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March 22, 2016

Jessica Rich  
Director, Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Ave NW  
Washington, DC 20580

Re: Request to Enforce Consent Order Against Robert Titzer and the Infant Learning Company

Dear Director Rich:

The Campaign for a Commercial-Free Childhood ("CCFC"), by its attorneys, the Institute for Public Representation, hereby requests the FTC enforce its *Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendants Robert Titzer, Ph.D and Infant Learning, Inc.* ("Order") against Robert Titzer and the Infant Learning Company ("Titzer/ILC") because they continue to make representations about the efficacy of their educational products for babies without adequate scientific evidence and support, contrary to the Order.

**Background**

*Your Baby Can Read!* was a DVD-based children's learning product sold between 1997 and 2012 by Your Baby Can, LLC, Infant Learning, Inc., Robert Titzer, and Hugh

\*Admitted to the Washington bar only;  
DC bar membership pending. Practice supervised by members of the DC bar.

Penton, Jr.<sup>1</sup> The product claimed to teach children as young as three months old to read using a set of DVDs, lift-a-flap books, and word cards.<sup>2</sup> Parents could purchase the product at any of several retail stores (Wal-Mart, Amazon.com) for approximately \$200.<sup>3</sup> The product earned approximately \$185 million in sales.<sup>4</sup>

In advertising *Your Baby Can Read!*, Titzer/ILC claimed that the efficacy of the product was supported by scientific studies that tested cognitive functions of babies using the product.<sup>5</sup> These advertisements also included testimonials from parents who claimed their children learned by using the DVDs.<sup>6</sup> Titzer/ILC incorporated several graphs and charts, including a graph of human brain development over the first five years of life, in its marketing to give the misleading impression that the products were scientifically proven.<sup>7</sup>

In April 2011, CCFC filed a Request for Investigation with the FTC. CCFC argued many of the claims made by Titzer/ILC were deceptive and misleading to parents.<sup>8</sup> CCFC alleged that these claims were “designed to take advantage of parents’ natural desire to provide every possible advantage for their young children.”<sup>9</sup> In response, the FTC conducted an investigation and filed a complaint against Your Baby Can, LLC, Infant Learning, Inc., Robert Titzer, and Hugh Penton, Jr. The complaint alleged several deceptive and unfair advertising practices resulting from Titzer/ILC’s failure to substantiate many of the claims they were making about their products.<sup>10</sup> Hugh Penton,

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<sup>1</sup> First Amended Complaint for Permanent Injunction and Other Equitable Relief at 4-5, *FTC v. Your Baby Can, LLC*, No. 12-CV-2114 DMS-BGS (S.D. Cal. February 27, 2013) (hereinafter “Complaint”).

<sup>2</sup> *Id.* at 5.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 11 (the human brain development graph still appears on ILC’s website, at <https://yourbabycanlearn.com>) (see Ex. A).

<sup>8</sup> CCFC Complaint,

<http://www.commercialfreechildhood.org/sites/default/files/ybcrftccomplaint.pdf>.

<sup>9</sup> *Id.* at 2.

<sup>10</sup> Complaint for Permanent Injunction and Other Equitable Relief at 19-20, *FTC v. Your Baby Can, LLC*, No. 12-CV-2114 DMS-BGS (S.D. Cal. August 27, 2012). The FTC amended its complaint in 2013, *supra* note 1.

Jr. and Your Baby Can, LLC, settled claims against them in 2012.<sup>11</sup> Titzer/ILC, however, did not settle their claims until two years later, in 2014, resulting in the Order at issue in this Request.<sup>12</sup> The Order broadly prevents Titzer/ILC from engaging in certain acts and marketing their products in certain ways that are deceptive. The Order also imposed a \$186.4 million judgment, which was suspended after payment of only \$300,000.<sup>13</sup>

After entering into the Order, Titzer/ILC have continued to market three children's educational products, each of which costs between \$150 and \$250.<sup>14</sup> Notably, they continue to market *Your Baby Can Read!* under a new product name, *Your Baby Can Learn!*. Titzer/ILC rely on studies conducted with *Your Baby Can Read!* to sell *Your Baby Can Learn!*, indicating that the content of the products is similar if not identical. Further, the products still purport to teach children as young as three months old how to read, among other things.

Additionally, Titzer/ILC have developed two products called *Your Child Can Read!* (a follow-up program to *Your Baby Can Learn!* that purports to increase infants' phonetic awareness and speed) and *Your Child Can Discover!* (that purports to help infants learn how to recognize colors, logical patterns, shapes, and even learn perfect pitch). Titzer/ILC market these products in violation of the Order.

**1. Titzer/ILC violate Section I of the Order because they make representations about the efficacy and performance of their products without competent and reliable scientific evidence**

Section I of the Order permanently enjoins Titzer/ILC from making any representations

expressly or by implication, including through the use of a product name...about the benefits, performance, or efficacy of [such] product for teaching reading or speech, or enhancing

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<sup>11</sup> Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendants Your Baby Can, LLC and Hugh Penton, *FTC v. Your Baby Can, LLC*, No. 12-CV-2114 DMS-BGS (S.D. Cal. September. 12, 2012).

<sup>12</sup> Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendants Robert Titzer, Ph.D. and Infant Learning, Inc., *FTC v. Your Baby Can, LLC*, No. 12-CV-2114 DMS-BGS (S.D. Cal. Aug. 19, 2014) ("Order").

<sup>13</sup> *Id.* at 6-7.

<sup>14</sup> All Products (Combination Packages), Infant Learning Company, <https://yourbabycanlearn.com/index.php/all-products.html?cat=68>.

language ability, cognitive ability, school performance, or brain development including, but not limited to, that such product:

- A. Teaches infants and children to read;
- B. Teaches children as young as three or four years to read books such as Charlotte's Web or Harry Potter;
- C. Gives infants and children an early start on academic learning; or
- D. Helps children perform better in school and later in life than children who did not use the product;

unless the representation is true, non-misleading and, at the time of making such representation, Titzer and ILC possess and rely on competent and reliable scientific evidence.... [C]ompetent and reliable scientific evidence means tests, analysis, research, or other studies...conducted and evaluated in an objective manner by qualified persons and are generally accepted in the profession to yield accurate and reliable results.<sup>15</sup>

Titzer/ILC assert without competent scientific support that *Your Baby Can Learn!* is scientifically proven to help children learn written language and vocabulary skills. Titzer/ILC claim on their website, under the tab "About Infant Learning Company," that

*Your Baby Can Learn! (called Your Baby Can Read! in the studies)* is one of the most-studied baby products in the world, and none of the studies show any negative effects related to watching or using the program. Instead, the studies consistently find that using *Your Baby Can Learn!* for at least 6 months on a regular basis helps babies, toddlers, and preschoolers learn according to all but one of the lead researchers. However, according to the parents in that study their babies learned written language and vocabulary skills.

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<sup>15</sup> Order, at 4.

The parents in every study where they were questioned said their babies learned from using the program.<sup>16</sup>

This passage makes clear that *Your Baby Can Learn!* is the same product as *Your Baby Can Read!*. The FTC has already found that the claims made about *Your Baby Can Read!* were deceptive. Nonetheless, Titzer/ILC are once again claiming that “studies consistently find that using” this product helps babies learn. And while claiming the existence of such studies, they do not cite a single study to support this claim.<sup>17</sup>

To the extent that any studies exist, they are likely the same internal studies reviewed by the FTC and found insufficient prior to filing its 2012 complaint.<sup>18</sup> Moreover, subjective surveys of parents do not constitute competent and reliable scientific evidence as required by Section 1 of the Order requiring objective evaluation by qualified persons.<sup>19</sup>

In addition to claims about *Your Baby Can Learn!*, Titzer/ILC make similar claims about their other products, *Your Child Can Read!* and *Your Child Can Discover!*. Titzer/ILC allege in the product description for *Your Child Can Read!* that it is “designed to teach children to read with comprehension using word, image and phonetic sounds associations.”<sup>20</sup> The website uses similar language in the description of *Your Child Can Discover!*:

The DVDS, CD and books are designed to teach pitch in music, 96 different colors, geometric shapes, logic patterns, math concepts and much more.... There is research showing that perfect pitch can be learned early in life, but this research

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<sup>16</sup> *About Infant Learning Company*, Infant Learning Company, <https://yourbabycanlearn.com/infocms/about-infant-learning-company> (see Ex. B) (emphasis added).

<sup>17</sup> These claims also constitute a violation of Section III of the Order, which prevents Titzer/ILC from misrepresenting the “existence, contents, validity, results, conclusions, or interpretations of any test, study, or research; or that the benefits of any product are scientifically proven.” Order, at 5.

<sup>18</sup> Complaint, at 21 (referencing 14 internal studies).

<sup>19</sup> Order, at 4. Studies cited on other sections of the ILC website similarly do not support these claims, as none of those studies (included in Exhibit G) studied the *Your Baby Can* line of products. See *infra* note 34.

<sup>20</sup> *Your Child Can Read! Step 1 DVD*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/read/your-child-can-read-step-1-dvd.html> (see Ex. C).

was not conducted using the Your Child Can Discover!  
Series.<sup>21</sup>

Again, Titzer/ILC provide no studies to support their claims that these products increase phonetic awareness and speed (terms that are undefined) in children, or that the DVDs will teach colors, shapes, “logical patterns,” or “math concepts.” They even admit that no scientific evidence suggests that *Your Child Can Discover!* can teach perfect pitch.

In fact, there is no consensus on how, when, and if children can learn perfect pitch. As of 2006, there was not enough research to show any ability of children to learn perfect (or “absolute”) pitch.<sup>22</sup> In 2012, prominent music researchers released a study indicating that perfect pitch is largely genetic.<sup>23</sup> Other theories indicate that perfect pitch is developed through early musical training.<sup>24</sup> The studies that have indicated some childhood ability to develop perfect pitch are often associated with “tonal” languages such as Mandarin, because speakers of those languages “must pay attention to absolute pitch to pin down the meanings of individual words.”<sup>25</sup> Thus, to claim their untested method will teach children perfect pitch, even with their disclaimer, is misleading and deceptive to parents.

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<sup>21</sup> *Your Child Can Discover!*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/discover/your-child-can-discover.html> (see Ex. D).

