Division of Advertising Practices

Sheryl M. Bourbeau, Esquire
Gallagher & Cavanaugh LLP
The Gaslight Building
22 Shattuck Street
Lowell, MA 01852

UNITED STATES OF AMERICA

FEDERAL TRADE COMMISSION WASHINGTON, D.C. 20580

April24, 2013

Re: Xenith, LLC, FTC File No. 112-3203

Dear Ms. Bourbeau:

As you know, the staff of the Federal Trade Commission's Division of Advertising
Practices has conducted an investigation into whether your client, Xenith, LLC ("Xenith"), violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, in connection with the marketing of its football helmets. Our inquiry focused on whether Xenith disseminated, on its website and in other marketing materials, unsubstantiated claims that Xenith football helmets reduce the risk of concussion.

Upon careful review of this matter, including non-public information submitted to the
staff, we have determined not to recommend enforcement action at this time. Among the factors we considered in reaching this decision are Xenith's representations that it will remove references to player data survey results and specific percentages in relation to occurrence of concussive episodes, and statements regarding reductions in the occurrence of concussive episodes (including those contained in testimonials) from all advertising, marketing, and promotional materials.

Our decision not to pursue enforcement action is not to be construed as a determination
that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may warrant.

Very truly yours,

Mary K.
Associate Director