



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

Division of Advertising Practices

Mary K. Engle
Associate Director

May 27, 2014

Nancy J. Felsten, Esq.
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Counsel for The Procter & Gamble Company

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Counsel for Alere, Inc.

Re: Clearblue Pregnancy Test with Weeks Estimator, FTC File No. 142-3050

Dear Ms. Felsten and Mr. McInnis:

As you are aware, the staff of the Division of Advertising Practices of the Federal Trade Commission investigated SPD Swiss Precision Diagnostics GmbH (a joint venture partnership between The Procter & Gamble Company and Alere, Inc.) and its advertising for the Clearblue Pregnancy Test with Weeks Estimator for possible violations of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52. Our investigation focused on claims that the product, which estimates the weeks since a woman's ovulation, measures the duration of a woman's pregnancy, which medical professionals calculate from a woman's last menstrual period. Upon careful review of the matter, including non-public information submitted to the FTC, we have determined not to recommend enforcement action at this time. The factors we considered in making this determination include the limited nature of the advertising containing the claims at issue and the company's voluntary action to modify all advertising (including labeling) to ensure compliance with the premarket clearance letter issued by the Food and Drug Administration.

This action 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 require.

Very truly yours,

Mary K. Engle
Associate Director
Division of Advertising Practices