<sup>22</sup> Ken’ichi Miyazaki & Yoko Ogawa, *Learning Absolute Pitch by Children: A Cross-Sectional Study* (2006), Music Perception, Volume 24, Issue 1, pp. 63-78, available at <http://mp.ucpress.edu/content/24/1/63.full-text.pdf+html> (“[m]ost of the available evidence for (or against) the early learning view is indirect, in that it relies mainly upon retrospective reports of the participants on the age at onset of music training. There is so far little systematic research investigating directly the time-course of [absolute pitch] development in childhood, and it is not yet clear how and when children acquire [absolute pitch].”)

<sup>23</sup> Katherine Brooks, *Perfect Pitch Mystery: Research Shows The Note May Be In Your Genes*, Huffington Post (Oct. 23, 2012), [http://www.huffingtonpost.com/2012/10/23/perfect-pitch-genes\\_n\\_2003151.html](http://www.huffingtonpost.com/2012/10/23/perfect-pitch-genes_n_2003151.html) (“According to a recent study conducted by University of California professor Diana Deutsch, genes play a large role in obtaining perfect, or absolute, pitch.”).

<sup>24</sup> *Id.*

<sup>25</sup> Sadie Dingfelder, *Pitch Perfect*, American Psychology Association (Feb. 2005), <http://www.apa.org/monitor/feb05/pitch.aspx>.

Claiming the products are “designed to teach” does not absolve Titzer/ILC of liability under the Order; this minor rewording of its marketing claims is simply an attempt to circumvent the language of the Order, even though the Order specifically includes claims made “indirectly ... [or] by implication.”<sup>26</sup> These claims are “designed” to induce parents into thinking their products are highly effectual and can teach their children cognitive skills, claims for which the Order requires competent and reliable scientific evidence. No reasonable parent would spend \$200 on a product that claims it is “designed to” teach and improve cognitive abilities, yet does not.

Titzer/ILC cite no “competent and reliable scientific evidence” that their products achieve the claimed results. Thus, they violate Section I of the Order.

## **2. Titzer/ILC violate Section III of the Order by misrepresenting that the benefits of their products are scientifically proven**

Section III of the Order permanently enjoins Titzer/ILC from making misrepresentations “in any manner, directly or indirectly, expressly or by implication, including through the use of endorsements” about (A) “[t]he existence, contents, validity, results, conclusions or interpretations of any test, study, or research” or (B) “[t]hat the benefits of any product are scientifically proven, including but not limited to, that scientific studies prove that Your Baby Can Read!® teaches infants and children to read.”<sup>27</sup> Titzer/ILC violate Section III of the Order by making false or misleading claims about the existence and validity of scientific studies, and implying that the products are scientifically tested.

Titzer/ILC describe *Your Child Can Learn!*, *Your Child Can Read!*, and *Your Child Can Discover!* as “innovative, science-based products” that are based on “Dr. Titzer’s science-based approach.”<sup>28</sup> The ILC website includes resources labeled “Scientific Approach to Early Learning,”<sup>29</sup> and the website describes Titzer as an “infant researcher” whose “multisensory learning methodology...is sometimes referred to as

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<sup>26</sup> Order, at 4.

<sup>27</sup> *Id.*

<sup>28</sup> *About Our Company*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/about-our-company> (see Ex. E); see also *About Us*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/about-us>; *About Infant Learning Company*, Infant Learning Company, <http://yourbabycanlearn.com/infocms/about-infant-learning-company>; *Mission Statement*, Infant Learning Company, <http://yourbabycanlearn.com/infocms/mission-statement>.

<sup>29</sup> *Infant Learning Company*, <https://yourbabycanlearn.com> (see Ex. A).

one of the world's foremost early learning approaches."<sup>30</sup> Titzer/ILC further claim their "science-based approach" comprises a "multisensory approach to language acquisition [that] allows your baby to learn English and other languages through more sensory systems."<sup>31</sup> They assert that this multisensory approach facilitates infant learning by having a DVD show children written words and their meanings while they hear spoken words.<sup>32</sup> Their website also contains the graph on brain development showing the "windows of opportunity" for infant learning, which was one of the examples of misrepresentations described in the FTC's amended complaint.<sup>33</sup>

These claims misrepresent that the benefits of these products are scientifically proven. Titzer/ILC cite no studies showing the efficacy of these three products. In a different section of the website, Titzer/ILC cite twenty-four general scientific studies and articles having to do with infant learning.<sup>34</sup> These studies do not show any benefits from these specific products.

To the contrary, some studies have suggested that videos for babies are not only ineffective, but may hinder a child's learning. In 2007, for example, a study of baby videos including the Baby Einstein product found that among "infants (age 8 to 16 months), each hour per day of viewing baby DVD/videos was associated with a 16.99-point decrement in CDI score," which translates to a knowledge deficit of about 6 to 8 words in those infants.<sup>35</sup> A joint study conducted in 2010 by the University of Virginia

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<sup>30</sup> *About Our Company*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/about-our-company> (see Ex. E).

<sup>31</sup> *Overview of this Approach*, Infant Learning Company, <http://yourbabycanlearn.com/infocms/overview-of-the-approach> (see Ex. F).

<sup>32</sup> *Id.*

<sup>33</sup> Complaint, at 19 (see Ex. A).

