



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

Division of Advertising Practices

October 26, 1999

Irwin D. Simon
President & Chief Executive Officer
Hain Food Group, Inc.
50 Charles Lindbergh Boulevard
Uniondale, NY 11553

Dear Mr. Simon:

As you know, the staff of the Federal Trade Commission has conducted an investigation into possible violations of Section 5 of the FTC Act by the Hain Food Group, Inc. in connection with certain statements made on the labels of Hain's "Kitchen Prescription" line of products. Specifically, staff considered whether Hain possessed adequate substantiation for its claims concerning the benefits of the botanicals in Kitchen Prescription products.

In staff's opinion, the Kitchen Prescription labels represented, expressly or by implication, that these products contained St. John's Wort and Echinacea in formulations and dosages that provided effective mood improvement and immune system support when the products were prepared and consumed as recommended on the labels. These claims raised serious concerns under the Commission's advertising substantiation standards.

Despite these concerns, staff has decided to close this investigation, based in part upon Hain's representation that the "Kitchen Prescription" product line has been discontinued. Accordingly, it now appears that no further action is warranted by the Commission at this time. This action is not to be construed as a determination that a violation of the FTC Act might 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 further action as the public interest may require.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler".

C. Lee Peeler
Associate Director

cc: Anthony L. Young, Esq.