

Complaint

IN THE MATTER OF

**MIKEY & MOMO, INC.,
FORMERLY D/B/A
MIKEY & MOMO LLC,
ALSO D/B/A
AROMAFLAGE,
MICHAEL FENSTERSTOCK,
AND
MELISSA MATARESE FENSTERSTOCK**

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF SECTION 5 OF THE FEDERAL
TRADE COMMISSION ACT

*Docket No. C-4655; File No. 162 3234
Complaint, August 7, 2018 – Decision, August 7, 2018*

This consent order addresses Mikey & Momo, Inc.'s advertising for Aromaflage and Aromaflage Wild sprays and candles. The complaint alleges that the respondents violated Section 5(a) of the FTC Act by representing that their sprays and candles effectively repelled mosquitoes, including mosquitoes that carry Zika virus and other diseases, worked as well as products containing 25% DEET, were effective for 2.5 hours, and that their efficacy was scientifically proven. The complaint also alleges that the respondents violated Section 5(a) by disseminating 5-star reviews by purported ordinary consumers and failing to disclose that certain endorsers had material connections with the respondents and their products, namely that several were close relatives and, in one instance, one of the respondents herself. The consent order prohibits any representation that a covered product repels insects, or about its health benefits, performance, efficacy, safety, or side effects, unless it is non-misleading and supported by competent and reliable scientific evidence.

Participants

For the *Commission*: Mary Johnson, Karen Mandel and Shira Modell.

For the *Respondents*: Spencer Elg, Dana Rosenfeld and Kristi Wolfe, Kelley Drye & Warren.

COMPLAINT

The Federal Trade Commission, having reason to believe that Mikey & Momo, Inc. and Michael Fensterstock and Melissa Matarese Fensterstock, individually and as officers of Mikey & Momo, Inc., (collectively, "Respondents") have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Mikey & Momo, Inc., formerly doing business as Mikey & Momo LLC, also doing business as Aromaflage, is a Delaware corporation with its principal office or place of business in Englewood, New Jersey.

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2. Respondent Michael Fensterstock is an officer of the Corporate Respondent, Mikey & Momo, Inc. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the Corporate Respondent. His principal office or place of business is the same as that of the Corporate Respondent.

3. Respondent Melissa Matarese Fensterstock is an officer of the Corporate Respondent, Mikey & Momo, Inc. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the Corporate Respondent. Her principal office or place of business is the same as that of the Corporate Respondent.

4. Respondents have manufactured, advertised, labeled, offered for sale, sold, and distributed products to consumers, including: Aromaflage and Aromaflage Wild “botanical fragrance & insect repellent” sprays; and Aromaflage and Aromaflage Wild “botanical insect repelling” candles (collectively, “Aromaflage sprays and candles”).

5. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

6. Respondents advertise their Aromaflage sprays and candles as effective mosquito repellents.

7. Aromaflage sprays and candles are advertised as DEET-free and containing the following:

- A. Aromaflage spray contains alcohol, water, and essential oils of vanilla, cedarwood, orange, patchouli, and vanillin (Ex. A at 3);
- B. Aromaflage Wild spray contains alcohol, water, and essential oils of geranium, lemon grass, cedar leaf, cedarwood, thyme, rosewood, balsam, lavandin, spruce, patchouli, and cardamom (Ex. A at 5);
- C. Aromaflage candles contain “100% vegan soy wax” with “the same essential oil blend as Aromaflage®” plus “nourishing Vitamin E” (Ex. B at 2); and
- D. Aromaflage Wild candles contain “all natural soy wax” with “Spicy cardamom, warm cedarwood, & snappy spruce - a spa like scent” (Ex. B at 4).

8. Since at least 2013, Respondents have sold Aromaflage sprays and candles on their website, Aromaflage.com. Respondents also have sold the products in certain retail stores and on Amazon.com. Respondents have charged \$30 for an 8 milliliter bottle of spray, \$65 for a 50-milliliter bottle of spray, and \$40 for a 7.5-ounce candle.

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9. To induce consumers to purchase Aromaflage sprays and candles, Respondents have disseminated or caused to be disseminated advertisements, packaging, and promotional materials, including, but not necessarily limited to, the attached Exhibits A through H. These materials contain the following statements, among others:

A. **Exhibit A, Selected pages from Aromaflage.com website (captured 9/7/2016, bracketed text supplied)**

YOU'RE A MOSQUITO MAGNET?

enjoy the outdoors with our bug repelling fragrances

THE FRAGRANCE THAT DOES BOTH

2-in-1 fragrance + bug repeller The Bug Spray That Smells Nice

Aromaflage is a 2-in-1 fine fragrance with function. Scientifically tested, effective, and beautiful, Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of fine fragrances & candles naturally repels mosquitoes as well as the leading brand.

AROMAFLAGE® 50ML

[Tab labeled "Tested and Effective"]

THE INTEGRITY OF OUR PRODUCTS

- Aromaflage has been rigorously tested at one of the world's leading Universities and found to be as effective at repelling mosquitoes as the leading brand.

- Aromaflage repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever.
- As effective as 25% Deet over 2.5 hours[.]

AROMAFLAGE® WILD 50ML

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[Tab labeled “Tested and Effective”]

THE INTEGRITY OF OUR PRODUCTS

- Aromaflage Wild has been rigorously tested at one of the world’s leading Universities and found to be as effective at repelling mosquitoes as the leading brand.

- Aromaflage Wild repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever.
- As effective as 25% Deet over 2.5 hours[.]

HOW DOES AROMAFLAGE® BOTANICAL FRAGRANCE & INSECT REPELLENT WORK?

AROMAFLAGE SCIENTIFIC STUDIES

- One of our core principles is efficacy. We develop products that work. We’ve tested Aromaflage in a world renowned mosquito University laboratory and demonstrated that Aromaflage **outperforms** DEET at 7% as well as Citronella. Aromaflage works as well as 25% DEET over 2.5 hours.
- Testing also showed that Aromaflage repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever[.]

B. **Exhibit B, Selected pages from Aromaflage.com website (captured by Internet Archive 9/26/2016, downloaded 8/22/2017, bracketed text supplied)**

AROMAFLAGE® 7.5OZ CANDLE

[Tab labeled “Description”]

- Aromaflage™ is a fine fragrance that also repels insects
- Free of DEET, chemicals, and parabens
- Repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever

ABOUT US

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Scientifically tested, efficacious, and beautiful, Aromaflage is a new category.

AROMAFLAGE® WILD 7.5OZ CANDLE

[Tab labeled “Tested and Effective”]

THE INTEGRITY OF OUR PRODUCTS

- Aromaflage Wild has been rigorously tested at one of the world’s leading Universities and found to be as effective at repelling mosquitoes as the leading brand.
- Aromaflage Wild repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever.

Category: best outdoor candle, bug repellent, insect repellent, mosquitoes, natural, natural bug repellent, natural bug spray, travel bug spray

Type: Candle

C. **Exhibit C, Package labeling for Aromaflage spray**

Aromaflage®

botanical fragrance & insect repellent

TESTED & EFFECTIVE

NO DEET, NO HARSH CHEMICALS

Aromaflage®

fragrance with function

AROMAFLAGE® IS A FINE FRAGRANCE THAT NATURALLY REPELS MOSQUITOES. SCIENTIFICALLY TESTED, AROMAFLAGE® IS AS EFFECTIVE AS DEET BASED PRODUCTS & WITHOUT ANY HARSH CHEMICALS.

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SPRAY LIBERALLY ON EXPOSED SKIN. BEST IF RUBBED INTO SKIN. REAPPLY EVERY 2.5 HOURS TO OPTIMIZE PROTECTION & TO MAINTAIN FRESH SCENT.

D. **Exhibit D, Package labeling for Aromaflage candle**

Aromaflage™

botanical insect repelling candle

Repels mosquitoes that may carry Dengue, Chikungunya, & Yellow Fever

E. **Exhibit E, Amazon.com storefront for Aromaflage Wild spray (captured 2/22/2017, bracketed text supplied) (See Ex. F for similar endorsements)**

Aromaflage wild-fragrance with function. Aromaflage is a fine fragrance that also repels insects. Scientifically tested and effective. In efficacy studies, aromaflage wild was as effective as 25 percent deet over 2.5 hours. Aromaflage repels mosquitoes that may carry zika, dengue, chikungunya and yellow fever. Free of deet, chemicals, and parabens and other harsh chemicals. . . .

★★★★★**I love Wild. I wear it every day as a ...**

By Sheri Matarese on July 26, 2016

Scent Name: Aromaflage Wild Size: 4 Fluid Ounce

I love Wild. I wear it every day as a perfume. It also really works to keep the bugs away. It smells very musky and woody. Its [sic] an amazing product.

★★★★★**Both men and women love it.**

By Stacey Tompkins on July 26, 2016

Scent Name: Aromaflage Wild Size: 4 Fluid Ounce

We use this at our lakehouse all summer. Both men and women love it....Our guests are happy and with no bug bites[.]

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★★★★★**Finally felt like a lady outdoors**

By Melissa Matarese on July 26, 2016

Scent Name: Aromaflage Wild Size: 4 Fluid Ounce

I wouldn't have survived my last trip to Nevis without this. Finally felt like a lady outdoors. It works too. no [sic] bites!

★★★★★**Five Stars**

By Mary Denker on July 28, 2016

Scent Name: Aromaflage Wild Size: 4 Fluid Ounce

Was the must have item on my trip to the Costa Rican jungle.

F. Exhibit F, Amazon.com storefront for Aromaflage Wild candle (captured 2/22/2017)

Aromaflage wild-fragrance with function. A fine candle that also repels insects. Scientifically tested and effective. In efficacy studies, aromaflage wild was as effective as 25 percent deet. Free of deet, chemicals, and parabens and other harsh chemicals. . . .

10. Respondents Michael Fensterstock and Melissa Matarese Fensterstock also personally promoted the efficacy of their Aromaflage sprays and candles. For example, they published a series of YouTube videos in which they promote the products, including one in which they both appear and Melissa Matarese Fensterstock made the following statements:

Exhibit G, Transcript of You Tube Video “How to Use Aromaflage Botanical Fragrance and Insect Repellent”

MELISSA FENSTERSTOCK: Unlike other fragrances, Aromaflage needs to be rubbed in. So make sure you do that. It will be effective for about two and a half hours, and then it needs to be reapplied.

So remember to reapply every two and a half hours and to rub it in.

11. Respondent Melissa Matarese Fensterstock also appeared on QVC to promote the Aromaflage candle in a video the Respondents later disseminated on the Aromaflage website and YouTube, in which she stated, among other things, “We’ve done university testing and the

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product works as well as a number of the leading brands out there.” (Ex. H, Transcript of QVC Video, at 5.)

12. The Respondents commissioned testing of several formulations of the Aromaflage and Aromaflage Wild sprays, including the two marketed versions. The testing also included four commercially-available insect repellents, including an EPA-registered product containing 25% DEET, and water.

- A. The test methodology consisted of placing twenty *Aedes Aegypti* mosquitoes in a static air chamber that contained untreated paper at one end and paper treated with one of the substances listed above at the other end, then comparing how many mosquitoes were in each half of the chamber at timed intervals for 150 minutes.
- B. The testing did not: (1) include Aromaflage or Aromaflage Wild candles; (2) use human subjects, even though the Aromaflage products are intended to overcome mosquitoes’ attraction to human odors; or (3) use more than one species of mosquito, even though other species can carry many of the diseases cited in Respondents’ advertising and can react differently to the same repellent.
- C. The testing results show (1) at the 30-minute mark, more mosquitoes were in the Aromaflage spray-treated half of the chamber than in the untreated half, and at the 60-minute mark, nearly one-third of the mosquitoes were still in the treated half; (2) the Aromaflage spray performed worse than water for the first thirty minutes; and (3) the 25%-DEET product performed better than the Aromaflage and Aromaflage Wild sprays for at least the first ninety minutes.

