



July 18, 2019

**VIA EMAIL**

Andrew Smith, Director  
Mary Engle, Associate Director  
Michelle Rusk, Attorney  
Bureau of Consumer Protection  
Federal Trade Commission  
[REDACTED]

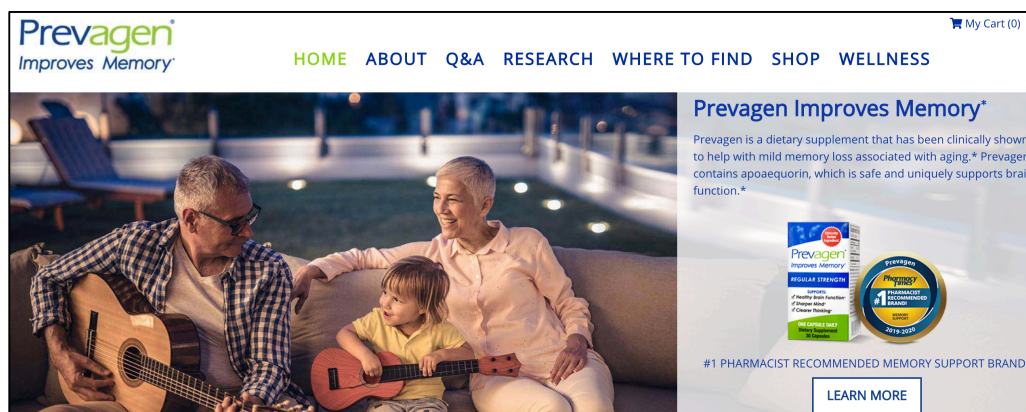
Jane M. Azia, Bureau Chief  
Kate Matuschak, Assistant Attorney General  
Bureau of Consumer Frauds and Protection  
Office of the NY State Attorney General  
[REDACTED]

Re: Ineffective Changes to Quincy Bioscience's Deceptive Marketing for Prevagen

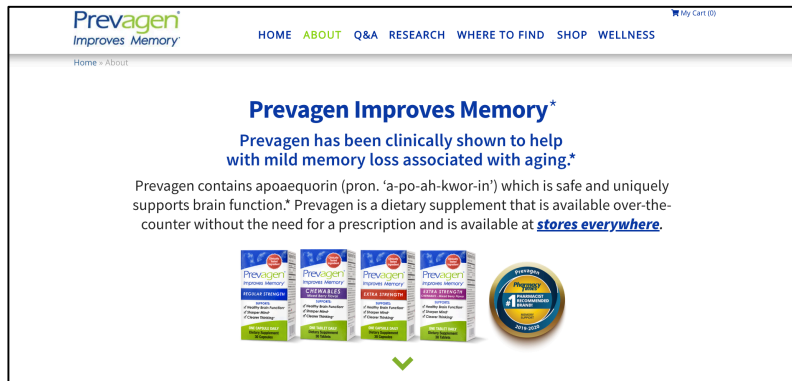
Dear Attorneys:

In case you have not seen them, we wanted to bring to your attention recent changes in Quincy Bioscience's marketing of Prevagen. Unfortunately, none of the changes render the marketing any less deceptive.

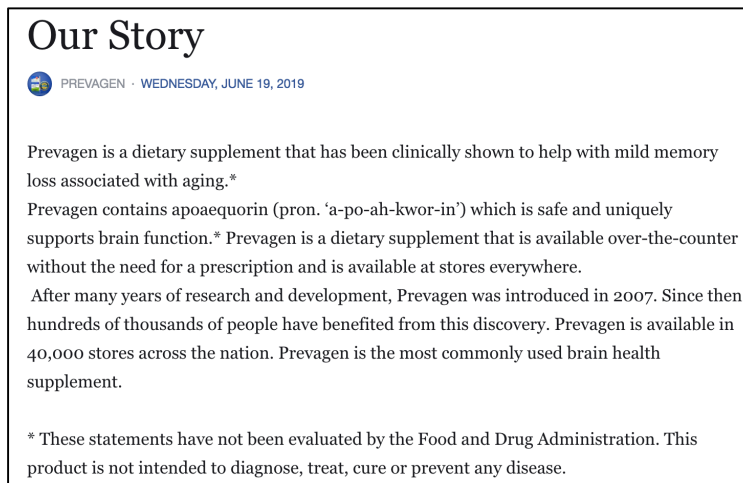
In a number of places, including its websites, YouTube channel, Facebook page, and television commercials, Quincy Bioscience now claims, among other things, that Prevagen provides "memory support," "is intended to address normal age-related memory concerns," "has been shown to improve aspects of cognitive function," is "for people who are concerned about mild memory loss associated with aging," and has "been clinically shown to help with mild memory loss associated with aging."<sup>1</sup> For example,



Prevagen Homepage<sup>2</sup>



About Prevacen Webpage<sup>3</sup>



Prevagen Facebook page<sup>4</sup>



"What you Need to Know About Prevacen" video<sup>5</sup>

[Video voiceover: "Currently, there are more than 92 million people over the age of 55 years in the United States. And one of their greatest health concerns is brain function and mild memory loss related to aging. ... [Prevagen] is intended to address normal, age-related memory concerns ... Prevacen has been shown to improve aspects of cognitive function. In a double-blinded and placebo-controlled clinical trial with healthy participants over the age of 40 years old, a subgroup of adults with mild, age-related cognitive impairment taking just one Prevacen a day over 90 days was shown to improve on certain memory-related measurements. ... Prevacen is a safe, effective, and convenient option for people who are concerned about mild memory loss associated with aging..."]

