



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Mary K. Engle  
Associate Director

August 1, 2018

Benjamin L. England, Esq. and William J. Senior, Esq.  
Benjamin L. England & Associates, LLC  
810 Landmark Drive, Suite 126  
Glen Burnie, MD 21061

Re: Nerve Pain Away, FTC Matter No. 172-3204

Dear Messrs. England and Senior:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation into whether your clients, Nature's Pillows, Inc. and Plymouth Direct, Inc., violated Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52, in connection with marketing their Nerve Pain Away product as an effective nerve pain reliever.

Nerve Pain Away is a homeopathic topical spray. Homeopathy, which dates back to the late-1700s, is based on the theory that disease symptoms can be treated by minute doses of substances that produce similar symptoms when provided in larger doses to healthy people. Many homeopathic products are diluted to such an extent that they no longer contain detectable levels of the initial substance. Nerve Pain Away's purported active ingredients have been diluted 1,000,000,000,000,000,000,000 times. Homeopathic theories are not accepted by most modern medical experts.

The FTC's "Enforcement Policy Statement on Marketing Claims for Over-the-Counter (OTC) Homeopathic Drugs" explains that the FTC will hold efficacy claims for OTC homeopathic drugs to the same standard as other products making similar claims. That is, marketers must have competent and reliable scientific evidence for health-related claims. The policy statement also allows for the possibility that the marketers of a homeopathic product can effectively disclose that there is no scientific evidence that the product works and that its claims are based only on theories of homeopathy that are not accepted by most modern medical experts.

Upon careful review of this matter, including non-public information submitted to the staff, we have determined not to recommend enforcement action at this time. In coming to this conclusion, we considered a number of factors, including your clients' voluntary modification of Nerve Pain Away claims and the addition to all advertising of the following clear and conspicuous disclosure:

Benjamin L. England, Esq. and William J. Senior, Esq.

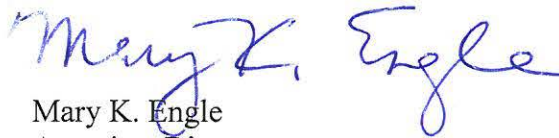
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Nerve Pain Away's claims are based only on theories of homeopathy from the 1700's that are not accepted by modern medical experts. They are not based on scientific evidence.

We appreciate your cooperation in this matter. Our decision not to pursue enforcement action should not be construed as a determination that a violation of law did not occur, 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 such further action as the public interest may warrant.

Very truly yours,



Mary K. Engle  
Associate Director  
Division of Advertising Practices