



Division of Advertising Practices

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

October 3, 2008

Stacey Anne Mahoney, Esq.
Gibson, Dunn & Crutcher, LLP
200 Park Avenue
New York, NY 10166-0193

Dear Ms. Mahoney:

As you know, the staff of the Federal Trade Commission conducted an investigation into whether News America Marketing FSI, LLC ("News America") violated Sections 5 and 12 of the FTC Act in connection with its publication since March 2005 of Free Standing Insert advertisements for seven weight-loss products, marketed by five different companies. Our inquiry focused on whether News America disseminated those advertisements when it knew or should have known that they contained false weight-loss claims.

Upon review of this matter, we have determined not to recommend enforcement action at this time. Among the factors we considered are News America's adoption of a written policy not to publish advertisements containing claims identified in the Federal Trade Commission's December 2003 media reference guide entitled *Red Flag Bogus Weight Loss Claims* and News America's implementation of internal guidelines and procedures described in your letter of August 15, 2008 to better screen for these types of advertisements in the future.

Accordingly, it now appears that no further action is warranted by the Commission at this time and the investigation is closed. The staff appreciates News America's cooperation in the resolution of this matter. This action is not to be construed as a determination that a violation may not have occurred, 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,

A handwritten signature in cursive script that reads "Mary K. Engle".

Mary K. Engle
Associate Director