

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of Advertising Practices

April 22, 2020

Via Electronic Mail ([kenplevan@gmx.com](mailto:kenplevan@gmx.com))

Kenneth A. Plevan, Esq.  
Chairman  
National Advertising Review Board  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: Advertising by Neurocore, LLC for Neurocore Brain Performance Centers

Dear Mr. Plevan:

Thank you for your letter referring a NARB compliance proceeding involving efficacy and establishment claims by Neurocore, LLC (“Neurocore”) for its Neurocore Brain Performance Centers. Neurocore advertises biofeedback, psychoeducation, and lifestyle modification programs designed to help clients with certain cognitive and mental health conditions, including ADHD, anxiety, depression, memory, and sleep problems. NAD recommended that Neurocore discontinue claims such as “Control your anxiety without medication” and “91% report fewer less frequent Depressive symptoms.” Neurocore timely appealed.

On appeal from NAD’s initial determination, a NARB panel recommended that Neurocore discontinue advertising claims and testimonials stating or implying that clients who underwent treatments had reduced or eliminated the need for medication. The panel further recommended that Neurocore clearly and conspicuously disclose in any advertising stating or implying that the Neurocore program is drug-free that consumers should consult with their doctor before discontinuing prescribed medication. Finally, the panel recommended the company discontinue claims about the percentages of clients who reported fewer or no symptoms of their cognitive or mental health conditions, to the extent such claims imply that Neurocore’s treatments are clinically proven to reduce or eliminate these symptoms. In October 2019, NARB conducted a compliance inquiry at the request of NAD. After determining that Neurocore was not complying with its recommendations, NARB referred this matter to the FTC on January 7, 2020.

In addition to reviewing the NAD and NARB case record, we discussed the challenged advertising claims with Neurocore. Subsequently, the company significantly clarified its efficacy claims premised on client outcome data and added clear and conspicuous disclosure language for those claims and testimonials. Accordingly, we have determined not to take additional action at this time. In coming to this conclusion, we considered a number of factors

Kenneth A. Plevan, Esq.

April 22, 2020

Page 2

related to resource allocation and enforcement priorities, as well as the nature of any FTC Act violation and the type and severity of any consumer injury.

The Commission reserves the right to take such further action as the public interest may require. We appreciate your referral and the opportunity to support the NARB's self-regulatory process.

Very truly yours,

~~VBUROQQ~~

Carolyn L. Hann  
Chief of Staff for Advertising Practices