

KIRBY



May 27, 2008

Mr. Donald S. Clark
Secretary
Federal Trade Commission
Room H-135 (Annex S)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

RE: Business Opportunity Rule, R511993

Dear Secretary Clark:

The Kirby Company appreciates the Federal Trade Commission's ("FTC's") efforts to amend the Business Opportunity Rule, R511993 ("Rule"). As the Vice-President of Consumer and Public Relations, Aftermarket Parts, Integrated Marketing, and Distribution for The Kirby Company ("Kirby"), a member of the Direct Selling Association ("DSA"), I feared that the Rule would unintentionally and adversely impact Kirby's operations. However, in your Revised Notice of Proposed Rulemaking, the FTC clarified its intent to exempt legitimate direct sellers from the arduousness of the Rule. I thank you for heeding the concerns of the DSA, which are shared by Kirby. The FTC has crafted a Rule that not only protects legitimate businesses from onerous regulation but consumers from deceptive business practices.

Kirby has worked with the DSA to ensure that the Rule protects the public, satisfies the objectives of legitimate direct sellers, and meets the goals of the FTC. The latest letter the DSA submitted to the FTC suggests minor changes to the Rule. Kirby supports these changes and hopes that the FTC will incorporate them into the final Rule. Kirby believes that the incorporation of these changes will satisfy the interests of the public, DSA, and FTC.

Thank you again for your time, dedication, and attention.

Very truly yours,

/ Robert Shumay 
Vice-President of Customer and Public Relations, AMPD, and Distribution

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