13. According to the Environmental Protection Agency, DEET [N,N-diethyl-met-toluamide] is the active ingredient in many insect repellent products and “DEET repels . . . mosquitoes from two to twelve hours depending on the percentage of DEET in the product.” (See <https://www.epa.gov/insect-repellents/deet>, last accessed Oct. 17, 2017.)

Count I

False or Unsubstantiated Insect Repellency Claims

14. In connection with the manufacturing, advertising, labeling, offering for sale, sale, or distribution of Aromaflage sprays and candles, Respondents have represented, directly or indirectly, expressly or by implication, that:

- A. Aromaflage sprays and candles effectively repel mosquitoes, including mosquitoes that may be carrying Zika virus, dengue, chikungunya, and yellow fever;

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- B. Aromaflage sprays and candles repel mosquitoes as effectively as 25% DEET;
- C. Aromaflage sprays effectively repel mosquitoes for 2.5 hours; and
- D. Aromaflage sprays repel mosquitoes as effectively as 25% DEET for 2.5 hours.

15. The representations set forth in Paragraph 14 are false or misleading, or were not substantiated at the time the representations were made.

Count II

False Establishment Claims

16. In connection with the manufacturing, advertising, labeling, offering for sale, sale, or distribution of Aromaflage sprays and candles, Respondents have represented, directly or indirectly, expressly or by implication, that:

- A. Aromaflage sprays and candles are scientifically proven to effectively repel mosquitoes;
- B. Aromaflage sprays and candles are scientifically proven to repel mosquitoes as effectively as 25% DEET;
- C. Aromaflage sprays are scientifically proven to repel mosquitoes as effectively as 25% DEET for 2.5 hours.

17. In fact, including for the reasons set forth in Paragraph 12,

- A. Aromaflage sprays and candles are not scientifically proven to effectively repel mosquitoes;
- B. Aromaflage sprays and candles are not scientifically proven to repel mosquitoes as effectively as 25% DEET; and
- C. Aromaflage sprays are not scientifically proven to repel mosquitoes as effectively as 25% DEET for 2.5 hours.

Therefore, the representations set forth in Paragraph 16 are false or misleading.

Count III

Deceptive Endorsement Claim

18. Through the means described in Paragraph 9, including but not necessarily limited to Exhibits E and F, Respondents have represented, directly or indirectly, expressly or by

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implication, that the product reviews posted online by Melissa Matarese, Sherri Matarese, Mary Denker, and Stacey Tompkins reflect the experiences and opinions of ordinary impartial users of Aromaflage sprays and candles.

19. In fact, the product reviews posted online by Melissa Matarese, Sheri Matarese, Mary Denker, and Stacey Tompkins do not reflect the experiences and opinions of ordinary impartial users of Aromaflage sprays and candles because Melissa Matarese is Respondent Melissa Matarese Fensterstock, who has a financial interest in the sale of the product, and Sheri Matarese, Mary Denker, and Stacey Tompkins are her mother and aunts. Therefore, the representation set forth in Paragraph 18 is false or misleading.

Count IV

Deceptive Failure to Disclose – Material Connections with Consumer Endorsers

20. In connection with the manufacturing, advertising, labeling, offering for sale, sale, or distribution of Aromaflage sprays and candles, Respondents have represented, directly or indirectly, expressly or by implication, that the reviews of Aromaflage sprays and candles posted by Melissa Matarese, Sheri Matarese, Mary Denker, and Stacey Tompkins on Amazon.com, as set forth in Paragraph 9, reflect the experiences and opinions of users of Aromaflage sprays and candles.

21. In instances in which Respondents have made the representation set forth in Paragraph 20, Respondents have failed to disclose that those individuals had material connections with Respondents. Specifically, Melissa Matarese is Respondent Melissa Matarese Fensterstock, who has a financial interest in the sale of the product, and Sheri Matarese, Mary Denker, and Stacey Tompkins are her mother and aunts. These facts would be material to consumers in evaluating the reviews for Aromaflage sprays and candles in connection with a purchase or use decision.

22. Respondents' failure to disclose the material information described in Paragraph 21, in light of the representation set forth in Paragraph 20, is a deceptive act or practice.

Violations of Section 5

23. The acts and practices of Respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this seventh day of August 2018, has issued this Complaint against Respondents.

By the Commission, with Commissioner Chopra voting "abstain."

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Exhibit A

www.aromaflage.com

FREE SHIPPING ON ORDERS +\$150 +

Aromaflage®

SHOP ABOUT RETAILERS BUZZ MY ACCOUNT CART

YOU'RE A MOSQUITO MAGNET?
enjoy the outdoors with our bug repelling fragrances

SHOP NOW



Aromaflage® 7.5oz Candle \$40.00

Aromaflage® Wild 7.5oz Candle \$40.00

9-wick Candle \$225.00

Aromaflage® 50ml \$65.00

Aromaflage® Wild 50ml \$65.00

Aromaflage® 5ml \$30.00

Aromaflage® Wild 5ml \$30.00

Aromaflage® Sleep 10ml \$30.00

THE FRAGRANCE THAT DOES BOTH

Sleep Commercial 2-in-1 fragrance + bug repeller The Bug Spray That Smells Nice Aromaflage Candles on QVC

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www.aromaflage.com

Aromaflage Botanical Sleep Fr... 2 in 1 fragrance + bug repellent... Aromaflage Bug Repellent Out...

IN THE PRESS

Good Housekeeping VANITY FAIR SELF THE WALL STREET JOURNAL People Forbes VOGUE TODAY Town&Country NEW YORK marieclaire The New York Times E L L E

FOLLOW US ON INSTAGRAM @AROMAFLAGE

CAN WE RESTART SUMMER?

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer Blog and News	Shop About Retailers Buzz	Aromaflage is a 2-in-1 fine fragrance with function. Scientifically tested, effective, and beautiful, Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of fine fragrances & candles naturally repels mosquitoes as well as the leading brand. Our newest line is a sleep fragrance designed to let you sleep more deeply and wake up	Sign up to get the latest new products and promotions and receive 10% off your first purchase. Enter your email address: SEND

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www.aromaflage.com

FREE SHIPPING ON ORDERS + \$150 +

Aromaflage

SHOP ABOUT RETAILERS BUZZ MY ACCOUNT CART

AROMAFLAGE® 50ML

Quantity: 1 [ADD TO CART](#)

★★★★★ 3 Reviews

\$50.00

Description Tested and Effective Video Instructions for use

BASED ON SCIENCE, BEAUTY, AND EFFICACY

- Aromaflage is a fine fragrance that also repels insects
- Notes of silken vanilla, warm cedarwood, and exotic orange
- Free of DEET, chemicals, parabens, and other harsh chemicals
- Aromaflage is the perfect summer and travel fragrance
- Fragrances are an atomizer application
- TSA friendly
- Over 700 sprays in each bottle
- Complimentary shipping for orders over \$150 in the USA
- States other than NJ Tax free
- Ingredients: Alcohol denat, Water, Parfum (essential oils of vanilla, cedarwood, orange, patchouli, vanilla)

Category: Aromaflage, bug repellent, luxury fragrance for your outdoor chic lifestyle

Type: Fragrance & Insect Repellent

Share: [Twitter](#) [Facebook](#) [Pinterest](#) [Email](#)

Reviewed by 3

★★★★★ 3 Reviews [WRITE A REVIEW](#)

Reviews (3)

5 Stars Verified Customer

I am obsessed!

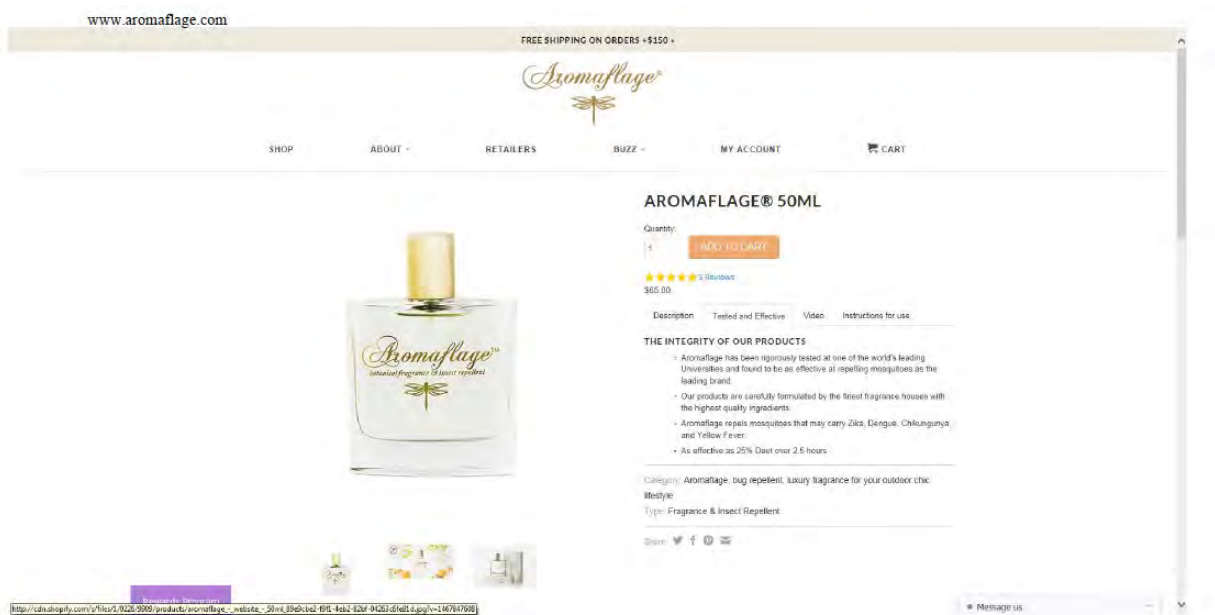
I absolutely love Aromaflage, and I wear it all summer long. I was on vacation with my sister-in-law a few weeks ago and I put some on, and when I walked outside she said "who smells like honey and butterflies and love?" I doused her in it because we are both mosquito magnets and we both stayed bite-free despite being at an island lake resort. Oh ...[Read More](#)

Was This Review Helpful? [Like](#) [Dislike](#)

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Complaint

www.aromaflage.com

FREE SHIPPING ON ORDERS + \$150 +

Aromaflage
WILD

SHOP ABOUT - RETAILERS BUZZ - MY ACCOUNT CART

AROMAFLAGE® WILD 50ML

Quantity: 1 [ADD TO CART](#)

[Write a review](#)

\$50.00

Description Tested and Effective Video Instructions for use

BASED ON BEAUTY, FUNCTION, AND EFFICACY

- Aromaflage Wild is a fine fragrance that also repels insects
- Notes of spicy cardamom, warm cedarwood, & snappy spruce - a spa like scent
- Free of DEET, parabens, and other harsh chemicals
- Aromaflage Wild is the perfect summer and travel fragrance
- Fragrances are an atomizer application
- TSA friendly
- Over 700 sprays in each bottle
- Complimentary shipping for orders over \$150 in the USA
- States other than NJ Tax free
- Ingredients: Alcohol denat, Water, Parfum (essential oils of Geranium, Lemongrass, Cedar Leaf, Cedarwood, Thyme, Rosewood, Balsam, Lavandin, Ignace, Patchouli, Cardamom)

Category: bug repellent

Type: Fragrance & insect Repellent

Share: [Twitter](#) [Facebook](#) [Pinterest](#) [Email](#)

