

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

Division of Advertising Practices

July 5, 2018

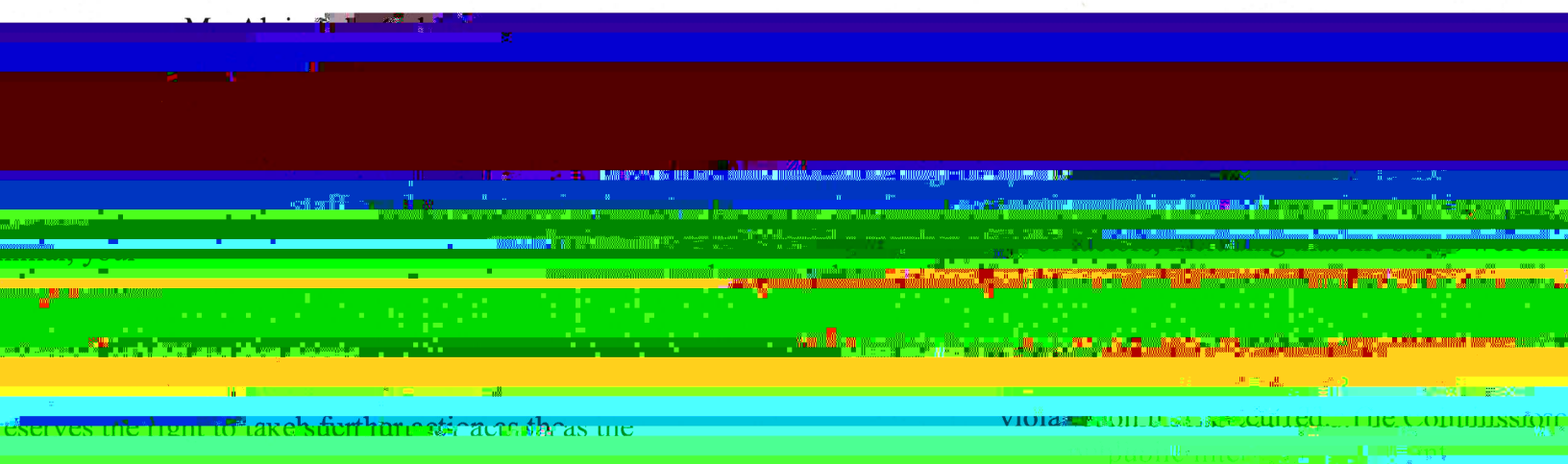
Mr. Alvin Earle Goldsmith
Fit Marketing LLC
3201 Cochiti St. NE
Rio Rancho, NM 87144
Al@fitmarketing.biz

Re: Fit Marketing (MosquitoGO Patch), FTC Matter No. 162-3255

Dear Mr. Goldsmith:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation ~~into~~ ^{your} advertising of the MosquitoGO Patch for possible violations of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The MosquitoGO Patch is a sticker infused with ~~among~~ ^{other} ingredients, Oil of Lemon Eucalyptus, that users were to place on their clothing. You marketed the MosquitoGO Patch as an effective insect repellent ~~including~~ ^{through} claims that it would provide a twelve-hour protective shield around the user from mosquitoes carrying Zika virus and other diseases, and promoted it with endorsements from persons with undisclosed material connections to you and your product.

Section 5 of the FTC Act requires that advertising claims be truthful and nonmisleading. Generally, health benefit claims ~~in~~ ^{advertising} are deceptive if the advertiser does not possess competent and reliable scientific evidence substantiating the ~~claims~~ ^{claims} prior to their dissemination. See, e.g., *FTC v. Direct Marketing Concepts*, 1569 F. Supp. 2d 285, 298-300 (D. Mass. 2008), *aff'd* 624 F.3d 1 (1st Cir. 2010).



eserves the right to take such measures as the

violates commitments entered. The Commission

Commission on Human Rights

Human Rights
Commission

