



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

Division of Advertising Practices

January 26, 2010

Country Life Vitamins  
Attn: Francine Drexler, CEO and President  
180 Vanderbilt Motor Parkway  
Hauppauge, NY 11788

**WARNING LETTER**

This letter is to advise you that the Division of Advertising Practices of the Federal Trade Commission ("FTC") has reviewed product packaging and advertising on the website [www.country-life.com](http://www.country-life.com) for Country Life Vitamin's Dolphin Pals DHA Gummies for Kids ("Dolphin Pals"), a gummy vitamin product containing Omega-3 fatty acids that is intended for use by children. According to the supplement facts panel on the Country Life website, one serving of Dolphin Pals (3 chews) contains 100 mg of docosahexaenoic acid and 20 mg of eicosapentaenoic acid.

The FTC staff has identified various express and implied claims on product packaging and in advertising for Dolphin Pals representing that the product provides health benefits related to brain development and function in children. Some examples of these claims include:

- Consuming Dolphin Pals improves or enhances attention span and concentration in children;
- Consuming Dolphin Pals enhances or supports brain development in children; and
- Consuming Dolphin Pals will improve or enhance mind development and function in children.

Given the claims you are making, you should be aware of a recent law enforcement investigation we conducted into similar claims for another children's dietary supplement. Attached is a public closing letter related to an investigation that the FTC conducted of Northwest Natural Products, Inc. ("NNP") for possible violations of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52 ("FTC Act"). In particular, the FTC's investigation of NNP involved, among other things, the advertising and promotion of a children's gummy vitamin called L'il Critters Omega-3 Gummy Fish ("Gummy Fish"). Our inquiry focused on whether NNP had adequate substantiation for representations that Gummy Fish boosts, improves, or promotes brain function, brain development, intelligence, or academic achievement in children. In response to our inquiry, NNP quickly and voluntarily modified all marketing materials for Gummy Fish, including product packaging and labeling, to ensure compliance with the FTC Act. In addition, NNP discontinued the dissemination of print

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advertisements and website materials for Gummy Fish that contained the claims at issue. The attached closing letter describes in detail the marketing claims at issue in that investigation and the modifications that NNP made to ensure compliance with the FTC Act.

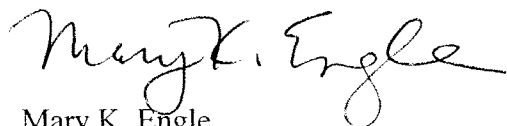
We strongly recommend that after reviewing the attached closing letter, you review your company's advertising, product packaging and labeling, and other promotional materials to ensure that you are not making any health-related claims for Dolphin Pals or any other products without competent and reliable scientific evidence to support such claims. The above claims from your product website are merely illustrative, and are not intended to be an all-inclusive list. It is your responsibility to ensure that promotional materials for your products, including all product packaging and labeling, are in compliance with the FTC Act, in other words, that the health-related claims you make for your products are substantiated. For example, you might rely on well-conducted, clinical cause-and-effect studies demonstrating that the use of the combination of Omega-3 Fatty acids contained in Dolphin Pals, in the same dosage as provided by one serving of the product, improves attention span, concentration, and brain development and function in normal children who are old enough to chew and consume Dolphin Pals.

I also urge you to visit the FTC's website at [www.ftc.gov/bcp/online/pubs/buspubs/ad-faqs.shtm](http://www.ftc.gov/bcp/online/pubs/buspubs/ad-faqs.shtm), which provides relevant FTC guidance for businesses.

Please send an email to [ddomond@ftc.gov](mailto:ddomond@ftc.gov) by **February 8, 2010**, describing any actions that you have taken or intend to take in response to this letter to ensure your company's compliance with the FTC Act. Please be advised that if you make health-related claims for products without competent and reliable scientific evidence to support such claims, the FTC may take action to enforce and seek redress for any violations of the FTC Act as the public interest may require.

Thank you for your attention to this matter. Please direct any inquiries concerning this letter to Devin Domond at [ddomond@ftc.gov](mailto:ddomond@ftc.gov) or at (202) 326-2610.

Very truly yours,



Mary K. Engle  
Associate Director  
Division of Advertising Practices