



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

Division of Advertising Practices

February 28, 2018

Laura Brett, Esq.  
Director  
National Advertising Division  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: Advertising Claims for Kramer Laboratories, Inc.'s Fungi-Nail Toe & Foot Product

Dear Ms. Brett:

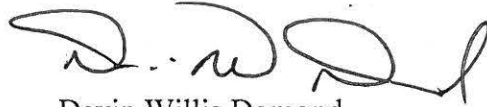
I am writing to follow up on NAD's referral to the FTC of its compliance investigation of Kramer Laboratories, Inc.'s claims that its Fungi-Nail Toe & Foot product treats toenail fungus. Your referral indicated that Kramer participated in NAD's self-regulatory process and agreed to follow NAD's recommendation to modify its advertising to clearly convey that its product treats athlete's foot, not toenail fungus. However, you explained that because Kramer declined to follow NAD's recommendation to discontinue use of the product name Fungi-Nail Toe & Foot, you referred this matter to the FTC for our review.

We have met with Kramer's representatives to discuss the challenged advertising. As represented to NAD, Kramer has discontinued claims that its product works fast, kills fungus on contact, and stops tough infections. In addition, after the referral to the FTC, Kramer has further modified its product packaging, television commercials, and websites to make it clearer to consumers that its product treats athlete's foot, not toenail fungus. For example, Kramer has modified toenail graphics to depict a healthy nail with fungal infection on the skin surrounding the nail or between the toes, with a user applying the product to the infected skin, not the nail. In addition, in bold print on the front panel of its packaging, the company has added "CURES Most Athlete's Foot." Also on the front panel, over the image of an infected toe, Kramer has added a red call-out box containing the following language: "STOPS SKIN FUNGUS AROUND NAILS." On the packaging's side panel under the image of the product being applied between a user's toes, it reads "Not for nail or scalp fungus." Moreover, Kramer has represented that, although it does not engage affiliate advertisers, it has reached out to Amazon affiliates reselling its Fungi-Nail Toe & Foot product to provide the new packaging.

Laura Brett, Esq.  
February 26, 2018  
Page 2

Upon review of the matter, we have determined not to take additional FTC action at this time. The Commission reserves the right to take such further action as the public interest may require. The FTC fully supports the NAD's self-regulatory process, and we appreciate your referral and the opportunity to continue to assist in supporting the NAD.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. W. Domond". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Devin Willis Domond  
Chief of Staff for Advertising Practices

cc: Dana B. Rosenfeld, Counsel for Kramer Laboratories, Inc.