



FTC Looks at Football Helmet Safety Claims

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Helmet safety has caught the attention of the Federal Trade Commission, which is looking into marketing claims that some football helmets can help reduce concussions. Recent months have seen widespread publicity about concussions and other traumatic head and neck injuries suffered by football players, prompting the National Football League to step up enforcement of rules against illegal hits. Pressure on the FTC to investigate possibly deceptive and misleading safety claims increased last month when Sen. Tom Udall (D-N.M.) sent a letter to the FTC chairman claiming that advertisements by two prominent helmet manufacturers could violate the FTC Act.

In his letter to the FTC, Udall specifically cited Riddell, a leading helmet manufacturer that supplies the official helmet to the NFL, for the prominent claim on its website that its popular Revolution models decrease concussion risk by 31 percent. This figure has long been criticized because new Revolution helmets had been compared with used helmets of unknown age and condition. Udall claims that “there is actually very little scientific evidence” to support the claim that “research shows a 31 percent reduction in the risk of concussion in players wearing a Riddell Revolution football helmet when compared to traditional helmets.” According to Udall, the voluntary industry standard for football helmets does not specifically address concussion prevention or reduction.

Last fall, Udall asked the Consumer Product Safety Commission to investigate helmet safety. Now, Udall has raised his concerns with the FTC, which is looking into possible actions regarding safety claims against helmet manufacturers. Riddell called the allegations “unfounded and unfair.” The company also claimed that, while its research on reducing concussions was encouraging, “we can’t stress enough that no helmet will prevent all concussions.”



A spokesperson for the FTC has stated that the commission could decide to launch an investigation but would not confirm or deny one until it either closed the investigation without bringing charges or announced it would bring charges of deceptive advertising against the helmet companies. If an investigation is launched, the FTC will likely examine whether the helmet safety claims comply with the FTC's policy statement on advertising substantiation, which states: "The Commission intends to continue vigorous enforcement of this existing legal requirement that advertisers substantiate express and implied claims, however conveyed, that make objective asserts about the item or service advertised." In other words, the FTC warns manufacturers and advertisers against making claims about a product that would require proof that the manufacturer or advertiser does not have.

There is a lot at stake if the government intervenes in the helmet business. In addition to the personal safety concerns for young football players — which the letter to the FTC lists as a paramount concern — football helmet sales represent big business. Helmets can range from \$150 to \$400. With a reported 4.4 million players under the age of 18 alone, this can mean big bucks for the helmet companies. It is unlikely that sales of helmets will be significantly affected by an FTC investigation, but helmet companies may be faced with the added costs of research and development necessary to substantiate claims of helmet safety.

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