

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
 Terrell McSweeney**

In the Matter of

**MIKEY & MOMO, INC., formerly d/b/a
MIKEY & MOMO LLC, also d/b/a
AROMAFLAGE, a corporation,**

Aromaflage is a 2n-1 fine fragrance with function. Scientifically tested, effective, and beautiful, Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of fine fragrances & candles naturally repels mosquitoes as well as the leading brand.

AROMAFLAGE® 50ML
[Tab labeled "Tested and Effective"]

THE INTEGRITY OF OUR PRODUCTS

- x Aromaflage has been rigorously tested at one of the world's leading Universities and found to be as effective at repelling mosquitoes as the leading brand

- x Aromaflage repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Feverge haUni0 12 180 487.56 rB2Te-22Td [(C)-3 (hi)-2

HOW DOES AROMAFLAGE® BOTANICAL FRAGRANCE & INSECT REPELLENT WORK?

AROMAFLAGE SCIENTIFIC STUDIES

- x One of our core principles is efficacy. We develop products that work. We've tested Aromaflage in a world renowned mosquito University laboratory and demonstrated that Aromaflage **outperforms** DEET at 7% as well as Citronella. Aromaflage works as well as 25% DEET over 2.5 hours.
- x Testing also showed that Aromaflage repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever[.]

B. Exhibit B, Selected pages from Aromaflage.com website (captured by Internet Archive 9/26/2016, downloaded 8/22/2017, bracketed text supplied)

AROMAFLAGE® 7.5OZ CANDLE

[Tab labeled "Description"]

- x Aromaflage™ is a fine fragrance that also repels insects
- x Free of DEET, chemicals, and parabens
- x Repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever

ABOUT US

Scientifically tested, efficacious, and beautiful, Aromaflage is a new category.

AROMAFLAGE® WILD 7.5OZ CANDLE

[Tab labeled "Tested and Effective"]

THE INTEGRITY OF OUR PRODUCTS

- x Aromaflage Wild has been rigorously tested at one of the world's leading Universities and found to be as effective at repelling mosquitoes as the leading brand.
- x Aromaflage Wild repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever.

Category: best outdoor candle, bug repellent, insect repellent, mosquitoes, natural, natural bug repellent, natural bug spray, travel bug

C. Exhibit C, Package labeling for Aromaflage spray

Both men and women love it.
By Stacey Tompkins on July 26, 2016
Scent Name: Aromaflage Wild Size: 4 Fluid Ounce
We use this at our lakehouse all summer. Both men and women love it....Our
guests are happy and with no bug bites[.]

Finally felt like a lady outdoors
By Melissa Matarese on July 26, 2016
Scent Name: Aromaflage Wild Size: 4 Fluid Ounce
I wouldn't have survived my last trip to Nevis without this. Finally felt like a
lady outdoors. It works too. no [sic] bites!

Five Stars
By Mary Denker on July 28, 2016
Scent Name: Aromaflage Wild Size: 4 Fluid Ounce
Was the must have item on my trip to the Costa Rican jungle.

- F. Exhibit F, Amazon.com storefront for Aromaflage Wild candle(captured
2/22/2017)

Aromaflage wildfragrance with function. A fine candle that also repels insects.
Scientifically tested and effective. In efficacy studies, aromaflage wild was as
effective as 25 percent deet. Free of deet, chemicals, and parabens and other
harsh chemicals. . . .

10. Respondents Michael Fensterstock and Melissa Matarese Fensterstock also personally
promoted the efficacy of their Aromaflage sprays and candles. For example, they published a
series of YouTube videos in which they promote the products, including one in which they both
appear and Melissa Matarese Fensterstock made the following statements:

Exhibit G, Transcript of You Tube Video "How to Use Aromaflage Botanical

11. Respondent Melissa Matars-Fensterstock also appeared on QVC to promote the Aromaflage candle in a video the Respondents later disseminated on the Aromaflage website and YouTube, in which she stated, among other things, “We’ve done university testing and the product works as well as a number of the leading brands out there.” (Transcript of QVC Video, at 5.)

