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Senator Calls for Helmet Safety Investigation

By **ALAN SCHWARZ**

A United States senator is formally requesting that the [Federal Trade Commission](#) investigate what he called “misleading safety claims and deceptive practices” among helmet manufacturers and refurbishers.

In a letter sent Monday to the commission’s chairman, Jon Leibowitz, and obtained by The New York Times, Senator [Tom Udall](#), Democrat of New Mexico, contended that advertisements from two primary helmet companies could violate the [Federal Trade Commission Act](#), which prohibits misleading descriptions of the protective qualities of a safety device, particularly one used by children.

Udall took specific aim at [Riddell](#), the official helmet manufacturer of the [N.F.L.](#), for its prominent claim that its popular Revolution models decrease [concussion](#) risk by 31 percent — which has been [criticized by experts for years](#). Udall also cited how the [limited test standard](#) to which new and used helmets are held, overseen by the National Operating Committee on Standards for Athletic Equipment ([Nocsae](#)), can convey a level of concussion-related protection that the headgear is not shown to provide.

“Athletes, coaches and parents today are increasingly aware of the danger of concussion, and this awareness influences decisions about buying new and reconditioned football helmets,” wrote Udall, who last month [initiated an inquiry](#) into football helmets by the [Consumer Product Safety Commission](#). “Athletes who have already suffered a concussion — as well as their coaches and parents — may be particularly susceptible to misleading marketing claims about helmet safety.”

Reached by telephone Monday night, Riddell’s chief executive, Dan Arment, said, “I’m sure the senator is well intentioned.” He added: “We’ll be transparent and we’ll welcome the scrutiny and review. We hope that that scrutiny and review goes to all helmet manufacturers.”

Robert Erb, the chief executive for Schutt, a competitor of Riddell, forwarded his response to Udall’s office, which read in part, “At no time do we claim, or intimate, that our helmets are ‘anticoncussion,’ ‘concussion proof,’ ‘concussion reducing’ or the like.”

Nocsae’s executive director and legal counsel, Mike Oliver, said in an e-mail that he told Udall’s office that Nocsae also disagreed with the use of misleading advertising. Oliver added: “To the extent the senator’s letter is suggesting that there is no standard for a reconditioned and recertified helmet, that of course is clearly inaccurate. There is a standard for reconditioned and recertified helmets,” Oliver said, to which Nocsae provides significant oversight.

About one million new helmets, generally costing \$150 to \$400 apiece, are sold each season to protect the 4.4 million athletes under 18 who play organized football. The estimated 500,000 concussions sustained annually by those youngsters have become a pressing health concern in football across the United States, leading to rule changes and state legislation establishing treatment protocols for youth athletes in all sports.

As parents and coaches have become increasingly worried about protection against concussions, claims by helmet manufacturers — often embellished by local sales representatives — have come under unprecedented scrutiny. [An investigation by The New York Times](#), published in October, highlighted misinformation as well as lapses in helmet-testing protocol. Udall’s letter focused on helmet-company advertising.

The 2011 catalog from [Schutt](#) uses a bar graph to demonstrate how its DNA Pro+ model scored a favorably low 4.0 compared with the 5.0’s and 6.6’s posted by rivals. (Similar claims are made on the company’s Web site.) Schutt’s 2010

catalog features a page titled "Tests Don't Lie" that presents three numberless graphs alongside claims that one of its models "absorbs 42% more impact" than a helmet made by Xenith, a relatively new manufacturer, and "44% more impact" than Riddell's Revolution.

None of the figures indicate a unit of measurement, how the numbers were obtained or which "independent research lab" produced the data.

The F.T.C.'s [policy statement](#) on advertising substantiation 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 assertions about the item or service advertised."

It continues, "The Commission will find deception if there is a representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment."

Almost half of Udall's three-page letter focused on how Riddell's marketing materials prominently assert that "research shows a 31% reduction in the risk of concussion in players wearing a Riddell Revolution football helmet when compared to traditional helmets." He also cited a [Riddell-produced YouTube video](#) that states how the study, of 2,000 high school players by researchers at the [University of Pittsburgh Medical Center](#), "grants a peace of mind that is a great benefit to all football participants, especially to the parents and coaches of young players."

The 31 percent figure has long been criticized because new Revolution helmets had been compared with used helmets of unknown age and condition. Riddell paid for the study, which was co-written by the company's top engineer, Thad Ide. Udall also pointed out that Riddell uses the 31 percent figure to market its youth-size Revolutions, which were not studied at all.

Arment said: "We stand behind the research. We recognize that there are different points of view, but we believe that it is the most relevant and reviewed research that is available."

In a telephone interview Monday, another co-author of the paper, the U.P.M.C. neurosurgeon Joe Maroon, said he disagreed with Riddell's marketing the 31 percent figure without acknowledging its limitations, and supported Udall's request for a formal scrutiny.

"That was the data that came out," Maroon said, "but the authors of that study on multiple occasions have recommended further investigations, better controls and with larger numbers. If one is going to make statements relative to the paper we wrote, it should be with the limitations that we emphasized, and not extrapolated to studies that we suggest should be done and haven't been done yet."

Udall cited several other concerns with helmet-industry practices, saying "some helmet reconditioning companies may be falsely selling used helmets as meeting an industry safety standard."

Last summer, Nocsae discovered that two helmet reconditioners had not been conducting the drop tests required to earn Nocsae approval. Udall said that those and less obvious lapses in testing protocol indicated that the helmet industry might require some level of governmental oversight.