



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

Division of Enforcement
Bureau of Consumer Protection

Mr. Daniel McInnis
Akin Gump Strauss Hauer & Feld
1333 New Hampshire Avenue, NW
Washington, DC 20036

Re: Unither Pharma, Inc; United therapeutics Corporation, No. C-4089

Dear Mr. McInnis:

The Division of Enforcement staff has reviewed your submission dated September 29, 2003, which you have filed to show the manner and form of the respondents' compliance with the order referenced above, issued on July 22, 2003.

The staff noted that Exhibit L of the report, which appears to be a powerpoint presentation made by a physician at a HeartBar convention in June 2003, contains pages that refer to medical support for a claim challenged in the Commission's complaint (HeartBar decreases leg pain, while walking or exercising, by as much as 66% within two weeks for people with peripheral artery disease) or that refer to the benefits of L-arginine supplementation in a different form (intravenous) or an amount greater than what can be obtained by consuming HeartBar products. You have advised staff that this presentation was used only once, prior to the effective date of the order, and has not been used in that form since the effective date of the order.

The staff has concluded, on the assumption that the information submitted is accurate and complete, that no compliance action is indicated at this time. The FTC staff will not be precluded from recommending to the Commission an appropriate action if the submitted information is inaccurate or incomplete or if the respondents violate the terms of the order.

The opinions expressed in this letter are those of the staff and not necessarily those of the Commission or any Commissioner. The General Counsel of the FTC will respond, by separate letter, to your request for confidential treatment of certain exhibits to the compliance report.

Sincerely yours,

Elaine D. Kolish
Associate Director for Enforcement