



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

Bureau of Consumer Protection  
Division of Advertising Practices

November 27, 2006

**VIA FEDERAL EXPRESS**

Richard Ackerberg  
American Pogo Stick Company  
4712 Admiralty Way, Suite 180  
Marina Del Ray, CA 90292

*Re: Pogostickusa.com, FTC Matter No. 062 3199*

Dear Mr. Ackerberg:

As you know, upon referral from the Children's Advertising Review Unit of the Council of Better Business Bureaus, the staff of the Federal Trade Commission has conducted an investigation into whether [www.pogostickusa.com](http://www.pogostickusa.com), [www.antiquegumball.com](http://www.antiquegumball.com), and related websites you operate have violated provisions of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and the FTC's Children's Online Privacy Protection Rule (COPPA Rule), 16 C.F.R. § 312.

Upon review of the matter, we have determined not to recommend enforcement action at this time. Among the factors that we considered are that you have substantially revised your posted privacy policies to ensure that such policies accurately reflect your sites' information collection practices. In addition, you have indicated that to the extent that you use sweepstakes and bulletin board features in the future, they will be designed and operated in a manner that complies with the COPPA Rule.

This action 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.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle".

Mary Koelbel Engle  
Associate Director