



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

Division of Advertising Practices

June 15, 2017

Andrea C. Levine, Esq.
Senior Vice President, Director
National Advertising Division
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: Advertising Claims for BA Sports Nutrition's BodyArmor SuperDrink

Dear Ms. Levine:

Last month, you referred to the Federal Trade Commission a National Advertising Division compliance investigation of BA Sports Nutrition's claims comparing its BodyArmor SuperDrink to competitor sports drinks. Your referral indicated that BA Sports Nutrition participated in NAD's self-regulatory process and agreed to follow NAD's recommendations; however, you are concerned that its modified advertising does not comply with NAD's guidance to discontinue certain comparative claims. Accordingly, you referred this matter to the FTC for our review.

Upon review of this matter, we have determined not to take additional action at this time. In coming to this conclusion, we considered a number of factors related to resource allocation and enforcement priorities, as well as the nature of any FTC Act violation and the type and severity of any consumer injury. Our decision is not to be construed as a determination that a violation has not occurred. The Commission reserves the right to take such further action as the public interest may require. The FTC fully supports the NAD's self-regulatory process, and we sincerely appreciate your referral and the opportunity to continue to assist in supporting NAD.

Very truly yours,

Devin W. Domond
Chief of Staff for Advertising Practices