

**UNITED STATES DISTRICT COURT
IN THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AXIS LED GROUP, LLC, a limited liability
company;

ALG-HEALTH LLC, a limited liability company;
and

ADAM J. HARMON, individually and as an
officer of AXIS LED GROUP, LLC and
ALG-HEALTH LLC,

Defendants.

Case No. _____

**COMPLAINT FOR PERMANENT
INJUNCTION, CIVIL
PENALTIES, AND OTHER
RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC” or “Commission”), pursuant to Section 16(a)(1) of the FTC Act, 15 U.S.C. § 56(a)(1), for its Complaint alleges:

1. Plaintiff brings this action under Sections 5(m)(1)(A), 13(b), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(m)(1)(A), 53(b), and 57b; the COVID-19 Consumer Protection Act of the 2021 Consolidated Appropriations Act (the “COVID-19 Act”), Pub. L. No. 116-260, 134 Stat. 1182, Title XIV, § 1401(b)(1); and Section 323.4 of the Made in USA Labeling Rule (the “MUSA Labeling Rule”), 16 C.F.R. § 323.4, which together authorize the Plaintiff to seek, and the Court to order, permanent injunctive relief, monetary relief, civil penalties, and other relief for the numerous acts and practices of Defendants Axis LED Group, LLC, ALG-Health LLC, and Adam J. Harmon in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52 and in violation of the Made in USA Labeling Rule, 16 C.F.R. Part

323, described herein. These deceptive acts or practices include but are not limited to: (1) the labeling and advertising of certain products containing significant imported content as “Made in USA;” and (2) the making of other false or misleading claims relating to Defendants’ personal protective equipment products and the prevention or mitigation of COVID-19.

Jurisdiction and Venue

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355.

3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2), (c)(2), and (d), 1395(a), and 15 U.S.C. § 53(b).

Plaintiff

4. This action is brought by the United States of America on behalf of the FTC. The FTC is an independent agency of the United States Government given statutory authority and responsibilities. 15 U.S.C. §§ 41-58. The FTC enforces Sections 5(a) of the FTC Act, 15 U.S.C. §§ 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce, and Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce. The FTC also enforces the COVID-19 Act, which provides for civil penalties for any person who engages in a deceptive act or practice in or affecting commerce associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19 for the duration of the COVID-19 public health emergency. Pub. L. No. 116-260, Title XIV, § 1401(b)(1). The FTC also enforces the MUSA Labeling Rule, which prohibits labeling any product with an unqualified “Made in USA” or equivalent claim unless the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all

ingredients or components of the product are made and sourced in the United States. 16 C.F.R. § 323.2.

Defendants

5. Defendant Axis LED Group, LLC (“Axis”) is an Ohio limited liability company with its principal place of business at 520 West Mulberry Street, Bryan, Ohio 43506. Axis transacts or has transacted business in this District and throughout the United States. At all times relevant to this Complaint, acting alone or in concert with others, Axis has advertised, marketed, distributed, or sold light-emitting diode (“LED”) or personal protective equipment (“PPE”) products to consumers throughout the United States.

6. Defendant ALG-Health LLC (“ALG-Health”) is an Ohio limited liability company with its principal place of business at 520 West Mulberry Street, Bryan, Ohio 43506. ALG-Health transacts or has transacted business in this District and throughout the United States. At all times relevant to this Complaint, acting alone or in concert with others, ALG-Health has advertised, marketed, distributed, or sold LED or PPE products to consumers throughout the United States.

7. Defendant Adam J. Harmon (“Harmon”) is the President and Chief Executive Officer of both Axis and ALG-Health. At all times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Axis and ALG-Health, including the acts and practices set forth in this Complaint. Defendant Harmon resided in this District at the time of the matters alleged herein, and, in connection with those matters, transacts, or has transacted, business in this District and throughout the United States.

Common Enterprise

8. Defendants Axis and ALG-Health (collectively, “ALG” or “Corporate Defendants”) have operated as a common enterprise while engaging in the deceptive acts and practices and other violations of law alleged below. Corporate Defendants have conducted the business practices described below through interrelated companies that have common ownership, officers, managers, business functions, employees, and office locations, and that commingled funds.

9. Specifically, at all times relevant to this Complaint, the Corporate Defendants operated under Defendant Harmon’s unified control. Defendant Harmon directed the Corporate Defendants’ business and marketing activities interchangeably through his Axis and ALG-Health email addresses, ordered and received ALG-Health shipments under the Axis name, commingled corporate funds, and housed corporate activities in the same physical space.

10. Because these Corporate Defendants have operated as a common enterprise, each of them is liable for the acts and practices alleged below.

Commerce

11. At all times relevant to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

Defendants’ Business Activities

12. Defendant Harmon formed Axis in Ohio in 2015. Exhibit A.

13. Defendant Harmon filed articles of incorporation for ALG-Health in Ohio in June 2020. Exhibit B.

14. As described in Paragraph 9, at all times material to this Complaint, Defendant

Harmon served as an officer of the Corporate Defendants, which he operated as a unified entity.

15. Defendant Harmon holds sole responsibility for, and has directed publication of, all ALG marketing claims.

Defendants have falsely marketed, labeled, and sold wholly imported Chinese lighting products, or products containing significant Chinese inputs, as Made in the United States.

16. Since 2015, ALG has marketed and sold LED lights, tubes, and fixtures to consumers and the United States government.

17. In 2016, the Commission received reports that ALG falsely advertised a line of imported LED bulbs called “Patriot Tubes” as Made in the United States (“MUSA”).

18. Specifically, ALG blanketed its website and social media with unqualified U.S.-origin claims for these products, stating the Company’s “advances in manufacturing processes and efficiency have finally allowed us to produce USA-made products at competitive prices.” Exhibit C.

19. During the FTC’s investigation of these reports, Defendant Harmon admitted Patriot Tubes included significant Chinese components. However, Defendant Harmon claimed Patriot Tubes were assembled in the United States.

20. Defendant Harmon asserted Patriot Tubes qualified as “domestic end products” under the Buy American Act, 41 U.S.C. §§ 8301-8305 (“BAA”),¹ and produced a letter purportedly confirming this fact. Exhibit D.

21. During the 2016 investigation, Defendant Harmon reviewed and acknowledged

¹ BAA establishes preferences for domestic end products and construction materials in government acquisitions, and defines those terms as they are used in that limited context. *See* 48 CFR § 25.003 (stating that for purposes of BAA, “domestic end product[s]” and “domestic construction material[s]” include, among other things, certain manufactured products or materials where either the cost of the components mined, produced, or manufactured in the United States exceeds 50% of the cost of all components, or the product or material is a commercially available off-the-shelf item).

FTC guidance and caselaw providing that marketers should not claim products are MUSA unless they can substantiate such products are “all or virtually all” MUSA. Defendant Harmon agreed to market his products consistent with FTC guidance and caselaw going forward.

22. On January 18, 2017, FTC staff issued a letter on the public record explaining the investigation into ALG was closed based on Defendant Harmon’s: (1) production of a certificate stating his products qualified as “Domestic End Products” under the BAA; (2) commitment to remove all unqualified MUSA claims from his website; and (3) agreement to qualify “Buy American Act Compliant” claims on any marketing materials not specifically targeted at government purchasers. The letter reiterated guidance and caselaw previously discussed with Defendant Harmon providing that marketers should not make unqualified MUSA claims unless the products advertised are “all or virtually all” MUSA. Exhibit E.

23. Since 2017, in numerous instances, Defendants have continued to market Patriot LED products to consumers and the U.S. government as “Assembled in the USA” and “Buy American Act Compliant” including, but not limited to, through the following statements and depictions:





Exhibit F, Axis LED Catalogue.

24. In truth and in fact, in numerous instances, ALG wholly imports these products from China.

25. In numerous instances, ALG employees have peeled “Made in China” stickers off LED products in ALG facilities and replaced them with MUSA labels. Exhibit G, Morlock Decl. at ¶¶ 5-8; *see also* Exhibit H, Hutson Decl. at ¶ 5 (stating the lighting operation consisted of simply re-boxing Chinese lighting products).

26. Since 2015, ALG has supplied hundreds of thousands of lights to consumers and the U.S. government that underwent no manufacturing in the United States, other than occasional quality checks. Exhibit G, Morlock Decl. at ¶ 9.

During the COVID-19 pandemic, Defendants falsely marketed, labeled, and sold wholly or partially imported Chinese PPE as MUSA, and made other deceptive claims for PPE.

27. On January 31, 2020, Health and Human Services Secretary Alex M. Azar II, pursuant to his authority under Section 319 of the Public Health Service Act, declared a public health emergency, which remained in effect throughout the activities detailed below, and beyond. On March 11, 2020, the World Health Organization declared the 2019 novel coronavirus (“COVID-19”) outbreak a global pandemic.²

² *See* WHO Director-General’s Remarks (March 11, 2020), *available at* [https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19 -- 11-march-2020](https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--11-march-2020),

28. In early 2020, seeking to capitalize on demand because of the COVID-19 pandemic, ALG began selling PPE, including KN95 respirators,³ gloves, and gowns, out of ALG's facility in Defiance, Ohio.

29. In March 2020, Defendants began operating as ALG-Health.

30. ALG-Health primarily markets and sells PPE products online, through its own website, alg-health.com, and through www.stockmedicalsupply.com.

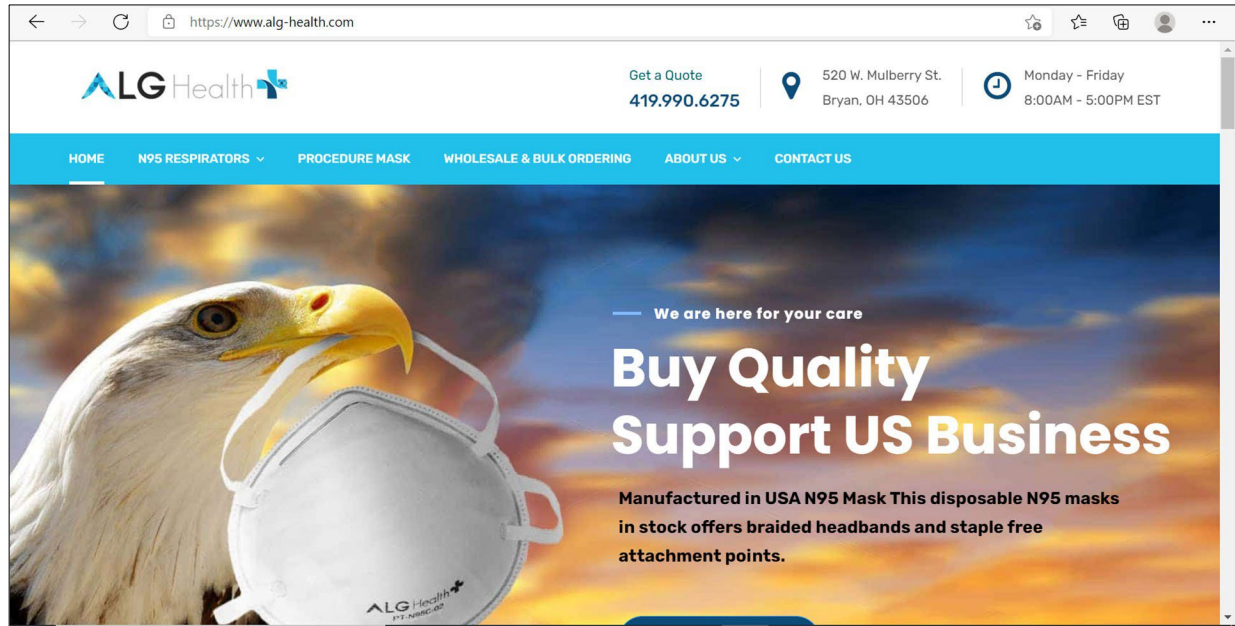
31. In late 2020, based on documentation supplied by ALG-Health, the National Institute for Occupational Safety & Health ("NIOSH")⁴ certified certain of Defendants' masks as N95 respirators.

32. Starting in 2020, Defendants disseminated or caused to be disseminated, advertisements, packaging, and promotional materials for PPE products, including, but not necessarily limited to, the attached Exhibits I-M:

³ A respirator labeled as a KN95 respirator is expected to conform to China's GB2626 standard.

⁴ The Occupational Safety and Health Act of 1970, codified at 29 U.S.C. §§ 651-678, established NIOSH as a research agency focused on the study of worker safety and health, and empowering employers and workers to create safe and healthy workplaces. NIOSH is part of the U.S. Centers for Disease Control and Prevention, in the U.S. Department of Health and Human Services. *See* <https://www.cdc.gov/niosh/about/default.html>. Among other things, NIOSH approves N95 respirators using standards promulgated under 42 C.F.R. § 84. NIOSH does not approve KN95 products, or any other respiratory protective devices certified to international standards.

a. “Manufactured in USA”



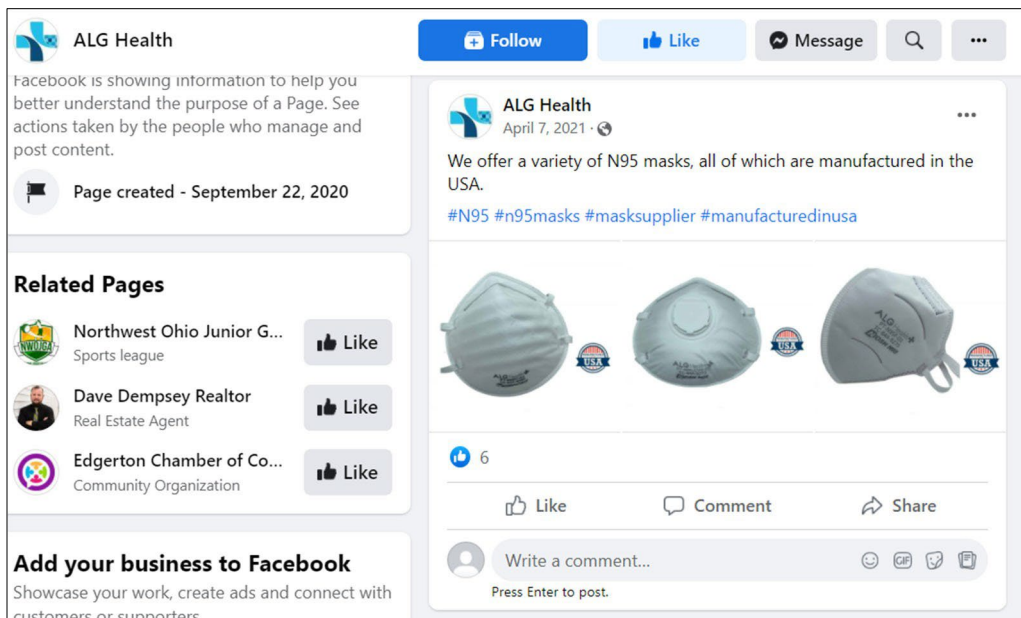


Exhibit I, Composite Exhibit, ALG Health website and social media posts.

b. "Made in USA"

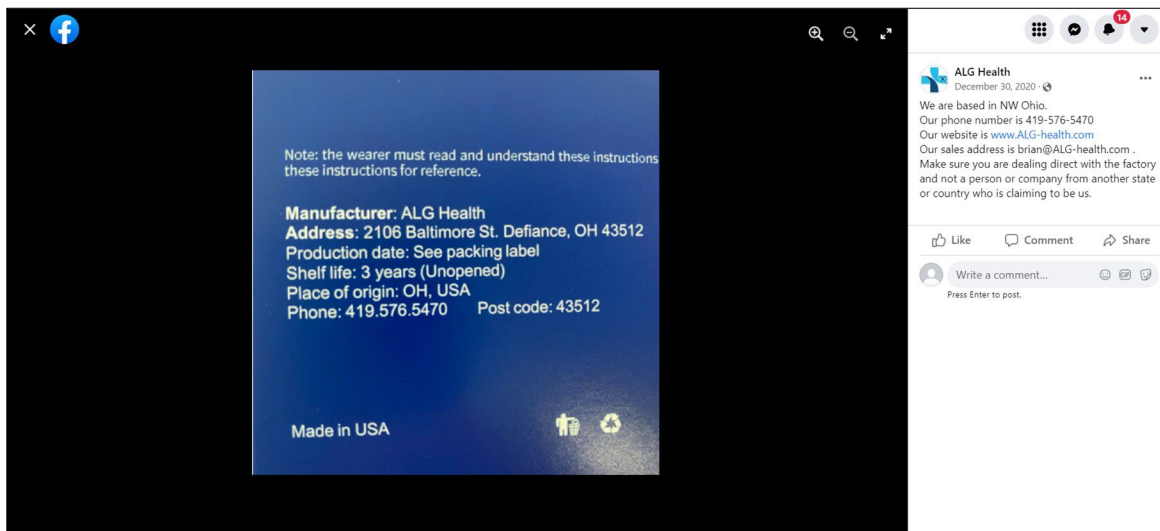




Exhibit J, Composite Exhibit, ALG Social Media Posts.

