



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

Office of the Secretary

Brent A. Bauer, M.D.  
Director, Complementary and  
Integrative Medicine Program  
Mayo Clinic  
200 First Street SW  
Rochester, MN 55905

Re: Hi-Health Supermart Corporation, et al. (File No. 0323239)

Dear Dr. Bauer:

This responds to your letter commenting on the Federal Trade Commission's consent agreement in the above-entitled proceeding. Your letter was placed on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and was given serious consideration by the Commission.

Your comment appears to recommend that the Commission modify the proposed order to direct that the payment required to be made to the Commission be used to fund general research by an academic center that would systematically evaluate the state-of-the-science of purported dietary supplement benefits.

The Commission does not fund general research to evaluate the efficacy of alternative health care services and products. By law, any remedy the Commission obtains in its orders must be closely related to the FTC Act violation that it addresses. We believe that the use of funds obtained in the Hi-Health order to fund general research would not satisfy that legally required nexus. You may wish to contact the National Center for Complementary and Alternative Medicine of the National Institutes of Health, which supports research and outreach in the field of dietary supplements.

After reviewing your comment, the Commission has determined that the public interest would best be served by accepting the consent order as final. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary