



United States of America
FEDERAL TRADE COMMISSION
Washington, DC 20580

Division of Advertising Practices

May 1, 2015

David H. Bernstein, Esq.
Debevoise & Plimpton, LLP
919 Third Avenue
New York, NY 10022

Re: NAD Referral of Body Armor Nutrition LLC

Dear Mr. Bernstein:

As you know, the staff of the Federal Trade Commission has conducted an inquiry into advertising by BA Sports Nutrition, LLC (formerly Body Armor Nutrition, LLC) for its BODYARMOR SuperDrink. The National Advertising Division of the Council of Better Business Bureaus ("NAD") referred this matter to us after the company declined to fully implement NAD's recommendations or to participate in any further compliance review pursuant to NAD's self-regulatory process.

Upon further review of the matter, we have determined not to take additional action at this time. Among the factors we considered are additional modifications that have been made by your client since NAD referred the matter. Those changes include the removal of blogs making nutritional superiority claims and your client's representations that it will modify video athlete testimonials by replacing the introductory question "Why did you upgrade to BODYARMOR for performance?" with "Why do you drink BODYARMOR SuperDrink?" The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

Mary K. Engle
Associate Director

cc: Andrea C. Levine, National Advertising Division