



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

June 2, 2025

Sent Via Email Transmittal

Edward Moreno
Sherwood News
edward@sherwoodmedia.com

Re: FOIA-2025-01510

Dear Edward Moreno

This is in response from the Federal Trade Commission (“FTC”) to your Freedom of Information Act (“FOIA”) request dated April 7, 2025, seeking records maintained by the Federal Trade Commissioner’s Bureau of Consumer Protection Division of Advertising Practices to the following within the date range search from January 15, 2025 to March 15, 2025:

1. Any complaints from consumers, lawmakers, competitors, etc., submitted to the FTC concerning Hims & Hers Health, Inc. related specifically to its advertisement aired during the February 11, 2025 Super Bowl;
2. Any correspondence between FTC staff and members of Congress or their staff referring to this advertisement; and
3. Any external correspondence between the FTC and Hims & Hers Health, Inc. or its legal representatives regarding this advertisement.

Regarding your requests for consumer complaints or Congressional correspondence, our search of the FTC’s records did not identify any records that would respond to your request. If you believe that you have additional information that may help locate consumer complaints or if you would like to amend your request, please submit a new FOIA request with further details.

Regarding all other items in your request, the FTC can neither confirm nor deny that it has any responsive records, because to do either would reveal information that is itself exempt from public disclosure under Exemption 7(A) of the FOIA, 5 U.S.C. § 552(b)(7)(A). Therefore, at present I can only advise that even if the records you seek exist, they would be protected under this FOIA exemption. I stress that you should not read this letter as an indication that responsive records do or do not exist. We issue this response to all similar requests.

If disclosure of information could reasonably be expected to interfere with law enforcement proceedings, Exemption 7(A) authorizes agencies to withhold it. The FTC’s investigations are generally non-public. A reply that affirms whether responsive records do or do not exist would tacitly reveal whether the FTC has an investigatory interest in the subjects of a given FOIA request. Such acknowledgment could prematurely disclose the existence of nonpublic matters and thereby interfere in an ongoing investigation (*e.g.*, by alerting potential subjects or witnesses to the existence of an investigation, leading to the concealment or destruction of evidence). Accordingly, unless the records sought under FOIA relate to a publicly

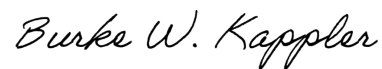
FOIA-2025-01510
Edward Moreno
Sherwood News
June 2, 2025
Page 2

acknowledged investigation, we must withhold any information that might indicate whether investigatory records about a given subject exist or do not exist, pursuant to Exemption 7(A).

If you have any questions about the way we have handled your request or about the FOIA regulations or procedures, please contact Denise Greene at dgreene2@ftc.gov. If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580, within 90 days of the date of this letter or via email at FOIAAppeal@ftc.gov. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold, (202) 326-3355, rgold@ftc.gov or from the Office of Government Information Services via email ogis@nara.gov, via fax 202-741-5769, or via mail National Archives and Records Administration, Office of Government Information Services, 8601 Adelphi Road, College Park, MD 20740-6001. Please note that the FOIA Public Liaison's role relates to comments, questions, or concerns that a FOIA Requester may have with or about the FOIA Response. The FOIA Public Liaison's role does not relate to taking action in matters of private controversy nor can they resolve individual complaints.

Sincerely,



Burke W. Kappler
Assistant General Counsel