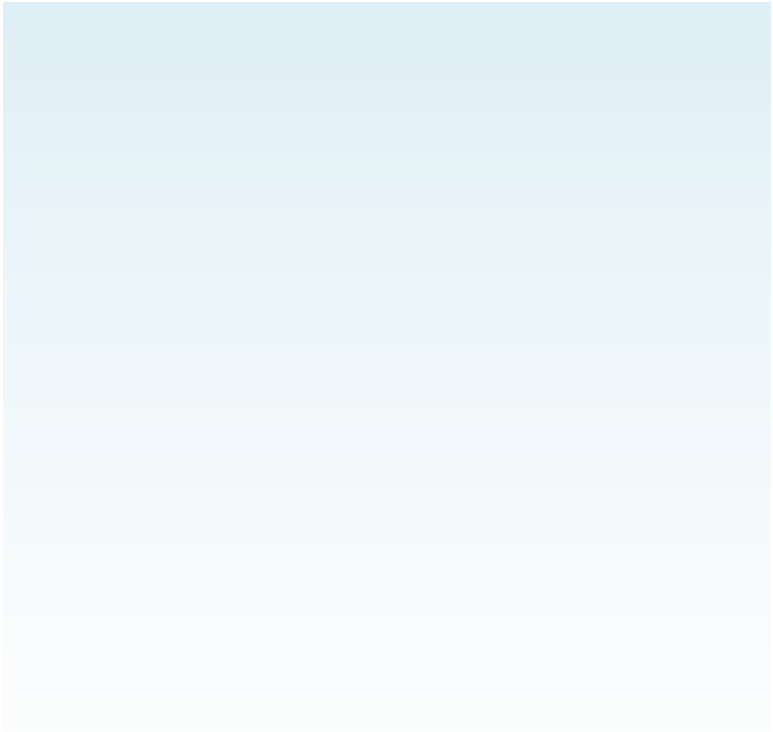
21. These examples are intended to be illustrative, not exhaustive; they do not represent the only claims or disclosures that would be permissible under Section 5 of the FTC Act. As indicated, however, qualified claims, like any claim, should be truthful and substantiated and should not overstate the 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 purchaser and would require foreign country-of-origin marking in accordance with the above provision. 62 Fed. Reg. 44,211, 44,213 (1997).



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[business.ftc.gov](http://business.ftc.gov)

EXHIBIT T



EXHIBIT U





EXHIBIT V



EXHIBIT W

**Final Details for Order #112-7812119-0623428**[Print this page for your records.](#)**Order Placed:** October 9, 2018**Amazon.com order number:** 112-7812119-0623428**Order Total:** \$68.94**Shipped on October 9, 2018****Items Ordered****Price**1 of: *.308 Real Bullet hand-blown Shot Glass*

\$14.99

Sold by: LuckyShotUSA ([seller profile](#))

Condition: New

1 of: *Lucky Shot .308 Cal Real Bullet Handmade Stemless Wine Glass*

\$19.99

Sold by: LuckyShotUSA ([seller profile](#))

Condition: New

1 of: *Lucky Shot .308 Real Bullet Handmade Whiskey Glass*

\$19.99

Sold by: LuckyShotUSA ([seller profile](#))

Condition: New

**Shipping Address:**ben wolfram  
140 INDUSTRIAL PARK AVE  
HORTONVILLE, WI 54944-9365  
United States

Item(s) Subtotal: \$54.97

Shipping &amp; Handling: \$13.97

-----

Total before tax: \$68.94

Sales Tax: \$0.00

-----

**Shipping Speed:**

One-Day Shipping

**Total for This Shipment: \$68.94**

-----

**Payment information****Payment Method:**

Visa | Last digits: 2743

Item(s) Subtotal: \$54.97

Shipping &amp; Handling: \$13.97

-----

Total before tax: \$68.94

Estimated tax to be collected: \$0.00

-----

**Billing address**Ben Wolfram  
140 INDUSTRIAL PARK AVE BENSHOT  
HORTONVILLE, WI 54944-9365  
United States**Grand Total: \$68.94****Credit Card transactions**

