



United States of America  
FEDERAL TRADE COMMISSION  
MIDWEST REGION

Todd M. Kossow  
Regional Director  
230 S. Dearborn St., Suite 3030  
Chicago, Illinois 60603

July 15, 2020

**WARNING LETTER**

**By FedEx**

Michael Brown  
Jason Petty  
Ear to Hear Healthcare, LLC  
10600 Chevrolet Way, Suite 207  
Estero, FL 33928-4422

Allison Opp  
Zephyr Hearing Aid Center  
691 E. Cherry St.  
Troy, MO 63379

Re: Deceptive Claims of Covid-19 Stimulus Relief

Dear Messrs. Brown and Petty, and Ms. Opp,

This letter informs you that Federal Trade Commission (FTC) staff reviewed a notice sent on your behalf to consumers entitled “CORONA-VIRUS PANDEMIC HEARING AID STIMULUS PACKAGE ANNOUNCED FOR MISSOURI” (“Stimulus Mailer”) in or about May 2020. We have determined that you are unlawfully advertising that Missouri consumers receiving the advertisement are receiving COVID-19 stimulus relief for hearing aids.

The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, was enacted to provide immediate assistance to individuals, families, and businesses affected by the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak. The CARES Act provides a \$1200 stimulus payment to individuals and a \$2400 payment for married couples, with an additional \$500 payment per qualifying child. It does not provide vouchers to purchase hearing aids, and neither Ear to Hear Healthcare, LLC nor Zephyr Hearing Aid Center are authorized to provide any assistance under the CARES Act. Nor is there any Missouri COVID-19 or hearing aid stimulus package.

Some examples of the deceptive claims in the Stimulus Mailer include:

- The first page states, “**Limited Funds Available. Call Today to Secure Your Stimulus Money. For Stimulus Voucher Appointments, Call Today!**”
- The headline of the second page states, “**CORONA-VIRUS (sic) PANDEMIC HEARING AID STIMULUS PACKAGE ANNOUNCED FOR MISSOURI.**”

- The second page states, “**A HEARING AID STIMULUS** package for Missouri residents has been announced and will go into effect immediately. National Government statistics have revealed that over one million individuals over 60 in Missouri have a loss of hearing that affects their quality of life.”
- The same page states, “This **HEARING AID STIMULUS** will be initially offered through selected hearing aid dispensing practices serving Missouri counties. Missouri residents will receive a **\$1,000 voucher** that can be used toward the purchase of (2) advanced digital technology hearing aids (\$500 per hearing aid).”
- The mailer includes a document that is designed to look like a check made out to the recipient for \$1,000, labeled “**OFFICIAL AUTHORIZED VOUCHER,**” with instructions to endorse the voucher on its back.

Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). You must immediately cease making all deceptive claims.

You are also advised to review all other claims for your products and services and immediately cease making any representations, directly or indirectly, expressly or by implication, that are false or misleading. You should also act immediately to remediate any harm to consumers stemming from such claims.

Within 48 hours, please send a message to Jason Adler, Assistant Director, via electronic mail at [jadler@ftc.gov](mailto:jadler@ftc.gov), describing the specific actions you have taken to address the FTC’s concerns. If you have any questions regarding compliance with the FTC Act, please contact David A. O’Toole at [dotoole@ftc.gov](mailto:dotoole@ftc.gov).

Sincerely,

Todd Kossow  
Director  
Midwest Region