

**Dissenting Statement of Commissioner J. Thomas Rosch**  
***FTC v. Airborne Health, Inc. et al.***  
***FTC File No. 0723183***

I appreciate the staff's hard work in investigating the claims made by defendants regarding the Airborne Health products. I am concerned, however, about the remedy provided by the Stipulated Final Order. In particular, I believe that the Order provision allowing the defendants to deplete their existing inventory of paper cartons and display trays until October 31, 2008 will continue to perpetuate misperceptions about the products' ability to prevent or reduce colds, sickness or infection; to protect against or help fight germs; and to protect against colds, sickness, or infection in crowded places such as airplanes, offices, or schools. I also believe that the Complaint and the Order should address claims on the current packaging that assert that the product has "immune-boosting" qualities. Finally, and most importantly, it is my opinion that the only way to effectively remove these lingering misperceptions about the qualities of the Airborne Health Products would be to require the defendants to engage in corrective advertising. Therefore, I respectfully dissent.