

# Brain Games

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Last week my daughter turned 13. I can't believe my little sweetie is a teenager. It seems like only yesterday we would sit on the living room floor and play The Wiggles Memory Game with her and our son. The game had over 20 cards featuring two of each Wiggles character. We shuffled them and then put the cards face down on the carpet. We took turns flipping two cards over trying to match up the pairs.

At first, my wife and I beat the kids soundly. But pretty soon the kids started to catch up. And then the kids started beating us. Badly. I remember one game I didn't even find a single pair.

Thankfully our kids are doing well in school. My wife and I like to think it's because we stimulated their young minds by playing intellectual games and reading to them. Now I'm not so sure we can take any credit.

Lumosity is a company that creates "brain training" games, like The Wiggles Memory Game, only these are played on mobile devices like smart phones and tablets. Founded in 2007, the company has developed over 50 games designed to increase cognitive abilities such as attention and memory. While some of the games are free to play, Lumos Labs offers a subscription service of up to \$15 per month to access all of their games.

In their many television ads, Lumosity boasted that their games were designed by neuroscientists and were scientifically proven to reduce the likelihood of suffering from dementia or Alzheimer's disease. The company also claimed that by playing their games, people could improve their real-world cognitive skills and even athletic performance.

Like many folks, my wife and I both have family members who suffered from dementia or Alzheimer's, so Lumosity's claims sparked our interest. Many people have a fear of memory loss later in life, so Lumosity's ads generated lots of interest. Especially from the Federal Trade Commission.

After investigating Lumosity's claims, the FTC alleges that the company misled customers using false or deceptive advertising. The agency further asserts that Lumos failed to disclose that many of the testimonials used to tout the effectiveness of the games were solicited as part of a contest that offered winners prizes such as iPads, paid lifetime subscriptions to Lumosity, or a free trip to San Francisco.

As a result, Lumos Labs is banned from making claims that Lumosity can improve academic or athletic performance, stave off dementia or other cognitive disorders, or treat other conditions such as attention deficit disorder or post-traumatic stress disorder unless the company can actually substantiate those claims with "competent and reliable scientific evidence."

According to the order, "competent and reliable scientific evidence" is defined as clinical testing conducted by qualified researchers with adequate controls "considered in light of the entire body of relevant and reliable scientific evidence."

In addition, Lumos Labs agreed as part of the settlement to pay the FTC \$50 million, however, a district court suspended all but \$2 million of that amount because the company couldn't actually afford to pay it. The company must further also notify all current Lumosity subscribers of the FTC's order and provide them with a link that allows them to easily unsubscribe from the service.

Ironically, the settlement is something Lumos Labs would like to quickly forget.

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