Reviews by

★★★★★

[BE THE FIRST TO WRITE A REVIEW](#)

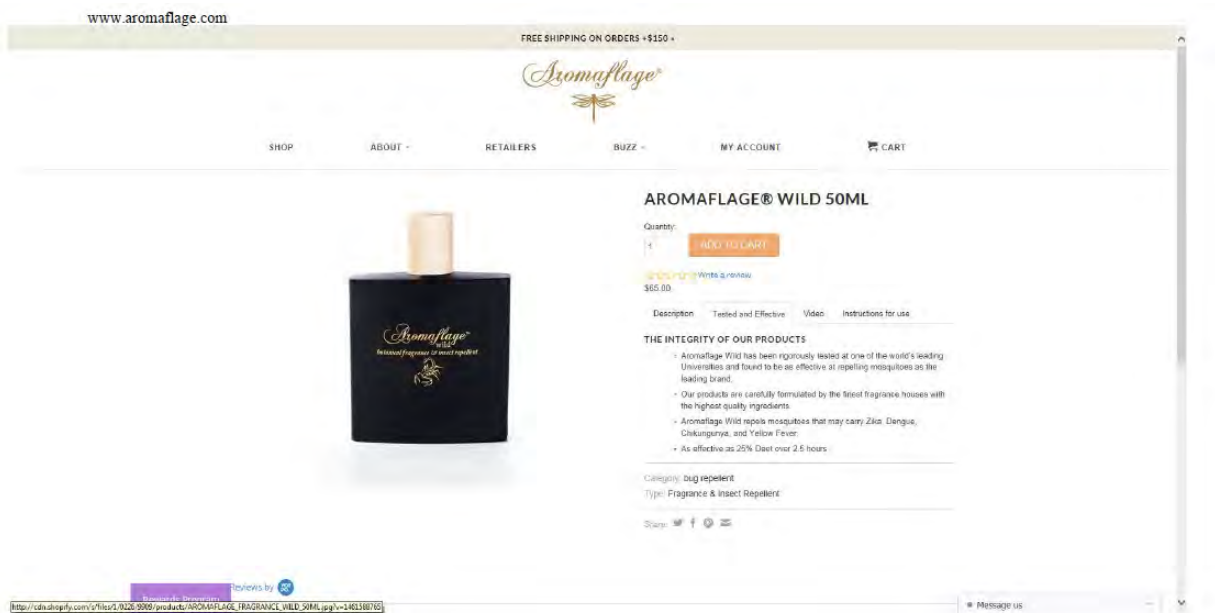
[WRITE A REVIEW](#)

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer	Shop About Retailers Buzz	Aromaflage is a 2-in-1 fine fragrance with function. Scientifically tested, effective, and beautiful, Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of five fragrances & candles naturally repels mosquitoes as well.	Sign up to get the latest new products and promotions and receive 10% off your first purchase. Enter your email address:

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www.aromaflage.com

FREE SHIPPING ON ORDERS + \$150 +

Aromaflage®

SHOP ABOUT - RETAILERS BUZZ - MY ACCOUNT CART

HOW DOES AROMAFLAGE® BOTANICAL FRAGRANCE & INSECT REPELLENT WORK ?

AROMAFLAGE SCIENTIFIC STUDIES

- One of our core principles is efficacy. We develop products that work. We've tested Aromaflage in a world renowned mosquito university laboratory and demonstrated that Aromaflage **outperforms** DEET at 7% as well as Citronella. Aromaflage works as well as 25% DEET over 2.5 hours.
- Testing also showed that Aromaflage repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever

CONTACT VERSUS SPATIAL REPELLENCY

- The volatility in Aromaflage's essential oil + alcohol mixture creates a shield around the skin. This shield discourages mosquitoes from landing on your skin.
- Products containing DEET use contact repellency. This means that mosquitoes may land on your skin and react to the harsh chemicals, then jumping off

SCIENTIFIC STUDIES BASED ON OUR INGREDIENTS

- Repellency of Plant Based Essential Oils with Vanilla: The study demonstrated that plant essential oil mixtures combined with vanilla showed strong and durable repellency to the mosquito.
- Comparative Repellency of Essential Oils: 10 essential oils were evaluated on mosquito repellency.
- Essential Oil Effectiveness: Vanilla extends mosquito protection when added to essential oil repellent.
- Insecticidal Properties of Extracts of Orange Peels: Orange peel extracts were shown to repel against mosquitoes in this statistically controlled study.
- The Efficacy of Some Commercially Available Insect Repellents for *Aedes aegypti* (Diptera: Culicidae) and *Aedes albopictus* (Diptera: Culicidae)

OTHER RESOURCES

- Are You a Mosquito Magnet?
- Why do Bugs Love Me?
- Mosquitoes Like It...
- Buggiest Cities in America

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer Blog and News	Shop About Retailers Buzz	Aromaflage is a 2 in-1 line fragrance with function. Scientifically tested, effective and beautiful. Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of five fragrances & candles naturally repels mosquitoes as well as the leading brand. Our newest line is a sleep fragrance designed to let you sleep more deeply and wake up feeling rejuvenated.	Sign up to get the latest new products and promotions and receive 10% off your first purchase: Enter your email address... SUBSCRIBE

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Exhibit B

Aromaflage® 7.5oz Candle

https://web.archive.org/web/20160316180723/http://www.aromaflage.c...

Home / Products / Aromaflage® 7.5oz Candle

AROMAFLAGE® 7.5OZ CANDLE

Write a review

\$40.00

FRAGRANCE WITH FUNCTION™

Description	Details	Tradition
• 40 hour burn time (approximate), 7.5oz		
• Aromaflage™ is a true fragrance that also repels insects		
• Free of DEET, chemicals, and parabens		
• From the Southeast Asian jungle, Aromaflage combines notes of citrus, fruit, warm cedarwood, silken vanilla		
• Aromaflage is the perfect candle for your outdoor chic lifestyle		
• Burn inside in the winter and move outdoors in the summer		
• Glass is a reusable wine tumbler		
• Repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever		

Quantity: 1  

[ADD TO CART](#)

Category: best outdoor candle, citronella, cool bug spray, insect repellent, mosquitoes, natural, natural bug spray, travel bug spray

Type: Candle

Share:    

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[BE THE FIRST TO WRITE A REVIEW](#)

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer	Shop Sleep About Retailers Social	Scientifically tested, efficacious and beautiful. Aromaflage is a new category. Thousands of years ago, people all over the world used oils and botanicals for multiple functions. Aromaflage® where fragrance meets function, unlocks these age-old practices and creates a secret weapon to	Sign up to get the latest on sales, new releases and more... 7,000,000,000+ subscribers

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Complaint

Aromaflage® 7.5oz Candle

<https://web.archive.org/web/20160316180723/http://www.aromaflage.c...>

Home / Products / Aromaflage® 7.5oz Candle

Aromaflage® 7.5oz Candle - Aromaflage Fragrance with Function - 1

AROMAFLAGE® 7.5OZ CANDLE

Write a review

\$40.00

FRAGRANCE WITH FUNCTION™

Description Details Tradition

That's right, we took Aromaflage and turned it into a clean burning, gorgeous, bug-repelling candle. You no longer have to settle for that unappealing Citronella smell at your outdoor parties, wedding, BBQ's and family gatherings. We are excited to bring to you what we hope is the best outdoor candle on the market.

100% vegan soy wax that burns cleanly, toxin free. Lead free wicks to ensure you breath freely and know that our candles burn as purely as our essential oils.

We are using the same essential oil blend that is in Aromaflage ®. From the Southeast Asian Tropics, Aromaflage combines notes of citrus fruit, warm cedarwood, silky vanilla, & nourishing Vitamin E. An Aromaflage Candle is the perfect addition to every patio, dinner table, picnic, or travel destination where there may be insects. We worked hard and thoughtfully to create this healthy burning candle to cater to the outdoor chic lifestyle. Enjoy!

Quantity:

1 [Add to cart](#)

Category: best outdoor candle, citronella, cool bug spray, insect repellent, mosquitoes, natural, natural bug spray, travel bug spray

Type: Candle

Share [Facebook](#) [Twitter](#) [Google+](#) [Email](#)

Powered by [SOT](#)

★★★★★

[WRITE A REVIEW](#)

★★★★★

[Be the first to write a review](#)

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us	Shop	Scientifically tested, efficacious and	Sign up to get the latest on sales, new Ex. B, Page 2 of 5

Complaint

Aromaflage® 7.5oz Candle

https://web.archive.org/web/20160316180723/http://www.aromaflage.c...

Home / Products / Aromaflage® 7.5oz Candle

AROMAFLAGE® 7.5OZ CANDLE

Write a review

\$40.00

FRAGRANCE WITH FUNCTION™

Description Details Tradition

A Southeast Asian tradition

Aromaflage is comprised of aromatic essential oils native to the Southeast Asian region. Our fragrant blend is inspired by the age-old tradition of using botanical extracts to repel insects, a practice first documented by ancient Roman, Greek, and Indian scholars and is still common throughout tropical regions worldwide.

Complimentary shipping for orders in USA over \$230

Shipments to states other than NY are tax free

Quantity: 1 **ADD TO CART**

Category: best outdoor candle, citronella, cool bug spray, insect repellent, mosquitoes, natural, natural bug spray, travel bug spray

Type: Candle

Share:    

Powered by 

★★★★★

[WRITE A REVIEW](#)

★★★★★

[BE THE FIRST TO WRITE A REVIEW](#)

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer	Shop Sleep About Retailers Social	Scientifically tested, efficacious and beautiful, Aromaflage is a new category. Thousands of years ago, people all over the world used oils and botanicals for multiple functions. Aromaflage®, where fragrance meets function, unlocks these age-old	Sign up to get the latest on sales, new releases and more... Sign up

Ex. B, Page 3 of 5

Complaint

Aromaflage® Wild 7.5oz Candle

<https://web.archive.org/web/20160926212030/https://www.aromaflage.c...>

AROMAFLAGE® WILD 7.5OZ CANDLE

Quantity: 1 [Add to Cart](#)

[Write a review](#)

\$40.00

[Description](#) [Tested and Effective](#) [Video](#)

BASED ON BEAUTY, FUNCTION, AND EFFICACY

- Aromaflage Wild is a fine candle that also repels insects
- ~40 hour burn time
- Spicy cardamom, warm cedarwood, & snappy spruce - a spa like scent
- All natural soy wax with lead free cotton wick
- Glass is a reusable wine tumbler
- Makes a great gift
- Free of DEET, parabens, and other harsh chemicals
- Complimentary shipping for orders over \$150 in the USA
- States other than NJ Tax free

Category: best outdoor candle, bug repellent, insect repellent, mosquitoes, natural, natural bug repellent, natural bug spray, travel bug spray

Type: Candle

Share: [Facebook](#) [Twitter](#) [LinkedIn](#) [Email](#)

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[★★★★★](#)

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[BE THE FIRST TO WRITE A REVIEW](#)

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer	Shop About Returns Buzz	Aromaflage is a 2-in-1 fine fragrance with function. Scientifically tested, effective, and beautiful. Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of fine fragrances & candles naturally repels mosquitoes as well	Sign up to get the latest new products and promotions and receive 10% off your first purchase Enter your email address Ex. B, Page 4 of 5

Complaint

Aromaflage® Wild 7.5oz Candle

<https://web.archive.org/web/20160926212030/https://www.aromaflage.c...>



AROMAFLAGE® WILD 7.5OZ CANDLE

Quantity: 1 [Add to Cart](#)

[Write a review](#)

\$40.00

Description Tested and Effective Video

THE INTEGRITY OF OUR PRODUCTS

- Aromaflage Wild has been organically tested at one of the world's leading Universities and found to be as effective at repelling mosquitoes as the leading brand.
- Our products are carefully formulated by the finest fragrance houses with the highest quality ingredients.
- Aromaflage Wild repels mosquitoes that may carry Zika, Dengue, Chikungunya, and Yellow Fever.