- c. “ALG Health is producing N95 respirators and disposable masks that are 100% Made in the USA for our men and women first responders, medical personnel, military, government agency, and humanitarian efforts.”

Exhibit K, ALG YouTube Video.

- d.

AN AMERICAN SOLUTION

Our manufacturing facility was built in NW Ohio and is completely staffed by American workers, making ALG Health one of the very few PPE facilities in America that is 100% Made in the USA. We are fully Berry Amendment (10 U.S.C 2533a) compliant and adhere to the laws passed by the United States Congress.

Exhibit L, alg-health.com (webarchive.org capture from Dec. 28, 2020).

- e. Healthcare customers should “purchase American-made PPE and masks so that our heroic frontline workers do not have their safety put at risk by relying on foreign-made products”; and “imported products are not tested and could be unsafe.” Exhibit M, Composite Exhibit, ALG Social Media Posts.

33. In numerous instances, including but not limited to the promotional materials referenced in Paragraph 32, Defendants have represented, expressly or by implication, that their PPE products are all or virtually all made in the United States.

34. In numerous instances, including but not limited to the promotional materials referenced in Paragraph 32, Defendants have represented, expressly or by implication, that because they are all or virtually all made in the United States, Defendants’ products are safer or provide superior protection from COVID-19.

35. In fact, in numerous instances, the products advertised using the statements described in Paragraph 32 were wholly imported from China. *See* Exhibit G, Morlock Decl. at ¶¶ 24, 33 (“Probably 90% of the masks Mr. Harmon sold were brought in from China as finished masks. Maybe more.”); Exhibit H, Hutson Decl. at ¶¶ 7, 14 (“If I had to guess I would estimate there was a 90%-10% split between the ALG masks that were wholly imported and those that were ‘made’ in Ohio.”); Exhibit N, Feeney Decl. at ¶ 28 (“If I had to guess, I would say probably 80% or so of the masks we sold were imported masks.”).

36. Indeed, in numerous instances, Defendants received Chinese KN95s, unpacked the completed respirators, stripped off Chinese origin labels, printed ALG and NIOSH labels on the respirators, and then re-boxed the respirators in ALG packaging with MUSA labels. Exhibit G, Morlock Decl. at ¶ 24 (“[H]undreds of thousands of Chinese masks were arriving from Venas.

As each shipment arrived, we unpacked the Chinese masks, printed them with the ALG logo and NIOSH markings, and re-boxed them into Patriot Mask packaging with ‘Made in USA’ written on it.”); Exhibit H, Hutson Decl. at ¶ 7 (“I witnessed ALG Health employees putting Chinese respirators in ALG boxes and labeling them as ‘Made in USA.’”).

37. In other instances, the products advertised using the statements described in Paragraph 32 undergo some finishing in the United States, but still incorporate all Chinese materials. Exhibit G, Morlock Decl. at ¶ 20 (“From the beginning and at all times, all our masks and mask-making materials came from China.”); Exhibit H, Hutson Decl. at ¶¶ 11-12 (“During my time at ALG, the company had some capacity to make masks on a very small scale, but never enough to cover the orders the company received. To the extent ALG did make some masks in the United States, all the materials used to make the masks were imported from China.”); Exhibit N, Feeney Decl. at ¶ 28 (“Maybe 20% of the masks ALG sold were made in Ohio; all the materials used to make those masks were imported.”).

38. Therefore, Defendants’ express or implied representations that its PPE products are all or virtually all made in the United States are false.

39. In August 2021, Defendants placed a notice on their website announcing a voluntary stop-sale of all NIOSH-certified products pending resolution of a NIOSH nonconformance investigation. Exhibit O.

40. Despite this notice, Defendants continued to market their products as MUSA, and NIOSH-certified N95s,⁵ and sell them to consumers. Exhibit G, Morlock Decl. at ¶¶ 50-53

⁵ NIOSH recorded the NIOSH stylized logo with and without text, as well as the certification marks N95, N99, N100, P95, P100, and the term “NIOSH-approved,” with the U.S. Patent and Trademark Office. NIOSH permits manufacturers to use these certification marks only if they are NIOSH-approval holders because of their products satisfying the NIOSH’s regulatory

(“Eventually, in summer 2021, NIOSH ordered us to stop selling. Mr. Harmon buried a disclaimer on his website about the stop sale, but would tell people on the phone who asked about it that it was not a big deal . . . Mr. Harmon never stopped selling masks; he told us the stop-sale only applied to ALG Health and he could continue to sell masks through Axis LED.”); Exhibit N, Feeney Decl. at ¶ 36 (“Despite the August 2021 NIOSH stop-sale, Mr. Harmon continued to sell respirators with NIOSH markings.”).

41. In January 2022, NIOSH published a notice on the cdc.gov website stating ALG voluntarily rescinded all NIOSH respirator approvals and ALG respirators bearing the referenced approval numbers could no longer be manufactured, assembled, sold, or distributed. Exhibit P.⁶

42. Despite this notice, Defendants continued to market certain of the identified products as MUSA and NIOSH-certified N95s, and sell these products to consumers. Exhibit Q, Images of ALG Respirators Purchased February 2022; Exhibit R, ALG Instagram Feed (Feb. 3, 2022); Exhibit S, ALG Specification Sheet (Jan. 27, 2022).

43. Based on the facts and violations of law alleged in this Complaint, Plaintiff has reason to believe that Defendants are violating or are about to violate laws enforced by the Commission because, among other things, Defendants have engaged in their unlawful acts and practices repeatedly over at least a five-year period, Defendants have engaged in their unlawful acts and practices willfully and knowingly, and Defendants have continued their unlawful activities despite a previous FTC investigation, and investigations by other federal government agencies.

standards set forth in 42 C.F.R. Part 84. *See* <https://www.cdc.gov/niosh/npptl/usernotices/counterfeitResp.html>.

⁶ *See also* NIOSH Respiratory Protective Device Information (Jan. 11, 2022), <https://www.cdc.gov/niosh/npptl/resources/pressrel/letters/respprotect/CA-2022-1042.html>.

The Individual Defendant's Knowledge

44. At all times relevant to this Complaint, Defendant Harmon had sole responsibility for creating, developing, approving, implementing, overseeing, or ensuring compliance with company policies and procedures.

45. At all times relevant to this Complaint, Defendant Harmon had sole responsibility for and control and decision-making authority over product marketing and labeling, including U.S.-origin claims.

46. In 2016, Defendant Harmon acknowledged he was aware of and understood FTC guidance and caselaw providing that marketers must not make unqualified MUSA claims unless the advertised products are all or virtually all MUSA.

47. As described in Paragraphs 21-22, in 2016, Defendant Harmon specifically agreed, among other things, to market his products consistent with the FTC guidance and caselaw providing that marketers must not make unqualified MUSA claims unless the advertised products are all or virtually all MUSA in order to resolve an FTC investigation into allegations he deceptively marketed his products.

48. In 2017, Defendant Harmon acknowledged receipt of a letter from FTC staff reiterating the FTC guidance and caselaw referenced in Paragraph 47, and Defendant Harmon's agreement to market his products consistent with such guidance.

49. At all times relevant to this Complaint, Defendant Harmon was aware that ALG products incorporated significant imported content and, in many cases, were wholly imported.

50. Indeed, Defendant Harmon's name and contact information appears on commercial invoices for imported, completed masks. Exhibit N, Feeney Decl. at pp. 8-11.

51. Despite this knowledge, Defendant Harmon repeatedly asserted in marketing materials and on labels that such products were all or virtually all and, in some cases, 100% MUSA.

52. Moreover, Defendant Harmon repeatedly published articles and marketing materials stating or implying ALG products were safer or otherwise superior to imported products.

Violations of the FTC Act

53. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or practices in or affecting commerce.”

54. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

55. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For purposes of Section 12, facemasks sold by Defendants are “devices” as defined in Section 15(d) of the FTC Act, 15 U.S.C. § 55(d).

56. Enacted on December 27, 2020, the COVID-19 Act provides for civil penalties for any person who engages in a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), that is associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19 during the public health emergency declared on January 31, 2020, pursuant to Section 319 of the Public Health Service Act. Pub. L. No. 116-260, Title XIV, § 1401(b)(1).

57. The COVID-19 Act provides that “[a] violation of subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice as described under Section 18(a)(1)(B) of the [FTC] Act,” 15 U.S.C. § 57a(a)(1)(B).

58. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as implemented by 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of up to \$46,517 for each violation of Section 5(a) of the FTC Act pursuant to the COVID-19 Act.

Count I
FTC Act Violation – MUSA Claims for LED Products

59. In numerous instances since 2016, in connection with the advertising, marketing, promotion, offering for sale, or sale of LED lights, Defendants have represented, directly or indirectly, expressly or by implication, that their goods are all or virtually all made in the United States, or assembled in the United States.

60. In truth and in fact, in numerous instances, Defendants’ LED products are wholly imported, or incorporate significant imported materials or subcomponents.

61. Therefore, Defendants’ representations as set forth in Paragraph 59 are false, misleading, or unsubstantiated, and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

Count II
FTC Act Violation – MUSA Claims for PPE Products

62. In numerous instances since 2020, in connection with the advertising, marketing, promotion, offering for sale, or sale of PPE, Defendants have represented, directly or indirectly, expressly or by implication, that their goods are all or virtually all made in the United States.

63. On or after December 27, 2020, Defendants made the representations set forth in Paragraph 62, which are associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19.

64. In truth and in fact, in numerous instances, Defendants' PPE products are wholly imported, or incorporate significant imported materials or subcomponents.

65. Therefore, Defendants' representations as set forth in Paragraphs 62-63 are false, misleading, or unsubstantiated, and constitute deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52.

66. Defendants committed the violations set forth in Paragraphs 62-64 with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

Count III
FTC Act Violation – Other False or Deceptive Claims for PPE Products

67. In numerous instances since 2020, in connection with the advertising, marketing, promotion, offering for sale, or sale of PPE, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. Because they are all or virtually all made in the United States, Defendants' PPE products are safer or provide superior protection from COVID-19 than imported products; and
- b. Defendants sell NIOSH-certified, U.S.-origin N95 respirators.

68. On or after December 27, 2020, Defendants made the representations set forth in Paragraph 67, which are associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19.

69. In truth and in fact, in numerous instances, because Defendants' PPE products are wholly imported, or incorporate significant imported materials or subcomponents, Defendants' PPE products are not safer nor do they provide superior protection from COVID-19 than imported products.

70. In truth and in fact, Defendants do not sell NIOSH-certified, U.S.-origin N95 respirators.

71. Therefore, Defendants' representations as set forth in Paragraphs 67-68 are false, misleading, or unsubstantiated, and constitute deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52.

72. Defendants committed the violations set forth in Paragraphs 67-69 with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

Violations of the MUSA Labeling Rule

73. Effective August 13, 2021, the MUSA Labeling Rule, 16 C.F.R. Part 323, prohibits marketers from labeling products as "Made in USA" unless: (1) the final assembly or processing of the product occurs in the United States; (2) all significant processing that goes into the product occurs in the United States; and (3) all or virtually all ingredients or components of the product are made and sourced in the United States. 16 C.F.R. § 323.2.

74. The MUSA Labeling Rule also provides that to the extent any mail order catalog or mail order promotional material includes a seal, mark, tag, or stamp labeling a product "Made in USA," such label must comply with the requirements of 16 C.F.R. §323.2. 16 C.F.R. § 323.3.

75. For purposes of the MUSA Labeling Rule, "Made in USA" is defined as "any unqualified representation, express or implied, that a product or service, or a specified component thereof, is of U.S. origin, including, but not limited to, a representation that such

product or service is ‘made,’ ‘manufactured,’ ‘built,’ ‘produced,’ ‘created,’ or ‘crafted’ in the United States or in America, or any other unqualified U.S.-origin claim.” 16 C.F.R. § 323.1.

76. A violation of the MUSA Labeling Rule constitutes an unfair or deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. §45(a). 15 U.S.C. § 57a(d)(3) and 16 C.F.R. § 323.4.

77. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as implemented by 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of up to \$46,517 for each violation of the MUSA Labeling Rule.

Count IV
MUSA Labeling Rule Violations

78. In numerous instances since August 13, 2021, Defendants have placed MUSA labels on products containing significant imported components.

79. In numerous instances since August 13, 2021, Defendants have included images of the labels on products described in Paragraph 78, as well as stylized seals labeling such products MUSA, in mail order promotional material, including on the alg-health.com website and social media platforms.

80. Defendants applied the labels described in Paragraphs 78-79 to products containing ingredients or components that are not all or virtually all made and sourced in the United States.

81. Defendants’ practices as alleged in Paragraphs 78-80 violate the MUSA Labeling Rule, 16 C.F.R. §§ 323.2, 323.3, and therefore are unfair or deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

82. Defendants committed the violations set forth in Paragraphs 78-80 with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

Consumer Injury

83. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act and the MUSA Labeling Rule. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

Prayer for Relief

Wherefore, Plaintiff requests that the Court:

- A. Enter a permanent injunction to prevent future violations of the FTC Act and the MUSA Labeling Rule by Defendants;
- B. Award monetary and other relief within the Court's power to grant;
- C. Award Plaintiff monetary civil penalties from Defendants for each violation of Section 5 pursuant to the COVID-19 Act;
- D. Award Plaintiff monetary civil penalties for each violation of the MUSA Labeling Rule; and
- E. Award any additional relief as the Court determines to be just and proper.

