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May 28, 2014

Submitted via U.S. Mail and Consumerreports.org

Ms. Ellen Kampinsky
Editor-in-chief, Consumer Reports
Consumers Union
101 Truman Avenue
Yonkers, NY 10703

Re: “How a cheap oil change can cost you in the long run,” by Jon Linkov (May 20, 2014)

Dear Ms. Kampinsky,

An alternate title for the above-referenced publication could be “How an article packed with mistakes can cost consumers their money and Consumer Reports its reputation.” Not that Mr. Linkov is the only person to miss Kia Motors’ Federal Magnuson Moss Warranty Act (MMWA) violation, because he clearly isn’t. Our statistics on loss of aftermarket business show a downward trend post publication of TSB ENG 114. The problem we’re writing to address here is much bigger than a reporter falling for duplicitous nonsense: Consumer Reports has essentially validated an unlawful and anti-competitive premise and urged readers to follow it. This errant premise will unnecessarily cost readers of Consumer Reports more money in the purchase of parts and services when alternatives are available that are as good as or better than the original equipment option.

Under the MMWA, tie-in sales—branded products a manufacturer tries to tie to warranty coverage—are illegal. A manufacturer can only void warranty coverage for using an aftermarket version of a product, like an oil filter for a car, if they first prove the aftermarket product *caused* damage, not that it “can be tied to” damage, as stated by Mr. Linkov. In order to obtain the required proof, Kia would have to hire an expert to undertake an investigation process involving a complete engine break-down that demonstrates any alleged damage was caused by the non-Kia filter. To our knowledge, Kia hasn’t proven a single case. Instead, Kia is attempting to circumvent the MMWA entirely by asserting that the mere presence of an aftermarket oil filter automatically voids warranty coverage for the oil change parts and services as well as any damage Kia says “relates” to oil filter function.

In fact, if Kia could prove its proprietary filter was the only one capable of operating properly in its vehicles, then it would have already obtained a MMWA waiver from the Federal Trade Commission (FTC). But, of course, they haven’t, and neither have any of the other automakers using similar egregious scare tactics to manipulate consumers into buying their expensive proprietary products and

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Page 2 of 2

services. Meanwhile, aftermarket automotive products manufactured in compliance with all of the automakers' specifications and quality requirements are being used every day without incident.

We urge you to give both your readers *and* writers the link to the FTC's website that contains the substance of its former consumer alert bulletin entitled *Auto Warranties, Routine Maintenance, and Repairs: Is Using the Dealer a Must?* <https://www.consumer.ftc.gov/articles/0138-auto-warranties-routine-maintenance>. Further, we are hopeful that your past commitment to consumer education on critical matters like this one will prompt a fast and thorough correction before any more damage is done.

Sincerely,



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Enclosure

cc: Gordon Hard, Senior Automotive Editor