

American Standard Brands P.O. Box 6820 Piscataway, NJ 08805-6831

## Maria Chiclana

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## Via Federal Express

Mr. Terry Love Love Plumbing & Remodeling 12108 N.E. 163rd St. Bothell, WA 98011

Dear Mr. Love:

I am the Senior Vice President and General Counsel of AS America, Inc. d/b/a American Standard Brands. I write to address the numerous posts you have made on the forum pages of your Web site www.terrylove.com. Nearly every one of your comments regarding American Standard is highly critical, and they collectively reveal a clear intent to promote our competitors' products while disparaging American Standard. In fact, many of your comments cross the line of mere opinion and raise serious issues of product disparagement, unfair competition and false advertising.

For example, you have written in numerous recent posts that you are currently "getting 20% returns" on American Standard toilets. What is the basis for this statement? Have you conducted a statistical analysis of actual returns of new American Standard toilets over the last three or four months? If so, what was the sample size of your survey? It is false and misleading for you to tell consumers that 20% of all American Standard toilets are defective, especially if this alleged fact is based on a small sample (*e.g.*, five installations in which one bowl was defective), or historic, not recent, return rates for one particular model. A few months ago you even told a consumer who posted about a positive experience with an American Standard Cadet® that he was just "lucky" that he "found one that wasn't defective," suggesting that the majority of new Cadets are defective—which is simply not true.

In addition, your practice of posting comments critical of American Standard and attributing them to "email and phone call comments sent in by readers" raises suspicions that the comments are invented or, at the very least, are twisted as a result of your own bias against American Standard. Certainly, it is deceptive for you to post summaries of alleged conversations and suggest that they are verbatim statements made by real people about American Standard. Moreover, we are aware that you are compensated by Toto, albeit indirectly, for promoting Toto vis-a-vis Toto competitors. This fact should be clearly disclosed on your Web site.

I understand from our employees that we have reached out and attempted to educate you on the quality of American Standard's products and warranty service but that in the past you were unwilling to engage in any real discussions about our products and may have edited or even removed from your forum comments posted by consumers that were favorable to American Standard. I understand, further, that you recently took a meeting with our sales manager for your region. We have made him aware that we were sending this letter, and our intent is not to impede this discussion from moving forward, which we see as a positive step in introducing you to our products' many key style and performance attributes.

In short, the purpose of this letter is to insure that you understand how seriously American Standard takes these issues. Accordingly, we demand that you immediately stop making any factual representations about American Standard or its products which cannot be completely substantiated by scientific evidence, consumer surveys or actual testing of our products. Please be advised that in the future American Standard reserves its right to take any action necessary under state and federal law to protect our reputation and our brands.

Very truly yours, Maria Chulana