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

Division of Advertising Practices

August 14, 2009

Rosalynn Gill, Ph.D.
Chief Science Officer
Sciona, Inc.
12635 E. Montview Blvd., #217
Aurora, CO 80045

Re: Sciona, Inc., FTC File No. 072-3127

Dear Ms. Gill:

As you know, the staff of the Federal Trade Commission's Division of Advertising Practices conducted an investigation of Sciona, Inc. ("Sciona") for possible violations of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52. The investigation concerned Sciona's promotional activities for the MyCellf™ Program, an "at home" genetic test kit and consultation service that involved the analysis of specific genetic variations (through the MyCellf™, or Cellf™, test), a diet and lifestyle questionnaire, and health and nutrition recommendations. Specifically, FTC staff was concerned about Sciona's representations that the MyCellf™ Program could significantly impact consumers' health outcomes, including their risk of developing serious diseases, and could enable consumers to achieve long-term weight loss.

The staff recognizes that genetics-based personalized medicine, including nutrigenetics – the tailoring of diet and lifestyle recommendations to match an individual's genetic profile – represents a promising area of scientific research. The staff was concerned, however, that evidence on gene-diet interactions is still preliminary. The diseases and conditions identified through the MyCellf™ Program involve complex bodily processes and currently there is only limited scientific understanding of the impact of genetic variations on the development of these conditions, or of the ability of dietary and lifestyle interventions to alter any of the potential effects of these genetic variations. The staff was also concerned that Sciona did not possess competent and reliable scientific evidence that the diet and lifestyle recommendations provided through the MyCellf™ Program could result in consumers achieving long-term weight loss.

Upon careful review of the matter, including non-public information submitted to the staff, we have determined not to recommend enforcement action at this time. Among the factors we considered are Sciona's representations that the company has ceased operations and has discontinued its marketing activities for the MyCellf™ Program, including deactivating the company's websites promoting the MyCellf™ Program. We also have taken into consideration

Sciona's representations that it is purging all of its customers' personally identifiable information ("PII") from its databases, including its customers' names and contact information; is destroying all customer questionnaires and Action plans; and is not selling any of its customers' PII as part of the dissolution of its business. We further understand that Sciona has destroyed its customers' DNA samples and is retaining only individual SNP (single nucleotide polymorphism) data, which cannot be used to identify an individual consumer. Sciona is using this anonymous genetic information solely for the purpose of demonstrating the accuracy of its instrumentation for quality assurance purposes and in accordance with federal and state standards for laboratory certification.

This action is not to be construed as a determination that a violation has not occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may warrant.

Very truly yours,

Mary K. Engle
Associate Director