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Bureau of Consumer Protection

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Contact: Lemuel Dowdy, 202-326-2981

Paula Kurtzweil Walter, 202-326-2583

Waking Up to Anti-Snoring Claims

A heads up for the estimated 40 million Americans who snore: The Federal Trade Commission has settled charges against the manufacturer and promoter of an anti-snoring product that claimed to treat the symptoms of sleep apnea, a serious, potentially life-threatening condition that causes brief interruptions of breathing during sleep. Sleep apnea affects at least 12 million Americans of all ages, though it is more common in men, according to the American Sleep Apnea Association.

The FTC charged the manufacturer and promoter of Snorenz, an anti-snoring mouth spray, with making unsubstantiated claims that the product could reduce loud snoring, daytime sleepiness and other symptoms of sleep apnea. Snorenz was advertised as a dietary supplement containing oils, water and vitamins B6, C and E that supposedly helped lubricate the back of the mouth to reduce the noise of snoring. But according to the FTC, the two companies had insufficient evidence to back up their claims.

As part of the settlement, the companies agreed to add two disclaimers to future promotions of the product. These disclaimers will:

- ◆ encourage buyers of the product to see a doctor or sleep specialist to determine whether they have sleep apnea; and
- ◆ list common symptoms of sleep apnea.

The FTC hopes promoters of other anti-snoring products will follow suit.

“If consumers are buying these products because they are snoring to beat the band, then they need to see a doctor or sleep specialist because they could have sleep apnea,” says Lemuel Dowdy, an attorney in the FTC’s division of enforcement. “But some of these marketers aren’t telling consumers that. And they need to, because untreated sleep apnea can be a serious disorder.”

A Slew of Snoring Solutions

Snoring is nothing new, and neither are products designed to curb it. The U.S. Patent and Trademark Office lists more than 300 anti-snoring devices, according to Dr. Derek Lipman, author of the 1996 book *Snoring from A to ZZZZ: Proven Cures for the Night’s Worst Nuisance*. The devices try to do one or more of four things:

- ◆ keep the snorer off his back; for example, by attaching a tennis or golf ball to the snorer’s back;
- ◆ keep the mouth closed and prevent the tongue from falling backward;
- ◆ keep the neck lengthened; and
- ◆ startle the snorer awake with a shock or other stimulus.

More recently, anti-snoring products have been sold as dietary supplements.

With the growing recognition of sleep apnea as a serious medical condition, the FTC is taking a closer look at claims made about anti-snoring products.

Sleep Apnea

Sleep apnea was first recognized as a medical condition in 1965. Since then, sleep disorder specialists have learned just how harmful it can be when left untreated.

According to the National Heart, Lung, and Blood Institute of the National Institutes of Health, people with untreated sleep apnea may experience sleepiness, memory and judgment problems, irritability, difficulty concentrating and personality changes. They are more likely to fall asleep at inappropriate times and have a higher rate of car crashes and work-related accidents. Sleep apnea also may affect the cardiovascular system, causing high blood pressure, irregular heartbeats, heart attacks and stroke.

The most apparent symptoms are loud snoring and gasping or choking episodes during sleep.

Most cases of sleep apnea occur because of a closure in the upper airway that restricts air flow. The closure usually results when soft tissue in the rear of the throat collapses and closes during sleep. Possible reasons for the collapse include taking alcohol or sedatives before sleep, enlarged tonsils and adenoids, or other physical abnormalities.

Another type, though less common, is central sleep apnea, in which the airway is not blocked but the brain fails to signal the body to breathe. Some people have both obstructive and central sleep apnea.

Whatever the cause, the problem is the same: People with untreated sleep apnea stop breathing repeatedly while sleeping – sometimes hundreds of times a night and often for a minute or longer, according to the American Sleep Apnea Association. To regain their breath, they gasp or choke, each time awakening slightly from their sleep. With this pattern continuing throughout the night, they never have a chance to fall into the critical deep sleep phase. As a result, they may experience abnormal daytime sleepiness, headaches, impotence, feelings of depression and the other symptoms of sleep apnea.

Sleep apnea can be diagnosed only by medical evaluation. The standard sleep study requires an overnight stay in a sleep laboratory, where breathing, heart rates, body position and limb movements can be evaluated by an expert in sleep disorders. Though usually not as thorough, other diagnostic tests can be used in the home.

For people with mild sleep apnea, treatment may consist of lifestyle changes, such as losing weight, avoiding alcohol before bedtime and sleeping in a side position instead of on the back. For more serious cases, treatment options are:

- ◆ Continuous positive airway pressure. This is the most effective non-surgical treatment for sleep apnea. It requires people to wear a mask over their nose and sometimes their mouth, too. The mask is connected to a unit that blows air into the nasal passages, ensuring that the airway remains open during sleep. The device is available only through a doctor's prescription.
- ◆ Oral or dental appliances. Though not effective in all people, they may be an option, especially for those with mild to moderate sleep apnea. Patients should be fitted by an experienced dentist or orthodontist.
- ◆ Surgery. Surgical procedures may include cutting tissue in the back of the throat to widen the airway, removing the tonsils and adenoids and, as a final resort, performing a tracheotomy to create an opening in the throat to allow air to flow to the lungs unobstructed.

Currently there are no approved medicines for treating sleep apnea.

Under-Diagnosed Disorder

Despite all that is known about sleep apnea today, many cases go undiagnosed, according to the American Sleep Apnea Association. The reason: lack of awareness by the public and healthcare professionals.

Misleading advertisements of anti-snoring devices don't help, either. That's one reason the FTC is monitoring promotions for anti-snoring products to make sure that they advise consumers about sleep apnea

and the need to consult a doctor or sleep specialist if they have symptoms of sleep apnea.

The bottom line, says the FTC's Dowdy, "If you or someone in your household feels you need something for your snoring, you need to talk to a doctor."

For more information on sleep apnea, visit the American Sleep Apnea Association website, www.sleepapnea.org, or contact the organization at 1424 K St., NW, Suite 302; Washington, DC 20005; 1-202-293-3650.

The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint, or to get free information on any of 150 consumer topics, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the complaint form at www.ftc.gov. The FTC enters Internet, telemarketing, identity theft and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies worldwide.