Despite these changes, however, clearly the overall net impression<sup>6</sup> created by the company's new marketing is still the same – i.e., that the supplement improves memory – a blanket claim for which Quincy Bioscience lacks substantiation.<sup>7</sup>

As you well know, Quincy Bioscience does not have adequate scientific substantiation for even qualified memory improvement claims, rendering claims such as “Prevagen has been clinically shown to help with mild memory loss associated with aging” (shown above), as well as others throughout its marketing materials, misleading.

We trust that the FTC and the State of New York agree that such meager and inadequate marketing changes do not resolve the issues with Quincy Bioscience's marketing, and will continue to fight for consumers to achieve truthful, non-misleading advertising.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Laura Smith, Esq.  
Legal Director  
Truth in Advertising, Inc.



Bonnie Patten, Esq.  
Executive Director  
Truth in Advertising, Inc.

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<sup>1</sup> [www.prevagen.com](http://www.prevagen.com); <https://www.quincybioscience.com/>;  
[https://www.youtube.com/watch?time\\_continue=3&v=ORNpZ\\_s\\_ezE](https://www.youtube.com/watch?time_continue=3&v=ORNpZ_s_ezE);  
[https://www.facebook.com/pg/prevagen/about/?ref=page\\_internal](https://www.facebook.com/pg/prevagen/about/?ref=page_internal);  
<https://www.ispot.tv/ad/ogMX/prevagen-number-one-recommended>.  
See also <https://www.truthinadvertising.org/prevagen-2019-marketing/>.

<sup>2</sup> <https://www.prevagen.com/>.

<sup>3</sup> <https://www.prevagen.com/about-prevagen/>.

<sup>4</sup> [https://www.facebook.com/pg/prevagen/about/?ref=page\\_internal](https://www.facebook.com/pg/prevagen/about/?ref=page_internal).

<sup>5</sup> <https://www.quincybioscience.com/>;  
[https://www.youtube.com/watch?time\\_continue=3&v=ORNpZ\\_s\\_ezE](https://www.youtube.com/watch?time_continue=3&v=ORNpZ_s_ezE).

<sup>6</sup> FTC Enforcement Policy Statement on Deceptively Formatted Advertisements, [https://www.ftc.gov/system/files/documents/public\\_statements/896923/151222deceptiveenforcement.pdf](https://www.ftc.gov/system/files/documents/public_statements/896923/151222deceptiveenforcement.pdf) (“In determining whether an advertisement, including its format, misleads consumers, the Commission considers the overall “net impression” it conveys.”); *FTC v. Vemma Nutrition Co.*, Order on FTC’s Motion for Preliminary Injunction, dated Sept. 18, 2015, 15-cv-01578 (D. Ariz.), <https://www.truthinadvertising.org/wp-content/uploads/2015/09/FTC-v-Vemma-pre-inj-order-.pdf> (“The ‘common-sense net impression’ of representations controls.”)

The net impression that Prevagen improves memory is further proliferated by the recent addition of consumer testimonials on its website, which include unsubstantiated claims such as “She says her memory has improved and her zest for painting has come back, for which she is grateful.”<sup>6</sup> See <https://www.prevagen.com/prevageneration/patricia-shares-her-story/>. See also [https://www.prevagen.com/prevageneration/?gclid=CjwKCAjw67XpBRBqEiwA5RCoceauIH-B8J9aa70dtuEWUn4MbduS03oF69FNN7Hj9IDMMVHzWYQAXxoCjuoQAvD\\_BwE](https://www.prevagen.com/prevageneration/?gclid=CjwKCAjw67XpBRBqEiwA5RCoceauIH-B8J9aa70dtuEWUn4MbduS03oF69FNN7Hj9IDMMVHzWYQAXxoCjuoQAvD_BwE); Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 CFR § 255.2(a).

<sup>7</sup> See The Real Deal on Brain Health Supplements: Global Council on Brain Health Recommendation on Vitamins, Minerals, and Other Dietary Supplements, available at [https://www.aarp.org/content/dam/aarp/health/brain\\_health/2019/06/gcbh-supplements-report-english.doi.10.26419-2Fpia.00094.001.pdf](https://www.aarp.org/content/dam/aarp/health/brain_health/2019/06/gcbh-supplements-report-english.doi.10.26419-2Fpia.00094.001.pdf) (“The chemical structure of apoeaquorin is likely broken down in the gut before reaching the brain, so it’s unlikely for it to have any brain benefits. The panel does not recommend taking apoeaquorin for brain health.”)