



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
600 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20580

Division of Enforcement  
Bureau of Consumer Protection

August 23, 2011

Robert J. Rohrberger, Esq.  
Attorney at Law  
Fox Rothschild, LLP  
75 Eisenhower Parkway  
Roseland, New Jersey 07068-1600

Re: Scott Kay, Inc.

Dear Mr. Rohrberger:

As you know, the staff of the Federal Trade Commission's Division of Enforcement conducted an investigation into advertising by your client, Scott Kay, Inc. ("Scott Kay"), for possible violations of Section 5 of the Federal Trade Commission act, 15. U.S.C. § 45. The staff initiated this investigation after the National Advertising Division of the Council of Better Business Bureaus ("NAD") referred certain advertising claims made by Scott Kay to the FTC for further review. NAD referred this matter to the FTC because Scott Kay declined to participate in NAD's proceeding to resolve a challenge to its advertising claims lodged by Frederick Goldman, Inc. The claims at issue include representations implying that Tungsten Carbide wedding bands are at risk of breaking, cracking or shattering in ordinary use as well as a claim that the manufacturing process for Scott Kay's cobalt wedding bands is completely green from start to finish.

The staff of the Enforcement Division has completed its investigation and has determined that no action is warranted at this time. In a recent letter, you stated that Scott Kay had agreed to (1) ensure that the company will not make express or implied claims that tungsten carbide wedding bands are fragile unless the company possesses adequate substantiation for such claims and (2) refrain from making unsubstantiated claims about the environmental impact of the manufacturing process for cobalt rings.

In light of the above, the staff has decided to close the investigation. This action is not to be construed as a determination that a violation has not occurred, 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 require.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Kohm".

James A. Kohm  
Associate Director