



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

Division of Advertising Practices
Bureau of Consumer Protection

Mary Koelbel Engle
Associate Director

April 15, 2004

Mark S. Hostetler, Esq.
Blackwell Sanders Peper Martin
720 Olive Street Suite 2400
St. Louis, MO 63101

Re: Beech-Nut Nutrition Corp., File No. 0223250

Dear Mr. Hostetler:

As you know, the staff of the Federal Trade Commission conducted an investigation into possible violations of Section 5 of the Federal Trade Commission Act by your client, Beech-Nut Nutrition Corp. (Beech-Nut), in connection with certain claims made in its advertising and labeling of First Advantage baby food products containing the ingredients docosahexaenoic acid (DHA) and arachidonic acid (ARA). For the reasons stated below, the staff has decided to close the investigation.

The staff's inquiry addressed whether Beech-Nut possessed adequate substantiation for claims about the benefits of DHA/ARA supplementation for eye and brain function. The staff's inquiry encompassed claims relating to mental and visual development benefits for infants consuming baby food supplemented with DHA/ARA.

After reviewing the relevant scientific literature, the staff concludes that there is emerging scientific evidence that appears to provide some support for limited claims about the benefits of DHA/ARA supplementation in early infant eye and brain development, particularly for pre-term infants. The staff, however, is not making any formal determination regarding the specific claims Beech-Nut made about the benefits of baby food containing DHA/ARA, and we would encourage Beech-Nut to exercise caution in characterizing the extent or permanence of any benefits and in describing the certainty of the supporting science in any future advertising.

The staff's decision to close this investigation is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The staff will continue to monitor claims for Beech-Nut's First Advantage products. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

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

Mary K. Engle
Associate Director for Advertising Practices