Category: best outdoor candle, bug repellent, insect repellent, mosquitoes, natural, natural bug repellent, natural bug spray, travel bug spray

Type: Candle

Share [Twitter](#) [Facebook](#) [Google+](#) [Email](#)

Powered by 

[Write a Review](#)

[Write a Review](#)

COMPANY INFO	MAIN MENU	ABOUT US	NEWS & UPDATES
Contact Us How Aromaflage Works Testimonials Terms of Service Disclaimer	Shop About Returns Buzz	Aromaflage is a 2-in-1 fine fragrance with function. Scientifically tested, effective, and beautiful. Aromaflage® is a new category in beauty and wellness: fragrance with function. Our first line of fine fragrances & candles naturally repels mosquitoes as well.	Sign up to get the latest new products and promotions and receive 10% off your first purchase. Enter your email address Ex. B, Page 5 of 5

Complaint

Exhibit C

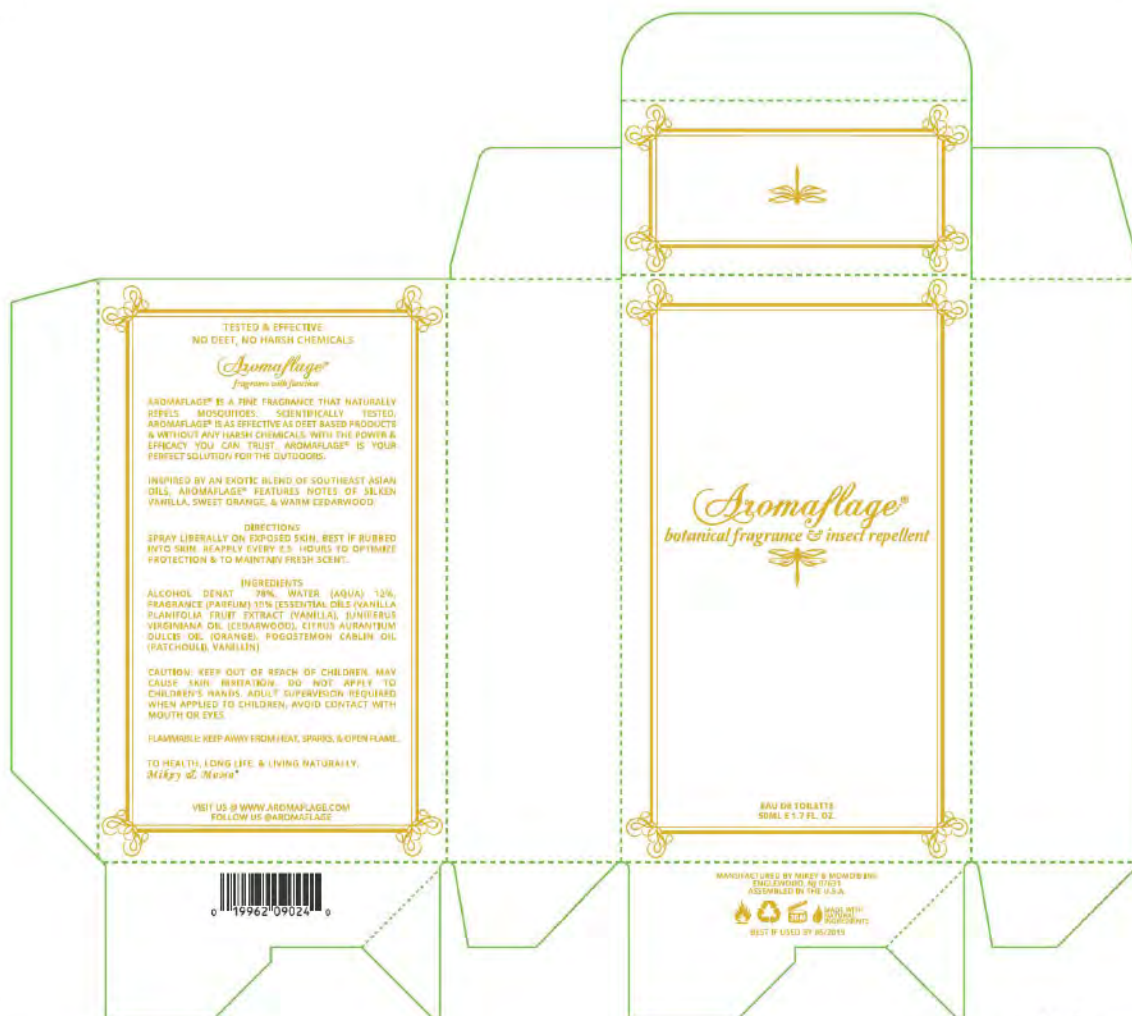
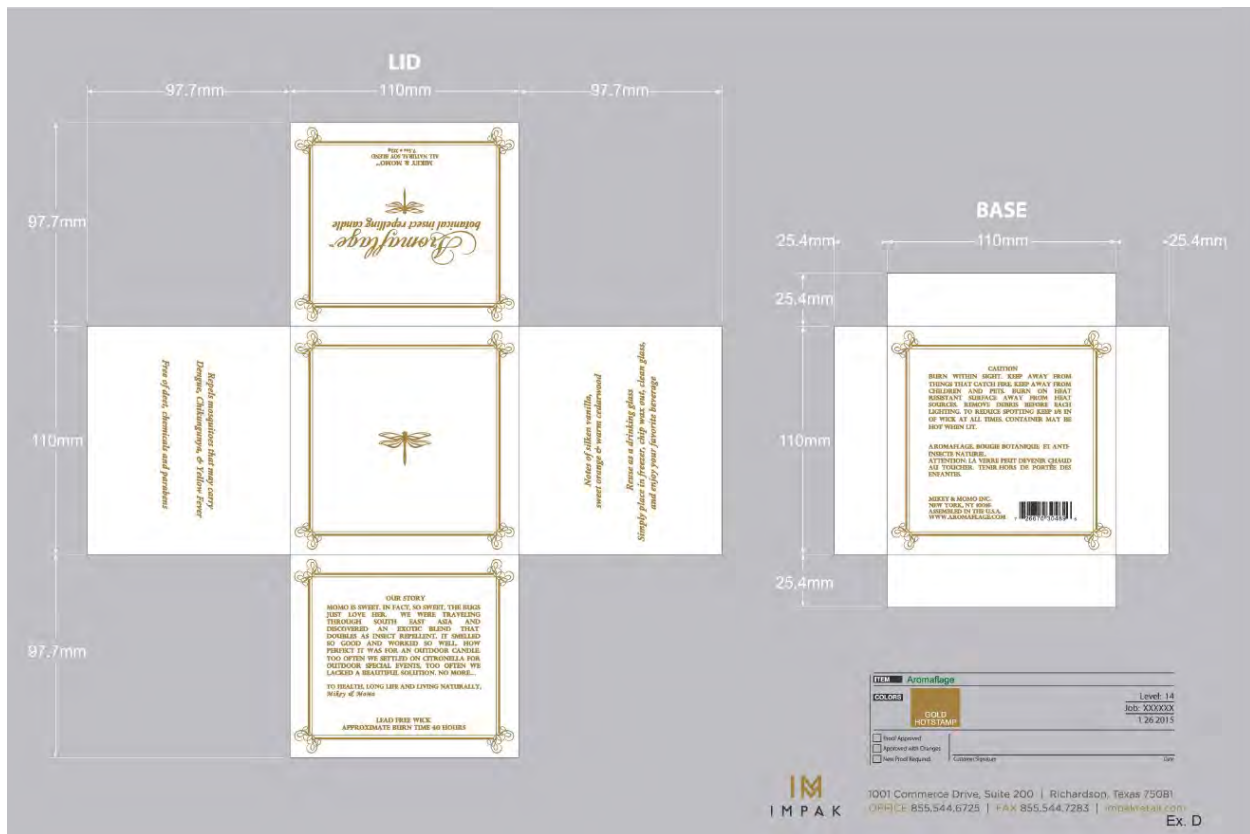


Exhibit D



Complaint

Exhibit E

Amazon.com: Aromaflage botanical fragrance and insect repellent 0.25oz: Luxury Beauty

<https://www.amazon.com/Aromaflage-botanical-fragrance-insect-repellent/dp/B01AH4SUEQ/r...>

amazon All - aromaflage

Departments - Your Amazon.com Today's Deals Gift Cards & Registry Sell Help

Luxury Beauty - Luxury Makeup - Luxury Skin Care - Luxury Fragrance - Luxury Hair Care - Luxury Men's Grooming - All Beauty - All Men's Grooming - Professional Beauty - Luxury Brands

style code WATCH & SHOP NOW

Aromaflage Wild Eau de Toilette Spray

★★★★★ 8 customer reviews

Price: **\$30.00** & **FREE** Shipping on orders over \$35. [Details](#)

Only 8 left in stock (more on the way). Ships from and sold by Amazon.com. Gift-wrap available.

[Luxury Beauty](#)

2 sizes: 4 Fl Oz (118 mL)

Want it Monday, Feb. 27? Order within 23 hrs 9 mins and choose **Two-Day Shipping** at checkout. [Details](#)

Ship to: WASHINGTON, DC 20001

☒ Yes, I want **FREE Two Day Shipping** with Amazon Prime

Qty: 1 [Turn on 1-click ordering](#)

[Add to Cart](#)

[Add to List](#)

3 new from \$30.00

[Share](#) [Email](#) [Facebook](#) [Twitter](#) [Pinterest](#)

DESCRIPTION

Aromaflage wild 2-in-1 fine fragrance. Repels mosquitoes. Free of deet and other nasties. Woody notes, spa-like scent. Scent amazing and stay bug free.

BENEFITS

Safe, non toxic, effective, tested, formulating by the finest fragrance houses in the world.

SUGGESTED USE

Apply 1-2 sprays on legs and arms and reapply ever 2-3 hours

Special Shipping Information: This product may not be available for 1 or 2 day shipping due to federal regulations that require it to ship via ground ship methods only. This product can only be shipped within the 48 contiguous states.

Get Gorgeous with LUXURY BEAUTY by Blisssom

Ex. E, Page 1 of 5

Complaint

Amazon.com: Aromaflage botanical fragrance and insect repellent 0.25oz: Luxury Beauty

<https://www.amazon.com/Aromaflage-botanical-fragrance-insect-repellent/dp/B01AH4SUEQ/r...>

Special Offers and Product Promotions

Save: Aromaflage Wild | Size: 4 Fluid Ounces

• Your cost could be \$0.00 instead of \$30.00! Get a **\$50 Amazon.com Gift Card** instantly upon approval for the Amazon Rewards Visa Card [Apply now](#)

Frequently Bought Together

 Total price: **\$90.00**
Add all three to Cart
[Add all three to List](#)

Some of these items ship sooner than the others. [Show details](#)

- This item: Aromaflage Wild Eau de Toilette Spray \$30.00**
- Aromaflage Eau de Toilette Spray \$30.00**
- Aromaflage Sleep Eau de Toilette Spray, 0.3 fl. oz. \$30.00**

Product Description

Save: Aromaflage Wild | Size: 4 Fluid Ounces

Product Description

Aromaflage wild fragrance with function. Aromaflage is a fine fragrance that also repels insects. Scientifically tested and effective. In efficacy studies, aromaflage wild was as effective as 25 percent deet over 2.5 hours. Aromaflage repels mosquitoes that may carry Zika, dengue, chikungunya, and yellow fever. Free of deet, chemicals, and parabens and other harsh chemicals. Notes of spicy cardamom, warm cedar wood, and snappy spruce-a spa like scent. Fragrances are an atomizer application. Smell amazing and stay bug free. Perfect for weddings, cocktail parties, boating, back yard events, exotic travel, gardening, and enjoying time outdoors aromaflage wild is comprised of aromatic essential oils native to the southeast Asian region. Our fragrance is inspired by the age-old tradition of using botanical extracts to repel insects, a practice first documented by ancient roman, Greek, and Indian scholars and is still common throughout tropical regions worldwide.

