



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

Division of Advertising Practices

January 26, 2010

Hero Nutritional Products LLC, also d/b/a Hero Nutritionals
Attn: Jennifer Hodges, CEO and President
991 Calle Negocio
San Clemente, CA 92673

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 <http://heronutritionals.com> for Yummi Bears Omega 3•6•9 and Yummi Bears DHA, dietary supplement products containing Omega-3 fatty acids that are intended for use by children ages 2 years and older. According to product labeling, one serving of Yummi Bears Omega 3•6•9 (3 bears) contains 38 mg of alpha linolenic acid, and a serving of Yummi Bears DHA (3 bears) contains 75 mg of docosahexaenoic acid, 15 mg of eicosapentaenoic acid, and 15 mg of other Omega-3 fatty acids.

The FTC staff has identified various express and implied claims on product packaging and in advertising for Yummi Bears Omega 3•6•9 and Yummi Bears DHA representing that these products provide health benefits related to brain and vision development and function in normal children. Some examples of the claims on your product packaging and in other advertising materials include:

- Consuming Yummi Bears DHA or Yummi Bears Omega 3•6•9 enhances and supports healthy brain and vision development and function in normal children; and
- Consuming Yummi Bears DHA enhances, improves, and supports the disposition of and memory loss, visual conditions, and other neurological conditions 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

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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 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.

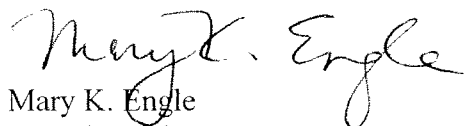
We strongly recommend that after reviewing the attached closing letter, you review your company's advertising, product packaging and labeling, and other promotional materials to ensure that you are not making any health-related claims for Yummi Bears Omega 3•6•9, Yummi Bears DHA, or any other products without competent and reliable scientific evidence to support such claims. The above claims from your product packaging and 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 fatty acids contained in Yummi Bears Omega 3•6•9 and Yummi Bears DHA, in the same dosage as provided by one serving of each product, has a significant effect on brain and visual development and function in normal children ages 2 years and older.

I also urge you to visit the FTC's website at 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 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 or at (202) 326-2610.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices