



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

Division of Advertising Practices
Mary Koelbel Engle
Associate Director

June 3, 2002

Anthony L. Young, Esq.
PIPER MARBURY RUDNICK & WOLFE LLP
1200 Nineteenth Street, NW
Washington, DC 20036-2412

Re: Nature's Way Products, Inc., FTC File No. 022 3010; C-3285

Dear Mr. Young:

As you know, the staff of the Federal Trade Commission conducted an investigation of the advertising and promotional activities of Nature's Way for its Sambucol,

Attention Focus for Children, vitamin E, and Evening Primrose Oil products. The purpose of the inquiry was twofold: 1) to determine whether Nature's Way was engaged in unfair or deceptive acts or practices in violation of Sections 5 and 12 of the Federal Trade Commission Act (15 U.S.C. §§ 45 and 52) by its advertising that Sambucol is effective in treating and preventing influenza, West Nile Virus, and other viral diseases or infections, and 2) to determine whether the company violated the terms of the Commission's April 10, 1990 Order against it, which order prohibits Nature's Way from making unsubstantiated claims that any product that "contains any or all of the ingredients . . . Evening Primrose Oil, . . . or vitamin E" will "cure, treat, prevent or reduce the risk of developing any disease," by its advertising of certain efficacy representations for Attention Focus for Children (containing vitamin E and Evening Primrose Oil), Evening Primrose Oil, and vitamin E.

Upon review of this matter, the staff has determined to close the investigation at this time. Among other reasons, Nature's Way responded positively to the staff's initial inquiry into the company's announcement of an advertising campaign focusing on Sambucol as a flu prevention product. The company halted the campaign before it started, including canceling a press conference and accompanying media dissemination of its claim. In addition, Nature's Way had adequate substantiation for the claim that Sambucol is effective in reducing the symptoms and duration of influenza A and B, at the time those claims were made; did not appear to make any of the remaining questionable treatment/prevention claims for Sambucol on its web site directly; has persuaded Sambucol's foreign manufacturer to remove all questionable treatment/prevention claims from its Web site, and is in the process of facilitating the removal of those claims from its distributors' Web sites. With respect to the Attention Focus for Children product, it appears that

Nature's Way engaged in limited advertising of the product, has removed that product from its site, and will rename it after inventory has run out.

This action is not to be construed as a determination that a violation did not occur, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

Mary K. Engle
Associate Director