



Division of Enforcement  
Bureau of Consumer Protection

UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
600 PENNSYLVANIA AVE. NW, CC-9528  
WASHINGTON, D.C. 20580

April 20, 2017

**VIA FEDEX**

Corey Roush  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-1564  
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Dear Mr. Roush,

Thank you for your submissions on behalf of your client, the Indoor Tanning Association (“ITA”), in response to our concerns that ITA was making representations on its website that were prohibited by the 2010 administrative order (“the Order”).

As we discussed, the Order prohibits ITA from making certain representations, including that “[t]anning, including indoor tanning, does not increase the risk of skin cancer” and that “[i]ndoor tanning is safer than tanning outdoors because in indoor tanning facilities, the amount of ultraviolet light is monitored and controlled.” It came to our attention that the ITA website included a Frequently Asked Questions (“FAQ”) page that claimed that “indoor tanning [was] more responsible than outdoor tanning” and that melanoma was not “associated with UV exposure from tanning beds.” This page therefore appeared to make the exact representations prohibited by the Order. It also came to our attention that a handful of third parties had picked up the language from the FAQ page and used in on their own websites. Our letter of March 16, 2017, raised these concerns.

In response to our letter, ITA explained that these FAQs had been on the website continuously since 2005 (thereby pre-dating the Order); that ITA had taken no affirmative steps to maintain this language on the website following the Order; and that ITA’s failure to remove it following the Order was an oversight, because the ITA website itself had not been at issue in the 2010 litigation. Furthermore, as soon as we pointed out the issue, ITA took immediate action to remove these FAQs from its website, and contacted third parties that we identified to request that they remove the FAQs from their websites as well.

Based on the inadvertence of the potential Order violation, and ITA’s rapid and thorough remedial actions and other factors, the staff has decided not to pursue this investigation any further at this time. This action should not be construed as a determination that there was not a violation of the Order. The Commission reserves the right to take such further action as the public interest may require. If you have any questions, please feel free to call me at (202) 326-2495.

Sincerely,

*/s/ Sangjoon Han*

Sangjoon Han  
Staff Attorney