

It's Not Just In Your Head: FTC Announces Yet Another Brain Health Settlement

Kristi L. Wolff

May 31, 2016

The FTC recently announced another [settlement](#) involving a cognitive health product. According to the FTC's complaint, LearningRx Franchise Corp. and its CEO, Dr. Ken Gibson, deceptively claimed that their brain training programs were clinically proven to permanently improve serious health conditions like ADHD, autism, dementia, Alzheimer's disease, strokes, and concussions and that the training substantially improved school grades and college admission test scores, career earnings, and job and athletic performance. They also allegedly claimed that LearningRx brain training is 10 times more cost-effective than tutoring. In addition, the company allegedly purchased paid search terms that were consistent with treatment of various conditions, including autism, ADHD, Aspergers, and severe traumatic brain injury. The FTC alleged that the company violated Sections 5 and 12 of the FTC act insofar as the claims were deceptive and false.

Learning Rx has posted a detailed statement about the FTC settlement [here](#), defending the company's claims, highlighting their substantiation, and explaining that the decision to settle was pragmatic. In the statement, the company discusses how they have "completed randomized, controlled trials on cognitive skills and IQ as well as several quasi-experimental controlled studies and numerous observational studies using pre- and post-standardized assessments from thousands of clients. This large body of clinical data demonstrates that LearningRx brain training programs increase cognitive skills (including clients with diagnoses), IQ scores, reading skills, and standardized reading and math test scores for their clients regardless of previous diagnosis." In addition, Learning Rx's expert, Dr. Howard Wainer, examined their research and data. According to the company, he concluded that LearningRx has competent and scientifically reliable evidence to back claims made on cognitive skills, IQ, reading, and training different populations like ADHD, seniors, autism, TBI, and dyslexia.

Per the stipulated order, the company is prohibited from making claims relating to performance at work, in athletics, delaying age-related decline, or reducing other impairments absent competent and reliable scientific evidence. Consistent with the arguments made in the wake of the [Carrot Neurotechnologies](#) settlement, companies making cognition claims should carefully consider whether what is considered acceptable in a particular field or results from customer data squares with the FTC's current application of the competent and reliable scientific evidence standard and their advertising claims.