



UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

Office of the Secretary

April 12, 2017

E. Herman  
State of Ohio

*Re: In the Matter of SpyChatter, Inc., File No. 162 3251, Docket No. C 4614*

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you believe privacy is important and are therefore disappointed because you believe that the proposed consent agreement does not adequately sanction SpyChatter, Inc.'s deceptive conduct.

The Commission shares your view that privacy enforcement is important. The Complaint in this matter alleges that SpyChatter made material misrepresentations, in violation of Section 5 of the FTC Act, and the proposed order is designed to rectify this misconduct. The proposed consent order prohibits SpyChatter from misrepresenting the manner and extent to which it is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in order.

The Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, SpyChatter will be subject to civil penalties of up to \$40,654 per violation per day.

Additional materials are available from the Commission's website at

\_\_\_\_\_. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary