



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

Division of Advertising Practices

July 29, 2008

Ms. Andrea C. Levine  
Vice President, Director  
National Advertising Division  
Council of Better Business Bureaus  
70 West 36<sup>th</sup> Street  
New York, New York 10018

Re: NAD Referral of advertising claims for "Sunpill"

Dear Ms. Levine:

Thank you for your referral letter concerning advertising claims made by Pure Pharmaceuticals, LLC for its Sunpill dietary supplement product, which is promoted to provide protection against the sun's harmful UVA and UVB rays.

The NAD found that Pure Pharmaceuticals' web advertising contained several unsubstantiated and misleading claims for the Sunpill product, including performance claims indicating that Sunpill is the first line of defense in sun protection and that it is preferable or superior to sunscreen in providing protection against UVA and UVB radiation. The NAD issued its decision recommending that Pure Pharmaceuticals discontinue certain of its claims and modify others. While Pure Pharmaceuticals indicated a willingness to comply with the NAD decision, the company subsequently retained several of the challenged claims on its website. The NAD referred the matter to the Commission based upon its determination that Pure Pharmaceuticals had not taken appropriate steps to comply with its decision.

It is our understanding that Pure Pharmaceuticals has now shut down its Sunpill website and is not currently marketing or distributing the Sunpill product. While Pure Pharmaceuticals has transferred the exclusive license to the Sunpill trademark to another company, XenaCare Holdings, it does not appear that either company currently is actively advertising the Sunpill product. For this reason, we find that no additional FTC action is needed at this time. Should future advertising claims for the Sunpill product raise concerns similar to those addressed in the NAD referral, we will consider whether FTC action is warranted.

Ms. Andrea C. Levine

Page 2

The FTC strongly supports the NAD's self-regulatory program, which serves as an important complement to the FTC's consumer protection efforts, and we encourage advertisers to participate fully in the program. We appreciate receiving your concerns and hope you will continue to forward matters to us when appropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly distinguishable.

Mary K. Engle  
Associate Director