Brand Story

Based on science, efficacy and beauty

Product Details

Save: Aromaflage Wild | Size: 4 Fluid Ounces

Product Dimensions: 1 x 1 x 5.7 inches ; 0.3 ounces

Shipping Weight: 8 ounces ([View shipping rates and policies](#))

Domestic Shipping: Item can be shipped within U.S.

International Shipping: This item is not eligible for international shipping. [Learn More](#)

ASIN: B01AH4SUEQ

Item model number: AF0004

Ex E, Page 2 of 5

Complaint

Amazon.com: Aromafage botanical fragrance and insect repellent 0.25oz: Luxury Beauty

<https://www.amazon.com/Aromafage-botanical-fragrance-insect-repellent/dp/B01AH4SUEQ/r...>Average Customer Review:  (8 customer reviews)

Amazon Best Sellers Rank: #61,052 in Beauty (See Top 100 in Beauty)

#1768 in Beauty > Fragrance > Women's

Manufacturer's warranty can be requested from customer service. Click [here](#) to make a request to customer service.

Customer Reviews

 8

4.8 out of 5 stars



Share your thoughts with other customers

Write a customer review

[See all verified purchase reviews](#)

Top Customer Reviews

 Since using this product I have not gotten a single...By [bg](#) on October 8, 2016

Scent Name: Aromafage Wild | Size: 4 Fluid Ounce

Since using this product I have not gotten a single mosquito bite, although in all fairness, there have been almost no mosquitoes this summer due to the drought. The smell is very pleasant, and my grandchildren willingly use it too.

[Comment](#) Was this review helpful to you? ☐ Yes ☐ No [Report abuse](#) I love Wild. I wear it every day as a ...By [Shel Matrese](#) on July 26, 2016

Scent Name: Aromafage Wild | Size: 4 Fluid Ounce

I love Wild. I wear it every day as a perfume. It also really works to keep the bugs away. I smells very musky and woody. Its an amazing product.

[Comment](#) One person found this helpful. Was this review helpful to you? ☐ Yes ☐ No [Report abuse](#) Both men and women love it.By [Stacey Tompkins](#) on July 20, 2016

Scent Name: Aromafage Wild | Size: 4 Fluid Ounce

We use this at our lakehouse all summer. Both men and women love it....Our guests are happy and with no bug bites

[Comment](#) One person found this helpful. Was this review helpful to you? ☐ Yes ☐ No [Report abuse](#) Finally felt like a lady outdoorsBy [Melissa Matrese](#) on July 20, 2016

Scent Name: Aromafage Wild | Size: 4 Fluid Ounce

I wouldn't have survived my last trip to Nevis without this. Finally felt like a lady outdoors. It works too. no bites!

[Comment](#) Was this review helpful to you? ☐ Yes ☐ No [Report abuse](#) Five StarsBy [Mary Denker](#) on July 28, 2016

Scent Name: Aromafage Wild | Size: 4 Fluid Ounce

Was the must have item on my trip to the Costa Rican jungle.

[Comment](#) Was this review helpful to you? ☐ Yes ☐ No [Report abuse](#) Five StarsBy [Amazon Customer](#) on January 21, 2017

Scent Name: Aromafage Wild | Size: 4 Fluid Ounce

like the smell I fresh and sweet. no bug bit up to now

[Add feedback](#)

Search Customer Reviews

Q

Search

Complaint

Amazon.com: Aromafledge botanical fragrance and insect repellent 0.25oz: Luxury Beauty

<https://www.amazon.com/Aromafledge-botanical-fragrance-insect-repellent/dp/B01AH4SUEQ/r...>

[Comment](#) Was this review helpful to you? [Yes](#) [No](#) [Report abuse](#)

★★★★★ Five Stars

By Amazon Customer on July 29, 2016

Scent Name: Aromafledge Wild | Size: 4 Fluid Ounce

This is the real deal!! Love

[Comment](#) Was this review helpful to you? [Yes](#) [No](#) [Report abuse](#)

★★★★☆ It doesn't smell like chemicals like some other bug spray which is why ...

By Luvnapo on October 30, 2016

Scent Name: Aromafledge Wild | Size: 4 Fluid Ounce | [Verified Purchase](#)

Strong scent to repel mosquitos and others insects. I doesn't smell like chemicals like some other bug spray which is why I chose this perfume.

[Comment](#) Was this review helpful to you? [Yes](#) [No](#) [Report abuse](#)

[See all verified purchase reviews \(newest first\)](#)

[Write a customer review](#)

Customer Questions & Answers

Q. Have a question? Search for answers.



Question: What are the ingredients?

Answer: Our pleasure!
By Aromafledge [SELLER](#) on January 16, 2017

Thank you for your inquiry, Jean. AROMAFLEDGE wild has the following ingredients: denatured alcohol, water, essential oils of Geranium, Lemongrass, Cedar Leaf, Cedarwood, Thyme, Rosewood, Balsam, Lavandin, Spruce, Patchouli, Candamom. Hope that is helpful!

By Aromafledge [SELLER](#) on January 15, 2017

The Aromafledge website has the full list but it's woody essential oils, alcohol and water

By Melissa Matanese on January 15, 2017

Plant compounds that insects don't like but humans find pleasant, all natural.

By sonia k guterman on January 15, 2017

[Collapse all answers](#)

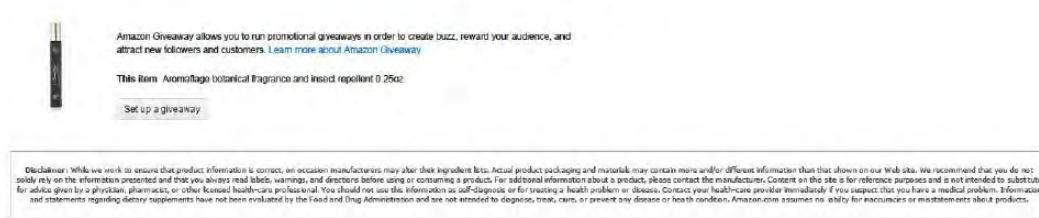
Customers Who Bought This Item Also Bought

Complaint

Amazon.com: Aromaflage botanical fragrance and insect repellent 0.25oz: Luxury Beauty

<https://www.amazon.com/Aromaflage-botanical-fragrance-insect-repellent/dp/B01AH4SUEQ/r...>

Set up an Amazon Giveaway



Complaint

Exhibit F

Amazon.com: Aromaflage Wild Candle, 7.5 oz.: Luxury Beauty

https://www.amazon.com/Aromaflage-Wild-Candle-7-5-oz/dp/B01COOTJ7E/ref=pd_sim_510...

The screenshot displays the Amazon.com product page for the Aromaflage Wild Candle, 7.5 oz. The page layout includes the Amazon logo, search bar, and navigation links at the top. The product title is "Aromaflage Wild Candle, 7.5 oz." with a 5-star rating and 6 customer reviews. The main image shows a glass candle holder with a white candle and a small illustration of a scorpion. To the left of the main image are smaller images of the candle in different settings. To the right, the price is listed as \$40.00 with free shipping. Below the price, there is a "In Stock" status and a "Luxury Beauty" badge. A promotional message states: "Want it Friday, Feb. 24? Order within 1 hr 31 mins and choose Two-Day Shipping at checkout." The shipping location is set to Washington, DC 20001. There are buttons for "Add to Cart" and "Add to List". Below the product image, there are three sections: "DESCRIPTION", "BENEFITS", and "SUGGESTED USE".

DESCRIPTION

Aromaflage wild natural soy candle that repels mosquitoes. Free of dioxin and other nasties. Woody notes-apa like scent. Lead free cotton wick, burns clean. Reusable wine tumbler.

BENEFITS

Safe, non toxic, effective, tested, formulated by the finest fragrance houses in the world

SUGGESTED USE

Light approximately 10-15 minutes before going outdoors

Ex. F, Page 1 of 3

Complaint

Amazon.com: Aromaflage Wild Candle, 7.5 oz.: Luxury Beauty

https://www.amazon.com/Aromaflage-Wild-Candle-7-5-oz/dp/B01COOTJ7E/ref=pd_sim_510...

Get Gorgeous with
LUXURY BEAUTY [Shop now](#)

Special Offers and Product Promotions

• Your cost could be \$0.00 instead of \$40.00! Get a **\$50 Amazon.com Gift Card** instantly upon approval for the **Amazon Rewards Visa Card** [Apply now](#)

Product Description

Product Description

Aromaflage wild-fragrance with function. A fine candle that also repels insects. Scientifically tested and effective. In efficacy studies, aromaflage wild was as effective as 25 percent deet. Free of deet, chemicals, and parabens and other harsh chemicals. Notes of spicy cardamom, warm cedar wood, and snappy spruce—a spa like scent. Smell amazing and stay bug free. Perfect for weddings, cocktail parties, boating, back yard events, exotic travel, gardening, and enjoying time outdoors. Aromaflage is comprised of aromatic essential oils native to the southeast Asian region. Our fragrance is inspired by the age-old tradition of using botanical extracts to repel insects, a practice first documented by ancient Roman, Greek, and Indian scholars and is still common throughout tropical regions worldwide.

Brand Story

Based on science, efficacy and beauty

Product Details

Product Dimensions: 4.3 x 4.3 x 4.5 inches ; 1 pounds

Shipping Weight: 1.2 pounds ([View shipping rates and policies](#))

Domestic Shipping: Item can be shipped within U.S.

International Shipping: This item can be shipped to select countries outside of the U.S. [Learn More](#)

ASIN: B01COOTJ7E

Item model number: AF0006

Average Customer Review: ★★★★★ (6 customer reviews)

Amazon Best Sellers Rank: #260,898 in Beauty (See Top 100 in Beauty)

#228 in [Beauty > Fragrance > Candles & Home Scents](#)

#8353 in [Beauty > Fragrance > Women's](#)

Manufacturer's warranty can be requested from customer service. [Click here](#) to make a request to customer service.

Ex. F, Page 2 of 3

Complaint

Amazon.com: Aromaflage Wild Candle, 7.5 oz.: Luxury Beauty

https://www.amazon.com/Aromaflage-Wild-Candle-7-5-oz/dp/B01COOTJ7E/ref=pd_sim_510...

Customer Reviews

★★★★★ 6

5.0 out of 5 stars



Share your thoughts with other customers

Write a customer review

See all verified purchase reviews

Top Customer Reviews

★★★★★ its also great that you can use as a wine glass when ...

By Mary Denker on July 28, 2016

Luxurious and effective as far as keeping the bugs away! The scent is really refreshing. Its also great that you can use as a wine glass when finished. Although it took awhile to burn the entire candle which is great :)

Comment Was this review helpful to you? Yes No Report abuse

★★★★★ We burn these all summer long on our patio. ...

By Sheri Malarese on July 26, 2016

We burn these all summer long on our patio. The scent does not interfere with dinner at all and it really works. I also burn it in the kitchen near our fruit basket where there are often fruit flies

Comment One person found this helpful. Was this review helpful to you? Yes No Report abuse

★★★★★ Five Stars

By Betty Wisover on August 1, 2015

Verified Purchase

great fragrance!!! does a good job keeping bugs away

Comment One person found this helpful. Was this review helpful to you? Yes No Report abuse

★★★★★ Five Stars

By Stacey Tompkins on May 16, 2015

Awesome product!! Love it and works great.

