



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

Division of Advertising Practices

January 26, 2010

Natural Factors Nutritional Products, Inc.
Attn: Roland Gahler, President, Chairman, and Owner
1111 80th Street, SW, Suite 100
Everett, WA 98203

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.naturalfactors.com and distributed at trade shows for your line of “Learning Factors family of products” that contain Omega-3 fatty acids and are intended for use by children. Specifically, we reviewed advertising and packaging for the following products: Learning Factors Daily Nutrient Boost Smoothie Mix with Whey Protein (“Whey Smoothie Mix”); Learning Factors Daily Nutrient Boost Smoothie Mix with Pea Protein (“Pea Smoothie Mix”); Learning Factors Balanced Omega-3 EPA & DHA with GLA Chewable Softgels Extreme Peach (“Balanced Omega-3 Chewable”); Learning Factors Softgel Capsules (“Learning Factors Capsules”); Learning Factors Balanced Omega-3 EPA & DHA with GLA Liquid Emulsion Extreme Peach (“Balanced Omega-3 Liquid”); and Learning Factors DHA Rich Oil Blend Liquid (“Learning Factors Liquid”) (collectively referred to as the “Learning Factors Products”).

The FTC staff has identified various express and implied claims on product packaging and in advertising for the Learning Factors Products representing that these products provide health benefits related to brain and vision development and function in normal children. Some examples of these claims include:

- Consuming the Learning Factors Products enhances or supports healthy brain function in children;
- Consuming the Learning Factors Products enhances or supports cognitive development, cognitive function, and learning in children;
- Consuming Balanced Omega-3 Chewable enhances or supports learning, attention, and concentration in children age 2 years and older;
- Consuming Learning Factors Capsules “optimize brain and eye function thereby contributing to normal learning, attention and concentration” in children;
- Consuming Learning Factors Capsules or Learning Factors Liquid “enhance[s] mental focus” in children;
- Consuming Learning Factors Liquid optimizes and supports learning behavior in children;
- Consuming Learning Factors Liquid optimizes brain, eye, and nerve function in children; and

- Consuming Learning Factors Liquid “improves attention span and memory” in children.

In addition, the name of this line of products (Learning Factors), in combination with the above claims, further conveys the net impression that the Learning Factors Products improve or enhance brain development, cognitive function, and learning 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 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 the Learning Factors Products 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 each Learning Factors Product, in the same dosage as provided by one serving of that product, enhances or improves attention, concentration, memory, mental focus, eye and brain function, and learning in normal children old enough to consume these products.

I also urge you to visit the FTC’s website at www.ftc.gov/bcp/conline/pubs/buspubs/ad-faqs.shtm, which provides relevant FTC guidance for businesses.

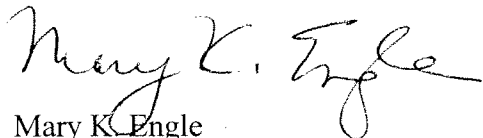
Please send an email to ddomond@ftc.gov by **February 8, 2010**, describing any actions that you have taken or intend to take in response to this letter to ensure your company’s compliance with the FTC Act. Please be advised that if you make health-related claims for products without competent and reliable scientific evidence to support such claims, the FTC may

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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,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the typed name.

Mary K. Engle
Associate Director
Division of Advertising Practices