



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

Division of Advertising Practices

August 5, 2019

Jason R. Parish, Esq.
Buchanan Ingersoll & Rooney PC
1700 K Street, NW, Suite 300
Washington, DC 20006

Re: Implus Footcare, LLC, FTC Matter No. 182-3135

Dear Mr. Parish:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation into the advertising practices of your client, Implus Footcare, LLC ("Implus"), for possible violations of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, in connection with its Airplus shoe insoles. The staff's investigation followed a referral from the National Advertising Division of the Council of Better Business Bureaus ("NAD") after Implus declined to comply with NAD's recommendation to discontinue various claims.

Upon careful review of this matter, including non-public information Implus provided during our investigation, we have determined not to recommend enforcement action at this time. In coming to this conclusion, we considered a number of factors, including the discontinuation of claims the NAD challenged for Implus's Airplus Plantar Fascia Insole product, and Implus's decision to cease other product claims. For example, as recommended by the NAD, Implus has now discontinued claims that its Airplus Plantar Fascia Insole product "soothes pain resulting from plantar fasciitis," "prevents" or "relieves" foot pain, provides "superior support for the plantar fascia," and "positions the foot correctly and promotes proper motion." Moreover, Implus has ceased making similar claims for other products not at issue in the NAD referral. Staff understands that Implus has asked its retail customers to remove the discontinued claims from their websites.

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Thus, it appears that no further action is warranted at this time and the investigation is closed. This action is not 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 further action as the public interest may warrant.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'CHH', with a long horizontal flourish extending to the right.

Carolyn L. Hann
Chief of Staff

cc: Laura Brett, Director, NAD