Comment One person found this helpful. Was this review helpful to you? Yes No Report abuse

★★★★★ Five Stars

By Amazon Customer on July 29, 2016

This is a must have for summer bugs!

Comment Was this review helpful to you? Yes No Report abuse

★★★★★ Nice candle!

By Elizabeth on May 16, 2015

Verified Purchase

I like this Candle. I don't know if it repels mosquito's, but it is nice.



Ad feedback

Search Customer Reviews

Search

Customer Questions & Answers

Complaint

Exhibit G

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1 OFFICIAL TRANSCRIPT PROCEEDING
2
3 FEDERAL TRADE COMMISSION
4
5
6 MATTER NO. 1623234
7
8 TITLE AROMAFLAGE
9
10 DATE RECORDED: DATE UNKNOWN
11 TRANSCRIBED: MAY 2, 2017
12 PAGES 1 THROUGH 5
13
14 AROMAFLAGE VIDEO
15 How to use Aromaflage botanical fragrance and insect
16 repellent - YouTube
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24 For The Record, Inc.
25 (301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint

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1	FEDERAL TRADE COMMISSION	
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6	and insect repellent - YouTube	4
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Complaint

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4 Aromaflage) Matter No. 1623234
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6 -----)
7 Date Unknown

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11 The following transcript was produced from a
12 digital file provided to For The Record, Inc. on April
13 20, 2017.
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Complaint

4

1 P R O C E E D I N G S
2 - - - - -
3 HOW TO USE AROMAFLAGE BOTANICAL FRAGRANCE AND INSECT
4 REPELLENT YOUTUBE VIDEO
5 MELISSA FENSTERSTOCK: People often ask us
6 how to use Aromaflage botanical fragrance and insect
7 repellent. What we suggest is that you spray one to
8 two sprays on your arms and your legs and be sure to
9 rub it in.
10 Unlike other fragrances, Aromaflage needs to
11 be rubbed in. So make sure you do that. It will be
12 effective for about two and a half hours, and then it
13 needs to be reapplied.
14 That's why we've included our bottles in a
15 cute little linen bag so you can save it and keep it
16 to protect the bottle. It's something you can just
17 toss in your purse or your beach bag and always have
18 with you. So remember to reapply every two and a half
19 hours and to rub it in.
20 (The recording was concluded.)
21
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Complaint

5

1 CERTIFICATE OF TRANSCRIPTIONIST

2

3

4 I, George Quade, do hereby certify that the
5 foregoing proceedings and/or conversations were
6 transcribed by me via CD, videotape, audiotape or
7 digital recording, and reduced to typewriting under my
8 supervision; that I had no role in the recording of
9 this material; and that it has been transcribed to the
10 best of my ability given the quality and clarity of
11 the recording media.

12 I further certify that I am neither counsel
13 for, related to, nor employed by any of the parties to
14 the action in which these proceedings were
15 transcribed; and further, that I am not a relative or
16 employee of any attorney or counsel employed by the
17 parties hereto, nor financially or otherwise
18 interested in the outcome of the action.

19

20

21 DATE: 5/2/2017

22 GEORGE QUADE, CERT

23

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Complaint

Exhibit H

1 OFFICIAL TRANSCRIPT PROCEEDING
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3 FEDERAL TRADE COMMISSION
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6 MATTER NO. 1623234
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8 TITLE AROMAFLAGE
9
10 DATE RECORDED: DATE UNKNOWN
11 TRANSCRIBED: MAY 2, 2017
12 PAGES 1 THROUGH 13
13
14 AROMAFLAGE VIDEO
15 Aromaflage Bug Repellent Outdoor 7.5oz. Candle on QVC
16 - YouTube
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24 For The Record, Inc.
25 (301) 870-8025 - www.ftrinc.net - (800) 921-5555

Complaint

1 FEDERAL TRADE COMMISSION
2 I N D E X
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4 RECORDING: PAGE:
5 Aromaflage Bug Repellent Outdoor 7.5oz.
6 Candle on QVC - YouTube 4
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FEDERAL TRADE COMMISSION DECISIONS
VOLUME 166

90

Complaint

1 FEDERAL TRADE COMMISSION
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3 In the Matter of:)
4 Aromaflage) Matter No. 1623234
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6 -----)
7 Date Unknown
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11 The following transcript was produced from a
12 digital file provided to For The Record, Inc. on April
13 20, 2017.
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Complaint

1 P R O C E E D I N G S
2 - - - - -
3 AROMAFLAGE BUG REPELLENT OUTDOOR 7.5oz. CANDLE ON QVC
4 YOUTUBE VIDEO
5 QVC PERSONALITY: And do it in a pleasant
6 way. Well, that's what Aromaflage is all about. It's
7 a bug repellent candle, but this supersedes any old
8 school citronella candle that you've ever used. And
9 the woman that discovered it joins me this morning.
10 It's Melissa Fensterstock.
11 MELISSA FENSTERSTOCK: Yes, nice to meet
12 you.
13 QVC PERSONALITY: Welcome, Melissa.
14 MELISSA FENSTERSTOCK: Thanks for having us.
15 QVC PERSONALITY: All right. So how did you
16 come about to discover the Aromaflage candle?
17 MELISSA FENSTERSTOCK: Yeah. So my husband
18 and I were traveling in Southeast Asia as newlyweds
19 and discovered this exotic blend that the locals were
20 using as a natural insect repellent. And we just
21 totally fell in love with it. I'm a mosquito magnet.
22 I get eaten alive by bugs and was just so surprised to
23 find something that really worked and smelled amazing.
24 And it had been earlier that year as well
25 that my husband had open heart surgery, which was

Complaint

1 really scary, but after all of that and after our trip
2 we decided that we wanted to build a brand around
3 health and wellness.

4 QVC PERSONALITY: And so this is created
5 using essential oils?

6 MELISSA FENSTERSTOCK: Yep.

7 QVC PERSONALITY: All right. So what will
8 we smell? Because this is very lovely.

9 MELISSA FENSTERSTOCK: Yes. So you'll smell
10 notes of silk and vanilla, warm cedar wood, exotic
11 oranges. It's just really juicy, really smells very
12 tropical.

13 QVC PERSONALITY: And so this is actually
14 going to repel the bugs?

15 MELISSA FENSTERSTOCK: Mm-hmm, mm-hmm.

16 QVC PERSONALITY: And you've done some
17 testing?

18 MELISSA FENSTERSTOCK: We have. We've done
19 university testing and the product works as well as a
20 number of the leading brands out there.

21 QVC PERSONALITY: Without having to have
22 that stinky kind of --

23 MELISSA FENSTERSTOCK: Exactly.

24 QVC PERSONALITY: -- citronella smell. This
25 is really like a special blend, but also it's quite

Complaint

1 attractive as well.

2 MELISSA FENSTERSTOCK: Mm-hmm.

3 QVC PERSONALITY: This is a good looking

4 candle. I would never think that this is a bug

5 repellent candle. They come in tins and they're not

6 really pretty.

7 MELISSA FENSTERSTOCK: Exactly, exactly.

8 It's actually a reusable wine tumbler as well. So

9 it's a great excuse to buy four or six of them and

10 save them as -- save them for a set when you're done.

11 QVC PERSONALITY: And so really you're

12 paying \$24.48. How much time -- burn time will we get

13 off of one candle?

14 MELISSA FENSTERSTOCK: You'll get

15 approximately 35 hours of burn time

16 QVC PERSONALITY: Okay.

17 MELISSA FENSTERSTOCK: I suggest you light

18 it a few minutes before you want to sit outside to

19 build up a nice plume.

20 QVC PERSONALITY: And where should we place

21 it?

22 MELISSA FENSTERSTOCK: I think the center of

23 the table is definitely where it should be.

24 QVC PERSONALITY: Mm-hmm.

25 MELISSA FENSTERSTOCK: It's good for about a

Complaint

1 table of six.

2 QVC PERSONALITY: Okay, very good. So then

3 once you burn it all the way out, you have this actual

4 glass wine tumbler.

5 MELISSA FENSTERSTOCK: Mm-hmm.

6 QVC PERSONALITY: So, as you said, buy a

7 set. And this is how it comes packaged, Melissa?

8 MELISSA FENSTERSTOCK: It does. It comes

9 packaged in that box.

10 QVC PERSONALITY: Nice. So this would make,

11 like, a nice hostess gift, especially during cookout

12 season. Instead of bringing the bottle of wine --

13 MELISSA FENSTERSTOCK: Exactly.

14 QVC PERSONALITY: -- you bring an Aromaflage

15 candle. But when they open it up, you might have to

16 remind them that it's actually a bug repellent candle.

17 Like, light it right now, put it out here to protect

18 your guests.

19 MELISSA FENSTERSTOCK: Totally. And I love

20 using it, you know, not too much these days because

21 I'm pregnant, but back in the day when I was drinking

22 wine, opening a bottle of wine with my husband on the

23 patio, and at that time in the evening when the sun is

24 setting, you know, the bugs always come out and start

25 bothering you. So this is something that you

Complaint

1 definitely want to have for that romantic moment.

2 QVC PERSONALITY: But it smells so good.

3 Like, it's such a lovely, soothing scent. Like, I

4 could see wanting to burn this even if there weren't

5 bugs. This is something that just smells that pretty.

6 MELISSA FENSTERSTOCK: Absolutely. And it's

7 interesting you mention that because we have a lot of

8 people that will burn these inside because they just

9 love the way they smell.

10 QVC PERSONALITY: Mm-hmm.

11 MELISSA FENSTERSTOCK: Or if you have like a

12 fruit bowl, you know, with those little gnats, a lot

13 of people put them in their kitchen. So you can use

14 it indoors as well just because it smells great.

15 QVC PERSONALITY: And I love the aesthetic

16 of it, Melissa. I mean, that looks just very upscale,

17 chic, nobody is going, oh, there's the bug candle.

18 That's just a pretty looking, pretty smelling candle.

19 That tumbler is reusable. And you've actually been

20 featured on the Today Show.

21 MELISSA FENSTERSTOCK: Mm-hmm. Yeah, last

22 year for July 4th we were featured. So this is a

23 great thing for that time of year.

24 QVC PERSONALITY: Well, it is the perfect

25 timing, and many of you are picking up more than one.

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1 You're thinking, okay, yeah, we like to spend time out
2 on our deck, by the pool, this is a way to help repel
3 the bugs. This is that bug repellent candle, but this
4 was something that we didn't really know about here in
5 the States. You actually had to travel halfway across
6 the world to discover it.

7 MELISSA FENSTERSTOCK: Exactly. And I'm so
8 happy we did. Bringing it back here to people in the
9 States.

10 QVC PERSONALITY: And, also, the candle
11 itself, it's made -- what is it made from?

12 MELISSA FENSTERSTOCK: So it's made from a
13 soy wax, made in the midwest, and the essential oils
14 come from all over the world. But they are the active
15 ingredients in the candle as well.

16 QVC PERSONALITY: And what are kind of the
17 benefits to a soy candle?

18 MELISSA FENSTERSTOCK: So it burns really
19 clean. It's a lead-free cotton wick as well. So you
20 won't see black soot, you won't see black smoke. It
21 just -- as you can see here, it just burns nice and
22 clean and fresh.

23 QVC PERSONALITY: Mm-hmm. And so that way
24 if you are burning it indoors, it's not going to, like
25 you said, leave a plume of black --

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1 MELISSA FENSTERSTOCK: Exactly.

2 QVC PERSONALITY: This is very popular, many

3 of you picking up more than one, because keep in mind

4 once the candle is burned away, you're left with an

5 actual useable wine tumbler.

