

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580



Division of Advertising Practices

March 31, 2014

Christie Grymes Thompson, Esq.
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, D.C. 20007

Michael W. Kulakowski, Esq.
Powell Trachtman
475 Allendale Road
King of Prussia, PA 19406

Re: Summers Laboratories (Triple Paste), FTC File No. 132-3167

Dear Ms. Thompson and Mr. Kulakowski:

As you are aware, following a referral from the National Advertising Division of the Council of Better Business Bureaus (NAD), the staff of the FTC's Division of Advertising Practices conducted an investigation of Summers Laboratories, Inc., for possible violations of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The investigation concerned claims made on product packaging and in promotional materials that Triple Paste medicated diaper rash ointment is recommended by pediatricians and dermatologists over other forms of diaper rash treatments when other treatments fail. In particular, the staff was concerned that the company failed to possess competent and reliable studies or surveys supporting this claim.

Upon review of the matter, including non-public information submitted to the FTC, we have decided not to recommend enforcement action at this time. The factors we considered in making this determination include the relatively low sales of the Triple Paste product and Summers Laboratories' discontinuance of the claim by removing it from the company's website, product packaging, and all other marketing materials, thereby bringing the company into compliance with the NAD's decision.

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

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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 black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director

cc: Andrea C. Levine, National Advertising Division