



Office of the Secretary

UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

April 8, 2015

Pam Cook  
ABC Consulting Services  
Commonwealth of Pennsylvania

Re: *Focus Education, LLC.*  
FTC File No. 122 3153

Dear Ms. Cook:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34.

You expressed concern about products that claim to improve children's cognitive function. In addition to the *Focus Education* matter, the Commission recently approved settlements in two other matters involving children's cognitive products, namely *Your Baby Can Read*<sup>1</sup> and *Word Smart*.<sup>2</sup> After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

Donald S. Clark  
Secretary

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<sup>1</sup> *Defendants Settle FTC Charges Related to "Your Baby Can Read" Program*, FTC (Aug. 22, 2014), <http://www.ftc.gov/news-events/press-releases/2014/08/defendants-settle-ftc-charges-related-your-baby-can-read-program>.

<sup>2</sup> *FTC Settlement Bars WordSmart from Deceiving Parents With Unsupported Claims About its Education Products*, FTC (Oct. 9, 2014), <http://www.ftc.gov/news-events/press-releases/2014/10/ftc-settlement-bars-wordsmart-deceiving-parents-unsupported>.



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Aaron Mackey  
Angela J. Campbell  
Andrew Jay Schwartzman  
Jennifer Grace  
Institute for Public Representation  
Georgetown University Law Center

Re: *Focus Education, LLC*.  
FTC File No. 122 3153

Dear Mr. Mackey:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34, and was given serious consideration by the Commission.

In your comment, you indicate that the Campaign for a Commercial-Free Childhood ("CCFC") supports the Commission's enforcement action against Focus Education, LLC ("Focus Education") but would like to see it strengthened by providing for a monetary remedy. In assessing whether redress or disgorgement is appropriate in a given case, the Commission considers the nature of the claims made as well as the ability of the defendants or respondents to pay a judgment. The Commission has determined that in this case, the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Focus Education and its officers and deter future violations. In addition, Focus Education and its officers will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$16,000 per violation should they violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

The CCFC also requests that the Commission adopt marketing guidelines that address the deceptive claims made by advertisers in the children's educational technology and educational entertainment industries. The Commission's long-standing advertising principles, as well as the recent consent orders in *Focus Education, Your Baby Can Read*,<sup>3</sup> and *Word Smart*<sup>4</sup> make clear

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<sup>3</sup> *Defendants Settle FTC Charges Related to "Your Baby Can Read" Program*, FTC (Aug. 22, 2014), <http://www.ftc.gov/news-events/press-releases/2014/08/defendants-settle-ftc-charges-related-your-baby-can-read-program>.

<sup>4</sup> *FTC Settlement Bars WordSmart from Deceiving Parents With Unsupported Claims About its Education Products*, FTC (Oct. 9, 2014), <http://www.ftc.gov/news-events/press-releases/2014/10/ftc-settlement-bars-wordsmart-deceiving-parents-unsupported>.

that advertisers' claims of improved cognition, academic performance, and behavior must be true and backed by sound science.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

Donald S. Clark  
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April 8, 2015

Jeanguy Gagne  
Quebec, Canada

Re: *Focus Education, LLC.*  
FTC File No. 122 3153

Dear Jeanguy Gagne:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34.

After considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

Donald S. Clark  
Secretary