



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 6, 2024

Kenneth A. Plevan
Chair
National Advertising Review Board
BBB National Programs
7 Times Square, Suite 1705
New York, NY 10036

Re: Referral of Advertising by Smile Prep, LLC

Dear Mr. Plevan:

On September 11, 2023, the National Advertising Review Board (“NARB”) referred to the Federal Trade Commission a NARB compliance review regarding advertising by Smile Prep, LLC (“Smile Prep”) for claims made in connection with its clear dental aligner review service on smileprep.com. NARB affirmed a National Advertising Division (“NAD”) decision recommending that Smile Prep discontinue certain unsubstantiated express claims on its website concerning one of its affiliate partners, and clearly and conspicuously disclose that Smile Prep’s rankings, reviews, and product information, for clear aligners of Smile Prep’s affiliate partners, are advertising. Following a subsequent compliance review, NARB concluded that Smile Prep made a good faith effort to comply but recommended additional modifications to bring Smile Prep’s website into full compliance. Smile Prep declined to make additional changes. Accordingly, you referred this matter to the Federal Trade Commission for our review.

After FTC staff explained the reason for NARB’s referral and its potential consequences, the company agreed to re-engage with NARB and NAD. Subsequently, Smile Prep implemented NAD and NARB’s requested modifications, and on March 5, 2024, NARB issued a second compliance report review, finding the company’s modifications sufficient, and closing the compliance inquiry.

Accordingly, it appears no additional FTC action is warranted at this time. Our decision is not to be construed as a determination that a violation has not occurred. The Commission reserves the right to take such further action as the public interest may require. The FTC fully

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supports NAD's and NARB's self-regulatory process, and we sincerely appreciate your referral and the opportunity to continue to assist in supporting that process.

Very truly yours,

Courtney A. Estep

Courtney Estep
Chief of Staff
Division of Advertising Practices