

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

December 19, 2014

Mr. Richard Cleland  
Assistant Director  
Division of Advertising Practices  
Bureau of Consumer Protection  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, D.C. 20580

Dear Mr. Cleland,

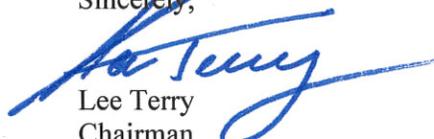
Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Thursday, March 13, 2014 to testify at the hearing entitled "Improving Sports Safety: A Multifaceted Approach."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Monday, January 5, 2015. Your responses should be e-mailed to the Legislative Clerk in Word format at [Kirby.Howard@mail.house.gov](mailto:Kirby.Howard@mail.house.gov) and mailed to Kirby Howard, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Lee Terry  
Chairman  
Subcommittee on Commerce,  
Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade  
Attachment

Additional Questions for the Record

**The Honorable Lee Terry**

1. How do products come to your attention for scrutiny of advertising or safety claims?
2. You stated during your testimony that the Federal Trade Commission believes it is essential for safety claims to be truthful and substantiated. How do you determine or measure such claims?
3. The FTC requires that advertisers “have a reasonable basis for all objective claims[.]” What is reasonable? How would you explain this to parents so they understand how much trust than put in safety claims?
4. After the Brain-Pad settlement, the FTC sent several letters to other sports safety equipment manufacturers. How many changed their behavior right away?
5. In the case of football helmets by the three major manufacturers, you stated that the manufacturers “discontinued potentially deceptive claims” by the time the FTC closed the investigations. Can you explain what these potentially deceptive claims were and if they were deceptive because there was insufficient substantiation?