



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

Division of Advertising Practices

November 14, 2006

Nicholas R. Koberstein, Esq.  
McDermott Will & Emery  
600 Thirteenth Street, N.W.  
Washington, DC 20005-3096

Dear Mr. Koberstein:

As you know, the staff of the Federal Trade Commission conducted an investigation into whether Valassis Communications, Inc. ("Valassis") violated Sections 5 and 12 of the FTC Act in connection with its publication since November 2004 of Free Standing Insert advertisements for seven weight-loss products, marketed by five different companies. Our inquiry focused on whether Valassis 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 Valassis's commitment 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 Valassis's implementation of internal guidelines and procedures described in your letter of October 24, 2006 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 Valassis's cooperation in the prompt 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,

Mary K. Engle  
Associate Director