



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of Advertising Practices

October 3, 2012

Marc S. Ullman  
Ullman, Shapiro & Ullman LLP  
1205 Franklin Avenue, Suite 340  
Garden City, New York 10022

Re: Devotion Spirits, Inc., FTC File No. 102-3237

Dear Mr. Ullman:

The staff of the Federal Trade Commission's Division of Advertising Practices has conducted an investigation into whether your client, Devotion Spirits, Inc., violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, in connection with its advertising and promotion of Devotion Vodka. Our inquiry focused on the company's claims that Devotion Vodka contains a significant amount of protein (or of casein, a kind of protein); that it contains 2 grams of protein per 1.5 ounce serving; that it will help build muscle mass; and that it will not cause hangovers.

Upon careful review of this matter, we have determined to close this investigation. Among the factors we considered was Devotion's prompt decision to cease making the claims noted above, as well as its having advised us that future advertising and marketing materials that contain the phrases "infused with protein" or "infused with casein" will make clear that Devotion Vodka does not contain a significant amount of protein (casein) and that the purpose of the protein (casein) in the product is to modify its taste. FTC staff expects that your client will carefully review its claims to ensure that all future advertising complies with the FTC Act.

The closing of this investigation is not to be construed as a determination that a violation of law did not occur, just as the pendency of an investigation should not be construed as a determination has occurred. The Commission reserves the right to take such further information as the public interest may warrant.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle".

Mary K. Engle  
Associate Director