

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

COMMISSIONERS: **Jon Leibowitz, Chairman**
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill

In the Matter of)	
)	
)	
UNIVERSAL COMPUTERS AND)	
ELECTRONICS, INC.,)	
d/b/a Appliancebestbuys.com,)	DOCKET NO. 9347
Respondent.)	
)	
)	

**DECISION AND ORDER
[Public Record Version]**

The Federal Trade Commission having heretofore issued its complaint, charging Respondent, Universal Computers and Electronics, Inc., d/b/a Appliancebestbuys.com, with violating the Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Under the Energy Policy and Conservation Act, 16 C.F.R. Part 305 (“Appliance Labeling Rule”); and Respondent having been served with a copy of that complaint, together with a notice of contemplated relief; and

Respondent, its attorney, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order, containing: (1) an admission by Respondent of all the jurisdictional facts set forth in the aforesaid complaint; (2) an admission by Respondent that from at least May 21, 2009 through December 31, 2009, it operated the website www.appliancebestbuys.com in violation of the Appliance Labeling Rule by failing to post an image of the EnergyGuide label, or the equivalent information disclosures required by 16 C.F.R. § 305.20(a), on its webpages advertising refrigerators, freezers, clothes washers, dishwashers, and room air conditioners; and (3) a statement that Respondent waives any further procedural steps, the requirement that this Decision and Order contain a statement of findings of fact and conclusions of law, all rights to seek judicial review or otherwise to challenge or contest the validity of this Decision and Order entered pursuant to the Consent Agreement, and any claim under the Equal Access to Justice Act; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of the Commission’s Rules of Practice, 16 C.F.R. § 3.25(c); and

The Commission having considered the matter and having thereupon accepted the executed consent agreement, now in further conformity with the procedure prescribed in § 3.25(f) of the Commission's Rules of Practice, 16 C.F.R. § 3.25(f), the Commission hereby makes the following findings and enters the following Order:

1. Respondent Universal Computers and Electronics, Inc. is a New York corporation with its principal office or place of business at [redacted].
2. From at least May 21, 2009 through December 31, 2009, Respondent operated a website at www.appliancebestbuys.com, which advertised, offered for sale, and sold a variety of products to retail customers, including refrigerators, freezers, clothes washers, dishwashers, and room air conditioners in violation of the Appliance Labeling Rule by failing to post an image of the EnergyGuide label, or the equivalent information disclosures required by § 305.20(a), on its webpages advertising refrigerators, freezers, clothes washers, dishwashers, and room air conditioners.
3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondent, and this proceeding is in the public interest.

ORDER

DEFINITION

Unless otherwise specified, "Respondent" shall mean Universal Computers and Electronics, Inc., d/b/a [appliancebestbuys.com](http://www.appliancebestbuys.com), and its successors and assigns.

I.

A. **IT IS ORDERED** that based on Respondent's inability to pay and in consideration of 42 U.S.C. § 6303(a) and Section 1.97 of the Commission's Rules of Practice, 16 C.F.R. § 1.97, this Order does not require Respondent to pay a civil penalty.

B. Respondent represents and acknowledges that the Commission's agreement to this order is expressly premised upon the truthfulness, accuracy, and completeness of Respondent's financial condition as represented in: (1) Respondent's sworn financial statements, submitted to the Commission on June 29, 2011; and (2) Respondent's and Manuel Santos' depositions taken under oath on July 27, 2011 (collectively "Financial Statements"). Respondent further represents that it has filed a request with the Internal Revenue Service ("IRS") to provide a copy of its 2009 tax return to the Commission and has submitted proof of such request to the Commission.

C. If the Commission finds that Respondent failed to disclose any material asset or materially misstated the value of any asset in its Financial Statements, made any other material misstatement or omission in its Financial Statements, or failed to submit timely a request to the IRS to provide the Commission with a copy of its 2009 tax return, the

Commission may reopen this matter for the purpose of calculating an appropriate civil penalty from Respondent; provided, however, proceedings instituted under this Paragraph are in addition to, and not in lieu of, any other civil or criminal remedies available by law. Solely for the purposes of reopening or enforcing this Paragraph, Respondent waives any right to contest any of the allegations set forth in the complaint issued in this matter.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: January 3, 2012