



United States of America
FEDERAL TRADE COMMISSION
Washington, DC 20580

Division of Advertising Practices

October 23, 2017

Jeffrey S. Jacobovitz and Kalie E. Richardson
Arnall Golden Gregory LLP
1775 Pennsylvania Avenue, NW
Suite 1000
Washington, DC 20006

Re: Fortis BioPharma
FTC Matter No. 172-3106

Dear Mr. Jacobovitz and Ms. Richardson:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices conducted an investigation into whether your clients, Fortis BioPharma Nutritionals, LLC and Fortis BioPharma, LLC (together, "Fortis") and their CEO and President, Cooper Collins, violated Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45 and 52, in connection with the advertising and marketing of BuzzKill.

BuzzKill is a dietary supplement sold in both powder and liquid forms. Our inquiry focused on whether your clients had adequate substantiation for representations that BuzzKill (a) reduces blood alcohol concentration, (b) is proven to reduce blood alcohol concentration, (c) protects the liver, and (d) reduces or prevents hangovers.

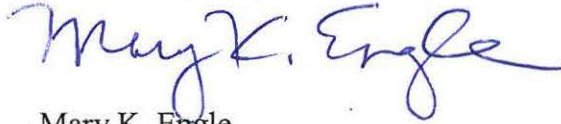
Upon careful review of the matter, including non-public information submitted to the FTC, we have determined not to recommend enforcement action at this time. We considered a number of factors in reaching this decision. Among other things, sales of BuzzKill were very limited, your clients have agreed to stop all marketing and sales of BuzzKill, and they have committed to conduct an online review to determine whether any third parties are promoting BuzzKill and to seek to have those promotions removed if they identify any.¹

¹ According to records of the U.S. Patent and Trademark Office, Fortis BioPharma, LLC is the owner of the BuzzKill trademark.

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This action 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 that a violation has occurred. The Commission reserves the right to take such further action as the public interest may warrant.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle
Associate Director for Advertising Practices