

**FEDERAL TRADE COMMISSION****[File No. 142 3249]****AmeriFreight, Inc. and Marius Lehmann; Analysis of Proposed Consent Order To Aid Public Comment****AGENCY:** Federal Trade Commission.**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before March 31, 2015.

**ADDRESSES:** Interested parties may file a comment at <https://ftcpublic.commentworks.com/ftc/amerifreightconsent> online or on paper,

by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “AmeriFreight, Inc.- Consent Agreement; File No. 142 3249” on your comment and file your comment online at <https://ftcpublic.commentworks.com/ftc/amerifreightconsent> by following the instructions on the Web-based form. If you prefer to file your comment on paper, write “AmeriFreight, Inc.- Consent Agreement; File No. 142 3249” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Victor DeFrancis, Bureau of Consumer Protection, (202) 326-3495, 600 Pennsylvania Avenue NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment

describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 27, 2015), on the World Wide Web, at <http://www.ftc.gov/os/actions.shtm>. You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 31, 2015. Write “AmeriFreight, Inc.- Consent Agreement; File No. 142 3249” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals’ home contact information from comments before placing them on the Commission Web site. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone’s Social Security number, date of birth, driver’s license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any “[t]rade secret or any commercial or financial information which . . . is privileged or confidential,” as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names. If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>1</sup> Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion,

grants your request in accordance with the law and the public interest. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/amerifreightconsent> by following the instructions on the Web-based form. If this Notice appears at <http://www.regulations.gov#!home>, you also may file a comment through that Web site.

If you file your comment on paper, write “AmeriFreight, Inc.—Consent Agreement; File No. 142 3249” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 31, 2015. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <http://www.ftc.gov/ftc/privacy.htm>.

**Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from AmeriFreight, Inc. (“AmeriFreight”) and Marius Lehmann, an officer of AmeriFreight (“Respondents”).

The proposed consent order (“proposed order”) has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should

<sup>1</sup> In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

withdraw from the agreement or make final the agreement's proposed order.

AmeriFreight is an automobile shipment broker—that is, it arranges shipment of consumers' automobiles through third-party freight carriers. This matter involves AmeriFreight's online advertising for those services. The Commission's complaint alleges that the Respondents violated Section 5(a) of the Federal Trade Commission Act by misrepresenting that AmeriFreight was a highly rated or top-ranked automobile shipment broker based on its customers' unbiased reviews. The complaint also alleges that AmeriFreight failed to disclose that it paid consumers to post reviews.

The proposed order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations.

Part I of the Order prohibits the Respondents from misrepresenting that their products or services are highly rated or top-ranked based on unbiased customer reviews or that their customer reviews are unbiased.

Part II of the Order requires the Respondents, when using an endorsement to advertise any product or service, to clearly and prominently disclose a material connection, if one exists, between the person providing the endorsement and Respondents.

Part III contains recordkeeping requirements for advertisements and other documents relevant to the order.

Parts IV through VII of the proposed order require Respondents to: Deliver a copy of the order to principals, officers, directors, managers, employees, agents, and representatives having responsibilities with respect to the subject matter of the order; notify the Commission of changes in corporate structure, discontinuance of current business or employment, or affiliation with any new business or employment that might affect compliance obligations under the order; and file compliance reports with the Commission.

Part VIII provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the complaint or proposed order, or to modify the proposed order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

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**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

**AGENCY:** Federal Trade Commission ("FTC" or "Commission").

**ACTION:** Notice.

**SUMMARY:** The information collection requirements described below will be submitted to the Office of Management and Budget ("OMB") for review, as required by the Paperwork Reduction Act ("PRA"). The FTC intends to ask OMB to extend for an additional three years the current PRA clearance for the FTC's enforcement of the information collection requirements in its Fair Packaging and Labeling Act regulations ("FPLA Rules"). That clearance expires on May 31, 2015.

**DATES:** Comments must be filed by April 6, 2015.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "FPLA Rules, PRA Comment, P074200" on your comment and file your comment online at <https://ftcpublic.commentworks.com/ftc/fplaregspra2> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Megan Gray, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326-3405, 600 Pennsylvania Ave. NW., Room 9541, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** On December 16, 2014, the FTC sought public comment on the information collection requirements associated with the FPLA Rules (December 16, 2014 Notice<sup>1</sup>), 16 CFR parts 500-503 (OMB Control Number 3084-0110).<sup>2</sup> No

<sup>1</sup> 79 FR 74722.

<sup>2</sup> Section 4 of the FPLA specifically requires packages or labels to be marked with: (1) A statement of identity; (2) a net quantity of contents disclosure; and (3) the name and place of business of the company responsible for the product. The FPLA Rules, 16 CFR parts 500-503, specify how

relevant comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.*, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. All comments should be filed as prescribed herein, and must be received on or before April 6, 2015.

### Burden Statement

As detailed in the December 16, 2014 Notice, the FTC estimates cumulative annual burden on affected entities to be 8,015,140 hours and \$185,149,734 in labor costs. Commission staff believes that the FPLA Rules impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (*e.g.*, offices and computers) to implement the packaging and labeling disclosure requirements under the FPLA Rules.

### Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before April 6, 2015.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 6, 2015. Write "FPLA Rules, PRA Comment, P074200" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including to the extent practicable, on the public Commission Web site, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which . . . is

manufacturers, packagers, and distributors of "consumer commodities" must do this.