



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

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VIA EMAIL

Gregory Luib, Esq.
Dechert LLP
1900 K Street, NW
Washington, DC 20006
gregory.luib@dechert.com

Dear Mr. Luib:

We received your submissions on behalf of Therm-Omega-Tech, Inc., d/b/a The BBQ Guru, Inc. (“BBQ Guru” or the “Company”). During our review, we discussed concerns that marketing materials with broad, unqualified claims that BBQ Guru products, including, but not limited to, grilling thermometers, are made in the United States may have failed to account for the fact that certain of these products contain significant foreign content.

As discussed, unqualified U.S.-origin claims in marketing materials – including claims that products are “Made,” “Built,” or “Manufactured” in the USA – likely suggest to consumers that all products advertised in those materials are “all or virtually all” made in the United States.¹ The Commission may analyze a number of different factors to determine whether a product is “all or virtually all” made in the United States, including the proportion of the product’s total manufacturing costs attributable to U.S. parts and processing, how far removed any foreign content is from the finished product, and the importance of the foreign content or processing to the overall function of the product.

To avoid deceiving consumers, BBQ Guru implemented a remedial action plan. This plan included: (1) hiring a third-party marketing and technology vendor to conduct a comprehensive review of all Company websites to identify and remove all “Made in USA”

¹ 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). Additionally, beyond express “Made in USA” claims, “[d]epending on the context, U.S. symbols or geographic references, such as U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories, may, by themselves or in conjunction with other phrases or images, convey a claim of U.S. origin.” *Id.*

claims; (2) reviewing social media accounts to identify and remove claims; (3) identifying and removing unqualified claims on third-party sales platforms, including amazon.com and walmart.com; (4) removing claims from product packaging, including by stickering over unqualified claims until new packaging could be obtained; and (5) training customer service representatives on how to address country-of-origin questions from customers.

If, in the future, BBQ Guru offers a new product that is “all or virtually all” made in the United States, it would be appropriate for the Company to update its marketing materials accordingly, provided that materials do not overstate the extent to which other products are made in the United States. As you know, FTC staff is available to work with companies to craft qualified claims that serve the dual purposes of conveying non-deceptive information to consumers and highlighting work done in the United States.

Based on BBQ Guru’s 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