6 MELISSA FENSTERSTOCK: Exactly.

7 QVC PERSONALITY: So at least with two you

8 have a set, one for you, maybe one for the husband --

9 MELISSA FENSTERSTOCK: Exactly.

10 QVC PERSONALITY: -- after the baby comes.

11 MELISSA FENSTERSTOCK: Exactly.

12 QVC PERSONALITY: And this is brand new

13 today. You're actually getting the first opportunity

14 to order an Aromaflage candle. Love the packaging, so

15 a great gift idea if you're going to the barbecue,

16 you're a guest at the cookout. One of our old

17 neighbors, she always had a summer cookout at her home

18 and it was like, okay, what do you bring that somebody

19 else isn't going to already -- they already have 20

20 pounds of chicken and --

21 MELISSA FENSTERSTOCK: Exactly.

22 QVC PERSONALITY: And this is something that

23 the entire party will benefit from.

24 MELISSA FENSTERSTOCK: Exactly. There's so

25 many times where I show up with a candle and the host

Complaint

1 just opens it up, puts it on the patio and everyone
2 can smell it, enjoy it and have a great time with it.
3 QVC PERSONALITY: All right. So one more
4 time, remind me, what are the oils? What are the
5 scents? What are we smelling in this candle?
6 MELISSA FENSTERSTOCK: Sure. So you're
7 smelling silk and vanilla, warm cedar wood, Valencia
8 orange. It's very exotic. You know, it transports
9 you to that tropical place.
10 QVC PERSONALITY: Mm-hmm.
11 MELISSA FENSTERSTOCK: If you love vanilla,
12 if you love orange, these are -- these are just
13 beautiful notes.
14 QVC PERSONALITY: Well, it has like a warmth
15 to it, but that hint of the citrus as well. So it's
16 like a little sweet --
17 MELISSA FENSTERSTOCK: Yes.
18 QVC PERSONALITY: -- with that little bit of
19 citrus. I think you'll find that the scent is
20 delicious. It's not overpowering.
21 MELISSA FENSTERSTOCK: No.
22 QVC PERSONALITY: But it's effective enough
23 to keep the insects away.
24 MELISSA FENSTERSTOCK: Exactly.
25 QVC PERSONALITY: It's one of the most

Complaint

1 beautiful insect, bug repellent candles I've ever
2 seen. It's brand new here at QVC. And, Melissa, she
3 discovered it and brought it all the way to us. So
4 thank you.

5 MELISSA FENSTERSTOCK: Yep, of course.
6 Thank you.

7 QVC PERSONALITY: F-12309 is your item
8 number. And I'm going to let you know, about 10
9 minutes away from an FDA cleared device to temporarily
10 relieve pain.

11 (The recording was concluded.)
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Complaint

CERTIFICATE OF TRANSCRIPTIONIST

I, George Quade, do hereby certify that the foregoing proceedings and/or conversations were transcribed by me via CD, videotape, audiotape or digital recording, and reduced to typewriting under my supervision; that I had no role in the recording of this material; and that it has been transcribed to the best of my ability given the quality and clarity of the recording media.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were transcribed; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

DATE: 5/2/2017

GEORGE QUADE, CERT

Decision and Order

DECISION AND ORDER

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondents named in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) prepared and furnished to Respondents a draft Complaint. BCP proposed to present the draft Complaint to the Commission for its consideration. If issued by the Commission, the draft Complaint would charge the Respondents with violation of the Federal Trade Commission Act.

Respondents and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) statements by Respondents that they neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Decision and Order, and that only for purposes of this action, they admit the facts necessary to establish jurisdiction; and 2) waivers and other provisions as required by the Commission’s Rules.

The Commission considered the matter and determined that it had reason to believe that Respondents have violated the Federal Trade Commission Act, and that a Complaint should issue stating its charges in that respect. The Commission accepted the executed Consent Agreement and placed it on the public record for a period of 30 days for the receipt and consideration of public comments. The Commission duly considered any comments received from interested persons pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34. Now, in further conformity with the procedure prescribed in Commission Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

Findings

1. The Respondents are:
 - a. Respondent Mikey & Momo, Inc., formerly doing business as Mikey & Momo LLC, also doing business as Aromaflage, is a Delaware corporation with its principal office or place of business in Englewood, New Jersey.
 - b. Respondent Michael Fensterstock is an officer of the Corporate Respondent, Mikey & Momo, Inc. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the Corporate Respondent. His principal office or place of business is the same as that of the Corporate Respondent.
 - c. Respondent Melissa Matarese Fensterstock is an officer or member of the Corporate Respondent, Mikey & Momo, Inc. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the Corporate Respondent. Her principal office or place of business is the same as that of the Corporate Respondent.

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2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondents, and the proceeding is in the public interest.

ORDER

Definitions

For purposes of this Order, the following definitions apply:

- A. “Clearly and conspicuously” means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
 1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure (“triggering representation”) is made through only one means.
 2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.
 3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 5. On a product label, the disclosure must be presented on the principal display panel.
 6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the triggering representation appears.
 7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.

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9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.
- B. “Close proximity” means that the disclosure is very near the triggering representation. For example, a disclosure made through a hyperlink, pop-up, interstitial, or other similar technique is not in close proximity to the triggering representation.
- C. “Cosmetic” means (1) articles to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof intended for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap.
- D. “Covered product” means any product purported, designed, or intended to repel insects, including Aromaflage botanical fragrance & insect repellent spray, Aromaflage botanical insect repelling candle, Aromaflage Wild botanical fragrance & insect repellent spray, and Aromaflage Wild botanical insect repelling candle.
- E. “Device” means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is:
1. recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them,
 2. intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals, or
 3. intended to affect the structure or any function of the body of humans or other animals, and
- which does not achieve any of its principal intended purposes through chemical action within or on the body of humans or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.
- F. “Drug” means: (a) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (c) articles (other than food) intended to affect the structure or any function of the body of humans or other animals; and

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(d) articles intended for use as a component of any article specified in (a), (b), or (c); but does not include devices or their components, parts, or accessories.

G. “Food” means: (a) any article used for food or drink for humans or other animals; (b) chewing gum; and (c) any article used for components of any such article.

H. “Including” means including but not limited to.

I. “Respondents” means the Corporate Respondent and the Individual Respondents, individually, collectively, or in any combination.

1. “Corporate Respondent” means Mikey & Momo, Inc., formerly doing business as Mikey & Momo LLC, also doing business as Aromaflage, a corporation, and its successors and assigns.

2. “Individual Respondents” means Michael Fensterstock and Melissa Matarese Fensterstock.

I.

Prohibited Misleading and Unsubstantiated Representations About Insect Repellency

IT IS ORDERED that Respondents, and Respondents’ officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product must not make any representation, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration:

A. That such product is an effective mosquito or insect repellent;

B. That such product repels mosquitoes or other insects that may be carrying Zika virus, dengue, chikungunya, yellow fever, or any other disease;

C. That such product repels mosquitoes or other insects for a specified period of time;

D. That such product repels mosquitoes or other insects better than or as well as DEET or any other product or ingredient; or

E. About the health benefits, performance, efficacy, safety, or side effects of such product;

unless the representation is non-misleading, including that, at the time such representation is made, Respondents possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted by experts in the field of

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insect repellency, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

For purposes of this Provision, “competent and reliable scientific evidence” means tests, analyses, research, or studies that (1) have been conducted and evaluated in an objective manner by experts in the field of insect repellency; (2) are generally accepted by such experts to yield accurate and reliable results; and (3) are human clinical testing of the covered product, when such experts would generally require such human clinical testing to substantiate that the representation is true.

In addition, when such tests or studies are human clinical testing, all underlying or supporting data and documents generally accepted by such experts as relevant to an assessment of such testing as set forth in the Provision entitled Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies must be available for inspection and production to the Commission.

II.

Prohibited Misrepresentations Regarding Tests, Studies, or Other Research

IT IS FURTHER ORDERED that Respondents, and Respondents’ officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product must not make any misrepresentation, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration:

- A. About the existence, contents, validity, results, conclusions, or interpretations of any test, study, or other research, including that the product is proven to effectively repel mosquitoes or other insects, to effectively repel mosquitoes or other insects that carry disease or a specified disease, to effectively repel mosquitoes or other insects for a specified period of time, or to repel mosquitoes or insects as well as or better than DEET or any other product or ingredient; or
- B. That the performance or benefits of the product are scientifically or clinically proven or otherwise established.

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III.

Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies

IT IS FURTHER ORDERED that, with regard to any human clinical test or study (“test”) upon which Respondents rely to substantiate any claim covered by this Order, Respondents must secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, including:

- A. All protocols and protocol amendments, reports, articles, write-ups, or other accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or any other person not employed by the research entity;
- B. All documents referring or relating to recruitment; randomization; instructions, including oral instructions, to participants; and participant compliance;
- C. Documents sufficient to identify all test participants, including any participants who did not complete the test, and all communications with any participants relating to the test; all raw data collected from participants enrolled in the test, including any participants who did not complete the test; source documents for such data; any data dictionaries; and any case report forms;
- D. All documents referring or relating to any statistical analysis of any test data, including any pretest analysis, intent-to-treat analysis, or between-group analysis performed on any test data; and
- E. All documents referring or relating to the sponsorship of the test, including all communications and contracts between any sponsor and the test’s researchers.

Provided, however, the preceding preservation requirement does not apply to a reliably reported test, unless the test was conducted, controlled, or sponsored, in whole or in part by (1) any Respondent; (2) any Respondent’s officers, agents, representatives, or employees; (3) any other person or entity in active concert or participation with any Respondent; (4) any person or entity affiliated with or acting on behalf of any Respondent; (5) any supplier of any ingredient contained in the product at issue to any of the foregoing or to the product’s manufacturer; or (6) the supplier or manufacturer of such product.

For purposes of this Provision, “reliably reported test” means a report of the test has been published in a peer-reviewed journal, and such published report provides sufficient information about the test for experts in the relevant field to assess the reliability of the results.

For any test conducted, controlled, or sponsored, in whole or in part, by Respondents, Respondents must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of any personal information collected from or about participants. These procedures must be documented in writing and must contain administrative, technical, and

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physical safeguards appropriate to Respondents' size and complexity, the nature and scope of Respondents' activities, and the sensitivity of the personal information collected from or about the participants.

IV.**Prohibited Representations Regarding Endorsements**

IT IS FURTHER ORDERED that Respondents, and Respondents' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product, or any food, drug, device, or cosmetic for which health-related benefit, efficacy, performance, or safety claims are made, must not make any misrepresentation, expressly or by implication, about the status of any endorser or person providing a review of the product, including a misrepresentation that the endorser or reviewer is an independent or ordinary user of the product.

V.**Required Disclosures of Material Connections**

IT IS FURTHER ORDERED that Respondents, and Respondents' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product, or any food, drug, device, or cosmetic for which health-related benefit, efficacy, performance, or safety claims are made, must not make any representation, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration, about any consumer or other endorser of such product without disclosing, clearly and conspicuously, and in close proximity to that representation, any unexpected material connection between such endorser and (1) any Respondent; or (2) any other individual or entity affiliated with the product.

For purposes of this Provision, "unexpected material connection" means any relationship that might materially affect the weight or credibility of the testimonial or endorsement and that would not reasonably be expected by consumers.

VI.**Acknowledgments of the Order**

IT IS FURTHER ORDERED that each Respondent, within 10 days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

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VII.

