



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

November 15, 2012

Albert Gusenbauer, DDS
Ontario, Canada

Re: *In the Matter of Brain-Pad, Inc., and Joseph Manzo*
FTC Matter No. 122 3073, Docket No. C-4375

Dear Dr. Gusenbauer:

Thank you for the comment you submitted on September 17, 2012, regarding the above-referenced matter. Your comment was placed on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

Your comment and attached journal abstract express the opinion that the design of Brain-Pad mouthguards is superior to that of other mouthguards, and that wearing a mouthguard may prevent injury to the TMJ, skull base, and brain. While the FTC does not dispute that mouthguards shield a person's teeth from being injured and that some can reduce impact to the lower jaw, the existing body of scientific evidence does not demonstrate that wearing a mouthguard prevents or reduces the risk of concussions. Although it may appear plausible to argue that any reduction in skull trauma flowing from reduced impact to the jaw through mouthguard use could result in fewer concussions, there is no evidence to date that supports such a cause and effect relationship.

After considering your comment, along with others received in this matter, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's Website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission, Commissioner Rosch dissenting.

Donald S. Clark
Secretary