



the risk of concussions. For example, the [name of product] is said to [quotation from website page re concussion protection]. See [link to website page] (last accessed July 28, 2014).

Given this claim, you should be aware of a 2012 FTC law enforcement order resolving allegations that Brain-Pad, Inc. and Joseph Manzo (together, "Brain-Pad") violated Sections 5 and 12 of the FTC Act by making concussion protection claims for their Brain-Pad-branded line of mouthguards. In particular, the order settled charges that Brain-Pad made false and unproven claims that its mouthguards could reduce the risk of concussions. The order prohibits the respondents from making the allegedly deceptive claims challenged in the FTC's complaint, as well as similar claims, unless they have competent and reliable scientific evidence to support the claims. The attached complaint and order describe in detail the marketing claims at issue in that case, and the order provisions required to ensure future compliance with the FTC Act.

The above-referenced claim for the [product] is merely illustrative, and is not intended to be all-inclusive. We recommend that after reviewing the attached complaint and order, you review your website to ensure that you are not disseminating concussion protection claims for which competent and reliable scientific evidence does not exist. In this regard, you might want to contact the manufacturers of products for which concussion protection claims appear on your website and inquire about the substantiation for those claims.<sup>4</sup>

We plan to revisit the [company name] website after 90 days. By sending this letter, we do not waive the FTC's right to take law enforcement action and seek appropriate injunctive and monetary remedies against [company name], based on past or future violations.

Thank you for your attention to this matter. Please direct any inquiries concerning this letter to [FTC contact] at [email address] or at [telephone number].

Very truly yours,

Mary K. Engle  
Associate Director for Advertising Practices

Enclosures

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<sup>4</sup> As you may know, Commission staff has sent warning letters to a number of manufacturers of sporting goods equipment who were making concussion protection claims for their products. See