Respectfully submitted,

Dated: August 5, 2022

BRIAN M. BOYNTON
Principal Deputy Attorney General
Civil Division

ARUN G. RAO
Deputy Assistant Attorney General

MICHELLE M. BAEPPLER
First Assistant United States Attorney
Northern District of Ohio

s/Brendan F. Barker
BRENDAN F. BARKER (IL: 6299039)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3795
(216) 522-2404 (facsimile)
Brendan.Barker@usdoj.gov

GUSTAV W. EYLER
Director
Consumer Protection Branch

LISA K. HSIAO
Assistant Director

s/ Matthew A. Robinson
MATTHEW A. ROBINSON
ELLEN BOWDEN MCINTYRE
Trial Attorneys Appearing Pursuant to 28 U.S.C. § 517
Consumer Protection Branch
U.S. Department of Justice
P.O. Box 386
Washington, DC 20044
matthew.a.robinson@usdoj.gov
Phone: (202) 305-4342
ellen.bowden.mcintyre@usdoj.gov
Phone: (202) 451-7731

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Of Counsel:

FEDERAL TRADE COMMISSION

JAMES A. KOHM
Associate Director

Division of Enforcement

LAURA KOSS
Assistant Director
Division of Enforcement

s/ Julia Solomon Ensor

JULIA SOLOMON ENSOR

Attorney

Federal Trade Commission

600 Pennsylvania Ave., N.W.

Mail Stop CC-9528

Washington, D.C. 20580

Tel.: 202-326-2377

Fax: 202-326-3197

jensor@ftc.gov

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

United States of America

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Brendan F. Barker, Assistant U.S. Attorney
801 W. Superior Ave., STE 400, Cleveland, OH44113
Ph:(216) 622-3795

DEFENDANTS

Axis Led Group, LLC; ALG-Health LLC; Adam J. Harmon

County of Residence of First Listed Defendant Williams (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

- Citizen of This State PTF DEF 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State PTF DEF 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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): 15 U.S.C. § 45

Brief description of cause: Defendants are alleged to have falsely marketed, labeled, and sold products as being "Made in the United States"

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 08/05/2022 SIGNATURE OF ATTORNEY OF RECORD s/Brendan F. Barker

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

- 1. [checked] General Civil
2. [] Administrative Review/Social Security
3. [] Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. RELATED OR REFILED CASES See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: [] is RELATED to another PENDING civil case [] is a REFILED case [] was PREVIOUSLY REMANDED

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) Resident defendant. If the defendant resides in a county within this district, please set forth the name of such county. COUNTY: Williams Corporation. For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) Non-Resident defendant. If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred. COUNTY:

(3) Other Cases. If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence. COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

- [] AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
[] CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
[] YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

- [checked] TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

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

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



Fri Jan 28 2022

Entity#: 2425435
Filing Type: DOMESTIC LIMITED LIABILITY COMPANY
Original Filing Date: 09/02/2015
Location: ---
Business Name: AXIS LED GROUP, LLC

Status: Active
Exp. Date: -

Agent/Registrant Information

ADAM J. HARMON
 6810 AVERY MUIRFIELD RD
 DUBLIN OH 43017
 09/02/2015
 Active

Filings

Filing Type	Date of Filing	Document ID
ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO.	09/02/2015	201524503592


UNITED STATES OF AMERICA
 STATE OF OHIO
 OFFICE OF SECRETARY OF STATE

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.



Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 28th of January, A.D. 2022

Ohio Secretary of State





Wed Feb 16 2022

Entity#: 4486681
Filing Type: DOMESTIC LIMITED LIABILITY COMPANY
Original Filing Date: 06/12/2020
Location: ---
Business Name: ALG-HEALTH LLC

Status: Active
Exp. Date: -

Agent/Registrant Information

STEPHEN F HUBBARD
650 W FIRST ST
DEFIANCE OH 43512
02/08/2021
Active

Filings

Filing Type	Date of Filing	Document ID
OHIO LLC - ARTICLES OF ORGANIZATION	06/12/2020	202016402250
SUBSEQUENT AGENT APPOINT/LIMITED/LIABILTY/PARTNERS	02/08/2021	202103903570

UNITED STATES OF AMERICA
STATE OF OHIO
OFFICE OF SECRETARY OF STATE

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.



Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 16th of February, A.D. 2022
Ohio Secretary of State

A blue ink signature of Frank LaRose, written in a cursive style.



ENERGY EFFICIENT LED TUBES & PANELS **AMERICAN MADE**

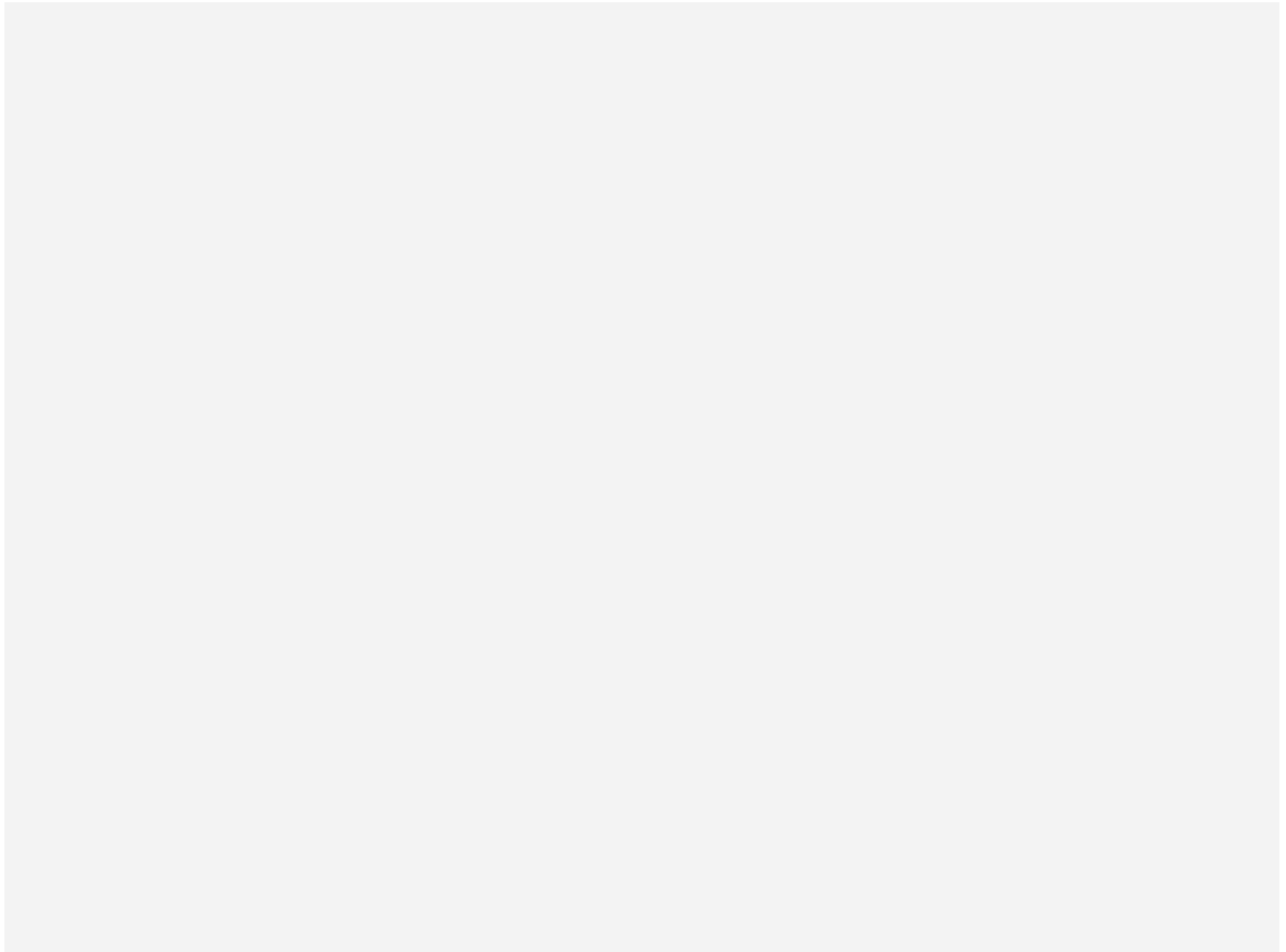
Axis LED's MADE in USA product lines offer the highest quality product at low direct prices [5 Year Manufacturer's Warranty!](#)

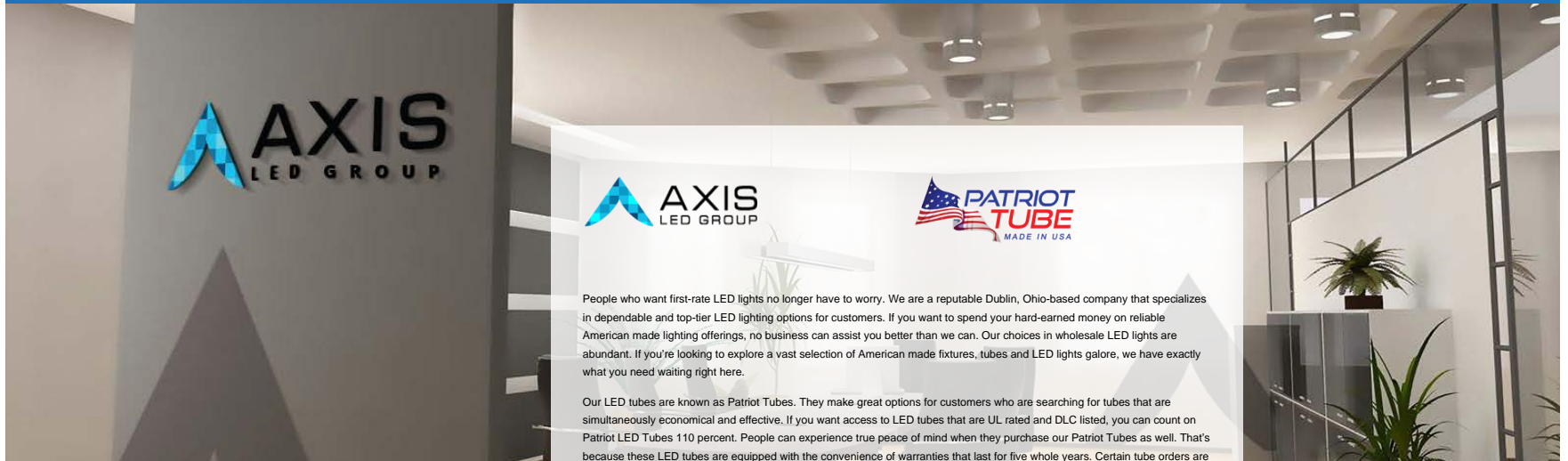
GET STARTED NOW!

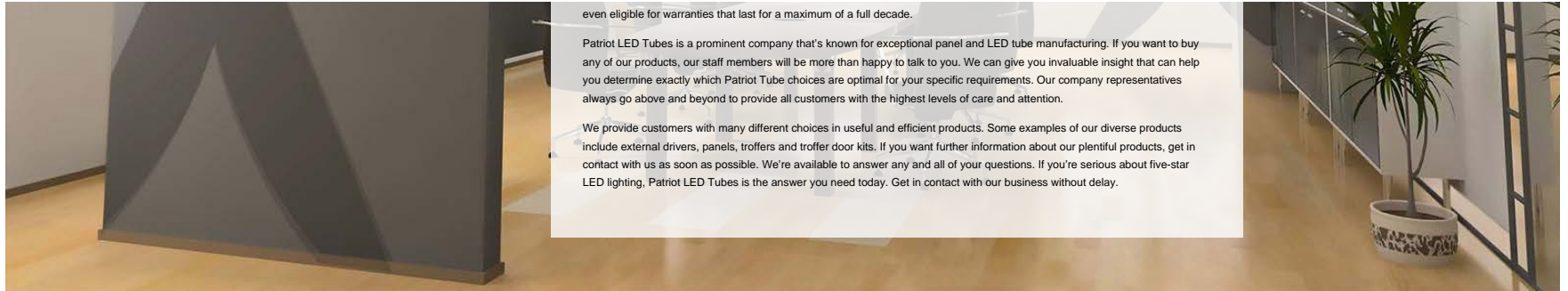


SAVE UP TO **80%** ENERGY COSTS

Fully stocked led lighting wholesaler with all the latest led products for home and business.







+1 240.510.5712



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Factory Direct Wholesale LED Lighting

Energy Efficient LED



Backed by the resources of one of the largest LED manufacturers in the world, Axis LED Lights offers contractors, facility managers, designers, distributors and other lighting professionals the opportunity to specify and select LEDs that feature both affordability and high performance.



[Who We Are](#)



Ready to Ship LEDs

With well-stocked warehouses in California and Pennsylvania, Axis LED is a phone call away from overnight shipping to its customers. Our affordable T8 and T5 LED Linear lamps can make the difference in the decision to save energy and move to modern lighting technology.

[Browse our full line of Factory Direct LED lights](#)

Made in the USA



Axis is proud to announce our newest line of LED bulbs – **PATRIOT TUBES**. Our advances in manufacturing processes and efficiency have finally allowed us to produce USA-made products at competitive prices.



[About Us](#) [Products](#) [Contact Us](#)

Featured Products



AXIS LED GROUP

ABOUT US PRODUCTS CONTACT US



U.S. Department of Justice
UNICOR
Federal Prison Industries, Inc.

July 6, 2016

Axis LED Group, LLC
6810 Avery Muirfield Rd
Dublin, OH 43017

Subject: **BAA/TAA Compliance Letter**

Dear Adam,

This letter is to confirm that UNICOR has entered into a contract manufacturing agreement with Axis LED to assemble lighting fixtures at our plant in Marion, IL. UNICOR hereby certifies that these lighting fixtures will comply with the Buy American Act, FAR 52.225 ("the Act"):

These lighting fixtures are considered Commercially Available Off the Shelf (COTS) products under the Act. The place of manufacture, where the end product is assembled out of components into the finished product is the United States of America.

ALG Part Numbers Assembled by FPI:

LED TUBES: COLOR TEMPS 3000K - 5000K.

PT-T8-ILT2-10W :DIRECT WIRE
PT-T8-ILT4-15W :DIRECT WIRE
PT-T8-ILT4-18W :DIRECT WIRE
PT-T8-ILT4-22W :DIRECT WIRE
PT-T8-ILT2-13W-BC :BALLAST COMPATIBLE
PT-T8-ILT4-15W-BC :BALLAST COMPATIBLE
PT-T8-ILT4-18W-BC :BALLAST COMPATIBLE
PT-T8-ILT4-20W-BC :BALLAST COMPATIBLE
PT-T8-ILT2-12W-PP :PLUG & PLAY
PT-T8-ILT3-12W-PP :PLUG & PLAY
PT-T8-ILT4-12W-PP :PLUG & PLAY
PT-T8-ILT4-14W-PP :PLUG & PLAY
PT-T8-ILT4-16W-PP :PLUG & PLAY
PT-T8-OLT2-10W :EXTERNAL DRIVER
PT-T8-OLT4-15W :EXTERNAL DRIVER
PT-T8-OLT4-18W :EXTERNAL DRIVER
PT-T8-OLT4-22W :EXTERNAL DRIVER

LED PANELS: COLOR TEMPS 3000K - 5000K.

PP-1X4-40W :FLAT PANEL
PP-2X2-30W :FLAT PANEL
PP-2X2-40W :FLAT PANEL
PP-2X2-60W :FLAT PANEL
PP-2X4-50W :FLAT PANEL
PP-2X4-75W :FLAT PANEL
PTD-2x2-30W :TROFFER KIT
PTD-2x2-56W :TROFFER KIT
PTD-2x4-36W :TROFFER KIT
PTD-2x4-36W :TROFFER KIT
PTL-2x2-30W :TROFFER LAY-IN
PTL-2x2-36W :TROFFER LAY-IN
PTL-2x4-36W :TROFFER LAY-IN
PTL-2x4-50W :TROFFER LAY-IN

LED HIGH BAY

ALG-HB-110W :HIGH BAY
ALG-HB-160W :HIGH BAY
ALG-HB-220W :HIGH BAY
ALG-HB-320W :HIGH BAY

FurtherGuidance:

A COTS item is defined by the FAR as a "Commercial Item" sold in "substantial quantities" in the commercial marketplace: and offered to the Government, under a contract or subcontract at any tier, without modification. in the same form in which it is sold in the commercial marketplace.¹

If an End Product is characterized as a COTS Item under the FAR, the component test is waived and the supply or material is deemed a Domestic End Product for BAA/TAA compliance if it is simply "manufactured" in the United States.²

The FAR defines "Place of Manufacture" as *"the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government."*³

¹ FAR ~2.101. FAR ~52.225-

² FAR *2.505(a); ~25.003. ~25.000(n)(3); *2510 l(a)(2)

³ f AR *52.225-18

Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Darrin", written over the printed name.

Chuck Darrin

Program Manager

UNICOR, FPI

400 First Street, NW

Washington, DC 20534

Phone: 202-305-3734

Cell: 202-438-5951

Chuck.Darrin@usdoj.gov



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Enforcement

Julia Solomon Ensor
Attorney

Email: jensor@ftc.gov
Direct Dial: (202) 326-2377

January 18, 2017

VIA FEDEX

Adam Harmon, President
Axis LED Group, LLC
6810 Avery Road
Dublin, OH 43017

Dear Mr. Harmon:

We received your submissions on behalf of Axis LED Group, LLC, also d/b/a Patriot Tube ("Axis" or the "Company"). During our review, we raised concerns that certain marketing materials may have overstated the extent to which Axis makes products, including LED tubes, in the United States. Specifically, although certain of Axis's tubes are assembled in the United States, those products incorporate significant imported content.

In the Company's submissions, Axis provided a certificate stating that certain products qualify as "Domestic End Products" under the Buy American Act, *see* 41 U.S.C. §§ 8301-8305 ("BAA"). As you know, BAA establishes price preferences for domestic end products and construction materials in government acquisitions, and defines those terms as they are used in that limited context.¹ Although truthful claims that products are BAA-compliant convey useful information to government purchasers, such claims directed to non-governmental consumers likely convey an unqualified "Made in USA" claim.²

As we discussed, unqualified "Made in USA" or "Built in USA" claims on marketing materials likely suggest to consumers that all products advertised in those materials are "all or

¹ *See* 48 CFR § 25.003 (stating that for purposes of BAA, "domestic end product[s]" and "domestic construction material[s]" include, among other things, certain manufactured products or materials where either the cost of the components mined, produced, or manufactured in the United States exceeds 50% of the cost of all components, or the product or material is a commercially available off-the-shelf item).

² *See FTC Policy Statement on Deception*, 103 F.T.C. 174 (1984) (*appended to In re Cliffdale Assocs., Inc.*, 103 F.T.C. 110, 177-78 (1984) ("When representations or sales practices are targeted to a specific audience, the Commission determines the effect of the practice on a reasonable member of that group.")).

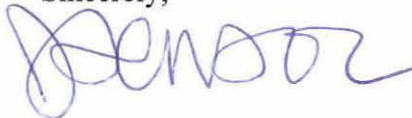
virtually all” made in the United States. The FTC’s Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims (the “Policy Statement”) provides that “[a] product that is all or virtually all made in the United States will ordinarily be one in which all significant parts and processing 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.”³

The Policy Statement further explains that “‘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.”⁴

To avoid deceiving consumers, you explained that Axis implemented a remedial action plan to clarify its representations. The plan included: (1) replacing all affected “Made in USA” claims on Axis marketing materials with “Assembled in the USA” claims; and (2) qualifying “Buy American Act Compliant” claims on marketing materials not specifically targeted at government consumers with “Assembled in the USA” claims.

Based on your actions and other factors, the staff has decided not to pursue this investigation any further. This action should not be construed as a determination that there was no violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, you can reach me at (202) 326-2377.

Sincerely,



Julia Solomon Ensor
Staff Attorney

³ Federal Trade Commission, *Issuance of Enforcement Policy Statement on “Made in USA” and Other U.S. Origin Claims*, 62 Fed. Reg. 63756, 63768 (Dec. 2, 1997).

⁴ *Id.* at 63770.



AXIS
LED GROUP

Axis LED's product lines offer the highest quality product at low direct prices. Assembled in USA, DLC listed, and UL rated products.



AXIS LED LIGHTING CATALOG

Energy Efficient LED Tubes & Panels

contact@alg-usa.com | www.ALG-USA.com | www.patriotledtubes.com



Company Profile



Welcome to Axis LED Lights, a better way to buy direct. Your source for the future of lighting. Our high quality LED chips and patented driver technology encapsulated in an aluminum body illuminates up to 145 lumens per watt directionally at 240 degrees through our superior shatterproof lens. 50,000 hours of cost saving, energy reducing, eco-friendly lighting that's DLC listed and UL rated with less than .01% failure rate... now that's smart!

You can't afford to wait any longer. The friendly and knowledgeable staff at Axis LED are committed to customer service and guarantee satisfaction. Axis team members are trusted logistics experts in the lighting industry who will go the extra mile to ensure quality consulting, easy order processing, rapid turnaround and delivery from multiple U.S. warehouse locations. Contact a team member today to discuss Axis LED volume discounts and credit terms.

The LED lighting revolution with Axis is a better way to buy direct. Through strategic planning and business partnership, Axis has created a new segment to LED pricing and manufacturing possibilities. Axis LED's products lines assembled in USA offer the highest quality product at low direct prices. assembled in USA, DLC listed, and UL rated products. With a minimum 40% discount over the competition you'll realize a sound return on investment like never before.



Table of Contents

01	PATRIOT LED TUBE (Works with or without a ballast!) 	04
02	PATRIOT LED LINEAR HIGH BAY 	04
03	PATRIOT LED PANEL (Edge Lit Flat Panel) 	05
04	PATRIOT LED TUBE (Plug & Play Series) 	05
05	LED T8 TUBE WITH EXTERNAL DRIVER SYSTEM 	06
06	PATRIOT LED TROFFER DOOR 	06
07	PATRIOT T5 LED TUBES 	07
08	PATRIOT TROFFER LAY-IN 	07
09	PATRIOT UBEND LED TUBE 	08
10	4 FT LED T8 TUBE (347V)	09
11	4 FT LED GLASS T8 TUBE	09
12	ALPHA LED PLUG & PLAY TUBE	10
13	ALPHA LED FLAT PANEL (Edge Lit Flat Panel)	10
14	ALPHA HYPRID LED TUBE (Works with or without a ballast)	11
15	LED T5 TUBE	11
16	LED REFRIGERATION LIGHT	12
17	LED FASTFIT T5 TUBE	12
18	8 FT LED T8 UBE	13
19	LED T8 TUBE EXTERNAL	13
20	LED LINEAR HIGH BAY	14
21	LED STRIPS	14
22	ALPHA RETROFIT KIT DOOR	15
23	ALPHA TROFFER (Led Troffer)	15



PATRIOT LED TUBE



Works with or without a ballast!

The PATRIOT T8 LED tube serves as a special energy efficient replacement for all traditional fluorescent T8 lamps. Designed to operate on all existing rapid start, instant start, programmed start, and emergency fixture ballasts... or simply **no ballast** at all.

Features:

- Patriot Tube can work both with or without a ballast
- A fantastic replacement “plug and play” tube or retrofit kit.
- Compatible with over 90 percent of all North American electronic ballasts
- The versatility of the Patriot Tube supports massive projects with different types of ballasts
- Input voltage up to AC100-277V/347V with ballast and AC100- 277V without ballast
- Suitable for damp or dry environments
- UL, ETL, DLC, NSF Qualified
- Globally Patented Technology
- 5 Year Manufacturer’s Warranty - (Optional 10 Year warranty available)

Color Temperature	2700K to 5000K
Beam Angle	300 Degrees
Color Consistency	4 Steps
CRI	>80
Operation Temperature	-30°C to 40°C
Efficiency with ballast	More than 110 LPW
Efficiency without ballast	More than 125 LPW
Input Voltage with ballast	100-277VAC, 347 V
Input Voltage without ballast	100-277VAC
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours



PATRIOT LED LINEAR HIGH BAY



This Patriot LED High Bay is a brand new replacement solution for fluorescent linear high bay in warehouses, garage locations and any other commercial and industrial applications.

Advantage:

- More than 130 L/W
- CRI > 80
- Dimmable Driver.
- Input voltage can be AC100-277V
- Reduces energy consumption up to 60%.
- Suitable for damp location

Model	Wattage	umens	LxWxD inch
ZY-H2-110WXDZ	110	12300	23.8”x12.6”x3.62”
ZY-H5-160WXDZ	160	18520	23.8”x17.3”x3.62”



PATRIOT LED PANEL



Edge Lit Flat Panel

General illumination typically used to replace 2x2 and 2x4 fluorescent troffers. The Patriot Panel is designed to lay in drop ceilings in offices, schools, showrooms, airports, retail locations, and healthcare facilities. Ultra modern design with an industry leading 110 lumens per watt, the ALG PATRIOT PANEL is the ideal fluorescent lay-in replacement.

Features:

- Edge-lit LED array with translucent diffuser provides uniform illumination
- Ultra-slim Aluminum Frame - <0.5inch
- Custom color temps available
- UL, cUL, TUV, DLC 4.0 listed
- LM-79, and IES available upon request
- 100,000 hour L70 lifespan
- Lumen efficacy is greater than 130l/w lumen/watt
- External UL Listed Class-2 Constant Current Driver
- Universal Voltage: 100-277V. *100-382V available
- Multiple mounting options
- Suitable for damp locations
- High Power factor -.99



Color Temperature	2700K to 5000K
Beam Angle	120 Degrees
CRI	>80
Opertion Temperature	-20°C to 50°C
Efficiency	More than 110 LPW
Input Voltage	100-277VAC, *347 Available
Power Factor	More than 0.99
Rated Life	Rated Life 100,000 hours
Input Frequency	50/60Hz

PATRIOT LED TUBE



Plug & Play Series

The Patriot LED "Plug & Play" tube can work with specific T8 instant- start, rapid-start, programmed-start, dimming-start ballasts and existing emergency battery backup equipment. Patriot P&P tube also works with some magnetic ballasts.

Features:

- The LED tube is a fantastic direct replacement "plug and play" tube
- Compatible with over 90 percent of all North American electronic ballasts
- Glass-free for use in food areas and refrigerated food displays
- Input voltage up to AC100-277V/347V with ballast
- Wide 300 Degrees Beam Angle
- No UV emission
- Suitable for damp or dry environments



Color Temperature	2700K to 5000K
Beam Angle	300 Degrees
Color Consistency	4 Steps
CRI	>80
Opertion Temperature	-30°C to 40°C
Efficiency with ballast	More than 120 LPW
Input Voltage with ballast	100-277VAC, 347 V



Color Temperature	4000K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-277V
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours
Housing	Aluminum
LED Type	72 pieces of SMD 2835

LED T8 TUBE

with External Driver System

The Patriot T8 Tube with External Driver can dramatically reduce energy usage up to 70% providing significantly lower operating costs. The special circuit design avoids the single broken LED influence problem. Utilizes high efficiency class 2 constant current driver. One driver for 1, 2, 3, or 4 LED tubes available.



PATRIOT LED TROFFER DOOR

Advantage:

- Quick Installation for each troffer which only takes five minutes.
- 0-10V dimmable function help to reduce operation cost.
- 130l/w lumens per watt help to reduce payback period of energy saving.
- 100000 hours working time and 7 year warranty.

Color Temperature	2700K to 5000K
Beam Angle	180 degree
Color Consistency	4 steps
CRI	More than 80

Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	100,000 hours



PATRIOT T5 LED TUBES



w/ External Driver System

Color Temperature	2700K to 5000K
Beam Angle	180 Degrees
CRI	> 80
Operation Temperature	-30°C to 40°C
Efficiency with ballast	More than 110 LPW
Efficiency without ballast	More than 125 LPW
Input Voltage with ballast	100-277VAC, 347V
Input Voltage without ballast	00-277VAC
Power Factor	More than 0.99
Rated Life Rated Life	50,000 hours
50,000 hours LED Type	SMT2835
Housing	Aluminum
Color Consistency	4 Steps



LED T5 system with external driver. The LED T5 system replaces traditional T5 systems. One driver for 1, 2, 3, or 4, tubes available.

PATRIOT TROFFER LAY-IN



Advantage:

- Quick Installation for each troffer which only takes five minutes.
- 0-10V dimmable function help to reduce operation cost.
- 110 lumens per watt help to reduce payback period of energy saving.
- 100000 hours working time and 7 year warranty.



Color Temperature	2700K to 5000K
Beam Angle	180 degree
Color Consistency	4 steps
CRI	More than 80
Operation Temperature	-30-40C
Efficiency with ballast	More than 110 LPW
Input Voltage with ballast	100-277VAC

Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	100,000 hours
Led	SMT 2835
Type	Aluminum+PC
Housing	



Patriot Ubend LED Tube



The PATRIOT T8 LED tube serves as a special energy efficient replacement for all traditional fluorescent T8 lamps. Designed to operate on all existing rapid start, instant start, programmed start, and emergency fixture ballasts... or simply no ballast at all.

Feature:

- Patriot Tube can work both with or without a ballast
- A fantastic replacement "plug and play" tube or retrofit kit
- Compatible with over 90 percent of all North American electronic ballasts
- The versatility of the Patriot Tube supports massive projects with different types of ballasts
- Input voltage up to AC100-277V/347V with ballast and AC100- 277V without ballast
- Suitable for damp or dry environments
- UL, ETL, NSF Qualified
- Globally Patented Technology
- 5 Year Manufacturer's Warranty

Color Temperature	2700K to 5000K
Beam Angle	300 Degrees
Color Consistency	4 steps
CRI	> 80
Operation Temperature	-30°C to 40°C
Efficiency with ballast	More than 110 LPW
Efficiency without ballast	More than 125 LPW
Input Voltage with ballast	100-277VAC, 347 V
Input Voltage without ballast	100-277VAC
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours
LED Type	SMT2835
Housing	Aluminum



ALG MAGNETIC STRIP RETROFIT KIT

The LED Magnetic Troffer Retrofit Kit can work with existing 2x2 & 2x4 troffers. Easy installation.

