

FEDERAL TRADE COMMISSION
BUREAU OF CONSUMER PROTECTION
WASHINGTON, DC 20580

VIA EMAIL

TO:

DATE:

**RE: NOTICE OF POTENTIALLY ILLEGAL MARKETING OF PRODUCTS
TO PREVENT INFECTION OF ZIKA VIRUS OR OTHER MOSQUITO-
BORNE DISEASES**

Federal Trade Commission staff has reviewed marketing claims relating to Zika virus protection on your website or on third-party websites selling your product. Please be advised that the FTC Act, 15 U.S.C. §§ 45, 52, prohibits false or misleading advertising claims and requires that health-related claims – such as claims that a product repels the mosquitos that carry Zika, or otherwise protects users from the virus – be supported by competent and reliable scientific evidence at the time the claims are made. In other words, it is against the law to make health claims without adequate scientific support, or to exaggerate the benefits of products you are promoting, whether directly or indirectly through the use of a product or website name, metatags, or any other means. **Violations of the FTC Act may result in legal action in the form of a Federal District Court or an Administrative Order. An order also may require you to pay money back to consumers.**

According to the Centers for Disease Control and Prevention, Zika is spread primarily through the bite of an infected Aedes species mosquito (Ae. aegypti or Ae. Albopictus). Claims that a product repels the mosquitos that carry Zika, or otherwise protects users from Zika or another mosquito-borne disease, must be supported by well-controlled human clinical testing using the species of mosquitos that carry the disease in question, and must demonstrate that the effects last as long as advertised. In addition, if your advertising conveys to consumers that the product applied to or used on a specific part of the body provides whole-body protection, you must have competent and reliable scientific evidence showing that claim is true.

Action Requested

FTC staff strongly urges you to review all claims you and your distributors and affiliate marketers are making for your products, particularly claims that your products can repel Zika-carrying mosquitos or otherwise prevent Zika or other mosquito-borne diseases. If any of those claims are not supported by competent and reliable scientific evidence, you should delete or revise them immediately if they are on your website, and you should instruct your distributors and affiliates to do the same with advertising for which they are responsible. Please notify us via email to zika@ftc.gov within 48 hours of the specific actions you have taken to address the agency's concerns. FTC investigators have copied and preserved the online pages in question, and will be revisiting them after you have notified us of the action you have taken.