



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Mark Morelli, Esq.  
Division of Enforcement  
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April 25, 2012

*Via U.S. Mail and Email to [jake@hinkinslaw.com](mailto:jake@hinkinslaw.com)*

Jake Hinkins, Esq.  
881 Baxter Drive  
South Jordan, UT 84095

Re: *United States v. Direct Marketing Concepts, Inc. et al.*, No. 04-CV-11136-GAO (D.Mass. Sept. 28, 2005)

Dear Mr. Hinkins:

The staff of the Federal Trade Commission's Division of Enforcement has conducted an investigation of your client, Alejandro Guerrero, for possible violations of the September 2005 consent decree in the above-captioned case. The investigation concerned your client's marketing of the NeuroSafe dietary supplement. In particular, the investigation focused on whether your client could substantiate claims that NeuroSafe prevents, limits the severity of, and speeds recovery from, sports-related traumatic brain injuries, such as concussions, and that NeuroSafe's results were scientifically proven and clinically tested.

After reviewing materials, including but not limited to your client's websites advertising the NeuroSafe product and a "white paper" provided by your client, we have concluded that your client did not possess competent and reliable scientific evidence to substantiate the extraordinary claims for NeuroSafe. Your client did not have any studies regarding the actual NeuroSafe product and provided no competent and reliable scientific evidence showing that NeuroSafe would prevent, limit the severity of, or speed recovery from, sports-related traumatic brain injuries such as concussions. We have serious concerns about your client's advertising. Among other things, users relying on your client's unsupported claims might forego appropriate medical treatment and return to competition before they have adequately recovered from their injuries.

Despite our concerns, upon careful review of this matter, we have determined not to recommend enforcement action at this time. Among the factors that we considered is the extremely limited volume of sales of the NeuroSafe product; your client's decision to discontinue marketing NeuroSafe; and your client's agreement to provide full refunds to all consumers who purchased the NeuroSafe product.

This action should not be construed as a determination that there was no violation of the September 2005 consent decree or of Section 5 of the Federal Trade Commission Act, 15 U.S.C.

§ 45. The Commission reserves the right to take such action as the public interest may require.  
If you have any questions, I can be reached at 202.326.2601.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark Morelli". The signature is written in a cursive style with a small mark at the end.

Mark Morelli  
Attorney