<sup>34</sup> See Exhibit G (citing to studies showing that children learn to categorize objects better if they recognize by shape (Studies 3-5), that a child's linguistic processing ability increases the earlier it learns words (7-19), that babies usually learn words they have heard more frequently (20-21), and babies can glean some forms of information from television viewing (22-24). Studies 1 and 2 examine statistical learning in infants and the effects of bilingualism on early learning). The relevant portion of the website is *About Our Approach*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/about-our-approach>.

<sup>35</sup> Frederick J. Zimmerman, et al., *Associations between Media Viewing and Language Development in Children Under Age 2 Years*, University of Washington, at 1, 3 (2007), [http://extras.mnginteractive.com/live/media/site36/2007/0817/20070817\\_071817\\_Zimmermanetal\\_Associations\\_JPed07.pdf](http://extras.mnginteractive.com/live/media/site36/2007/0817/20070817_071817_Zimmermanetal_Associations_JPed07.pdf).



and Vanderbilt University, moreover, found that children who viewed a popular DVD program did not learn any more words than a control group.<sup>36</sup>

Titizer/ILC attempt to discredit this well-developed scientific theory of a “video deficit,” whereby children learn less the more hours they spend with baby videos, by referring to “new research showing that babies can learn language skills from videos (Dayanim & Namy, 2015). In this new study, babies learned language skills from videos whether they were watching with a parent or alone.”<sup>37</sup> This study, however, pertains to learning signs rather than words or verbal skills. Moreover, the study reaffirms the existence of a video deficit, finding that, while the sign-retention performance of babies who watched only instructional signing videos initially matched that of babies who received parental teaching support, “[t]he superior performance of the parent instruction [group] relative to the video-viewing [group]...may reflect a video deficit in retention after as little as 1 week.... [T]he findings from this study suggest the potential for video-based learning but hint that the most robust retention occurs following traditional parent instruction”<sup>38</sup> Thus, Titizer/ILC’s claims that the benefits from their products are scientifically proven are false and violate Section III of the Order.

### **3. Titizer violates Section IV of the Order by endorsing products without possessing or exercising his purported expertise**

The FTC’s complaint alleged that “Defendant Titizer did not exercise his purported expertise in infant research in the form of an examination or testing of the Your Baby Can Read!® program at least as extensive as an expert in infant research would normally conduct, in order to support the conclusions presented in his endorsement.” Thus, Section IV of the Order permanently enjoins Titizer from

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<sup>36</sup> Judy S. DeLoache, *et al.*, *Do Babies Learn from Baby Media?*, Association for Psychological Science, at 1 (May 3, 2010), <http://www.centenary.edu/attachments/psychology/journal/archive/feb2011journalclub.pdf>.

<sup>37</sup> *When and How to Use TV*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/when-and-how-to-use-tv> (citing, among other articles, Dayanim, Shoshanna, *et al.*, *Infants Learn Baby Signs from Video*, Child Development, Volume 86, Number 3, pp. 800-811) (see Ex. H).

<sup>38</sup> Dayanim, Shoshanna, *et al.*, *Infants Learn Baby Signs from Video*, Child Development, Volume 86, Number 3, p. 807, <http://onlinelibrary.wiley.com/doi/10.1111/cdev.12340/full>.

representing in any manner, expressly or by implication, that Defendant Titzer endorses such product unless Defendant Titzer:

possesses the expertise required by his endorsement;

exercises his purported expertise in the form of an examination or testing of the product at least as extensive as an expert in the field would normally conduct in order to support the conclusions presented in his endorsement; and

has a reasonable basis for the endorsement.<sup>39</sup>

Titzer continues to portray himself as an expert on infant research who, as alleged in the FTC's Complaint with respect to *Your Baby Can Read!*, endorses *Your Baby Can Learn!*, *Your Child Can Discover!*, and *Your Child Can Read!*. For instance, Titzer's name and face appear on both the ILC's Informational Website and its "Early Learning Tips" page, which is Titzer's attempt at providing advice and guidance for parents based on his "infant researcher" background.<sup>40</sup> Titzer's name appears on every product package.<sup>41</sup> He also asserts the scientific validity of *Your Baby Can Learn!* (by continuing to assert the scientific validity of *Your Baby Can Read!*) and defends the "multisensory" teaching methodology used in *Your Child Can Learn!* and *Your Child Can Discover!*.

Titzer provides no evidence that he has conducted the examinations and testing required by the Order to exercise his endorsement. At best, Titzer offers a series of generic scientific articles and studies that support general early learning theory. In the one instance where Titzer claims the products themselves have been studied, he does not provide any citation to those studies.<sup>42</sup> If any studies of the products exist, they are likely the same studies the FTC reviewed and found insufficient in its 2012 investigation. Therefore, Titzer has violated Section IV of the Order.

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<sup>39</sup> Order, at 6.

<sup>40</sup> *Early Learning Tips*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/early-learning-tips> (see Ex. I).

<sup>41</sup> *Early Language Starter Pack*, Infant Learning Company, <https://yourbabycanlearn.com/index.php/learn/early-language-starter-pack.html> (see Ex. J).

<sup>42</sup> See *supra* note 16 and accompanying text.