Visa ending in 2743: October 9, 2018: \$68.94

To view the status of your order, return to [Order Summary](#).[Conditions of Use](#) | [Privacy Notice](#) © 1996-2018, Amazon.com, Inc. or its affiliates



**EXHIBIT X**

MADE IN THE

USA



*Lucky Shot*<sup>®</sup>

# A-10 WARTHOG SHOT GLASS



Made from a  
once fired  
A-10 Warthog  
round



The Lucky Shot<sup>®</sup> A-10 Warthog shot glass is made from a genuine fired US Military A-10 warthog practice round procured from the Department of Defense. Original round is almost 12" long! The shell is cut down, completely refinished and made into the highest testosterone level shot glass available to man-kind. Safety tested and in compliance with FDA regulations.

## WARNINGS

**NOT** dishwasher safe, hand wash only.

**Not for Children under 13 yrs.**

30MM A-10<sup>®</sup> SHOT GLASS

BLACK

SH30-BK

MADE FROM A ONCE-FIRED  
MILITARY ROUND!  
SAFE, WILL NOT EXPLODE.  
Looks real, do not take where real  
ammunition is not allowed. Not for  
Children Under 13 years.



LUCKYSHOT.COM

8 34954 06809 6

RINSE BEFORE USE. NOT DISHWASHER SAFE.

NOT MEANT TO STORE LIQUIDS.

emarks

Product, in

Distributed by 2 Monkey Trading, LLC Orlando, FL

WWW.LUCKYSHOTUSA.COM

**EXHIBIT Y**



# Fleet Farm

Fleet Farm  
3035 W. Wisconsin Avenue  
Appleton WI 54914  
(920)734-8231

9/17/18  
Trans.: 5627  
Reg.: 005  
Cashier #: 73334

6:25 PM  
Store: 00100  
Till: 005  
Sales #: 73334

SALE



00100005562720180917

Shot Glass	14.99	T
834954068096 x 1	14.99	
Return Value 14.99 each		

Subtotal	14.99
Total Sales Tax	0.75
Total	15.74

Credit	15.74
Card: Visa	
Account: 2743	
Auth: 017389 (A)	
Application ID: A0000000031010	
Application Name: Visa Credit	
TVR: 0080008000	
IAD: BC47AAF1C247294C3030	
TSI: E800	
ARC: 00	

Change Due	0.00
------------	------

Number of Items Sold:	1
-----------------------	---

**NOW HIRING!**

10% Employee Discount

## 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.)

Place an "X" in the appropriate box (required): ☐ Green Bay Division ☐ Milwaukee Division

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

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

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(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 ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## 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 <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## 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):

Brief description of cause:

## 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

SIGNATURE OF ATTORNEY OF RECORD

## 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
- (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
- (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" 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 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.  
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  
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.  
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.

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Wisconsin

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or the plaintiff’s attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

STEPHEN C. DRIES, CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))***

This summons and the attached complaint for *(name of individual and title, if any)*:  
\_\_\_\_\_

were received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons and the attached complaint on the individual at *(place)*:  
\_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons and the attached complaint at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_, a person of suitable age and discretion who resides there, on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons and the attached complaint on *(name of individual)* \_\_\_\_\_ who is designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:  
\_\_\_\_\_  
\_\_\_\_\_

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Wisconsin

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or the plaintiff’s attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

STEPHEN C. DRIES, CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))***

This summons and the attached complaint for *(name of individual and title, if any)*:  
\_\_\_\_\_

were received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons and the attached complaint on the individual at *(place)*:  
\_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons and the attached complaint at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_, a person of suitable age and discretion who resides there, on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons and the attached complaint on *(name of individual)* \_\_\_\_\_ who is designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:  
\_\_\_\_\_  
\_\_\_\_\_