

**FEDERAL TRADE COMMISSION
BUREAU OF CONSUMER PROTECTION
WASHINGTON, DC 20580**

VIA ELECTRONIC MAIL

TO: www.

RE: **NOTICE OF POTENTIAL ILLEGAL MARKETING OF
PRODUCTS OR THERAPIES TO PREVENT, TREAT,
OR CURE THE INFLUENZA A/H1N1 VIRUS INFECTION**

DATE: **May 6, 2009**

Federal Trade Commission staff has reviewed marketing claims on your web site relating to the prevention, treatment or cure of the Influenza A/H1N1 virus infection, most commonly known as swine flu. We remind you that the FTC Act requires that health-related claims, such as claims that a dietary supplement will prevent, treat or cure, or claims that an air filtration device or cleaning agent can kill or eliminate the virus thought to cause swine flu must be supported by well-controlled human clinical studies at the time the claims are made. In other words, it is against the law to make health claims, whether directly or indirectly through the use of a product name, web site name, metatags, or any other means, without scientific support or to exaggerate the benefits of products or services you are promoting. **Violations of the FTC Act may result in legal action in the form of Federal District Court injunction or Administrative Order. An order also may require that you pay money back to consumers.**

In addition, claims that a product is intended to prevent, diagnose, mitigate, treat, or cure swine flu may cause the product to be an unapproved new drug or device under the Federal Food, Drug, and Cosmetic Act (FDA Act). The FDA Act prohibits the introduction into interstate commerce of unapproved new drugs and certain devices.

According to the Centers for Disease Control and Prevention (CDC), this virus is a hybrid of swine, avian and human strains that appears to be spread primarily by close person-to-person contact. Coughing or sneezing allows droplets containing the infectious virus to reach the respiratory tract of persons in close proximity. It may also be spread by touching objects contaminated with infectious droplets and then touching one's eye(s), nose, or mouth. The recommended antiviral drugs for swine flu are Oseltamivir (brand name Tamiflu) and Zanamivir (brand name Relenza). Both are prescription drugs that fight against swine flu by keeping the viruses from reproducing in the body. These drugs can prevent infection if taken as a preventative. However, at this time, no vaccine has been developed.

Action Requested

The FTC staff strongly urges you to review all claims you are making for your products, particularly claims that your products can prevent, mitigate, treat or cure swine flu. If your claims are not supported by competent and reliable scientific evidence they should be deleted or

revised immediately.

Please notify us via electronic mail to cureall@ftc.gov within 48 hours of the specific actions you have taken to address the agency's concerns.

FTC investigators have copied and preserved the pages of your online promotional materials and will be revisiting your website 48 hours after you have notified us of the changes you have made.