## **Conclusion**

Titzer/ILC continue to make unsubstantiated claims about the efficacy and cognitive benefits of their products. Titzer also continues to endorse these products without having undertaken adequate studies. Titzer/ILC make several general scientific assertions to imply that their products have scientifically-proven outcomes. These claims are unsupported, misleading, and violate the FTC's Order. The FTC should promptly enforce its Order against Titzer/ILC to avoid further harm to parents and their children.

Respectfully submitted,

/s/

Rahul Sarkar  
Georgetown Law Student

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Eric G. Null  
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Institute for Public Representation

*Counsel for CCFC*

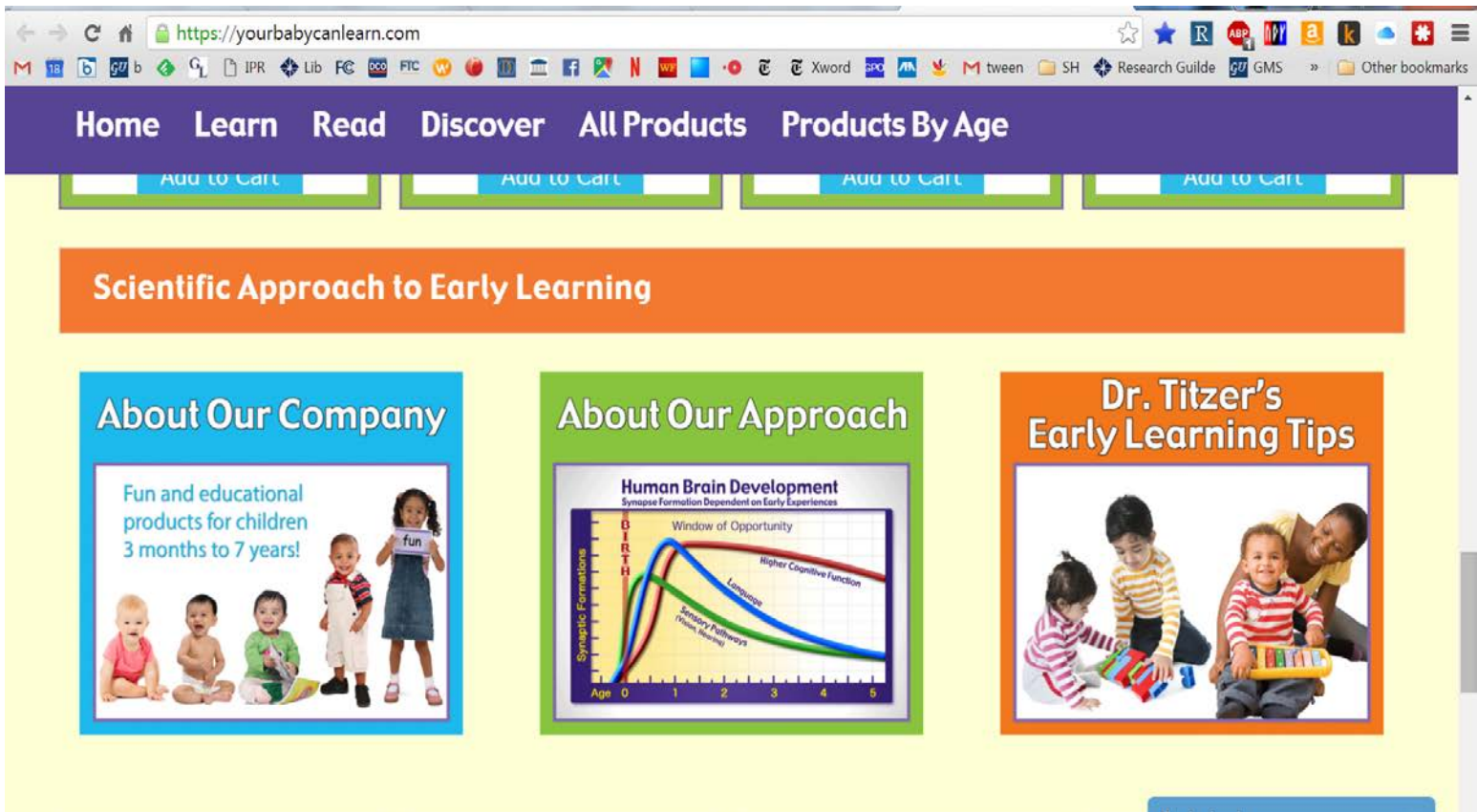
cc

David Shonka,  
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# Appendix

## Exhibit A

Screenshot of Infant Learning Company home page. Under “Scientific Approach to Early Learning,” the link for “About Our Approach” includes the “Human Brain Development” graph showing “Window of Opportunity” for brain development.



# Appendix

## Exhibit B

Screenshot of Infant Learning Company's "About Infant Learning Company" page. Indicates that *Your Baby Can Learn!* is the same product as *Your Baby Can Read!*.

The screenshot shows the website for Dr. Robert Titzer's Infant Learning Company. The header features the company logo (ILC) and the tagline "Nurture Your Child's Love of Learning". A navigation bar includes links for Home, About Us, Product Information, FAQ, Contact Us, and Shop. A search bar is located in the top right corner.

### About Infant Learning Company

Dr. Robert Titzer founded The Infant Learning Company in 1996 in order to share the learning videos he created for his children with people around the world.

