

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Joseph J. Simons, Chairman**
 Maureen K. Ohlhausen
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter

In the Matter of

**MIKEY & MOMO, INC., formerly d/b/a
 MIKEY & MOMO LLC, also d/b/a
 AROMAFLAGE, a corporation,**

**MICHAEL FENSTERSTOCK, individually and
 as an officer of MIKEY & MOMO, INC., and**

**MELISSA MATARESE FENSTERSTOCK,
 individually and as an officer of MIKEY &
 MOMO, INC.**

DOCKET NO. C-4655

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.
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.

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
[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

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.

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[.]

★★★★★ **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 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-meta-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;
- 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 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."

Donald S. Clark
Secretary

SEAL: