

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



Division of Advertising Practices
Mary K. Engle
Associate Director

September 29, 2008

VIA FEDERAL EXPRESS

P. Terrence Gaffney, Esq.
Duane Morris LLP
111 South Calvert Street, Suite 2000
Baltimore, MD 21202-6114

Re: Ritter Natural Sciences, LLC
Matter No. 082-3191

Dear Mr. Gaffney:

As you know, the staff of the Division of Advertising Practices of the Federal Trade Commission ("Commission") has conducted an investigation of Ritter Natural Sciences LLC ("Ritter") for possible violations of Sections 5(a) and 12 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a) and 52. In particular, the investigation concerned Ritter's advertising and promotion of Lactagen, a dietary supplement purported to assist those suffering from lactose intolerance. Our inquiry focused on whether Ritter possessed adequate substantiation for claims, *inter alia*, that Lactagen was a "solution" or "cure" for lactose intolerance.

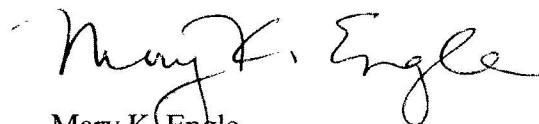
Upon careful review of the matter, including non-public information submitted to staff, it appears that no further action is warranted by the Commission at this time. Among the factors we considered in making this determination are the limited nature of the marketing campaign and relatively small amount of resulting sales to date, and the company's commitment to changing its advertising to address the Commission's concerns.

Ritter has provided Commission staff with copies of its new online advertising materials for Lactagen, which, among other things, eliminate all references to "cures" and "solutions" to lactose intolerance, and make certain disclosures about the company's clinical studies. It is also our understanding that, as of the date of this letter, all telemarketing scripts for the product have been modified. Finally, Ritter has represented that Internet advertising will be updated immediately and all changes to packaging, brochure, and other marketing materials for Lactagen will be enacted by the end of November 2008, at the latest.

P. Terrence Gaffney, Esq.
September 29, 2008
Page 2

This action is not to be construed as a determination that a violation of the FTC Act has not occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "M" and "E".

Mary K. Engle

Associate Director for Advertising Practices