Dr. Titzer is a trained infant researcher. He used his multisensory, interactive approach to teach both of his infant daughters. The program now called *Your Baby Can Learn!* has been featured in hundreds of positive news stories highlighting the learning successes of many children around the world. His approach has also been harshly criticized – usually by people who have not actually used the series.

The Infant Learning Company is proud to be at the forefront of the early learning community. We strive to change the way societies think about early literacy and early learning, and we will continue to speak out to educate the public on these important issues. The Infant Learning Company is a small family-owned company headed by Dr. Titzer, his sister Sharon Patterson, and a dedicated staff who really enjoy being part of the early learning movement. We are devoted to creating fun and entertaining products that stimulate learning in infants, toddlers, and preschoolers using Dr. Titzer's science-based approach.

*Your Baby Can Learn!* (called *Your Baby Can Read!* in the studies) is one of the most-studied baby products in the world, and none of the studies show any negative effects related to watching or using the program. Instead, the studies consistently find that using *Your Baby Can Learn!* for at least 6 months on a regular basis helps babies, toddlers, and preschoolers learn according to all but one of the lead researchers. However, according to the parents in that study their babies learned written language and vocabulary skills. The parents in every study where they were questioned said their babies learned from using the program.



On the right side of the page, there is a sidebar with a newsletter sign-up section titled "Get news, tips and offers on your Inbox" with a "SUBSCRIBE" button. Below this is a YouTube video player showing a woman speaking, with a large play button overlay. At the bottom of the sidebar is a logo for "Dr. Robert Titzer's ILC Infant Learning Company" with the tagline "The Creators of 'Your Baby Can Learn!'".

# Appendix

## Exhibit C

Screenshot of Infant Learning Company's "Your Child Can Read!" product page. Claims *Your Child Can Read!* is "designed to teach children to read with comprehension using word, image and phonetic sounds associations."

[Home](#) [Learn](#) [Read](#) [Discover](#) [All Products](#) [Products By Age](#)



Your Child Can Read! series combines the best of phonics and whole word learning methods.

Your Child Can Read! Step 1 DVD is available for purchase in increments of 1

Qty:  [Add to Cart](#)

[Add to Wishlist](#)

[Add to Compare](#)

[Send Us Your Testimonial](#) [Email to a Friend](#)

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### Details

*Your Child Can Read!* series combines the best of phonics and whole word learning methods. It is designed to teach children to read with comprehension using word, image and phonetic sound associations. Children learn to read in a naturally fast paced manner using interactive songs, poems, and word games. *Your Child Can Read!* teaches reading in a fun way that increases the chance that your child will read well, and enjoy reading.



## Appendix

### Exhibit D

Screenshot of Infant Learning Company's "*Your Child Can Discover!*" page. Claims *Your Child Can Discover!* "teaches pitch in music, 96 different colors, geometric shapes, logic patterns, math concepts and much more."


**Home** **Learn** **Read** **Discover** **All Products** **Products By Age**

Your Child Can Discover! Math, Music, Colors, Shapes, Logic Patterns, and Prepositions! This deluxe kit includes all three Your Baby Can Discover! (YBCD) DVDs and all three Your Child Can Discover! (YCCD) DVDs along with the six lift-the-flap books and a bonus audio CD. This is Dr. Titzer's newest and favorite series of videos and books.

The DVDs, CD, and books are designed to teach pitch in music, 96 different colors, geometric shapes, logic patterns, math concepts, and much more! This highly entertaining program uses a multisensory, interactive approach that encourages the child to participate and learn. Each DVD covers all of the topics, and each subsequent volume goes deeper into the concepts. There is research showing that perfect pitch can be learned early in life, but this research was not conducted using the Your Child Can Discover! series.

Includes 6 DVDs, 6 Lift-the-Flap Books, and 1 music CD.

