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<sup>1</sup> The Federal Trade Commission enforces the Federal Trade Commission Act, which, among other things, prohibits

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Co., 114 F.T.C. 349 (1991) (deceptive alcohol content claim).

<sup>3</sup> Over the past several months, consumers in at least four states have been hospitalized following consumption of caffeinated alcohol. See, e.g., Press Release, Office of the Honorable Charles E. Schumer, Schumer Calls on New York State to Immediately Ban Sales of Dangerous Caffeinated Alcoholic Beverages Like Four Loko, Nov. 10, 2010, available at <http://schumer.senate.gov/record.cfm?id=328504&> (describing a 17-year-old female from New York who experienced fatal cardiac arrest after drinking caffeinated alcohol); Jack Broom, AG Wants to Ban Drink That Hospitalized CWU Students, Seattle Times, Oct. 25, 2010, available at <http://seattletimes.nwsourc.com/html/localnews/2013255746cwustudents26m.html> (reporting

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<sup>5</sup> See, e.g., *FTC v. Elec. Prods Distrib., L.L.C.*, No. 02CV888H (AJB) (S.D. Cal. Apr. 22, 2005) (challenging safety claims, noting FDA warnings); *FTC v. Western Botanicals, Inc.*, No. S-01-1332 DFL GGH (E.D. Cal. July 11, 2001) (banning the marketing of products containing comfrey following issuance of an FDA letter to industry); *FTC v. Christopher Enter., Inc.*, No. 2:01 CV-0505ST (D. Utah Nov. 29, 2001) (same); *Formor, Inc.*, 132 F.T.C. 72 (2001) (challenging advertising for products containing St. John sj 16.0800 0.0000 TD (Joc43d00 TD (le)Tj 11w00

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Please notify Janet M. Evans, [jevans@ftc.gov](mailto:jevans@ftc.gov), 202.326.2125, and Carolyn L. Hann, [chann@ftc.gov](mailto:chann@ftc.gov), 202.326.2745, in writing, within 15 days, of the specific actions you have taken to address our concerns. You may contact Ms. Evans and Ms. Hann by email or, alternatively, by mail:

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Very truly yours,

Mary K. Engle  
Associate Director  
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