



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

Diane Bartz
Reuters News
1333 H Street, NW.,
Washington, DC 20005

AUG 02 2018

Re: FOIA-2016-009537
Herbalife Representatives

Dear Ms. Bartz:

This is in partial response to your request dated June 21, 2016, under the Freedom of Information Act seeking access to any and all records in the custody of the Commission dated 2012-June 21, 2016, pertaining to meetings of between any and all Herbalife representatives and the following current and former FTC officials: 1. Edith Ramirez, 2. Maureen Ohlhausen, 3. Terrell McSweeney, 4. Deborah Platt Majoras, 5. Susan W. Schaefer, 6. Nancy L. Taylor, 7. J. Gordon Rothman in accordance with the FOIA and any other applicable laws and regulations. On August 2, 2018, the date we received your request in our FOIA office.

We have located approximately 896 pages of responsive records thus far, and we are continuing our search for additional records. I am granting partial access to 11 records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 6, 5 U.S.C. § 552(h)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(d) of the FTC Act provides that information obtained by the Commission in the course of an enforcement investigation, which is not subject to public process, or voluntarily in the course of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-1(c), *See* *McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are not part of the agency's decision-making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5, 5 U.S.C. § 552(b)(5). *See* *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation which is exempt under the attorney work-product privilege. *See* *Hickman v. United States*, 329 U.S. 302 (1947).

I am also denying access to any private phone numbers found in the records. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because

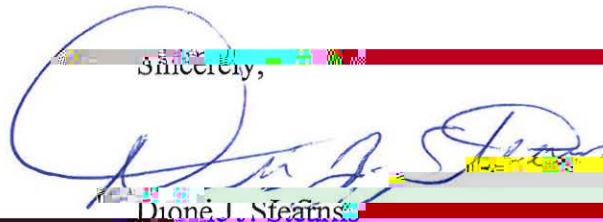
individuals' right to privacy or we have a strong public interest in releasing the information. See *The Law Firm v. FTC*, 552 F.3d 1122 (7th Cir. 2008).

Finally, please note that some portions of the records have been redacted.

If you are not satisfied with this response to your request, you may appeal with the Freedom of Information Act Appeal Office of the Assistant General Counsel, Commission on Government Information, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20560, within 30 days of the date of this letter. Please contact the Freedom of Information Act Appeal Office if you believe that we should choose to disclose the information. You may also seek judicial review from the Federal Circuit Court of Appeals, 1115 Constitution Avenue, N.E., Washington, D.C. 20002, or the Office of Government Information, National Archives and Records Administration, 8601 Adelphi Road, Adelphi, MD 20783.

If you have any questions about how we handled your request or about FOIA regulations, procedures, please contact Kate Baker at 202-326-3864.

Sincerely,



Dioné J. Stearns
Assistant General Counsel

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