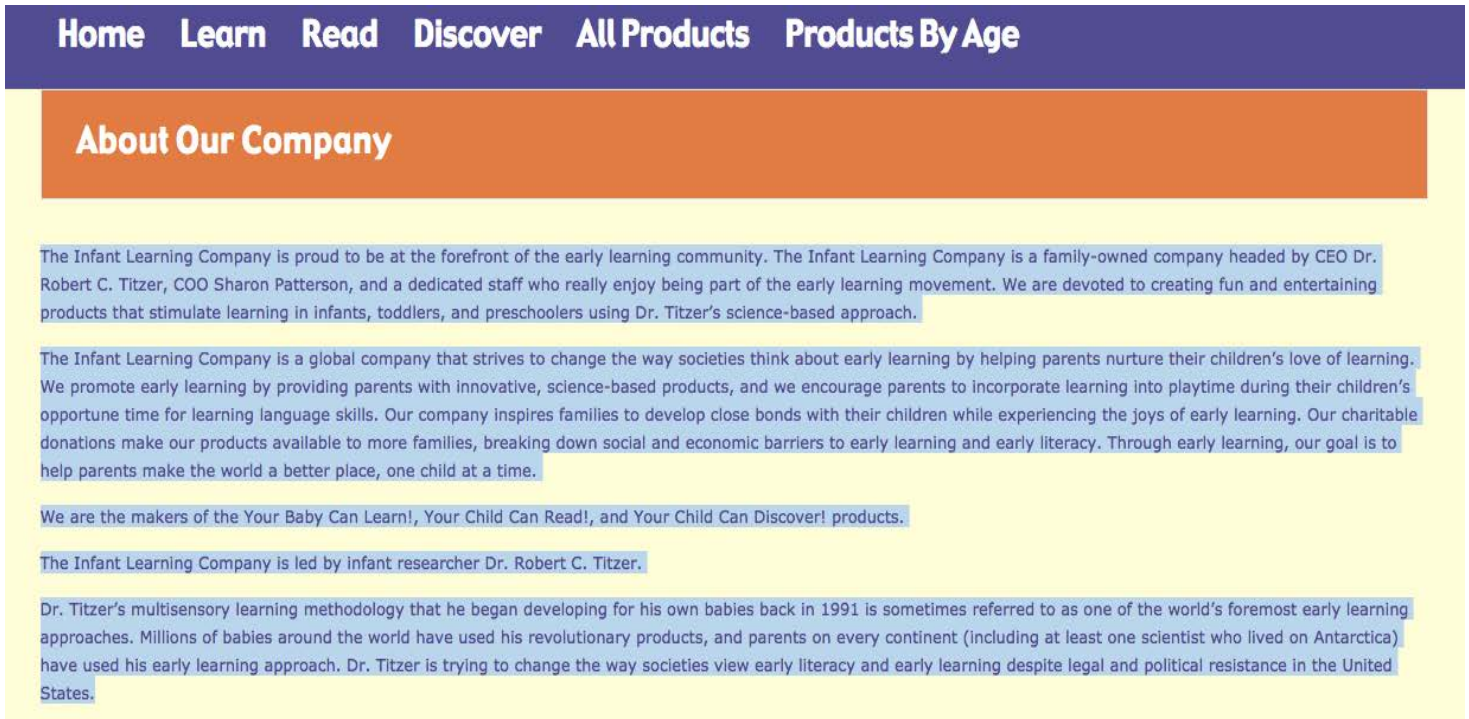
Your Child Can Discover! - Volume 3 - Sample 1 - Music



# Appendix

## Exhibit E

Screenshot of Infant Learning Company's "About Our Company" page. Claims *Your Child Can Learn!*, *Your Child Can Read!*, and *Your Child Can Discover!* are "innovative, science-based products" based on "Dr. Titzer's science-based approach." Also describes Titzer as an "infant researcher" whose "multisensory learning methodology...is sometimes referred to as the world's foremost early learning approaches."





# Appendix

## Exhibit F

Screenshot of Infant Learning Company's "Overview of this Approach" page. Claims the company's "science-based approach" comprises a "multisensory approach" to "language acquisition [that] allows your baby to learn English and other languages through more sensory systems."

The screenshot shows the website for Dr. Robert Titzer's Infant Learning Company. The header features the company logo, name, and tagline "Nurture Your Child's Love of Learning". A navigation bar includes links for Home, About Us, Product Information, FAQ, Contact Us, and Shop. The main heading is "Overview of the Approach". Below this, there are social media icons for Google+, Twitter, and Pinterest. The section "Overview of this Approach" is by Dr. Robert Titzer. The text describes the company's history, the popularity of the "Your Baby Can Learn!" program, and the multisensory learning approach. It explains that multisensory learning involves using multiple senses simultaneously to learn, which is more effective than single-sensory learning. The text also mentions that the approach allows children to learn about language in the same ways they learn about other objects, by seeing, hearing, and touching words and objects. A highlighted sentence states: "Applying this multisensory approach to language acquisition allows your baby to learn English and other languages through more sensory systems." The text continues with an example of how to apply this approach by drawing a baby's attention to their mouth while speaking, allowing them to see and hear words as they are formed, and adding touch and movement to the learning process.

Dr. Robert Titzer's  
**ILC** Infant Learning Company™  
Nurture Your Child's Love of Learning

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### Overview of the Approach

Overview of this Approach

By Dr. Robert Titzer

I began creating the prototype for the *Your Baby Can Learn!* program in 1991 to use with my own babies. As of October 2014, more than one million young children have used this approach, and many celebrities have publicly stated that they have enjoyed success with the series. Currently, this approach is popular in Singapore, Hong Kong, South Korea, Vietnam, and many other places around the world.

*Your Baby Can Learn!* is designed to teach language skills in a way that is similar to how infants and young children naturally explore their environments – by using their senses and by interacting with people and objects.

Multisensory learning means learning through more than one sensory system at the same time. In other words, what your baby sees should match what she hears. Other sensory information should match as well. Babies often learn more with multisensory learning than they do through a single sensory system (Rose & Ruff, 1987). Children naturally use all of their senses when exploring their environments. For example, when learning about a toy, babies generally look at the toy, touch the toy, listen to sounds made by the toy, smell the toy, or put the toy in their mouths. Babies also often use movement to help them learn – they may shake the toy to gather additional information. *Your Baby Can Learn!* allows children to learn about language in the same ways that they naturally learn about toys or other objects. Instead of only hearing language, children are allowed to see words at the same time they hear them – along with seeing and hearing what the words mean. I also encourage children to use touch and other senses and to do physical actions related to the meanings of the words.

