



United States of America  
FEDERAL TRADE COMMISSION

Washington, D.C. 20580

Division of Advertising Practices

October 17, 2019

Laura Brett, Esq.  
Director  
National Advertising Division  
112 Madison Avenue, 3rd Floor  
New York, NY 10016

Re: NAD Referral of Aubio Life Sciences Advertising for Cold Sore Treatment

Dear Ms. Brett:

I am writing to follow up on the NAD's referral to the FTC of its inquiry about Aubio Life Sciences' claim that its product, Aubio, is a non-steroidal anti-inflammatory drug (NSAID) for the self-regulatory process. You have followed NAD's recommendation that you discontinue the use of a cold sore, i.e., during the "tingling" phase. Accordingly, you referred this matter to the FTC for our review of that claim.

We have been in contact with Aubio to discuss this claim at issue. We understand that, after the referral to the FTC, Aubio further modified its advertising to make it clearer to consumers that its product is intended for providing relief from pain and itching associated with a cold sore. For example, Aubio modified the order of phrases in its advertising to state "Apply Aubio at the first sign of a cold sore for temporary relief of pain and itching associated with cold sores." Similar to the proposed FDA rulemaking regarding the labeling of over-the-counter (OTC) analgesic drug products, the proposed FDA rulemaking regarding the labeling of OTC analgesic drug products (External Analgesic Drug Products) Over-the-Counter Human Labeling for OTC Analgesic Drug Products, 55 Fed. Reg. 5570, 5582-83 (1990).

Upon review of the matter, we have concluded that the Commission reserves the right to take such further action as the public interest may require. The FTC generally supports the NAD's self-regulatory process, and we appreciate your referral and the opportunity to continue to assist in supporting the NAD.

Very truly yours,

Devin Willis Dornand  
Chief of Staff