



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

Division of Advertising Practices

January 26, 2010

Irwin Naturals, Inc.
Attn: Klee Irwin, Owner, President, and CEO
5310 Beethoven Street
Los Angeles, CA 90066-7015

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.irwinkids.com and distributed at trade shows for Irwin Kids Bright Brain ("Bright Brain"), a product containing Omega-3 fatty acids that is intended for use by children ages 2 years and older. According to your marketing materials, one serving of Bright Brain contains 42 mg of docosahexaenoic acid and 63 mg of eicosapentaenoic acid.

The FTC staff has identified various express and implied claims on product packaging and in advertising for Bright Brain representing that this product provides health benefits related to brain and eye development and function in normal children. Some examples of claims in your advertising materials include:

- Consuming Bright Brain "Promote[s] Brain Development and Learning Ability" in children;
- Consuming Bright Brain "improves learning ability, focus and concentration" in children;
- Consuming Bright Brain improves cognitive function in children;
- Placebo controlled research studies show that consuming Bright Brain can enhance the learning ability of children; and
- Consuming Bright Brain will give children "a head start."

In addition, your product's name (Irwin Kids Bright Brain), in combination with the above claims, further conveys the net impression that Bright Brain improves or promotes brain function, cognitive function, and learning ability in normal 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

Klee Irwin
January 26, 2010
Page 2

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 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.

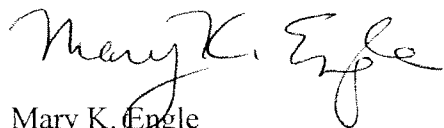
We strongly recommend that after reviewing the attached closing letter, you review your company's advertising, product packaging and labeling, and other promotional materials to ensure that you are not making any health-related claims for Omega Swirl, Fresh Catch DHA, Omega Burst, or any other products without competent and reliable scientific evidence to support such claims. The above claims from your products' 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 provided in Bright Brain, in the same dosage as provided by one serving of the product, improves or promotes brain development, cognitive function, learning ability, focus, and concentration in normal children old enough to chew and consume the product.

I also urge you to visit the FTC's website at www.ftc.gov/bcp/online/pubs/buspubs/ad-faqs.shtml, 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