

**Statement of Chairwoman Edith Ramirez and Commissioner Julie Brill
In the Matter of i-Health, Inc. and Martek Biosciences Corporation
June 6, 2014**

We write to explain our support for the complaint and order imposed against respondents i-Health, Inc. and Martek Biosciences Corporation (collectively, “i-Health”) with respect to advertising claims that their BrainStrong Adult dietary supplement improves adult memory and is clinically proven to do so. Section 5 of the FTC Act requires that advertisers have a reasonable basis for the claims they make to ensure that their claims are truthful and non-deceptive.¹ We have reason to believe that i-Health fell short of this standard.

i-Health advertises a dietary supplement,

controlled clinical study published

It is correct, as Commissioner Ohlhausen notes in her dissent, that some of the statements made by the study's authors in the "Results" and "Discussion" sections of the MIDAS study use language similar to that in i-Health's memory improvement claims. However, we disagree that the Commission must accept at face value these statements as supportive of the claims in i-Health's advertising. Doing so would be inconsistent with the Commission's obligation to assess the quality and reliability of the scientific evidence underlying challenged advertising claims.⁸ Our conclusions are based on extensive consultations with experts in the cognitive science and biostatistics fields. Consistent with the requirements of Section 5 and our past practice,⁹ we undertook an evaluation of the results of the MIDAS study to assess whether they substantiated i-Health's advertising claims and did not simply defer to the authors' interpretations of their results.¹⁰