



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WESTERN REGION

901 Market Street, Suite 570  
San Francisco, CA, 94103

Jeffrey Klurfeld  
Regional Director

Direct Dial  
(415) 356-5266

April 17, 2001

Ms. Deena Canales  
HerbalFitness  
P.O. Box 213  
Niceville, FL 32588

RE: Herbal Fitness/Systems by Rich  
File No.:002 3296

Dear Ms. Canales:

As you know, staff of Western Regional Office of the Federal Trade Commission have conducted an investigation to determine whether the above firms violated the Federal Trade Commission Act by making false or unsubstantiated claims regarding the safety and efficacy of your Blood DeTox Formula, Immune Boost Formula, and Immune-Boost Tea, each being products containing the herb chaparral. Among other things, staff investigated claims made via the Internet and other means, in connection with the marketing of these products, that your Blood DeTox formula products were effective in cleansing the blood stream of toxins, had antiseptic, antibacterial and antibiotic properties, stimulated circulation, and had cancer-fighting properties; and that your Immune Boost Formula products strengthened the immune system, ward off infection, are a tonic, a depurative, anti-venomous, an anti-putrefactive, deodorant, anti-fungal, anti-tumor, antiseptic, a disinfectant, anti-catarhal, and anti-stress, and that they increased mental alertness, improve immune system function, and fight bacterial and viral infections.

Based on this investigation, it appears to staff that HerbalFitness's Internet site contained the claims described above. Moreover, staff believes, based on the evidence gathered during the investigation, that these efficacy claims were not substantiated by competent and reliable

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scientific evidence.<sup>1</sup> Staff also has concerns about the safety of ingesting these and other products containing chaparral.

After careful review of this matter, however, it does not appear that further action by the Commission is necessary at this time. Among other reasons, you indicate that your sales of these products in the recent past have been de minimis in amount, and that you are discontinuing the advertising and sale of these products. Based on this and other considerations, the investigation has been closed.

This action is not to be construed as a determination that a violation has not 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,



Jeffrey Klurfeld  
Regional Director

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<sup>1</sup> For further guidance on the FTC's advertising substantiation standard and how it applies to advertising claims for dietary supplements and other health-related products, see *Dietary Supplements: An Advertising Guide for Industry* (FTC, Bureau of Consumer Protection 1998), available at [www.ftc.gov](http://www.ftc.gov).