



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

Division of Advertising Practices

January 26, 2010

Right Track Global, also d/b/a Dr. Sears Family
Attn: Dennis Zouras, Owner
2361 Campus Drive, Suite 200
Irvine, CA 92612

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.drsearsfamilyapproved.com for several dietary supplement products containing Omega-3 fatty acids that are intended for use by children. Specifically, we reviewed advertising for the following products: GO FISH Children’s Omega-3 DHA Soft Gels (“GO FISH”), intended for use by children ages 2 years and older; GO FISH Children’s Omega-3 DHA Liquid (“GO FISH Liquid”), intended for use by children ages 6 months and older; and GO FISH Brainy Kidz Children’s Omega-3 DHA Soft Chews (“Brainy Kidz”), intended for use by children ages 2 years and older.

The FTC staff has identified various express and implied claims on product packaging and in advertising for GO FISH, GO FISH Liquid, and Brainy Kidz (collectively referred to as the “Go Fish 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 Go Fish Products improves, promotes, boosts, or enhances brain function in children;
- Consuming the Go Fish Products improves, promotes, maximizes, enhances, boosts, or supports growth, learning capacity, cognitive potential, behavior, focus, and mood in children;
- Consuming the Go Fish Products improves, promotes, boosts, or enhances intelligence, academic performance, academic achievement, and language skills in children;
- Consuming the Go Fish Products improves, promotes, boosts, or enhances behavioral performance and attention in children;
- Consuming the Go Fish Products improves, promotes, boosts, or enhances motor abilities in children;
- Consuming GO FISH gives children ages 2 years and older a “competitive advantage”;
- Consuming GO FISH Liquid helps children “reach their full potential”;

- Consuming Brainy Kidz ensures proper growth, brain development, mood, focus, and cognitive functions in children ages 2 years and older; and
- Consuming Brainy Kidz improves, enhances or supports vision development in children ages 2 years and older.

In addition, the product name GO FISH Brainy Kidz Children's Omega-3 DHA Soft Chews (emphasis added), in combination with the above claims, further conveys the net impression that this product improves or promotes brain development, cognitive function, and intelligence 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 and take immediate action to ensure that you are not making any health-related claims for GO FISH, GO FISH Liquid, Brainy Kidz, or any other products without competent and reliable scientific evidence to support such claims. The above claims from your products' 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-3 fatty acids contained in GO FISH and GO FISH Liquid (and the amount of docosahexaenoic acid in Brainy Kidz), in the same dosage as provided by one serving of each product, improves, promotes, or boosts brain function, brain development, intelligence, academic performance, attention, and mood in normal children ages 2 years and older (6 months and older for GO FISH Liquid).

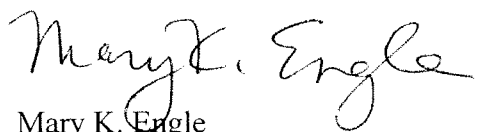
I also urge you to visit the FTC's website at www.ftc.gov/bcp/online/pubs/buspubs/ad-faqs.shtml, which provides relevant FTC guidance for businesses.

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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,

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 and title.

Mary K. Engle
Associate Director
Division of Advertising Practices