



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

Division of Advertising Practices

November 16, 2017

Laura Brett, Esq.
Director
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising for Synergy Pharmaceuticals (Trulance)

Thank you for your letter referring an NAD compliance proceeding involving Synergy Pharmaceuticals, Inc.'s claims about its prescription drug Trulance, which treats chronic idiopathic constipation. We understand from your submission that Allergan, Inc., the producer of a competing chronic idiopathic constipation drug, brought to NAD's attention Synergy Pharmaceuticals' claims that Trulance is superior to Allergan's product and treats chronic idiopathic constipation without the risk of diarrhea. Your letter indicates that Synergy Pharmaceuticals declined to participate in NAD's self-regulatory process. Accordingly, you have referred this matter to the Federal Trade Commission for our review.

Your letter indicates that you also referred this matter to the U.S. Food and Drug Administration. As you are aware, pursuant to the FTC-FDA's Memorandum of Understanding, FDA "has primary responsibility with respect to the regulation of the truth or falsity of prescription drug advertising." Memorandum of Understanding Between The Federal Trade Commission and The Food and Drug Administration (FDA-225-71-8003) (1971), <http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/ucm115791.htm#>. Accordingly, FDA would best address this matter.

The Commission is grateful for the NAD's role in offering a voluntary forum to address practices that may violate your guidelines and the principles of the FTC Act. We will review your referral thoroughly to determine whether Commission action is appropriate and will contact you if we need additional information. We also will forward your referral to our Consumer Response Center to have it entered into Consumer Sentinel, our secure, online database available to more than 2,000 civil and criminal law enforcement agencies in the U.S. and abroad.

Very truly yours,

Devin Willis Domond
Chief of Staff for Advertising Practices