

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

<p style="text-align: center;">In the Matter of</p> <p>AAF-McQUAY, INC., d/b/a AAF International, a corporation.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>DOCKET NO. C-3703</p>
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COMPLAINT

The Federal Trade Commission, having reason to believe that AAF-McQuay, Inc., d/b/a AAF International, a corporation, ("respondent") has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH ONE: Respondent AAF-McQuay, Inc., d/b/a AAF International, is a Delaware corporation with its principal office or place of business at 215 Central Avenue, Louisville, Kentucky 40208.

PARAGRAPH TWO: Respondent has manufactured, labeled, advertised, promoted, offered for sale, sold, and distributed air filters for use in residences under the brand names ElectroKlean and Dirt Demon.

PARAGRAPH THREE: 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.

PARAGRAPH FOUR: Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for the ElectroKlean and Dirt Demon air filters, including but not necessarily limited to the attached Exhibits A through E. These advertisements contain the following statements and depictions:

- A. **ElectroKlean**
 - ELECTROSTATIC**
 - Permanent Air Filter**
 - Eliminates 95% of Household Dust, Lint and Pollen
 -

Helps reduce sources of allergy problems by eliminating microscopic airborne particles, including pet dander.
[Depiction of cat and dog]

Stops pollen, molds, dust and lint from recirculating through-out your home. [Depiction of flowers releasing pollen].

Special filter material is noticeably better than ordinary air filters in purifying the air you breathe. [Depiction of cigarette releasing smoke]

* * * *

Treated with EPA Registered Intersept Antimicrobial

Special additive makes ElectroKlean superior to ordinary filters, helps to significantly improve indoor air quality.

Inhibits growth of odor-causing bacteria, mold, mildew and other organisms that can quickly multiply in your heating and cooling system.

* * * *

**Breathe cleaner air all the time with ElectoKlean.
Eliminate 95% of household dust, lint and pollen.**

* * * *

What is Intersept Antimicrobial?

The ElectroKlean Air Filter is treated with Intersept Antimicrobial, a special additive that inhibits the growth and build up of bacteria, mold, mildew and other organisms in your heating and cooling system. This means you're breathing cleaner and healthier air!

* * * *

I have allergies. Will this filter help?

It should. ElectroKlean removes most of the contaminants that aggravate your condition. It eliminates 95% of household dirt, lint, animal danders, pollen and other irritants.

* * * *

Is this filter considered an allergy relief aid?

It can be. Your doctor may actually prescribe a special home air filter to help eliminate the sources (dust, pollen, etc.) of your allergies. The purchase price of this filter may be tax deductible. (Exhibit A)

- B. **DIRT DEMON**
High Efficiency
Pleated Air Filter
6 TIMES BETTER THAN STANDARD AIR FILTERS
REMOVES 95% OF HOUSEHOLD DIRT, DUST, POLLEN & LINT
HELPS RELIEVE ALLERGY SYMPTOMS

* * * *

Stops pollen, molds, dust and lint from recirculating throughout your home. [Depiction of flowers releasing pollen]

* * * *

Special filter material and pleated design are noticeably better than ordinary air filters in purifying the air you breathe. [Depiction of cigarette releasing smoke] (Exhibit B)

- C. **ElectroKlean**
ELECTROSTATIC
Permanent Air Filter
● Removes 95% of household dust, dirt, lint and pollen
● Inhibits growth of bacteria, molds and mildews that effect [sic] allergy sufferers (Exhibit C)

- D. **DIRT DEMON**
HIGH EFFICIENCY PLEATED AIR FILTER
REMOVES 95% OF HOUSEHOLD DIRT, DUST, POLLEN & LINT.
HELPS RELIEVE ALLERGY SYMPTOMS (Exhibit D)

- E. **DIRT DEMON**
High Efficiency Pleat with Intersept
Extraordinary pleated design removes up to 95% of lint, dust and pollen passing through the filter. Keeps air throughout the house cleaner and easier to breathe in any season.

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Intersept Antimicrobial
Air filters can be a source of microbial contamination. AmericanAirFilter products treated with Intersept will keep the filter from being a potential incubator of mold,

mildew, fungi and bacteria. Intersept inhibits the growth of these microorganisms in the filter media, thereby removing it as a potential source of contamination.

* * * *

The filter effectively removes airborne dust mite allergens [Depiction of dust mite (magnified)]
Reduces pollen, molds, mildew, bacteria, fungi, dust and lint [Depiction of pollen grain (magnified)]
Helps reduce aggravating particles such as pet dander [Depiction of cat]
Special media is more effective in reducing pollutants in the air you breathe. [Depiction of cigarette smoker exhaling smoke] (Exhibit E)

PARAGRAPH FIVE: Through the use of the statements and depictions contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A through E, respondent has represented, directly or by implication, that:

- A. Use of the ElectroKlean and Dirt Demon filters will substantially reduce the incidence of allergies caused by indoor allergens under household living conditions.
- B. The ElectroKlean and Dirt Demon air filters remove 95 percent of airborne contaminants from the air that people breathe under household living conditions.
- C. The Dirt Demon traps 95% of the lint, dust and pollen from the household air passing through it.
- D. The Dirt Demon filter is six times as efficient at removing pollutants as a standard air filter.
- E. The addition of Intersept antimicrobial to the ElectroKlean makes air cleaner and healthier than it would otherwise be under household living conditions.
- F. The addition of Intersept antimicrobial to the ElectroKlean inhibits the growth of microbes in household heating and cooling systems.

- G. The addition of Intersept antimicrobial to the Dirt Demon removes the filter as a potential source of contamination of household air.

PARAGRAPH SIX: Through the use of the statements and depictions contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A through E, respondent has represented, directly or by implication, that at the time it made the representations set forth in PARAGRAPH FIVE, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PARAGRAPH SEVEN: In truth and in fact, at the time it made the representations set forth in PARAGRAPH FIVE, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in PARAGRAPH SIX was, and is, false and misleading.

PARAGRAPH EIGHT: Through the use of the statements and depictions contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits B, D, and E, respondent has represented, directly or by implication, that the Dirt Demon is a HEPA (High Efficiency Particulate Air) filter.

PARAGRAPH NINE: In truth and in fact the Dirt Demon is not a HEPA filter according to industry standards. Therefore, the representation set forth in PARAGRAPH EIGHT was, and is, false and misleading.

PARAGRAPH TEN: 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 sixth day of January, 1997, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

[Exhibits A-G attached to paper copies of complaint, but not available in electronic format]