



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

Martin J. Hahn, Esq.  
Hogan & Hartson  
555 Thirteenth St., NW  
Washington, D.C. 20004-1109

Re: Martek Biosciences Corporation, File No. 0223238

Dear Mr. Hahn:

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, Martek Biosciences Corporation (Martek), in connection with certain claims made in its advertising and labeling of dietary supplements and other products containing the ingredients docosahexaenoic acid (DHA) and arachidonic acid (ARA), including the "Neuromins" brand line. For the reasons stated below, the staff has decided to close the investigation.

The staff's inquiry addressed whether Martek 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 formula supplemented with DHA/ARA, as well as claims relating to eye, brain, and behavioral benefits for older children and adults taking DHA supplements.

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 Martek made about the benefits of infant formula supplementation, and we would encourage Martek 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.

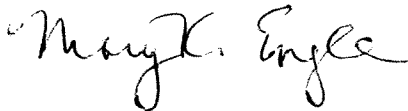
The staff continues to have concerns about whether Martek possesses adequate substantiation to make claims about the benefits of DHA/ARA supplementation for eye and brain function in older children and adults. The staff notes, however, that Martek's advertising of the benefits of DHA/ARA for healthy children and adults has been limited. The staff also notes that the specific "Hey Lady" print ad containing some of the stronger claims about the benefits of

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Neuromins supplements for eye and brain performance in healthy adults, had limited dissemination and was discontinued. Finally, the staff has taken into consideration the fact that the current emphasis of Martek's marketing appears to be on the quality and purity of the DHA in Martek's Neuromins brand line rather than on any specific eye and brain benefits.

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 Martek's DHA products and for competing DHA/ARA supplements for claims about the benefits of DHA for eye and brain performance in healthy children and adults. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,



Mary K. Engle  
Associate Director for Advertising Practices