Multisensory learning will give your babies more information compared to learning through one sensory system. For example, with language, babies typically learn skills with their ears. One of the first concepts young infants need to figure out in order to learn words is determining where words begin and end. As you might expect, babies who are allowed to see and hear language at the same time have more information they may use to figure out where words begin and end than babies who only hear language.

Applying this multisensory approach to language acquisition allows your baby to learn English and other languages through more sensory systems. For example, you could draw your baby's attention to your mouth while speaking, allowing your child to see and hear words as they are formed. It is even better to add touch and movement. Movement is sometimes called a sixth sense for babies since they gather so much information this way. If your baby does a physical action related to the word that involves touching, then your child should have even more brain connections related to the word. If the word is nose, your baby would have more multisensory information if all of the following occurred:

# Appendix

## Exhibit G

Screenshot of Infant Learning Company's "About Our Approach" page. Contains a list of twenty-four general scientific studies and articles, none of which studied the Infant Learning Company's products.

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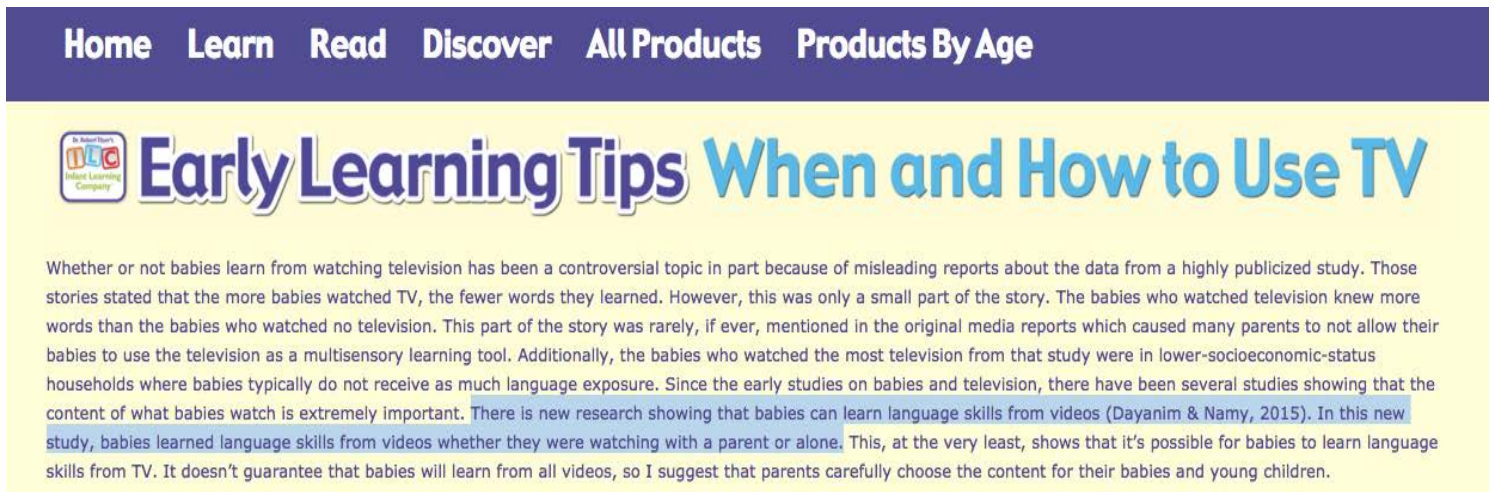
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## Appendix

### Exhibit H

Screenshot of Infant Learning Company's "When and How to Use TV" page. Discusses new research purporting to show that babies can learn language skills from videos.



**Home Learn Read Discover All Products Products By Age**

 **Early Learning Tips** When and How to Use TV


Whether or not babies learn from watching television has been a controversial topic in part because of misleading reports about the data from a highly publicized study. Those stories stated that the more babies watched TV, the fewer words they learned. However, this was only a small part of the story. The babies who watched television knew more words than the babies who watched no television. This part of the story was rarely, if ever, mentioned in the original media reports which caused many parents to not allow their babies to use the television as a multisensory learning tool. Additionally, the babies who watched the most television from that study were in lower-socioeconomic-status households where babies typically do not receive as much language exposure. Since the early studies on babies and television, there have been several studies showing that the content of what babies watch is extremely important. There is new research showing that babies can learn language skills from videos (Dayanim & Namy, 2015). In this new study, babies learned language skills from videos whether they were watching with a parent or alone. This, at the very least, shows that it's possible for babies to learn language skills from TV. It doesn't guarantee that babies will learn from all videos, so I suggest that parents carefully choose the content for their babies and young children.



## Appendix

### Exhibit I

Screenshot of Infant Learning Company's "Early Learning Tips" page where Robert Titzer portrays himself as an expert on infant research.



**Dr. Robert Titzer's**  
**ILC**  
Infant Learning  
Company

# Early Learning Tips

Infant researcher Dr. Bob Titzer began developing his early learning methodology for his own babies in 1991. Now, millions of babies around the world have used his multisensory, interactive approach.

You do not need to purchase any of our programs in order to use these tips. There are many long-term benefits to early learning, and we hope you and your child benefit from these suggestions.

Please visit [www.infantlearning.com](http://www.infantlearning.com) for more tips.

Contact us! ^

## Appendix

### Exhibit J

Screenshot of *Your Baby Can Learn!* product package featuring Robert Titzer's name in the upper left-hand corner.

