



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

September 27, 2018

Mr. Michael Belmont
State of Ohio

Re: *In the Matter of Mikey & Momo, Inc., also doing business as Aromaflage;
Michael Fensterstock; and Melissa Matarese Fensterstock
File No. 162-3234; Docket No. C-4655*

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you object to the proposed settlement to the extent that it does not criminally charge the respondents, Mikey & Momo, Inc., Michael Fensterstock, and Melissa Matarese Fensterstock, and lets them “walk away to continue as they always have.” The Commission’s proposed Complaint alleges violations of Section 5 of the FTC Act, which does not provide for criminal remedies. In addition, the Commission does not have criminal prosecutorial authority. However, the Commission has determined that the conduct relief obtained by the Order will serve to remedy the alleged violations of the FTC Act by the respondents and deter future violations. In addition, the respondents will be subject to the Commission’s final Order for twenty years and liable for civil penalties of up to \$41,484 per violation should they violate that Order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

We have taken into consideration your comment and how it intersects with the Commission’s civil law enforcement authority. After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at 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, with Commissioner Chopra voting “abstain.”

Donald S. Clark
Secretary



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September 27, 2018

Ms. Emilee Bolduc
State of New Hampshire

Re: *In the Matter of Mikey & Momo, Inc., also doing business as Aromaflage;
Michael Fensterstock; and Melissa Matarese Fensterstock
File No. 162-3234; Docket No. C-4655*

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you indicate that, although you are disappointed to learn that the respondents, Mikey & Momo, Inc., Michael Fensterstock, and Melissa Matarese Fensterstock, “allegedly misrepresented their product and may not have actually had the scientific backing to support the product claims,” the product worked for you. You also indicate that you “hope the owners can be enlightened on how to become compliant and move forward” so you can continue to purchase the product. We note that the Order does not prohibit the respondents from selling their products in the future, so long as they comply with the Order and the requirements of the FTC Act.

We have taken into consideration your comment. After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at 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.

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Donald S. Clark
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September 27, 2018

R. Lee
State of Texas

Re: *In the Matter of Mikey & Momo, Inc., also doing business as Aromaflage;
Michael Fensterstock; and Melissa Matarese Fensterstock
File No. 162-3234; Docket No. C-4655*

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you object to the proposed settlement to the extent that it does not include a monetary judgment with “REAL penalties” against the respondents, Mikey & Momo, Inc., Michael Fensterstock, and Melissa Matarese Fensterstock. The Commission’s proposed Complaint alleges violations of Section 5 of the FTC Act. The Commission is not authorized to collect fines or penalties for Section 5 violations, although it could seek equitable monetary relief in a federal court action. However, the Commission has determined that the conduct relief obtained by the Order will serve to remedy the alleged violations of the FTC Act by the respondents and deter future violations. In addition, the respondents will be subject to the Commission’s final Order for twenty years and liable for civil penalties of up to \$41,484 per violation should they violate that Order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at 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, with Commissioner Chopra voting “abstain.”

Donald S. Clark
Secretary



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September 27, 2018

Mr. Charles Thornton, Sr.
Commonwealth of Virginia

Re: *In the Matter of Mikey & Momo, Inc., also doing business as Aromaflage;
Michael Fensterstock; and Melissa Matarese Fensterstock
File No. 162-3234; Docket No. C-4655*

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you refer to a third party that continues to sell Aromaflage spray as “an insect repellent” relying only, according to the reseller, on “the age-old practice of using botanical extracts to repel insects.” Thank you for bringing this reseller to our attention. Under the Federal Trade Commission Act, such a claim would require competent and reliable scientific evidence generally accepted by experts in the field of insect repellency to substantiate that the representation is true.

We have taken into consideration your comment. After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at 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.

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Name and Address Withheld

Re: *In the Matter of Mikey & Momo, Inc., also doing business as Aromaflage;
Michael Fensterstock; and Melissa Matarese Fensterstock
File No. 162-3234; Docket No. C-4655*

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you indicate you bought two of the challenged products and that they did not work to repel insects or prevent them from biting you. The Commission's proposed Complaint alleges the respondents, Mikey & Momo, Inc., Michael Fensterstock, and Melissa Matarese Fensterstock, violated Section 5 of the FTC Act, including by claiming, without competent and reliable scientific evidence, that their Aromaflage sprays and candles effectively repel mosquitoes and effectively repel mosquitoes as well as 25% DEET. The Decision and Order will prevent the respondents from making such claims in the future without the appropriate evidence.

We have taken into consideration your comment. After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at 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.

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