Compliance Reports and Notices

IT IS FURTHER ORDERED that Respondents make timely submissions to the Commission:

- A. One hundred and eighty days after the issuance date of this Order, each Respondent must submit a compliance report, sworn under penalty of perjury, in which:
 - 1. Each Respondent must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission, may use to communicate with Respondent; (b) identify all of that Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Respondent (which Individual Respondents must describe if they know or should know due to their own involvement); (d) describe in detail whether and how that Respondent is in compliance with each Provision of this Order, including a discussion of all of the changes the Respondent made to comply with the Order; and (e) provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.
 - 2. Additionally, each Individual Respondent must: (a) identify all his or her telephone numbers and all his or her physical, postal, email and Internet addresses, including all residences; (b) identify all his or her business activities, including any business for which such Respondent performs services whether as an employee or otherwise and any entity in which such Respondent has any ownership interest; and (c) describe in detail such Respondent's involvement in each such business activity, including title, role, responsibilities, participation, authority, control, and any ownership.
- B. For 3 years after the issuance date of this Order, each Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:
 - 1. Each Respondent must submit notice of any change in: (a) any designated point of contact; or (b) the structure of Corporate Respondent or any entity that Respondent has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any

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subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

2. Additionally, each Individual Respondent must submit notice of any change in: (a) name, including alias or fictitious name, or residence address; or (b) title or role in any business activity, including (i) any business for which such Respondent performs services whether as an employee or otherwise and (ii) any entity in which such Respondent has any ownership interest and over which such Respondent has direct or indirect control. For each such business activity, also identify its name, physical address, and any Internet address.
- C. Each Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Respondent within 14 days of its filing.
- D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.
- E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *In re Mikey & Momo, Inc.*, C-4655.

VIII.**Recordkeeping**

IT IS FURTHER ORDERED that Respondents must create certain records and retain each such record for 5 years. Specifically, Corporate Respondent and each Individual Respondent for any business that such Respondent, individually or collectively with any other Respondents, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person’s: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;

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- C. Records of all consumer complaints and refund requests concerning the subject matter of the Order, whether received directly or indirectly, such as through a third party, and any response;
- D. A copy of each unique advertisement or other marketing material making a representation subject to this Order;
- E. For 5 years from the date of the last dissemination of any representation covered by this Order:
 - 1. All materials that were relied upon in making the representation; and
 - 2. All tests, studies, analysis, demonstrations, other research, or other such evidence in Respondent's possession, custody, or control that contradicts, qualifies, or otherwise calls into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and
- F. All records necessary to demonstrate full compliance with each Provision of this Order, including all submissions to the Commission.

IX.

Compliance Monitoring

IT IS FURTHER ORDERED that, for the purpose of monitoring Respondents' compliance with this Order:

- A. Within 10 days of receipt of a written request from a representative of the Commission, each Respondent must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury, and produce records for inspection and copying.
- B. For matters concerning this Order, representatives of the Commission are authorized to communicate directly with each Respondent. Respondents must permit representatives of the Commission to interview anyone affiliated with any Respondent who has agreed to such an interview. The interviewee may have counsel present.
- C. The Commission may use all other lawful means, including posing through its representatives as consumers, suppliers, or other individuals or entities, to Respondents or any individual or entity affiliated with Respondents, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

Concurring Statement

- D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Individual Respondents, pursuant to Section 604(2) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(2).

X.**Order Effective Dates**

IT IS FURTHER ORDERED that this Order is final and effective upon the date of its publication on the Commission's website (ftc.gov) as a final order. This Order will terminate on August 7, 2038, or 20 years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying settlement) in federal court alleging any violation of this Order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Provision in this Order that terminates in less than 20 years;
- B. This Order's application to any Respondent that is not named as a defendant in such complaint; and
- C. This Order if such complaint is filed after the Order has terminated pursuant to this Provision.

Provided, further, that if such complaint is dismissed or a federal court rules that the Respondent did not violate any Provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Provision as though the complaint had never been filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission, with Commissioner Chopra voting "abstain."

**STATEMENT OF
COMMISSIONER ROHIT CHOPRA**

In the Matter of Aromaflage Commission File Number 1623234

Today, the Federal Trade Commission is approving a settlement with Melissa and Michael Fensterstock to address their conduct that exploited the recent Zika epidemic. The

Concurring Statement

settlement includes no restitution for consumers, no disgorgement of their ill-gotten gains, and no admission of facts or liability.

The Fensterstocks claimed that their fragrance would protect customers from Zika and other insect-borne diseases as effectively as traditional repellants. Based on facts uncovered in our staff's thorough investigation, the Fensterstocks had reason to know this claim was not only baseless, but actually contradicted by the research *they commissioned*. The Fensterstocks grew their business by exposing their customers to health risks related to the Zika virus, including serious birth defects.

The Fensterstocks were extremely successful at promoting this ploy, doubling down on their deception at every turn. In the *New York Times*, Melissa Fensterstock spoke about how the company fielded daily calls from customers about Zika. In an interview with the *Guardian*, she noted that Aromaflage was "selling very well, especially given the scare." In a television interview on Bloomberg, she claimed her "scientific background" helped her "really understand what we can and cannot say about our product" (She studied neuroscience at Johns Hopkins, bioscience enterprise at the University of Cambridge, and holds an MBA from Harvard Business School.) Aromaflage was featured by the style editor of the *Today* show, and was even listed as one of *Oprah's Favorite Things*.

I don't believe the Fensterstocks purposely sought to expose their customers to serious health risks. Instead, it seems the thrill and allure of attention and financial success got the best of them. At the same time, their misconduct was extremely serious.

Given all these factors, I believe our settlement is too lenient and does not do enough to fence in the Fensterstocks. In other cases involving egregious misconduct,¹ the FTC has sought permanent injunctions² and significant relief for consumers in federal court. While I respect the ongoing concerns within the Commission about our extremely scant resources, I worry that this is not a just outcome. As the Fensterstocks pursue new business ventures, their investors and customers will need to keep a watchful eye over them.

Thousands of entrepreneurs and business owners work hard and play by the rules, including in the health and beauty products sectors. These honest businesses are harmed when they have to compete with companies that cheat their customers. The Federal Trade Commission must protect these honest business owners and operators from unfair business practices by ensuring that those who break the law are fully held to account.

1 The investigation suggests that the Fensterstocks actually misrepresented the results of a study they commissioned, thereby placing the health of their customers at risk. See [Compl.](#) ¶ 12. In my view, this makes the Fensterstocks' conduct more egregious than what is found in typical substantiation cases.

2 The order finalized today is valid only for twenty years. In my view, a court-ordered permanent injunction against false and misleading claims about health and safety would have been more appropriate given the particular facts and circumstances in this matter.

Analysis to Aid Public Comment

ANALYSIS OF CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission (“Commission”) has accepted, subject to final approval, an agreement containing a consent order as to Mikey & Momo, Inc., Michael Fensterstock, and Melissa Matarese Fensterstock (“respondents”).

The proposed consent order (“order”) has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the order and the comments received, and will decide whether it should withdraw the order or make it final.

This matter involves the respondents’ advertising for Aromaflage and Aromaflage Wild sprays and candles. The complaint alleges that the respondents violated Section 5(a) of the FTC Act by deceptively representing that their sprays and candles effectively repelled mosquitoes, including mosquitoes that carry Zika virus and other diseases, worked as well as products containing 25% DEET, were effective for 2.5 hours, and that their efficacy was scientifically proven. The complaint also alleges that the respondents violated Section 5(a) by disseminating 5-star reviews by purported ordinary consumers and by deceptively failing to disclose that certain endorsers had material connections with the respondents and their products, namely that several were close relatives and, in one instance, one of the respondents herself.

The order includes injunctive relief that prohibits these alleged violations and fences in similar and related conduct. The provisions related to efficacy claims apply to any “covered product,” which is defined as any product purported, designed, or intended to repel insects. The provisions related to endorsements apply to covered products as well as any food, drug, device, or cosmetic for which health-related benefit, efficacy, performance, or safety claims are made.

Part I prohibits any representation that a covered product repels insects, or about its health benefits, performance, efficacy, safety, or side effects, unless it is non-misleading and supported by competent and reliable scientific evidence. Such evidence must consist of tests or studies that (1) have been conducted and evaluated in an objective manner by experts in the field of insect repellency; (2) are generally accepted by such experts to yield accurate and reliable results; and (3) are human clinical testing of the covered product, when such experts would generally require such human clinical testing to substantiate that the representation is true.

Part II prohibits, in connection with the sale of a covered product, any misrepresentation about any test or study, or that the performance or benefits of such product are scientifically or clinically proven or otherwise established.

Part III, triggered when the human clinical testing requirement in Part I applies, requires the respondents to secure and preserve all underlying or supporting data and documents generally accepted by experts in the relevant field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test’s researchers. There is an exception for a “Reliably Reported” test, defined as a test that is published in a peer-reviewed journal and that was not conducted, controlled, or sponsored by any respondent or by any supplier of the respondents. Also, the published report must provide

Analysis to Aid Public Comment

sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Part IV prohibits, in connection with the sale of a covered product or any food, drug, device, or cosmetic for which health-related benefit, efficacy, performance, or safety claims are made, any misrepresentation about the status of any endorser or person providing a review of the product, including that he or she is an independent or ordinary user of the product.

Part V prohibits, in connection with the sale of a covered product or any food, drug, device, or cosmetic for which health-related benefit, efficacy, performance, or safety claims are made, any representation about any consumer or other endorser of such product without disclosing, clearly and conspicuously, and in close proximity to that representation, any unexpected material connection between such endorser and any respondent, or other individual or entity affiliated with the product. The order defines the terms “clearly and conspicuously” and “unexpected material connection.”

Part VI requires the respondents to submit signed acknowledgments that they received the order.

Part VII requires the respondents to file compliance reports with the Commission; and to notify the Commission of bankruptcy filings or changes in corporate structure that might affect compliance obligations.

Part VIII contains recordkeeping requirements for accounting records, personnel records, consumer correspondence, advertising and marketing materials, and claim substantiation, as well as all records necessary to demonstrate compliance or non-compliance with the order.

Part IX contains other requirements related to the Commission’s monitoring of the respondents’ order compliance.

Part X provides the effective dates of the order, including that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order’s terms in any way.

Complaint

IN THE MATTER OF

NECTAR BRAND LLC
D/B/A
NECTAR SLEEP; DREAMCLOUD, LLC; AND DREAMCLOUD BRAND
LLC

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF SECTION 5 OF THE FEDERAL
TRADE COMMISSION ACT

Docket No. C-4656; File No. 182 3038
Complaint, August 28, 2018 – Decision, August 28, 2018

This consent order addresses Nectar Brand LLC’s marketing, sale, and distribution of mattresses with claims that the products are assembled in the United States. The complaint alleges that respondent represented that its products are “assembled in the USA,” when, in fact, the respondent’s mattresses are wholly imported. The consent order prohibits respondent from making any country-of-origin claim about a product or service unless the claim is true, not misleading, and respondent has a reasonable basis substantiating the representation.

Participants

For the *Commission*: *Julia Solomon Ensor*.

For the *Respondents*: *Tyler Newby and Idan Netser, Fenwick & West LLP*.

COMPLAINT

The Federal Trade Commission, having reason to believe that Nectar Brand LLC, a limited liability company, also doing business as Nectar Sleep; DreamCloud, LLC; and DreamCloud Brand LLC (“Respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Nectar Brand LLC, also doing business as Nectar Sleep; DreamCloud, LLC; and DreamCloud Brand LLC (“Respondent”) is a California limited liability company with its principal office or place of business at 2000 University Drive, Palo Alto, California 94303.

2. Respondent has advertised, labeled, offered for sale, sold, and distributed products to consumers, including but not limited to mattresses. Respondent advertises these products online, including, but not limited to, on its website, nectarsleep.com.

3. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.