12. The Respondents commissioned testing of several formulations of the Aromaflage and Aromaflage Wild spray, including the two marketed versions. The testing also included four commercially-available insect repellents, including an EPA-registered product containing 25% DEET, and water

- A. The test methodology consisted of placing twenty *Aedes Aegypti* mosquitoes in a static air chamber that contained untreated paper at one end and paper treated with one of the substances listed above at the other end, then comparing how many mosquitoes were in each half of the chamber at timed intervals for 150 minutes.
- B. The testing did not (1) include Aromaflage or Aromaflage Wild candles (2) use human subjects, even though the Aromaflage products are intended to overcome mosquitoes’ attraction to human odors (3) use more than one species of mosquito, even though other species carry many of the diseases cited in Respondents’ advertising and react differently to the same repellent
- C. The testing results show (1) at the 30-minute mark, more mosquitoes were in the Aromaflage spray-treated half of the chamber than in the untreated half, and at the 60-minute mark, nearly one-third of the mosquitoes were still in the treated half; (2) the Aromaflage spray performed worse than water for the first thirty minutes; and (3) the 25% DEET product performed better than the Aromaflage and Aromaflage Wild spray for at least their first ninety minutes

13. According to the Environmental Protection Agency, DEET [diethyl-methyl-m-toluamide] is the active ingredient in many insect repellent products and “DEET repels . . . mosquitoes from two to twelve hours depending on the percentage of DEET in the product.” (See <https://www.epa.gov/insect-repellents/deet>, last accessed Oct. 17, 2017.)

Count I
False or Unsubstantiated Insect Repellent Claims

14. In connection with the manufacturing, advertising, labeling, offering for sale, sale, or distribution of Aromaflage sprays and candles, Respondents have represented, directly or indirectly, expressly or by implication, that:

- A. Aromaflage sprays and candles effectively repel mosquitoes, including mosquitoes that may be carrying Zika virus, dengue, chikungunya, and yellow Ar

- C. Aromaflage sprays effectively repel mosquitoes for 2.5 hours; and
- D. Aromaflage sprays repel mosquitoes as effectively as 25% DEET for 2.5 hours.

15. The representations set forth in Paragraph 14 are false or misleading or were not substantiated at the time the representations were made.

**Count II
False Establishment Claims**

16. In connection with the manufacturing, advertising, labeling, offering for sale, sale, or distribution of Aromaflage sprays and candles, Respondents have represented, directly or indirectly, expressly or by implication, that

- A. Aromaflage sprays and candles are scientifically proven to effectively repel mosquitoes;
- B. Aromaflage sprays and candles are scientifically proven to repel mosquitoes as effectively as 25% DEET;
- C. Aromaflage sprays are scientifically proven to repel mosquitoes as effectively as 25% DEET for 2.5 hours.

17. In fact, including for the reasons set forth in Paragraph 12,

- A. Aromaflage sprays and candles are not scientifically proven to effectively repel mosquitoes;
- B. Aromaflage sprays and candles are not scientifically proven to repel mosquitoes as effectively as 25% DEET; and
- C. Aromaflage sprays are not scientifically proven to repel mosquitoes as effectively as 25% DEET for 2.5 hours.

Therefore, the representations set forth in Paragraph 16 are false or misleading.

**Count III
Deceptive Endorsement Claim**

18. Through the means described in Paragraph 14, including but not necessarily limited to Exhibits E and F, Respondents have represented, directly or indirectly, expressly or by implication, that the product reviews posted online by Melissa Matarese, Sherri Matarese, Mary Denker, and Stacey Tompkins reflect the experiences and opinions of ordinary impartial users of Aromaflage sprays and candles.

19. In fact, the product reviews posted online by Melissa Matarese, Sheri Matarese, Mary Denker, and Stacey Tompkins do not reflect the experiences and opinions of ordinary impartial

users of Aromaflage sprays and candles because Melissa Matarese is Respondent Melissa Matarese Fensterstock, who has a financial interest in the sale of the product, and S Matarese, Mary Denker, and Stacey Tompkins are her mother and aunts. Therefore, the representation set forth in Paragraph 18 is false or misleading.

Count IV

Deceptive Failure to Disclose – Material Connections with Consumer Endorsers

20. In connection with the manufacturing, advertising, labeling, offering for sale, sale, or distribution of Aromaflage sprays and candles, Respondents have represented, directly or indirectly, expressly or by implication, that the reviews of Aromaflage sprays and candles posted by Melissa Matarese, Sheri Matarese, Mary Denker, and Stacey Tompkins on Amazon.com, as set forth in Paragraph 9, reflect the experiences and opinions of consumers of Aromaflage sprays and candles.

21. In instances in which Respondents have made the representation set forth in Paragraph 20, Respondents have failed to disclose that those individuals had material connections with Respondents. Specifically, Melissa Matarese is Respondent Melissa Matarese Fensterstock, who has a financial interest in the sale of the product, and Sheri Matarese, Mary Denker, and Stacey Tompkins are her mother and aunts. These facts would be material to consumers in evaluating the reviews for Aromaflage sprays and candles in connection with a purchase or use decision.

22. Respondents' failure to disclose the material information described in Paragraph 21, in light of the representation set forth in Paragraph 20, is a deceptive act or practice.

Violations of Section 5

23. The acts and practices of Respondents as alleged in this complaint constitute unfair or deceptive acts or practices or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this _____ day of _____, 20__ , has issued this Complaint against Respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL: