



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

Division of Advertising Practices

February 2, 2007

Andrew J. Strenio, Jr.  
Sidley Austin LLP  
1501 K Street, N.W.  
Washington, D.C. 20005

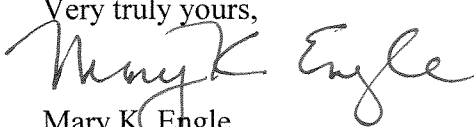
Re: Salmon of the Americas, Inc.

Dear Mr. Strenio:

As you know, the staff of the Federal Trade Commission conducted an investigation of your client, Salmon of the Americas, Inc. ("SOTA"), for possible violations of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52. In particular, the investigation concerned SOTA's advertising and promotion of ocean-farmed salmon, especially advertisements promoting the health benefits of ocean-farmed salmon for pregnant women, developing fetuses, and young children.

The staff was concerned that the advertising at issue represented, expressly or by implication and without any qualification, that consumption of ocean-farmed salmon by pregnant women and nursing mothers provides substantial benefits for developing fetuses and nursing infants without any offsetting health concerns. The staff was concerned that, in the context of the advertising at issue, SOTA's advertising might be likely to mislead reasonable consumers, through its failure to disclose that women who are or might become pregnant, nursing mothers, and children ages 12 or younger should consume no more than one or two servings (up to 12 ounces) per week of a variety of fish and shellfish, including ocean-farmed salmon.

Despite these concerns, the staff has decided to close this investigation. Among other things, the staff notes that the most troubling advertisement at issue ran only once in November 2005, and that SOTA has stated that it will not run the advertisement in the future. In addition, SOTA has informed the staff that it has instituted stricter advertising review practices to ensure that future advertising complies with Section 5 and other legal requirements. Accordingly, it now appears that no further action is warranted at this time and the investigation is closed. 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 for Advertising Practices