



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Division of Advertising Practices

September 28, 2018

Laura Brett, Esq.
Director
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising Claims for NatureMade Omega-3 with Xtra Absorb Technology Supplements

Dear Ms. Brett:

This letter responds to your referral to the FTC of the NAD's file involving Pharmavite, LLC's advertising claim that its Nature Made Omega-3 with Xtra Absorb Technology product has "Nearly 4X Better Absorption" than standard fish oil concentrate. Because Pharmavite, LLC declined to comply with the NAD's recommendation to discontinue this claim, you referred this matter to the FTC for our review.

We have had several communications with Pharmavite, LLC representatives. Upon careful review of this matter, including additional non-public information Pharmavite, LLC provided to staff, we have determined not to recommend enforcement action at this time. In coming to this conclusion, we considered a number of factors related to resource allocation and enforcement priorities, as well as the nature of any FTC Act violation and the type and severity of any consumer injury.

The Commission reserves the right to take such further action as the public interest may require. The FTC fully supports the NAD's self-regulatory process, and we appreciate your referral and the opportunity to continue to assist in supporting the NAD.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. W. Domond".

Devin W. Domond
Chief of Staff for Advertising Practices