



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

Division of Advertising Practices

Mary K. Engle
Associate Director

July 31, 2015

Paul Rubin, Esq.
Peter Brody, Esq.
Ropes & Gray LLP
One Metro Center
700 12th Street, NW, Suite 900
Washington, DC 20005-3948

Re: TRIA Beauty, Inc., FTC File No. 142-3162

Dear Messrs. Rubin and Brody:

The staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation into whether your client, TRIA Beauty, Inc. ("Tria"), violated Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52, in connection with advertising for the Tria Hair Removal Lasers. After a careful review, we have decided to close this matter.

Professional hair laser treatments are a recognized alternative to shaving or waxing for permanently removing unwanted body hair. Dermatologists and other professionals perform these services using sophisticated lasers in commercial laser centers, doctors' offices, and hospitals. Tria offers hand-held laser devices for use at home (*e.g.*, the "Tria Hair Removal Laser 4X" and the "Tria Hair Removal Laser Precision"). Tria's devices, approved by the FDA for permanent hair reduction, resemble professional lasers in their use of diode laser technology. However, there are also key differences. For example, professional devices permit the use of higher energy settings, accompanied by discomfort-relief measures. When needed, higher-intensity laser pulses can damage hair follicles more completely and quickly.¹ These devices also are operated by trained professionals.

¹ Many professional lasers can deliver a wide range of light energy quantities (Joules) to the target area, as high as 40 Joules or more. Tria Hair Removal Lasers during the relevant period delivered no more than 22 Joules at their highest setting. Professional lasers also can deliver this energy in more concentrated fashion, often within a pulse of only 5 to 30 milliseconds ("ms"). Tria Hair Removal Lasers, by contrast, employed pulse durations of 100 to 600 ms.

Our investigation focused on whether Tria had a reasonable basis for certain advertising claims about the speed and efficacy of its lasers. For example, certain Tria infomercials represented that consumers would achieve virtually complete hair removal in only six months: “In six-months, Amanda will be throwing away her razors . . .” Tria at times also represented, without qualification, that Tria can achieve the same results as professional treatments in the same amount of time: “Most professional laser products require 3 to 6 in-office treatments, sometimes more, to achieve the desired results. Tria guarantees that you start seeing permanent results with just 2 treatments; in as little as 6 months, you could enjoy permanent freedom from the endless hassle of shaving and waxing.” Other advertisements similarly conveyed the impression that Tria users would achieve the same results as professional lasers in the same amount of time.

Although we believe that Tria provided substantiation sufficient to show that its products can effectively reduce unwanted body hair, we were concerned that the studies provided by Tria did not adequately substantiate the speed and degree of hair reduction claimed in many of Tria’s advertisements. Nevertheless, we have determined not to recommend enforcement action at this time. Among the factors we considered were Tria’s discontinuation of much of the problematic advertising shortly before this investigation commenced. The company also has agreed to revise its website claims, has terminated the use of unsubstantiated celebrity endorsement claims, and has agreed to address issues raised by staff in future advertising.

The closing of this investigation is not to be construed as a determination that a violation of law did not occur, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may warrant.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director for Advertising Practices