Advantage:

- High Lumen Efficiency
- Easy installation
- Reduces energy consumption up to 60%
- No UV emission and no mercury
- 5 Year Manufacturer's Warranty
- Suitable for dry and damp environments

Color Temperature	2700K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-277V

Power Factor	More than 0.99
Rated Life	50,000 hours
Power Supply Efficiency	90%
Frequency	50-60Hz



4 FT LED T8 TUBE (347V)

Direct Wire

4 foot LED T8 system with internal driver. The LED T8 system replaces traditional T8 systems. Comes single or double ended input.

Color Temperature	2700K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-347V

Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours
Power Supply Efficiency	90%



4 FT LED GLASS T8 TUBE

4 foot LED T8 system with internal driver. The LED T8 system replaces traditional T8 systems. High Output 150LPW – All Glass Tube Housing. Shatter proof PET Coating.

Color Temperature	3000K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-277V, 347V

Beam Angle	320 Degrees
Power Factor	More than 0.99
Rated Life	50,000 hours
Power Supply Efficiency	90%



ALPHA LED PLUG & PLAY TUBE

The Alpha LED tube can work with specific T8 instant-start, rapid-start, programmed-start, dimming-start ballasts and existing emergency battery backup equipment. Alpha also works with some magnetic ballasts.

Features:

- The Alpha LED tube is a fantastic direct replacement “plug and play” tube
- Compatible with over 90 percent of all North American electronic ballasts
- Glass-free for use in food areas and refrigerated food displays
- Input voltage up to AC100-277V/347V with ballast
- Wide 300 Degrees Beam Angle
- No UV emission
- Suitable for damp or dry environments
- T8 aluminum housing with plastic lens
- 5 Year Manufacturer’s Warranty
-Optional 10 Year Warranty available



Color Temperature	2700K to 5000K
Beam Angle	300 Degrees
Color Consistency	4 Steps
CRI	> 80
Operation Temperature	-30°C to 40°C
Efficiency with ballast	More than 120 LPW
Input Voltage with ballast	100-277VAC, 347 V
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours
LED Type	SMT2835

ALPHA LED FLAT PANEL

Edge Lit Flat Panel

General illumination typically used to replace 2x2 and 2x4 fluorescent troffers. The Alpha Panel is designed to lay in drop ceilings in offices, schools, showrooms, airports, retail locations, and healthcare facilities. Ultra modern design with an industry leading 110 lumens per watt, the Alpha® Flat Panel is the ideal fluorescent lay-in replacement.

Features:

- Edge-lit LED array with translucent diffuser provides uniform illumination
- Ultra-slim Aluminum Frame - <0.5inch
- Custom color temps available
- UL, cUL, TUV, DLC 3.1 listed
- LM-79, and IES available upon request
- 100,000 hour L70 lifespan
- Lumen efficacy is greater than 110 lumen/watt



Color Temperature	2700K to 5000K
Beam Angle	120 Degrees
CRI	> 80
Operation Temperature	-20°C to 50°C
Efficiency	More than 110 LPW
Input Voltage	100-277VAC, *347 Available
Power Factor	More than 0.99



ALPHA HYBRID LED TUBE

Works with or without a ballast!

The Alpha T8 LED tube serves as a special energy efficient replacement for all traditional fluorescent T8 lamps. Designed to operate on all existing rapid start, instant start, programmed start, and emergency fixture ballasts AND some magnetic ballast... or simply no ballast at all.

Features:

- Alpha Tube can work both with or without a ballast
- A fantastic replacement “plug and play” tube or retrofit kit
- Compatible with over 90+ percent of all North American ballasts
- The versatility of the “Magic Tube” supports massive projects with different types of ballasts
- Input voltage up to AC100-277V/347V with ballast and AC100- 277V without ballast
- Suitable for damp or dry environments
- UL, ETL, DLC, NSF Qualified
- Globally Patented Technology
- 5 Year Manufacturer’s Warranty
-Optional 10 Year Warranty available
- Rotatable end caps available.

Color Temperature	2700K to 5000K
Beam Angle	180 Degrees
CRI	> 80
Operation Temperature	-30°C to 40°C
Efficiency with ballast	More than 110 LPW
Efficiency without ballast	More than 125 LPW
Input Voltage with ballast	100-277VAC, 347V
Input Voltage without ballast	00-277VAC
Power Factor	More than 0.99
Rated Life Rated Life	50,000 hours
50,000 hours LED Type	SMT2835
Housing	Aluminum
Color Consistency	4 Steps



ALPHA LED T5 TUBE

w/ External Driver System

LED T5 system with external driver. The LED T5 system replaces traditional T5 systems. One driver for 1, 2, 3, or 4, tubes available.

Color Temperature	2700K to 5000K
Beam Angle	180 Degrees
CRI	> 80
Operation Temperature	-30°C to 40°C
Efficiency with ballast	More than 110 LPW
Efficiency without ballast	More than 125 LPW
Input Voltage with ballast	100-277VAC, 347V
Input Voltage without ballast	00-277VAC
Power Factor	More than 0.99
Rated Life Rated Life	50,000 hours



LED Refrigeration Light

The LED Refrigeration light can dramatically reduce energy usage up to 75% providing significantly lower operating costs. This light has been designed to offer high quality directional illumination with 50,000 hour life expectancy.

Features:

- 50,000 hour life expectancy
- IP65 rated light module for use in commercial refrigerators and freezers
- Dramatically improves look for any food or merchandise being displayed
- Energy efficient design significantly reduces cost of ownership- savings up to 75%
- Light diffuser contains no glass providing zero risk of glass breakage
- Instant start in cold environments
- Available in 2ft, 3ft, 4ft, 5ft & 6ft for vertical and horizontal installation
- Mercury and lead free
- Local utility incentives may be available
- Binned diodes for color uniformity
- Clear and frosted cover available
- 5 Year Manufacturer's Warranty
-Optional 10 Year Warranty available



Color Temperature	2700K to 5000K
Beam Angle	120 Degrees
CRI	> 80
Operation Temperature	-20°C to 50°C
Efficiency	More than 110 LPW
Input Voltage	100-382VAC
Frequency	50-60Hz
Power Factor	92%
Rated Life	50,000 hours
LED Type	SMT2835

LED FastFit T5 TUBE

The LED T5 FastFit tube can work with specific T5 electronic ballast. This T5 FastFit is a direct replacement for T5HO fluorescent tubes.

Features:

- High Lumen Efficiency
- Compatible with programmable start T5HO electronic ballast
- Reduces energy consumption up to 60%
- No UV emission and no mercury
- 5 Year Manufacturer's Warranty
- Suitable for dry and damp environments



Color Temperature	2700K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-277V



8 FT LED T8 TUBE

8 foot LED T8 system with external driver. The LED T8 system replaces traditional T8 systems. Comes standard single pin. AC-Direct.

Color Temperature	2700K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-277V
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours
Power Supply Efficiency	90%



LED T8 TUBE EXTERNAL

Color Temperature	2700K to 5000K
CRI	> 80
Operation Temperature	-20°C to 50°C
Input Voltage	AC100-277V
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	50,000 hours
Housing	Aluminum
LED Type	72 pieces of SMD 2835
Luminaire Efficiency	115LPW
Power Factor Efficiency	90%

The T8 Tube with External Driver can dramatically reduce energy usage up to 70% providing significantly lower operating costs. The special circuit design avoids the single broken LED influence problem. Utilizes high efficiency class 2 constant current driver. One driver for 1, 2, 3, or 4 LED tubes available.



LED Linear High Bay

This led linear high bay is a brand new replacement solution for fluorescent linear high bay in warehouse, garage locations and any other commercial and industrial applications.

Advantage:

- Lumen Output more than 130 lumens per watt
- CRI more than 80 Epend dimmable driver.
- Input voltage can be AC100-277V
- Reduces energy consumption up to 60%.
- 5 years lifespan
- Surface mounting installation
- Suitable for damp location UL and DLC
- Glass-free



LED Strips

This strip light is mainly for commercial use. It can be used in warehouse, office, garage display shops and other commercial applications

Advantage:

- Lumen Output more than 120 lumens per watt
- CRI more than 80
- Epend dimmable driver
- Input voltage can be AC100-277V
- Reduces energy consumption upto 60%
- 5 years lifespan
- Surface mounting installation
- Suitable for damp location
- UL and DLC
- Glass-free



Model	Wattage	Lumens	LxWxD inch
ZY-ST4FTHL	24W	2880	48"X3.35"X3.56"
ZY-ST4FTLW	36W	4320	48"X3.35"X3.56"



ALPHA Retrofit Kit Door

Advantage:

- Quick Installation for each retrofit kit which only takes five minutes.
- 0-10V dimmable function help to reduce operation cost.
- 135 lumens per watt help to reduce payback period of energy saving.
- 100000 hours working time and 7 years warranty.

Color Temperature	2700K to 5000K
Beam Angle	120 degree
Color Consistency	4 steps
CRI	More than 80
Operation Temperature	-30-40C
Efficiency with ballast	More than 135 LPW
Frequency	50-60 HZ
Power Factor	More than 0.99
Rated Life	SMT 2835
Housing	Aluminum+PC



ALPHA Troffer Led Troffer

Color Temperature	2700K to 5000K
CRI	More than 80
Operation Temperature	-30°-40°C
Input Voltage with ballast	1---227V AC100-382V
Frequency	50-60Hz
Power Factor	More than 0.99
Rated Life	7 years hours
Housing	Aluminum+PC
Beam Angle	120 degree
Color Consistency	4 steps
Efficiency with ballast	More than 135 LPW
Led Type	SMT 2835

Advantage:

- Quick Installation for each retrofit kit which only takes five minutes.
- 0-10V dimmable function help to reduce operation cost.
- 135 lumens per watt help to reduce payback period of energy saving.
- 100000 hours working time and 7 years warranty.



-  Axis LED Group 6810 Avery Rd. Dublin, OH 43017
-  240.510.5712
-  contact@alg-usa.com
-  www.ALG-USA.com, www.patriotledtubes.com



WWW.ALG-USA.COM | WWW.PATRIOTLEDTUBES.COM

**DECLARATION OF BURT MORLOCK
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Burt Morlock. I am over 18 years of age and live in Ohio. I have 25 years of packaging experience.
2. I have personal knowledge of the facts stated in this declaration, and if called as a witness, I could and would competently testify to the facts stated herein.
3. In January 2020, Adam Harmon hired me as a warehouse manager for Axis LED, LLC, a company that sold LED light fixtures in Defiance, Ohio.
4. From the moment I started working there, I had questions. My gut said something wasn't right.
5. We got packages of lights from China with "Made in China" stickers. Mr. Harmon instructed me to peel the stickers off the lights, and re-box them in new boxes with "Patriot LED" logos and new stickers that said "Made in USA."
6. My first week of work, I asked if what we were doing was legal, and Mr. Harmon read me a letter from the FTC saying what he was doing was okay. Mr. Harmon said he bought the licensing rights to do this stuff. Thinking back, Mr. Harmon later showed me a different letter about N95 masks from NIOSH. Now I'm wondering if both letters were falsified; I once heard Mr. Harmon joking that his favorite software was one that allowed him to change PDF files.
7. At Axis LED, we handled government contracts, and supplied hundreds of thousands of lights to the U.S. government. We didn't do anything to those lights other than peel the "Made in China" stickers off and replace them with new "Made in USA" stickers.
8. As far as I know, Mr. Harmon is still doing this and selling the lights to the U.S. government.

9. I never saw anyone do any manufacturing at all on these lights. Sometimes we plugged them in to see if they worked or swapped out power strips, but that was it. We didn't make anything.
10. We did buy boxes from Fort Wayne, Indiana, but that packaging was the only part of Axis LED's lighting products that was from the USA.
11. The Chinese LEDs were supplied by someone Mr. Harmon referred to as "James Industries," with a warehouse in California. All the lights arrived at our warehouse in James's name with no documentation.
12. Around February or March of 2020, the pandemic hit, and we started selling personal protective equipment (PPE).
13. Right away, we started getting shipments of KN95 masks, gloves, and gowns from China that we resold to consumers. These masks came from a company called "Venas," which Mr. Harmon told me was a parent company to Axis LED.
14. All the shipments came in via James Industries and were sent to Axis LED without any additional documentation. Mr. Harmon used several different logistics companies. Mostly a company called Priority One, but sometimes Uber Freight.
15. In May of 2020, Mr. Harmon said we should start manufacturing masks. I told him we didn't know anything about making respirators and manufacturing is a hard process. I asked numerous times about how we were going to design and make N95 respirators. He said, "I'll have James do all of it."
16. A few weeks went by, and Mr. Harmon started showing us samples of masks.
17. Around that time, in spring 2020, two machines showed up in the Defiance facility, along with fabric to make masks. Mr. Harmon said they were new machines, but they looked

about 10 years old. They were rusted and beat up with no manuals, no wiring diagrams, etc.

18. By June or July of 2020, Mr. Harmon had approvals from NIOSH for a mask that we never made.
19. Mr. Harmon told us Venas, which he said was actually Axis LED's parent company, could make the masks in China. "James Industries," the same company that supplied our LEDs, would bring the Chinese masks to us in the USA to sell.
20. From the beginning and at all times, all our masks and mask-making materials came from China.
21. By the summer of 2020, there were 25-30 employees in the Defiance, Ohio location and we were selling a lot of masks. We still had just those two mask-making machines: one machine to make cup-style masks, and one machine to make foldable masks.
22. Although we talked to James and some Chinese engineers, we had zero instruction on how to use the mask-making machines, and they were operated very little. The machines had no name plates or identifying marks.
23. When we used them, the mask-making machines took a long time. You couldn't make more than 1,000 masks per day, start to finish. The machines would often break. They were down more than they worked.
24. At the same time, hundreds of thousands of Chinese masks were arriving from Venas. As each shipment arrived, we unpacked the Chinese masks, printed them with the ALG logo and NIOSH markings, and re-boxed them into Patriot Mask packaging with "Made in USA" written on it.

25. Although there were some (very few) masks being made in Ohio, the vast majority were imported.
26. That summer, Mr. Harmon bought or leased the building in Bryan, Ohio and he, Gayle Wallen, and Doug Soper started running that facility.
27. Around that time Mr. Harmon also hired someone named Benjamin Trow with a company called ISO Pro to write processes and procedures for the company, but Mr. Harmon didn't want to listen to anything Mr. Trow said. Eventually Mr. Trow got frustrated and quit.
28. In March 2021, I went to Bryan, Ohio. Mr. Harmon had approximately 150 people there at that time and a bunch of machines that half-ass ran.
29. When he moved me over to Bryan, I asked Mr. Harmon where all the standardized work and quality manuals Mr. Trow made were. Mr. Harmon never answered me and said all the tests were done by Venas. He showed me a letter, supposedly from NIOSH, saying Venas and ALG Health were partners and that we could use respirators produced by them as our own. He said we were like GM with Chevrolet and GMC. He would show this letter or read it to employees whenever they questioned what we were doing.
30. The molded masks that were "made" in the Bryan facility weren't cooked long enough; they didn't hold form and were not properly made. They didn't undergo quality tests and were nothing like the Chinese masks in the boxes we unpacked.
31. All the fabric used to make the masks in Bryan was imported. James sent all the materials until production really ramped up, at which point Mr. Harmon would get materials from other places (all still imported).

