



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

Division of Advertising Practices

September 18, 2015

Gary Ruskin
Executive Director
U.S. Right to Know
6026A Harwood Avenue
Oakland, CA 94618

Re: Complaint Regarding Use of Term "Diet" for Zero Calorie Soft Drinks

Dear Mr. Ruskin:

This responds to your April 9, 2015 letter to FTC Bureau of Consumer Protection Director Jessica Rich requesting that the FTC investigate PepsiCo, Inc. and the Coca Cola Company for their use of the term "diet" in the advertising and labeling of their Diet Pepsi and Diet Coke products. Your complaint states that these companies deceptively imply that such artificially-sweetened beverages contribute to weight loss rather than weight gain and requests that the FTC prohibit the companies from using the term "diet" in advertising these products. In addition, you request that the Commission conduct a widespread investigation of other products containing artificial sweeteners, to determine whether their advertising deceptively claims or implies that they promote weight loss.

We have carefully considered the information you provided, including the scientific studies and literature reviews you cited. Upon review, we have determined not to take additional action at this time. In arriving at 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. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle".

Mary K. Engle
Associate Director for Advertising Practices