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

Division of Advertising Practices

July 2, 2015

Peter C. Marinello
Director
Electronic Retailing Self-Regulation Program
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Plymouth Direct, Inc.'s BeActive Brace

Dear Mr. Marinello:

I am writing to follow up on your December 15, 2014 letter referring to both the Federal Trade Commission and the Food and Drug Administration an ERSP investigation into direct-response advertising claims made by Plymouth Direct, Inc. for its BeActive Brace. In making this referral, the ERSP had concluded that concluded that while the marketer's evidence was persuasive in demonstrating that while the brace may provide relief for users whose pain radiates from the trigger point compressed by the brace, the company's universal sciatica relief and lower back pain claims were not substantiated.

Upon review of this matter, we have determined not to take additional action at this time. In arriving at this conclusion, we considered a number of factors related to resource allocation and enforcement priorities, including the fact that Plymouth Direct has been in active negotiations with the Food and Drug Administration regarding the product's permissible indications for use. Based on the FDA's active involvement, the staff has determined that it best serves the public interest to let this matter be resolved by that agency.

Very truly yours,

Mary K. Engle

Mary K. Engle
Associate Director for Advertising Practices