32. I told Mr. Harmon that he couldn't call his masks "Made in USA" because I looked it up, and all the materials were supposed to be from the USA or at least a majority of them. Mr. Harmon told me not to worry about it and he would take care of it.
33. Probably 90% of the masks Mr. Harmon sold were brought in from China as finished masks. Maybe more.
34. At one point we got an order for 700,000 masks. I told Mr. Harmon it would take forever to make that many masks because we could only make 1,000 masks per day. And then a truck showed up with finished masks. We printed our logos on those Chinese masks, and then sent them out to fulfill that order, which I think went to Canada.
35. Mr. Harmon sent Chinese masks to NIOSH to get approvals.
36. The foldable masks were the masks we actually "made" in Defiance, Ohio. I did send a foldable mask to NIOSH, but Mr. Harmon sent in all the other samples.
37. We got approval from NIOSH for cup-style molded masks before we even had a machine from China that could make them.
38. At one point, Mr. Harmon bought a Chinese ATX-100 machine to do some testing. That machine was brand new. It might be the only thing Mr. Harmon ever bought that was new. It did test fabric, but for a long time we didn't have a way to actually test finished masks because we couldn't put them into the machine.
39. Eventually our contacts in China provided information so we could fully test masks, but we never did the frequency of testing required and didn't keep documentation.
40. When NIOSH did a virtual tour of our facility to give us approvals, Mr. Harmon wasn't even there. None of our machines even ran during the tour. The day we had a virtual tour of the Defiance location was the first day that testing machine ever ran.

41. All we did for most of the masks we sold was take them out of the box, print the ALG logo and NIOSH markings, and load them into their boxes.
42. We never had the capability to make the teal-colored N95s we sold. But we got approval anyway.
43. Mr. Harmon was selling respirators PT-N95-07, PTN95-06 that had NIOSH approval, even though he never owned a machine that could produce them.
44. At all times, the quality of the masks we got from China was much better than the quality of anything “made” in Ohio. The Chinese masks did pass the appropriate 90% filtration tests.
45. The Chinese masks arrived in boxes that said KN95. We repackaged them into boxes that said N95 and Patriot Masks. It was wrong; like saying a Ford is a Chevy GMC truck. You can’t do that!
46. Eventually Mr. Harmon got in trouble with NIOSH because they found out that the butterfly component of the foldable masks he told NIOSH were made in the USA was imported. Around then I started thinking everything was a sham.
47. Mr. Harmon lied on the phone with NIOSH. He told them only the butterflies were from China, but the rest of the mask components were made in the USA. That was a lie. He sold millions of imported masks rebranded as Patriot Masks out of Bryan, Ohio.
48. I am aware of at least two documents that Mr. Harmon forged and sent to a consultant to try to help him get out of trouble with NIOSH.
49. After the calls with NIOSH, we had a big meeting and Mr. Harmon said he wasn’t dealing with James anymore. But then, a few weeks later, more masks arrived.


50. Eventually, in summer 2021, NIOSH ordered us to stop selling. Mr. Harmon buried a disclaimer on his website about the stop sale, but would tell people on the phone who asked about it that it was not a big deal and he would be up and running again in a few weeks.
51. At that time, I asked Mr. Harmon where that letter from NIOSH was that said what we were doing with Venas – selling their masks as our own – was okay. He told me he lost it.
52. Boxes of masks continued to arrive. They said KN95 on them, and I told Mr. Harmon he couldn't call them N95s because that would be counterfeit. We got in a big argument because Mr. Harmon sold them anyway.
53. Mr. Harmon never stopped selling masks; he told us the stop-sale only applied to ALG Health and that he could continue to sell masks through Axis LED.
54. Mr. Harmon put stickers on boxes to block out the "Made in USA" label. At that point, our boxes were layered with like twelve stickers covering up all kinds of information, including the fact that the masks were made in China.
55. Mr. Harmon lied to me from day one. We were all duped and lied to. I found out later that Mr. Harmon forged my name to a bunch of documents.
56. When I left in October 2021, a lot of people were laid off. Looking back, I think there were times when Mr. Harmon wanted to do legit manufacturing, but there was no way he could. So, James just gave him masks and Mr. Harmon didn't throw them out. Instead, he took them out of boxes, printed the ALG logo and NIOSH information, put them into new boxes, and sold them to consumers. At one point, Mr. Harmon's mother, Gayle

Wallen, told me James was our friend, there was nothing wrong with what we were doing, and James was giving us a gift.

57. On the day I quit or was fired or whatever you want to call it in October 2021, I saw Mr. Harmon parked in the handicapped spot. I told him, "you think the rules don't apply to you, Adam. You do what you want."
58. Attached are six photos, Exhibits A-F, that I took in Axis/ALG facilities during my employment. These photos show shipments of LEDs, masks, and materials coming in from China for use in Axis/ALG products.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/09/2022, 2022.


Burt Morlock

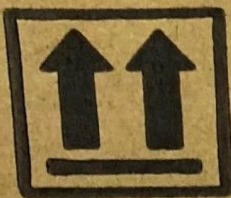
PO.:

C/NO.:

QTY.: 1 PC

MEAS.: 38X26.5X19CM

MADE IN CHINA



COUNTRY: USA

MANUFACTURER: ALG

PRODUCT: PT-T8ILT4-22W-40K-F

COLOR TEMP: 4000K

QUANTITY: 30PCS

SIZE: 49X9X9IN

WEIGHT: 20LBS



EXPRESS WORLDWIDE



2020-12-16 XMLPI 6.2 / #90-1604#

From : SPE CO LTD
LINK/ZZL
BUILDING 10 ZIHUI INNOVATION
PARK NO 90 DAYANG ROAD
HONG KONG
HONG KONG

Origin
HKG

To : Nelson Laboratories LLC Contact:

Dani Blake

6280 S. Redwood Road Salt Lake City

UT 84123 USA

84123 SALT LAKE CITY Utah

UNITED STATES OF AMERICA

US-SLC-SLC

C

Day Time

Ref: 9030367

Shipment Weight Piece
23.0 kg 1/2



WAYBILL 23 4531 6654

Contents: KN95
MASK



寄
港龙站

**Producers : Venas Medical Equipement
(DongGuan) Co.,Ltd**

Production batch Number:20201205

Model:FMN511

Production Date:2020/12/05

**Raw material:19.4% Non-Woven fabric,
16.1% melt blomn fabric
65.4% Acupuncture cotton**

Size:62*57*45cm

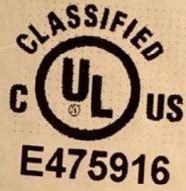
Weight:9.8kg

Quantities:640pcs

Made in China

Chen lin

LED Retrofit Kits(E475916)
LS-RKPUS-120WD2 5000K
AC100-277V 50/60Hz 1.2A
120W Silver 2020-12
No.2012052 MADE IN CHINA



RKP-120W-120V-50K-S





Proforma Invoice

Venas Co., Limited

RM 1205, 12/F TAI SANG BANK BLDG 130-132 DES VOEUX RD CENTRAL HONG KONG

Bill To:

Company name: **AXIS LED GROUP, LLC**
 Address: **2953 N HONORE STREET CHICAGO, IL 60657**
 Attn: **843-694-6469**
 Email/Tel: **ADAM@PATRIOTLED.COM**

Ship To:

Company name: **AXIS LED GROUP, LLC**
 Address: **2106 BALTIMORE STREET DEFIANCE, OH 43512**
 Attn: **Adam Harmon**
 Email/Tel: **843-694-6469**

Date: **2020/9/22**

contact (sales): **Adam Harmon**

Tel: **843-694-6469**

Email: **ADAM@PATRIOTLED.COM**

Trade Terms*	PO#	Payment Terms*	Lead Time
EXW	N/A	30DAY NET	ASAP

The buyer is responsible for customs clearance, tariff and related risks and expenses after the goods leave China.

Since this products are mainly be used for the special period of Covid-19 spread, So there is no any policy about product returned after products be shipped after payment be made.

Item #	James Model Number	Specification	Quantity (PCS/KG)	Price Each (USD)	Amount (USD)	Shipping Location
1	Nose Clip	white, Plastic nose clip with double wire, length:85mm, width:7mm, thickness:0.3mm	190KG	2.81	533.9	James own warehouse in CHINA
2	Sponge bar	gray, 90*10*3mm	200,000PCS	0.015	3000	James own warehouse in CHINA
3	Electrostatic cotton	white, width:260mm,60g/m2	501KG	4.12	2064.12	James own warehouse in CHINA
4	Meltblown fabric for N95	white, width:260MM double layer, 25g/m2/layer, At a flow rate of 60L, using NaCl test, the filtration efficiency is greater than 99%, and the resistance is less than 100pa	400KG	37.5	15000	James own warehouse in CHINA

**DECLARATION OF CHAD HUTSON
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Chad Hutson. I am over 18 years of age and live in Ohio. I have 25 years of experience working in FDA-regulated environments.
2. I have personal knowledge of the facts stated in this declaration, and if called as a witness, I could and would competently testify to the facts stated herein.
3. In February 2021, Adam Harmon hired me as VP-Operations for ALG Health, a company that sold respirators in Defiance, Ohio.
4. I know all about FDA regulations, shortly after I started, I had concerns about Mr. Harmon's operation, including that he wasn't following a quality management system (QMS).
5. The facility in Defiance did dual operations; it processed respirators and lighting products. I had no direct supervision over the lighting side of the business, but can confirm that, based on my observations, the lighting operation consisted of simply re-boxing Chinese lighting products.
6. Walking through Mr. Harmon's Bryan, OH warehouse, I routinely saw hundreds of thousands of KN95 respirators, all made in China.
7. I witnessed ALG Health employees putting Chinese respirators in ALG boxes and labeling them as "Made in USA."
8. I told Mr. Harmon he was committing fraud, and Mr. Harmon told me he had approval from NIOSH to do what he was doing. He showed me a letter supposedly from NIOSH, but the letter looked a little strange to me. It did not use terminology I would expect. For example, the letter referred to "masks" instead of "respirators." I now believe Mr. Harmon forged the letter.

9. Later, when Mr. Harmon got in trouble with NIOSH, I asked him where the letter from them approving his operations was, and Mr. Harmon told me he couldn't find it.
10. It is my belief that Mr. Harmon never intended to make masks on a large scale in the USA. Instead, Mr. Harmon set up operations to make it look like he had USA mask-making capacity, and then overwhelmingly sold wholly imported Chinese masks.
11. During my time at ALG, the company had some capacity to make masks on a very small scale, but never enough to cover the orders the company received.
12. To the extent ALG did make some masks in the United States, all the materials used to make the masks were imported from China.
13. I insisted that Mr. Harmon could not label the masks he "made" in Ohio of Chinese materials as "Made in USA." I told him maybe he could label those masks as "Assembled in USA," but because product components have to be from the USA to label the product as "Made in USA," he couldn't label a product with all Chinese components that way.
14. During my time at ALG, we sold around four million masks. Probably several thousand of them were "made" in the Ohio facility. If I had to guess I would estimate there was a 90%-10% split between the ALG masks that were wholly imported and those that were "made" in Ohio.
15. James Industries is a person in China who gave Mr. Harmon his mask-making materials and equipment. He was Mr. Harmon's Chinese liaison.
16. James Industries also went by "James Bond" and had a colleague, also in China, who went by "Roy Rogers."

17. James Industries operated through numerous business names including Venas, EPC, and All Masks.
18. Everything in Mr. Harmon's facilities came in through James, from China.
19. Mr. Harmon repeatedly told us that "regulators were too busy to worry about what he was doing". I indicated that I did not feel comfortable engaging in these operations, but would continue working toward NIOSH compliance.
20. The operation was designed to make it look like Mr. Harmon had mask-making capabilities, but he did not. The mask-making machines Mr. Harmon had were Chinese junk; when they ran, operators were routinely shocked, and you could see electricity arcing from the machines. One of the machines operated without an electrical panel.
21. Ultimately NIOSH ordered ALG to stop selling masks and I immediately shut down the floor. That infuriated Mr. Harmon, and he continued to sell masks despite the stop-sale.
22. I was terminated on September 16, 2021. My termination papers stated the reason for termination was "Irreconcilable Differences."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 15, 2022.

 2/15/2022
Chad Hutson



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Manufactured in USA N95 Mask This disposable N95 masks in stock offers braided headbands and staple free attachment points.

ALG Health
PT-N95C-02

N95 Masks

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"FOLDABLE" N95 RESPIRATOR MASK



Key Features:

- ≥95% BFE (Bacterial Filtration Efficiency) according to ASTM F2101
- ≥95% Filter Efficiency according to ICS Laboratories Inc.
- Lightweight construction promotes longer wear time
- Adjustable nose clip will help provide custom fit and secure seal
- **One size fits most.**
- Latex free: **Yes**
- Model: **Foldable**

PACKAGE INFORMATION

Description	PCS/Box	Box/Carton	Pcs/Pkg	Carton/Pallet	Total Quan
PT-N95F-01	40	20	800	32	25,600

[Spec Sheet](#)

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Key Features:

- Regular size PT-N95C-02
- Small size PT-N95CS-02
- ≥95% BFE (Bacterial Filtration Efficiency) according to ASTM F2101
- ≥95% Filter Efficiency according to ICS Laboratories Inc.
- Pre-formed for secure fit
- Adjustable nose clip will help provide custom fit and secure seal
- Available in Small and Regular
- Latex free: **Yes**
- Model: **Cup**

PACKAGE INFORMATION

Description	PCS/Box	Box/Carton	Pcs/Pkg	Carton/Pallet	Total Quan
PT-N95C-02	25	20	500	30	15,000
PT-N95CS-02	25	20	500	30	15,000

[Spec Sheet](#)

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"MOLDED" N95 RESPIRATOR



Key Features:

- Pre-formed for secure fit and exhale valve for easy breathing
- Adjustable nose clip will help provide custom fit and secure seal
- Available in Small and Regular
- Latex free: **Yes**
- Model: **Cup with exhale valve**

PACKAGE INFORMATION

Description	Size	Type	PCS/Box	Box/Carton	Pcs/Pkg	Carton/Pallet	Total Q
PT-N95CV-03	Regular	Industrial	15	20	300	30	9,000
PT-N95CVS-03	Small	Industrial	15	20	300	30	9,000

[Spec Sheet](#)

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Key Features:

- Regular size PT-N95C-06
- Small size PT-N95CS-06
- ≥95% BFE (Bacterial Filtration Efficiency) according to ASTM F2101
- ≥95% Filter Efficiency according to ICS Laboratories Inc.
- Pre-formed for secure fit and for easy breathing.
- Bendable nose clip will help provide custom fit and secure seal.
- Available in Small and Regular
- Latex free: **Yes**
- Model: **Collapse Resistant Cup/Procedure.**

PACKAGE INFORMATION

Description	Size	Type	PCS/Box	Box/Carton	Pcs/Pkg	Carton/Pallet	Total Quan
PT-N95C-06	Regular	Industrial	25	20	500	30	15,000
PT-N95CS-06	Small	Industrial	25	20	600	30	18,000

[Spec Sheet](#)

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"MOLDED" N95 RESPIRATOR WITH METAL NOSEPIECE



Key Features:

- ≥95% BFE (Bacterial Filtration Efficiency) according to ASTM F2101
- ≥95% Filter Efficiency according to ICS Laboratories Inc.
- Lightweight construction promotes longer wear time.
- Moldable nose clip will help provide custom fit and secure seal.
- One size fits most.
- Latex free: **Yes.**
- Model: **Foldable.**

[Spec Sheet](#)

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"FOLDABLE" N95 RATED RESPIRATOR WITH MOLDABLE NOSE CLIP



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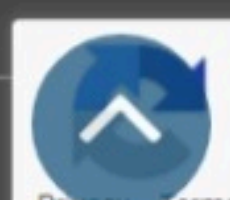


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ALG Health

June 18, 2021 · 🌐

Quality fit testing is important when choosing an #n95facemask. Our products exceed set standards.

