

Concurring Statement of Commissioner Julie Brill

In the Matter of Lumos Lab, Inc. ("Lumosity"), Kunal Sarkar, and Michael Scanlon
January 4, 2016

Today, the Commission announces a complaint and order against Lumos Lab, Inc. (d/b/a "Lumosity"), Kunal Sarkar, and Michael Scanlon (collectively, "defendants") settling allegations that the defendants made false and unsubstantiated marketing claims that their Lumosity "brain training" program would provide users with real world benefits in the performance of everyday tasks; delay age-related decline in memory and protect other-age related cognitive conditions; and reduce cognitive impairments associated with various health conditions, including post-traumatic stress disorder and stroke. The Commission's settlement with the defendants prohibits deceptive conduct in the future and requires Lumosity to pay \$2 million toward consumer redress.

I write separately to voice my strong support for this action, and to express my concerns regarding the marketing of brain training programs going forward. In particular, I caution Lumosity and other companies about making representations that overstate the b(pr)3()-2(oveht. a)-1

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