

# Growing FDA and FTC Collaboration Changes Regulatory Landscape for Marketers

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It is no secret that marketers are striving for ways to legally and effectively educate consumers about the health benefits provided by food and dietary supplement products. In fact, Natasha Singer of [the New York Times recently reported](#) on the growth of "functional foods" marketed with health benefit claims -- a \$37.3 billion market in the United States in 2009.

However, marketers must proceed with caution when considering advertising strategies that can sustain heightened regulatory scrutiny. Increased collaboration between FDA and the FTC is creating a notable shift in regulatory enforcement that blurs the jurisdictional lines between the agencies and requires a new assessment of potential liabilities for companies making health-benefit claims for their products.

For more information regarding this trend and important considerations for food and dietary supplement companies, please see the May 2011 article in *Nutritional Outlook* co-written by Kelley Drye attorney John E. Villafranco entitled "[Working Together: How Growing FDA and FTC Collaboration Changes the Regulatory Landscape for Food and Dietary Supplement Marketers.](#)"