#ppesupplies #ppesupplier #masksupplier #manufacturedinusa #northwestohio



Shop - ALG Health - N95 Masks

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ALG Health
December 30, 2020 · 🌐

We are based in NW Ohio.
Our phone number is 419-576-5470
Our website is www.ALG-health.com
Our sales address is brian@ALG-health.com .
Make sure you are dealing direct with the factory and not a person or company from another state or country who is claiming to be us.

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Write a comment..
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Note: the wearer must read and understand these instructions these instructions for reference.

Manufacturer: ALG Health
Address: 2106 Baltimore St. Defiance, OH 43512
Production date: See packing label
Shelf life: 3 years (Unopened)
Place of origin: OH, USA
Phone: 419.576.5470 **Post code:** 43512

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ALG Health

July 16, 2021 · 🌐

Our N95 face masks are manufactured in USA designed to protect medical workers, first responders, military, and humanitarian workers. Every day that we come to work, we know we are building hospital-grade N95 face masks to protect those who protect us.



MADE IN USA

PATRIOT
— MASK —

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Description

Showcase ALG Health and their "Made In The USA" N95 respirator mask making production facility

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History



ALG Health Introduction- Made in the USA PPE

373 views • Sep 3, 2020

3 DISLIKE SHARE SAVE ...



An introduction to ALG Health, the history, it's mission, and location. This video showcases the power of Made in America when it comes to personal protective equipment. With it's new manufacturing location in Bryan Ohio, ALG Health is producing N95 respirators and disposable masks that are 100% Made in the USA for our men and women first responders, medical personnel, military, government agency, and humanitarian efforts. Special thanks to Todd Productions for the development, production, and edit of the video.

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HOME OF THE PATRIOT MASK

We believe in the quality that American workers can provide which is why we needed a brand name that reflected our ideals. Our products are designed to protect the men and women in the medical fields, first responders, military, and humanitarian workers. Every day that we come to work, we know we are building a product to protect those who protect us.

NUMERICAL CONCLUSION

Our manufacturing facility was built in NW Ohio and is completely staffed by American workers, making ALG Health one of the very few PPE facilities in America that is 100% Made in the USA. We are fully Berry Amendment (10 U.S.C 2533a) compliant and adhere to the laws passed by the United States Congress.



- September 21, 2020

Official ALG Press Release 09/22/20

ALG Health is now officially live with a brand new site, fully detailing our new operations in mask manufacturing.

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N95 Respirators

100% Made in USA N95 Mask. This disposable N95 particulate respirator offers braided headbands and staple free attachment points. It is designed to help provide comfortable, reliable worker respiratory protection against certain non-oil based particles.

The lightweight, disposable N95 particulate respirator is designed to help provide quality, reliable worker respiratory protection. Adjustable nose-clip helps provide a custom and secure seal. Compatible with a ?

variety of protective eye, ear and hearing protection. Independent testing reveals filtration over 99% and NIOSH APPROVAL IS PENDING for at least 95% filtration efficiency against certain non-oil based particles like dust.

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Disposable Medical Mask

100% made in the USA This mask is composed of standard safety materials and electrostatic polypropylene micro-fiber material Specially designed for our men and women in the medical field, our 3 layered disposable mouth cover is developed to keep exhaled particles in and protect from those exhaled by your patients The lightweight mask is comfortable enough to be worn all day with elastic ear loops that provide minimal pressure to the ears .

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ALG Health August 6, 2021 ·

"AMMA members answered the country's call for high quality, American-made surgical masks at the onset of the COVID-19 pandemic. We urge HIDA to encourage their healthcare customers to purchase American-made PPE and masks so that our heroic frontline workers do not have their safety put at risk by relying on foreign-made products."



AMMAUNITED.ORG

AMMA Response to Health Industry Distributors Call for Increased Access to Low-Quality Foreign PPE

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ALG Health July 22, 2021 · 🌐

In addition to harming U.S. manufacturers that answered the call to produce PPE here, these imported products are not tested and could be unsafe.



MADEINAMERICA.COM

PPE U.S. Manufacturers Being 'Dumped' on by 'Subsidized in China' \$0.01 Masks

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**DECLARATION OF BRIAN FEENEY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Brian Feeney. I am over 18 years of age and live in Ohio.
2. I have personal knowledge of the facts stated in this declaration, and if called as a witness, I could and would competently testify to the facts stated herein.
3. I first talked to Adam Harmon about his mask business in December 2020. I had been fired from my previous job and was looking for work; I grew up down the street from Mr. Harmon and heard he had started a mask factory.
4. Despite some legal troubles I was dealing with from my previous job, Mr. Harmon hired me. I started sitting in on meetings via phone in December 2020, and then started working for him fulltime at ALG Health in Bryan, Ohio in January 2021.
5. Mr. Harmon hired me to run his sales team and be the National Sales Manager, but when I started working onsite, I found out some other guy already had the title of VP of Sales and Distribution. It was a little strange because the way it worked out, the “VP of Sales” reported to me, the National Sales Manager. I ended up taking the title of VP of Sales & Marketing because a VP would not typically report to a National Sales Manager.
6. At the first virtual meeting I attended in December 2020, red flags went up for me right off the bat. During that meeting, there was some big dilemma with ALG Health staff that involved a discussion about how many masks they could make every day. Some people said they could make 30,000 and some said 1,500. I was wondering, how could they be so far off on this? Don’t they need to know how many masks they can make in order to sell the masks profitably? But nobody had a good answer for me.
7. When I started, one of my goals was to figure out how much it cost the company to make masks in order to make sure the company was profiting.

8. All the customers I spoke with would all have the same questions: How many masks do you have in inventory? How many masks can you make a day? How many will you be able to make a day in the near future? But I couldn't get clear answers to any of those questions.
9. I asked Jake Frederick, who handled shipping and had a background in procurement, for the bills of materials (BOMs) so I could see what was being purchased, coming in, and made. He just laughed, and said, "That's the million-dollar question." He told me things just showed up in trucks from Mr. Harmon's buddy, James.
10. Exhibit A, attached hereto, is a sampling of commercial invoices that I received from Mr. Frederick and reviewed during my employment at ALG. These invoices show sales of "masks" and/or "mask material" from what I believed to be James's companies, Venas Co., Ltd. and All Masks Co., Ltd. in Hong Kong, to ALG.
11. Nobody really knows who James is; Mr. Harmon told me James is his best friend. I think Mr. Harmon met James through his lighting business; James loaned Mr. Harmon money and helped him get his business started. As of mid-late February 2021, I heard Mr. Harmon owed James \$1.5 million. I told Mr. Harmon we needed to pay off James and sever the relationship.
12. It was a strange situation; James was providing materials to us, but then we were competing against James. I had a call with a customer where I was trying to do volume-based discounts for \$1.50 a mask, but the customer asked why they should buy from me when EPC was selling the same masks for \$1. I found out later EPC was James!
13. At one point I had a customer who wanted to place a bulk order for masks with numbers ending in 06 and 06s (for "small"), and I didn't see anyone making those masks in the

back. I asked Mr. Harmon what the deal was, and he told me people overseas are making those masks for us according to our specifications.

14. That didn't sound too unusual to me; I am familiar with private label products based on my previous experience at a paint company, but I was concerned because I didn't see enough inventory to fulfill the order.
15. Soon after, I walked into the back and saw what was likely hundreds of thousands of completed 06 and s06 masks there that weren't in our facility the day before.
16. Mr. Frederick told me those were the "pre-mades."
17. Exhibit B, attached hereto, is a sample of an inventory spreadsheet I received and reviewed during my employment at ALG. When you see a part number that starts with PA-, that "PA" stands for pre-assembled, meaning the masks arrived at the ALG facility complete, but had to have NIOSH markings printed on them. We were told that even though they were being made overseas, ALG had approval to do this because the "PA" masks or "pre-mades" were produced to ALG specifications.
18. The premade masks showed up complete, with no markings, in bags packed inside boxes. Then, ALG employees printed NIOSH markings, part numbers, and labels on them in-house, before boxing them in ALG packaging that said, "Made in USA."
19. When customers asked, I told them those masks were made to our specifications outside the USA. Sometimes customers decided not to buy them because they preferred masks made in the USA.
20. After observing the bags of premade masks in the clear bags, I made a list of concerns and asked to talk to Mr. Harmon. He was always hard to pin down for difficult conversations, but I went to his office and asked him why if masks could be made in

China for us, and they are made in China, we put them in boxes that said “Made in USA.” I also asked why the website said they were “Made in USA” and Berry Amendment-compliant. I was trying to understand because what we had didn’t seem to qualify for either of those statements.

21. Mr. Harmon responded that I was right, and he should probably change some things. So, he changed some parts of the website to “Made in USA with globally sourced materials” and removed some of the Berry Amendment-compliant statements.
22. In early-mid March 2021, I sat in on a call with NIOSH that made me nervous. NIOSH started the call with a fraud disclaimer, and then went on to tell us they received a report that someone received a box of our masks packed in a competitor’s box.
23. After the call, Mr. Harmon said it was no big deal. We didn’t talk too much right after the call because we had a group of people from “Ohio Means Jobs” meeting us at the facility.
24. After the Ohio Means Jobs group left, we had a meeting in the conference room at the plant. Mr. Harmon disappeared for a bit, and then came back with a letter on CDC/NIOSH letterhead that he showed to me and Chad Hutson. The letter said ALG-Health was approved to have masks made for ALG in China.
25. Something wasn’t right with the NIOSH letter. Mr. Hutson pointed out to me that it referred to “masks,” but NIOSH would have used the term “respirator.”
26. At one point, Chad Hutson called and asked me what I knew about KN95s being in the factory because he saw pallets and pallets of completed masks in KN95 boxes in the Bryan facility.

27. To my knowledge, we didn't make KN95s. I saw the KN95 boxes labeled with Venas Company markings, and they looked like pretty legitimate Chinese masks. It was almost like Mr. Harmon got lazy; that day he just had the masks shipped in their boxes instead of pulling them out and putting them in unmarked bags like I had seen before.
28. If I had to guess, I would say probably 80% or so of the masks we sold were imported masks. Maybe 20% of the masks ALG sold were made in Ohio; all the materials used to make those masks were imported.
29. I noticed that the Ohio operation was very manual, and our production times were slow. Making masks in the Bryan facility was a laborious process.
30. I estimate that ALG sold approximately 3-4 million masks. I couldn't tell you what the profits were. At one point I said to Mr. Harmon, "you've been doing this a year and still don't know how much it costs to make a mask!" It was impossible to get information out of him because he was always hiding things.
31. Mr. Harmon usually didn't have end-of-month or sales recap meetings like other businesses had.
32. I think ALG used an accounting firm, and that most of ALG's sales records are in Quickbooks. Mr. Harmon also used another guy who also grew up down the street from us, Eric Rittenour, as a manufacturing accountant on an ad hoc basis.
33. The first week of May 2021, Mr. Harmon laid everyone off. At that time, some of the NIOSH stuff going on was making me uncomfortable, so I decided to take a leave of absence to consider my next steps. I took two weeks off. Then, Mr. Harmon asked me to come back and said he would start to do things the "right way."

34. I returned to work in mid-May 2021, but by early August, another truckload of imported Chinese masks showed up. I had a problem with it.
35. In August 2021, NIOSH asked us to stop selling respirators. NIOSH told Mr. Harmon to put a letter about the stop-sale on his website and he did, in a spot where it wasn't very noticeable.
36. Despite the August 2021 NIOSH stop-sale, Mr. Harmon continued to sell respirators with NIOSH markings. Instead of running the sales through the ALG Quickbooks account, he ran them through the Quickbooks account for his LED company, Axis LED Group. Mr. Harmon said this was okay because Axis was a distributor for ALG. I told him that was wrong. Mr. Harmon responded that we had to get rid of the inventory. Around this time, he cut me out of the loop on conversations with NIOSH.
37. In September 2021, Burt Morlock and Chad Hutson got fired. In October, I told Mr. Harmon I needed a one-week vacation. I quit on October 12, 2021.
38. ALG was Mr. Harmon's company and he made the decisions regarding purchasing of materials and what products would be available to sell. We could have done things the right way without Mr. Harmon. The imported masks were actually pretty good masks and tested at over 95% filtration rates. They just weren't made in Ohio.
39. When I resigned and left, I told Mr. Harmon 100% of what he does is wrong; he just can't do things the right way. It is unethical how he operates as a businessman, and I was not comfortable with what was going on.

40. If anyone asks me why I quit working for ALG, it's because I was asked to do something I thought was unethical.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 16, 2022.

