



Office of the Secretary

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

September 24, 2014

Bonnie Patten  
Executive Director  
Truth in Advertising, Inc.  
P.O. Box 927  
Madison, CT 06443

Re: *L'Oréal USA, Inc.*  
FTC File No. 122-3016

Dear Ms. Patten:

Thank you for your July 23, 2014 comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you request that the Commission reject the proposed settlement because it does not provide for monetary relief or discontinuation of the trade names "Génifique" and "Youth Code." You also express your concern that the consent order is "legally deficient" because, even if L'Oréal were to have competent and reliable scientific evidence to support any future gene claims in its advertising, such claims would be precluded by the Federal Food, Drug, and Cosmetic Act ("FDCA").

The Commission has determined that the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by L'Oréal and deter future violations. In addition, L'Oréal will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$16,000 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

With respect to the "Génifique" and "Youth Code" trade names, it is the Commission's understanding that L'Oréal has discontinued all gene claims in its advertising for these product lines for some time, and the Commission believes that the order adequately addresses the alleged violations. Finally, regarding your concern about a potential conflict with the FDCA, the Commission defers to the U.S. Food and Drug Administration on the issue of new drug approval, should it arise, and this order does not affect that agency's ability to enforce the FDCA.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and

Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission, Commissioner McSweeney not participating.

Donald S. Clark  
Secretary