



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

Bureau of Consumer Protection

May 3, 2007

Neal D. Barnard, M.D.  
President  
Physicians Committee for Responsible Medicine  
5100 Wisconsin Ave., N.W.  
Suite 400  
Washington, D.C. 20016

Dear Dr. Barnard:

This letter responds to the April 2005 petition filed by the Physicians Committee for Responsible Medicine ("PCRM") concerning various advertising and marketing campaigns promoting the benefits of dairy products for weight management and weight loss. Two of the campaigns referenced in that petition are administered by national dairy promotion programs subject to oversight by the U.S. Department of Agriculture ("USDA"). Specifically, the petition cited the National Fluid Milk Processor Promotion Board's ("Fluid Milk Board") "Milk your diet. Lose Weight!" advertising campaign and the National Dairy Promotion and Research Board's ("Dairy Board") "3-A-Day. Burn More Fat, Lose Weight." advertising campaign. The PCRM petition expressed concern that these and other ad campaigns relating dairy products to weight management and weight loss are deceptive.<sup>1</sup>

The staff of the Division of Advertising Practices of the FTC's Bureau of Consumer Protection has met with staff of USDA's Agricultural Marketing Services and with representatives for the two campaigns to discuss the weight loss claims conveyed by the campaigns and the substantiation for those claims. We have now been advised by USDA staff that the Dairy Board, the Fluid Milk Board, and other affiliated entities that engage in advertising and promotional activities on behalf of the two boards, have determined that the best course of action at this time is to discontinue all advertising and other marketing activities involving weight loss claims until further research provides stronger, more conclusive evidence of an association between dairy consumption and weight loss. We also understand that any future advertising and marketing that discusses the role of dairy and weight management will be limited

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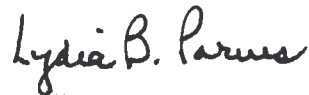
<sup>1</sup> The FTC Act and implementing regulations prohibit me from disclosing nonpublic information. Accordingly, this letter does not address the other campaigns referenced in your petition.

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to messages that are consistent with the current USDA/HHS Dietary Guidelines.<sup>2</sup>

The FTC staff believes that, in light of these developments, no further Commission action is warranted in response to the PCRM petition with respect to the Fluid Milk Board, the Dairy Board, and parties affiliated with their marketing campaigns.

Very truly yours,



Lydia B. Parnes  
Director  
Bureau of Consumer Protection

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<sup>2</sup> The 2005 Dietary Guidelines for Americans, while not advocating dairy consumption as a means to lose weight, indicate that “adults and children should not avoid milk and milk products because of concerns that these foods lead to weight gain.” *See* [www.healthierus.gov/dietaryguidelines](http://www.healthierus.gov/dietaryguidelines) at 26.