

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Division of Advertising Practices

October 24, 2017

Edward F. Glynn, Jr., Esq.
Locke Lord
701 8th Street NW, Suite 700
Washington, D.C. 20001
ed.glynn@lockelord.com

Re: Sevo Nutraceuticals, Inc., FTC Matter No. 162-3175

Dear Mr. Glynn:

As you know, the staff of the Federal Trade Commission Division of Advertising Practices has conducted an investigation into the advertising practices of your client, Sevo Nutraceuticals, for possible violations of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52. Perceptiv is a dietary supplement containing Vitamin E, Folic Acid, Vitamin B12, S-Adenosyl Methionine (SAME), N-Acetyl L-Cysteine (NAC), and Acetyl-L-Carnitine (ALCAR) that was marketed to improve cognitive performance in healthy adults and prevent normal age-related cognitive decline.

Section 5 of the FTC Act requires that advertising claims be truthful and non-misleading and Section 12 prohibits false advertisements for foods, drugs, devices, services, or cosmetics. Generally, health benefit claims in advertising are deceptive if the advertiser does not possess competent and reliable scientific evidence substantiating the claims prior to their dissemination. See, e.g., *FTC v. Direct Marketing Concepts, Inc.*, 569 F. Supp. 2d 285, 298-300 (D. Mass. 2008), *cert. denied*, 130 S. Ct. 1164 (2010) (11-03-12-037)(t)


Edward P. Cloyd, II, Esq.

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This action is not to be construed as a
occur just
that a violation has occurred
action as the public interest may warrant.

Very truly yours,



Mary K. Engle

Associate Director