



United States of America  
FEDERAL TRADE COMMISSION  
East Central Region

Jon Miller Steiger  
Director  
East Central Region

1111 Superior Avenue, Suite 200  
Cleveland, Ohio 44114

(216) 263-3442 (Direct Dial)  
(216) 263-3455 (Main Office)  
Email: JMSTEIGER@ftc.gov

June 16, 2020

VIA ELECTRONIC MAIL

Laura Brett, Esq.  
Vice President  
National Advertising Division  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

**Re: Advertising by Capillus LLC for the Capillus 82 laser hair cap**

Dear Ms. Brett:

We have reviewed the National Advertising Division's referral to the FTC of its inquiry into Capillus LLC's advertising claims. Your referral indicated that Capillus agreed to comply with NAD's recommendations in August 2017, but then was unwilling to make additional modifications to its advertisements in 2018 in accordance with those recommendations. Accordingly, you referred this matter to the FTC for our review.

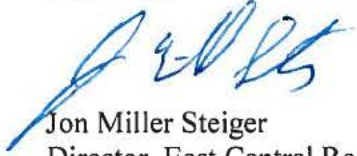
Upon careful review of this referral, including non-public information Capillus provided during our investigation, we have determined not to recommend enforcement action at this time. In coming to this conclusion, we considered a number of factors, including the type and severity of any consumer injury, the FDA's findings of substantial equivalency for certain products, and Capillus's discontinuation or modification of certain claims.

Staff's decision not to recommend enforcement action at this time and to close the investigation is not to be construed as a determination that a violation of law did not occur, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take further action as the public interest may

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warrant. The FTC appreciates your referral and the opportunity to continue to assist in supporting the NAD.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Miller Steiger".

Jon Miller Steiger  
Director, East Central Region

cc: Anthony E. DiResta, Esq. and Da'Morus A. Cohen, Esq., Holland & Knight