

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



Division of Advertising Practices

September 20, 2011

Charles D. Ossola  
Dickstein Shapiro LLP  
1825 Eye Street NW  
Washington, DC 20006

Re: CARU Referral of Haribo of America, Inc.

Dear Mr. Ossola:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices has conducted an inquiry into whether representations made by Haribo of America, Inc. ("Haribo"), regarding its Gold-Bears Gummy Candy may violate Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Children's Advertising Review Unit of the Council of Better Business Bureaus ("CARU") referred this matter to us after Haribo continued running an advertisement that CARU found to be in violation of CARU's *Self-Regulatory Guidelines for Children's Advertising*. Upon review of the matter, we have determined not to take additional action at this time. Among the factors we considered are Haribo's representations that the company will produce a new Gold-Bears advertisement in consultation with CARU. This action is not to be construed as a determination that a violation did not occur. The Commission reserves the right to take such further action as the public interest may warrant.

Very truly yours,

Mary K. Engle  
Associate Director

cc: Tina Poturica-O'Neill, Children's Advertising Review Unit