



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising Practices

July 8, 2020

VIA EMAIL

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Re: Relion Group (FTC Matter No. 192-3253)

Dear Ms. Goldstein and Mr. Shaheen:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation into whether your client, Relion Group, Inc., violated Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. § 45 and 52, in connection with television ads that solicited potential clients for personal injury lawsuits against manufacturers of the pharmaceutical drug Valsartan. The investigation was premised on concerns the ads might convey the following false or deceptive claims: (1) FDA has recalled all Valsartan from the market; (2) FDA has warned that Valsartan contains a possible cancer-causing chemical; (3) Valsartan presents a substantial risk of bladder cancer, pancreatic cancer, kidney cancer, colorectal cancer, liver cancer, or liver injury; and (4) the risks from taking Valsartan outweigh its benefits. Staff also was concerned that the foregoing claims were reinforced by linguistic and graphical elements suggesting the ad might be a government-sanctioned medical alert. Finally, staff was concerned that, without clear and conspicuous disclosures, the ads might lead some consumers to discontinue their prescribed medication before consulting their doctor.

Although the FTC has opposed overly broad restrictions that prevent the communication of truthful and non-misleading information, unfair or deceptive advertising by lawyers violates Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). Moreover, deceptive attorney advertising that

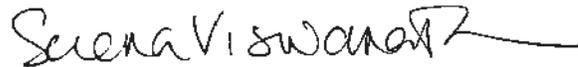
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has an effect on drug or device sales violates Section 12(a)(2) of the FTC Act, 15 U.S.C. § 52(a)(2).

Upon careful review of this matter, including non-public information submitted to staff, we have determined not to recommend enforcement action at this time. In coming to this conclusion, we considered, among other factors, your client's discontinuance of the ads at issue prior to being contacted by the FTC and, with respect to any future drug lawsuit advertising, its commitment to incorporate clear and conspicuous, audiovisual disclosures; specify the scope of any recalls; and avoid suggesting the ads are medical alerts or government-sanctioned messages. The FTC staff also expects that the Relion Group will ensure that any future drug lawsuit ads do not overstate the risks of taking a prescription medicine.

This action is not to be construed as a determination that a violation of law did not occur, 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 warrant.

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Acting Associate Director
Division of Advertising Practices