



Division of Advertising Practices

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

February 20, 2009

VIA EMAIL AND FEDEX

Ms. Andrea C. Levine
Vice President, Director
National Advertising Division
Council of Better Business Bureaus
70 West 36th Street
New York, NY 10018

Re: NAD Referral of Advertising Claims for ProCede

Dear Ms. Levine:

The staff from the Division of Advertising Practices at the Federal Trade Commission ("FTC") has conducted an investigation into the advertising claims made by Youth Enhancement Systems, Inc. ("YES") for its ProCede hair thickener product in response to a referral from NAD.

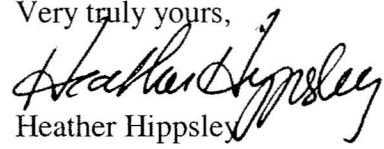
By way of background, NAD found that YES failed to substantiate implied and express claims including, but not limited to, that ProCede causes significant hair growth; that consumers would see immediate results; and clinical studies show statistical significant increases in hair shaft diameters after a single application. In its decision, NAD recommended YES cease making these claims and others. NAD also determined YES should clearly disclose that ProCede is not intended to grow hair. In response, YES stated that it would modify its current advertising and take NAD's recommendations into account in its future advertising. Subsequently, however, a compliance proceeding was filed against YES with NAD on the grounds that YES did not comply with NAD's recommendations in YES' television and website advertising. As a result, NAD referred this matter to the FTC based upon the determination that YES has not complied in full with its decision.

It is our understanding that YES is no longer advertising or marketing any ProCede products. Moreover, it appears that ProCede is no longer offered for sale or available for sale to the public. For these reasons, we find that no additional FTC action is needed at this time. Should future advertising claims for ProCede raise concerns similar to those addressed in NAD's referral, we will consider whether FTC action is warranted.

The FTC strongly supports the NAD self-regulatory process, which serves as an important complement to the FTC's consumer protection efforts, and we encourage advertisers

to participate fully in the process. We hope you will continue to forward matters to us when appropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heather Hipsley". The signature is written in a cursive style with a large, prominent initial "H".

Heather Hipsley
Acting Associate Director