Brian C. Feeney

Brian Feeney

**All Masks Co., Limited****Commercial Invoice**

**FLAT/ROOM 1101D, 11/F, LIPPO SUN PLAZA, 28 CANTON ROAD, TSIM SHA TSUI,
KOWLOON, HONGKONG**

Date	Invoice #
2021-3-22	AM-2021032201

Bill To	Ship to				
1,AXIS LED GROUP, LLC 2106 Baltimore St Defiance,OH 43512 843-694-6469 adam@patriotled.com 2,ALG HEALTH, LLC/ALG Manufacturing, LLC 520 W Mulberry ST Bryan, OH 43506/2106 Baltimore Defiance, OH 43512 843-694-6469 adam@alg-health.com	ALG HEALTH, LLC/AXIS LED GROUP, LLC 520 W Mulberry St Bryan, OH 43506 Atten: BURT MORLOCK Email/Tel: 419-576-6950				

	PO. Number	Trade Terms	Payment Terms	Via	SHIP FROM
			Net 90 Days	PICK UP	USA Warehouse

QTY(pcs)	Model #	Description	Price Each (USD)	Amount (USD)
216,000	Foldable mask	Foldable mask	0.7	151,200.00
153,600		Big cup mask		

Total			274,080.00	
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ACCOUNT NAME: ALL MASKS CO., LIMITED ACCOUNT NUMBER: XXXXXXXXXX BANK NAME: HSBC Hong Kong SWIFT CODE: HSBCHKHHHKH BANK ADDRESS: 1 Queen's Road Central, Hong Kong	Payments/Credits
	Balance Due

CONFIRMED & ACCEPTED BY:	AUTHORIZED SIGNATURE:
-------------------------------------	------------------------------

Signature of Seller:	Signature of Buyer:
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All Masks Co., Limited

Commercial Invoice

**FLAT/ROOM 1101D, 11/F, LIPPO SUN PLAZA, 28 CANTON ROAD, TSIM SHA TSUI,
KOWLOON, HONGKONG**

Date	Invoice #
2021-3-23	AM-2021032301

Bill To	Ship to				
1, AXIS LED GROUP, LLC 2106 Baltimore St. Defiance, OH 43512 843-694-6469 adam@patriotled.com 2, ALG HEALTH, LLC/ALG Manufacturing, LLC 520 W Mulberry ST Bryan, OH 43506/2106 Baltimore Defiance, OH 43512 843-694-6469 adam@alg-health.com	ALG HEALTH, LLC/AXIS LED GROUP, LLC 520 W Mulberry St Bryan, OH 43506 Atten: BURT MORLOCK Email/Tel: 419-576-6950				

	PO. Number	Trade Terms	Payment Terms	Via	SHIP FROM
			Net 90 Days	PICK UP	USA Warehouse

QTY(pcs)	Model #	Description	Price Each (USD)	Amount (USD)
167,040	Small cup mask	Small cup mask	0.8	133,632.00

			Total	133,632.00
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ACCOUNT NAME: ALL MASKS CO., LIMITED ACCOUNT NUMBER: XXXXXXXXXX BANK NAME: HSBC Hong Kong SWIFT CODE: HSBCHKHHHKH BANK ADDRESS: 1 Queen's Road Central, Hong Kong	Payments/Credits
	Balance Due

CONFIRMED & ACCEPTED BY:	AUTHORIZED SIGNATURE:
-------------------------------------	------------------------------

Signature of Seller:	Signature of Buyer:
-----------------------------	----------------------------



Venas Co., Limited

FLAT/ROOM 1101D, 11/F, LIPPO SUN PLAZA, 28 CANTON ROAD, TSIM SHA TSUI, KOWLOON, HONGKONG

Bill To*:

Bill To*:

Company name:	AXIS LED GROUP, LLC	Company name:	ALG HEALTH, LLC/ALG Manufacturing, LLC
Address:	2953 N HONORE STREET CHICAGO, IL 60657/2106 Baltimore St. Defiance, OH 43512	Address:	520 W Mulberry ST Bryan, OH 43506/2106 Baltimore Defiance, OH 43512
Attn:	843-694-6469	Attn:	843-694-6469
Email/Tel:	ADAM@PATRIOTLED.COM	Email/Tel:	adam@alg-health.com

COMMERCIAL INVOICE

Ship To:

Company name:	ALG HEALTH, LLC
Address:	520 W Mulberry St Bryan, OH 43506
Attn:	BURT MORLOCK
Email/Tel:	419-576-6950
PO#:	N/A

Date:	2021-3-23
PI#	ALG-0323-1
Trade Terms	
Payment Terms	180DAY NET
Shipping Location:	Los Angeles Warehouse
Ship Via	PICK UP
Shipment Date:	Immediately

Item	Model	Specification	Quantity (pcs)	Unit Price (USD)	Total Amount (USD)
1	Materials of 513 mask	Materials of 513 mask	42,240	0.90	38,016.00
2	Materials of 513S mask	Materials of 513S mask	30,720	0.90	27,648.00
3	Materials of 514 mask	Materials of 514 mask	67,000	0.90	60,300.00
	TOTAL		139,960		125,964.00

PLEASE SEND US A COPY OF THE BANK SLIP AFTER PAYMENTS IS MADE

BANK INFORMATION
 BENEFICIARY BANK: HSBC Hong Kong
 ACCOUNT NO: [REDACTED]
 SWIFT CODE: HSBCHKHHHKH
 BENEFICIARY NAME: Venas Co., Limited
 BANK ADDRESS: 1 Queen's Road Central, Hong Kong

AUTHORIZED SIGNATURE :	AUTHORIZED SIGNATURE:
Signature of Seller:	Signature of Buyer:



Venas Co., Limited

FLAT/ROOM 1101D, 11/F, LIPPO SUN PLAZA, 28 CANTON ROAD, TSIM SHA TSUI, KOWLOON, HONGKONG

Bill To*:

Bill To*:

Company name:	AXIS LED GROUP, LLC	Company name:	ALG HEALTH, LLC/ALG Manufacturing, LLC
Address:	2953 N HONORE STREET CHICAGO, IL 60657/2106 Baltimore St. Defiance, OH 43512	Address:	520 W Mulberry ST Bryan, OH 43506/2106 Baltimore Defiance, OH 43512
Attn:	843-694-6469	Attn:	843-694-6469
Email/Tel:	ADAM@PATRIOTLED.COM	Email/Tel:	adam@alg-health.com

COMMERCIAL INVOICE

Ship To:

Company name:	ALG HEALTH, LLC	Date:	2021-3-23
Address:	520 W Mulberry St Bryan, OH 43506	PI#	ALG-0323-2
Attn:	BURT MORLOCK	Trade Terms	
Email/Tel:	419-576-6950	Payment Terms	180DAY NET
PO#:	N/A	Shipping Location:	Los Angeles Warehouse
		Ship Via	PICK UP
		Shipment Date:	Immediately

Item	Model	Specification	Quantity (pcs)	Unit Price (USD)	Total Amount (USD)
1	Materials of 521 mask	Materials of 521 mask	700	0.70	490 00
2	Materials of 511S mask	Materials of 511S mask	800	0.80	640 00
3	Materials of 513 test mask	Materials of 513 test mask	500	0.90	450 00
4	Materials of 513S test mask	Materials of 513S test mask	500	0.90	450 00
	TOTAL		2,500		2,030.00

PLEASE SEND US A COPY OF THE BANK SLIP AFTER PAYMENTS IS MADE

BANK INFORMATION

BENEFICIARY BANK: HSBC Hong Kong

ACCOUNT NO: [REDACTED]

SWIFT CODE: HSBCHKHHHKH

BENEFICIARY NAME: Venas Co., Limited

BANK ADDRESS: 1 Queen's Road Central, Hong Kong

AUTHORIZED SIGNATURE :	AUTHORIZED SIGNATURE:
Signature of Seller:	Signature of Buyer:

<u>PN</u>	<u>3/18/2021</u>	Orders to Ship within Next week
N95C-02	129,000	
N95C-02s	35,500	52000
<i>N95C-02 PA (FMN511)</i>	101,600	
N95CS-02	171,000*	
N95CS-02s	71,500	52000
N95F-01		
N95F-01s	24,000	20000
<i>N95F-01 PA (FMN521)</i>		
N95C-06	5,000	
<i>N95C-06 PA (FMN513)</i>		
N95CS-06	63,600**	
<i>N95CS-06 PA (FMN513s)</i>		
N95CV-03	3,000	
N95CVS-03	300	



August 16, 2021

Ax s LED G up, LLC
Ada Ha n
2106 Bal e S
Def ance, OH 43512

Te pa y S p Sale Effec ve 8/16/2021

Effec ve 8/16/2021 we a e pu ng a e pa y S p sale n ALL NIOSH p duc s un l u NIOSH n n-
c nf n e nves ga n s c lped.

We w ll c n nue g ve upda es u cus as we ge he nf a n. |

Thanks |

A handwritten signature in black ink, appearing to read 'Ada Han', written in a cursive style.

Ada Ha n

NIOSH Respiratory Protective Device Information

**NIOSH CA 2022-1042
January 2022**

Effective Immediately: Voluntary Rescission of ALG Health Approvals



**Centers for Disease Control
and Prevention**
National Institute for Occupational
Safety and Health

Effective Immediately: Voluntary Rescission of ALG Health Approvals

The National Institute for Occupational Safety and Health (NIOSH) has honored a request by ALG Health to **voluntarily rescind ALL NIOSH respirator approvals issued to ALG Health**. The 13 rescinded approval numbers are provided below.

As of January 6, 2022, **any respirator marked with a NIOSH approval label indicating any of the approval numbers below is no longer NIOSH-approved. The NIOSH [Certified Equipment List](#) will no longer include these approval numbers.**

TC-84A-9259, TC-84A -9262, TC-84A-9270, TC-84A-9271, TC-84A-9273, TC-84A-9274, TC-84A-9275, TC-84A-9280, TC-84A-9281, TC-84A-9282, TC- 84A-9288, TC-84A-9290, and TC-84A-9292

Due to the voluntary rescission of these NIOSH approvals, **respirators bearing any of the NIOSH approval numbers listed above may no longer be manufactured, assembled, sold, or distributed.**

Please reach out to [ALG Health](#) for additional details related to their decision to voluntarily rescind the approvals identified in this notice. The [Certified Equipment List](#) can be used to locate other NIOSH approved respirators.



Exhibit Q

2/3/22, 1:10 PM

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Instagram

Search



alghealth

Follow



...

30 posts

42 followers

60 following

ALG Health

Medical Equipment Manufacturer

We manufacture NIOSH & FDA-certified masks right here in Ohio. We offer multiple varieties of N95 masks for retail and wholesale.

www.alg-health.com

POSTS

VIDEOS

TAGGED



<https://www.instagram.com/alghealth/?hi=en>

1/3

2/3/22, 1:10 PM

ALG Health (@alhealth) • Instagram photos and videos

Instagram

Search



Look for these items printed on the mask:

- Brand name
- NIOSH-approved
- Testing code & certification
- Model number




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ALG Health+
PT-N95F-01
TC-84A-9275
NIOSH N95



AMMA
AMERICAN MASK MANUFACTURERS' ASSOCIATION

AMMA represents the 26 small business Mask Manufacturers that answered America's call for emergency PPE during the onset of the COVID-19 pandemic.

6B SURGICAL MASKS
7823 JOBS CREATED
1.1B N95-STYLE RESPIRATORS

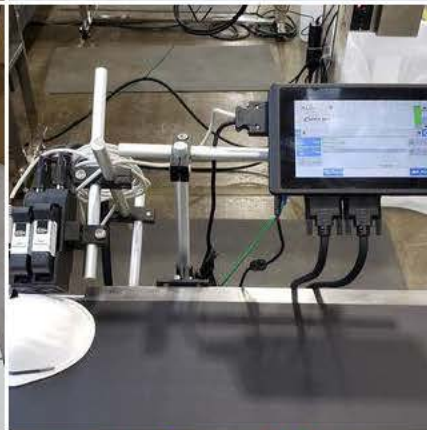
America's Response to Pandemic PPE Shortages
THESE COMPANIES ARE NOW AT RISK OF GOING OUT OF BUSINESS.



INSPIRING HOPE THROUGH HEALING
National Hospital Week



NATIONAL NURSES WEEK
May 6-12



<https://www.instagram.com/alhealth?hl=en>

2/3

2/3/22, 1:10 PM

ALG Health (@alhealth) • Instagram photos and videos

Instagram

Search



Note: the wearer must read and understand these instructions these instructions for reference.

Manufacturer: ALG Health
Address: 2106 Baltimore St. Defiance, OH 43512
Production date: See packing label
Shelf life: 3 years (Unopened)
Place of origin: OH, USA
Phone: 419.576.5470 **Post code:** 43512

Made in USA



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https://www.instagram.com/alhealth/?hl=en

3/3



INDUSTRIAL / NON-SURGICAL

“MOLDED” N95 RESPIRATOR

Part Number: PT-N95C/CS-02
Description: Molded N95 rated respirator with nylon head bands
Location: Manufactured in Ohio, USA
Brand: Patriot Mask



INDUSTRIAL / NON-SURGICAL

KEY FEATURES:

- ≥95% BFE (Bacterial Filtration Efficiency) according to ASTM F2101
- ≥95% Filter Efficiency according to ICS Laboratories Inc.
- Pre-formed for secure fit.
- Nose foam
- Moldable nose clip will help provide custom fit and secure seal.
- Stapled headbands
- Available in Small and Regular
- Latex free: Yes
- Model: Molded Cup

MATERIAL COMPOSITION:

- Outer Layer: Spun bound cloth/non-woven fabric.
- Straps - Polyisoprene
- Staples - Ultrasonically welded
- Nose Clip - Aluminum
- Filter - Polypropylene
- Shell - Polyester
- Inner Layer: Needle punch cotton
- Nose Clip: 1mm Thick Metal
- Nose Foam: Spandex filament sponge bar
- Headband: Nylon string
- Breathing valve: N/A

DO NOT USE:

- For atmospheres less than 19.5% oxygen
- For gases and Vapors, including oil aerosols, etc.
- If modified or used for its unintended purpose
- Expiration date of 3 years after manufacture date

DO USE FOR:

- Medical clinics and operating rooms
- Laboratory procedures
- Infection control requirements
- Emergency planning and preparedness

www.alg-health.com

01



INDUSTRIAL / NON-SURGICAL

“MOLDED” N95 RESPIRATOR

NIOSH Industrial Rated Approved
 TC-84A-9259 (Regular), TC-84A-9270 (Small)

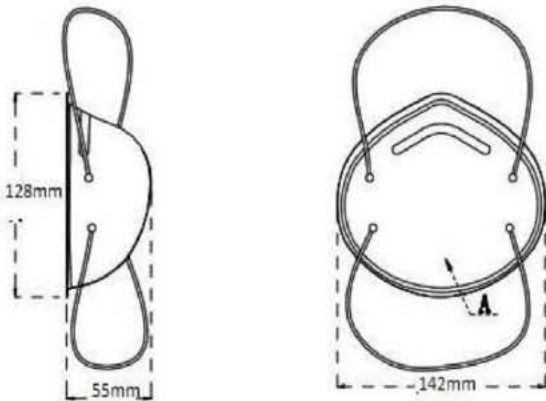
Part Number: PT-N95C/CS-02
Description: Molded N95 rated respirator with nylon head bands
Location: Manufactured in Ohio, USA
Brand: Patriot Mask

PACKAGE INFORMATION

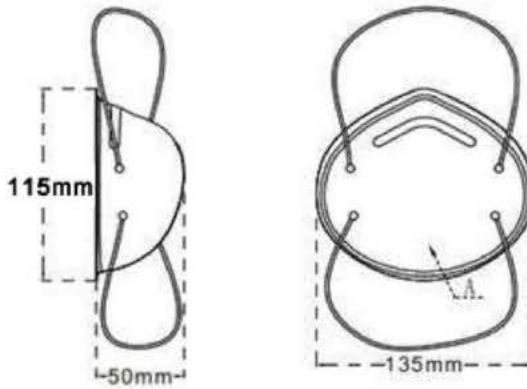
Description	PCS/Box	Box/Carton	Pcs/Pkg	Carton/Pallet	Total Quan
PT-N95C-02	25	20	500	30	15,000
PT-N95CS-02	25	20	500	30	15,000

DIMENSIONS

REGULAR



SMALL



INDUSTRIAL / NON-SURGICAL

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02