

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
 Terrell McSweeney**

In the Matter of

BENJAMIN MOORE & CO., INC., a corporation.

DOCKET NO. C-

COMPLAINT

The Federal Trade Commission, having reason to believe that Benjamin Moore & Co., Inc., a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Benjamin Moore & Co., Inc. is a New Jersey corporation, with its principal office or place of business at 101 Paragon Drive, Montvale, New Jersey 07645.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed paint products to consumers, including Natura paints.
3. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

Benjamin Moore’s Natura Paints

4. Respondent distributes Natura paints through a network of authorized, independent retailers, as well as through its own stores and website.
5. Respondent and its independent retailers have disseminated or have caused to be disseminated advertisements, packaging, and other promotional materials for Natura paints to consumers, including the attached Exhibits A-G. These materials include the following statements and depictions:
 - a.

ON SCREEN

A group of painters enter quietly into a room filled with cribs. While a baby

VOICEOVER

If you want a paint with no harsh fumes; if you want a paint without

sleeps in a crib, they begin to paint a mural on a wall.

Painters exit and the baby wakes up, smiling and standing in the crib.

harmful chemicals; if you want a paint that is safer for your family and the environment, only this can.

Natura by Benjamin Moore.

(Exhibit A, Benjamin Moore Natura 30-second advertisement).

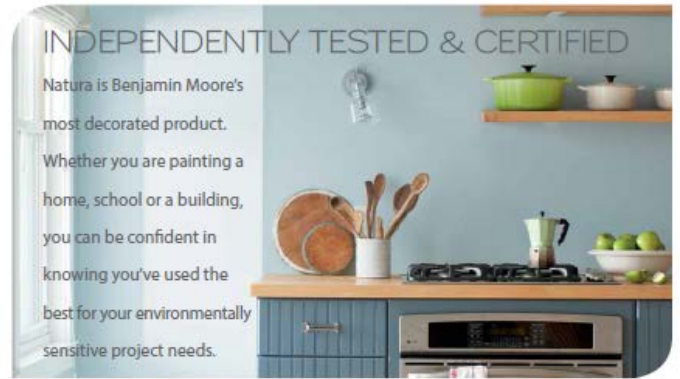


(Exhibit A, screenshots from Benjamin Moore Natura 30-second advertisement).



NATURA IS GREEN WITHOUT COMPROMISE®

With zero VOCs, zero emissions and no harsh fumes™, Natura can have a positive impact on air quality. This is a truly environmentally friendly paint without sacrifice to performance or color integrity.



Natura is Benjamin Moore's most decorated product. Whether you are painting a home, school or a building, you can be confident in knowing you've used the best for your environmentally sensitive project needs.



2015 Product of the Year award
This award seeks to guide consumers to products for their quality and Innovation by category. It is a consumer-voted award based on a survey of 40,000 consumers conducted by TNS, a global consumer research company. Natura was selected in the Interior Paint category.

stewardship, and social fairness. For more information about the Cradle to Cradle Products Innovation Institute visit www.C2CCertified.org.



asthma & allergy friendly™
Administered by the Asthma and Allergy Foundation of America, this program seeks to scientifically test and identify consumer products that are more suitable for people with asthma and allergies. For more information, visit www.aafa.org/certified.

Qualifies for LEED® & LEED v4 Credit
The U.S. Green Building Council's rating system for green building leadership awards credit for satisfied prerequisites in design, construction and maintenance. For more information visit www.usgbc.org.



Cradle to Cradle Certified™ Silver
Cradle to Cradle Certified™ is a multi-attribute certification program. Products are evaluated for material health, material reutilization, renewable energy use and carbon management, water

MPI Green Performance™
Masters Painters Institute educates professionals on products based on performance-based standards and lab testing. Natura meets multiple specifications including those under MPI Green Performance™.



CHPS (Collaborative for High Performance Schools)
Provides the acceptance criteria for products that help schools meet their green building criteria and deliver environmental benefits to their occupants.

(Exhibit B, print brochure).

b.



Natura® Zero VOC and Zero Emissions* Paint



Beautiful Color. Lasting Durability. None of the other stuff.

Creating a greener and safer life for you and your family should be simple. It should be easy to find environmentally sustainable products that offer exactly what you want - and nothing you don't.

At Benjamin Moore, we're committed to providing environmentally-friendly products that both protect and beautify your home. Natura paint goes beyond zero VOC to offer zero emissions and virtually no odor, so there is nothing standing between you and gorgeous rooms your whole family can enjoy. Its patented manufacturing process was also designed to ensure that there is no compromise on style or results. With Natura, what's good for your walls is even better for your family - and the planet.

LEARN MORE » FIND A STORE »

(Exhibit C, www.benjaminmoore.com/natura).

Benjamin Moore's Green Promise Seal

6. Respondent distributes paint products bearing the "Green Promise" seal, including Natura paints. These products contain the following depictions:

a.



(Exhibit D, www.benjaminmoore.com).

b.



(Exhibit E, Natura paint can label).

Count I
Unsubstantiated Claims

7. In connection with the advertising, promotion, offering for sale, or sale of Natura paints, Respondent has represented, directly or indirectly, expressly or by implication, that:
 - a. Natura paints are emission-free.
 - b. Natura paints are emission-free during or immediately after painting.
 - c. Natura paints will not emit any chemical or substance, including VOCs, that causes material harm to consumers, including sensitive populations such as babies, asthmatics, and allergy sufferers.
 - d. Natura paints will not emit any chemical or substance, including VOCs, during or immediately after painting, that causes material harm to consumers, including sensitive populations such as babies, asthmatics, and allergy sufferers.
8. The representations set forth in Paragraph 7 were not substantiated at the time the representations were made.

Count II
Deceptive Failure to Disclose—Material Connection with Green Promise

9. In connection with the advertising, promotion, offering for sale, or sale of its paints, such as through the use of its Green Promise seal, Respondent has represented, directly or indirectly, expressly or by implication, that these paints have been endorsed or certified by an independent third party.

10. Respondent has failed to disclose or adequately disclose that Respondent has a material connection to Green Promise, such as the fact the Green Promise seal is Respondent's own designation. This fact would be material to consumers in their purchase or use decisions regarding Respondent's paints.
11. Respondent's failure to disclose or adequately disclose the material information described in Paragraph 10, in light of the representation set forth in Paragraph 9, is a deceptive act or practice.

Count III
Means and Instrumentalities

12. Respondent has distributed promotional materials, including the statements and depictions contained in Exhibits A through G to independent distributors and retailers. In so doing, Respondent has provided them with the means and instrumentalities for the commission of deceptive acts or practices.

Violations of Section 5

13. The acts and practices of Respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this _____ day of _____, 2017, has issued this Complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: