

Concurring Statement of Acting Chairman Maureen K. Ohlhausen

Federal Trade Commission v. Springtech 77376, LLC

FTC Matter No. X120042

January 25, 2018

I support filing civil contempt motions in federal district court against defendants Chemical Free Solutions, LLC and Dave Glassel to address allegations that, in violation of their 2013 settlement with the FTC, the defendants continued to deceptively market their products as effective treatments for bed bug infestations. I also support the proposed Stipulated Modified Order for Permanent Injunction, Monetary Judgment, and Compensatory Contempt Relief as to Defendant Chemical Free Solutions, LLC (the “Stipulated Modified Order”), which will settle the contempt allegations as to Chemical Free Solutions and will modify the original 2013 settlement order to address Chemical Free Solutions’ contemptuous behavior. Ensuring defendants comply with FTC enforcement orders is vital to the Commission’s consumer protection mission, and I commend staff for their efforts and diligence.

I write separately to note the Stipulated Modified Order carries over a provision from the original 2013 settlement requiring that defendants obtain Food and Drug Administration preapproval prior to marketing their products as effective treatments for head lice infestations. As I explained in my dissent from the original settlement,¹ I believe such a requirement is inconsistent with Commission precedent and may prevent useful information from reaching consumers in the marketplace. However, because defendants’ present misconduct does not implicate the FDA preapproval requirement, I do not believe today’s action is the appropriate vehicle to address those concerns.

¹ Dissenting Statement of Commissioner Maureen K. Ohlhausen, *FTC v. SpringTech 77376, LLC, et al.*, FTC Matter No. X120042 (July 16, 2013), <https://www.ftc.gov/public-statements/2013/07/dissenting-statement-commissioner-maureen-k-ohlhausen>.