



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

Division of Advertising Practices

March 31, 2020

Via Electronic Mail (lbrett@bbbn.org)

Laura Brett, Esq.  
Vice President  
National Advertising Division

112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: Advertising by Ava Science, Inc. for Ava Ovulation Bracelet

Dear Ms. Brett:

We have reviewed the National Advertising Division's referral of Ava Science, Inc. ("Ava") regarding advertising claims for the Ava Ovulation Bracelet.<sup>1</sup> This referral arose out of NAD's self-monitoring inquiry, which focused specifically on "guarantee" claims made by Ava. NAD referred the matter to the Federal Trade Commission after Ava declined to confirm that it would comply with the recommendations set forth in NAD's Decision.

Upon careful review of this referral, we have determined not to take additional action at this time. In reaching this conclusion, we considered a number of factors including enforcement priorities, resource allocation, jurisdictional challenges, the nature of any FTC Act violation, and the type and severity of any consumer injury.

The staff's decision to forego a formal investigation at this time is not to be construed as a determination that a violation may not have occurred, 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 such further action as the public interest may require. The FTC appreciates your referral and the opportunity to continue to assist in supporting the NAD.

Very Truly Yours,

*s/ Carolyn L. Hann*

Carolyn L. Hann  
Chief of Staff for Advertising Practices

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<sup>1</sup> Our understanding is Ava Science, Inc. is a U.S. subsidiary of Ava AG, a Swiss corporation that is headquartered in Zurich, Switzerland.