



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

July 15, 2002

Steven B. Steinborn, Esq.
Hogan & Hartson
555 Thirteenth St., NW
Washington, D.C. 20004-1109

Re: *Tropicana Products, Inc., File No. 022 3187*

Dear Mr. Steinborn,

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, Tropicana Products, Inc., in connection with certain health claims made in its advertising and promotion of Tropicana Pure Premium orange juice. Specifically, the staff considered whether Tropicana possessed adequate substantiation for its claims concerning the specific blood pressure benefits of its orange juice. The staff was concerned that the advertising at issue represented, expressly or by implication, that a clinical study showed that drinking two glasses of Tropicana Pure Premium orange juice daily for six weeks would lower consumers' blood pressure an average of 10 points.

Although the staff continues to have concerns about whether the claim of a specific reduction in blood pressure is substantiated, we have decided to close this investigation. The staff notes that Tropicana has agreed to discontinue claims discussing specific reductions in blood pressure and claims referring to the clinical study. The staff also recognizes that there is scientific evidence suggesting that diets containing foods rich in potassium and low in sodium such as orange juice may reduce the risk of high blood pressure and stroke and that the FDA has authorized a general health claim based upon this evidence. Accordingly, it now appears that no further action is warranted by the Commission at this time and the investigation is closed. The staff appreciates Tropicana's cooperation in the prompt resolution of this matter.

This action 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 Commission reserves the right to take such further action as the public interest may require.

Sincerely,

Heather Hipsley
Acting Associate Director for Advertising Practices