



April 29, 2010

Cara L. Wilking, J.D.
Public Health Advocacy Institute
Northeastern University School of Law
102 The Fenway
Suite 117
Boston, MA 02115-5000

Re: *The Heart Truth*[®]

Dear Ms. Wilking:

Thank you for your inquiry dated March 3, 2010 about the *The Heart Truth*[®] campaign at the National Institutes of Health, National Heart Lung and Blood Institute (NHLBI). Mr. Edgar Swindell forwarded your letter to me for a response. Specifically, you asked for "copies of NHLBI's co-sponsorship agreement with Diet Coke for its *Heart Truth Campaign* and related events" and that "NHLBI terminate its co-sponsorship with Diet Coke."

Your request for records related to the involvement of Coca-Cola in *The Heart Truth*[®] campaign, *The Heart Truth*[®] Road Show, and *The Heart Truth*[®] Red Dress Collection Fashion Show, has been referred to our Freedom of Information Act response unit for appropriate handling. Under separate cover, you will receive, or may have already received, confirmation of this referral.

Your inquiry asks that NHLBI terminate its relationship with Coca-Cola in promoting the *The Heart Truth*[®] campaign. As you may already be aware, the Public Health Service Act, 42 U.S.C. §§ 201, *et seq.*, provides, in part, authority to conduct and support activities making information regarding health promotion, prevention, and education available to the public. The program components of the Department of Health and Human Services, including the institutes and centers that comprise the National Institutes of Health, use a variety of mechanisms to partner with a wide range of entities to disseminate information on health related topics. Programmatic decisions on how best to disseminate that information are made by the institutes and centers. The institutes and centers are responsible for weighing the appropriateness of a particular vehicle chosen for information dissemination. Since officials of the National Heart Lung and Blood Institute were copied on your letter to Mr. Swindell and this response, they will have the opportunity to consider your thoughts and concerns as they move forward with *The Heart Truth*[®].

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We appreciate your interest in the programs of the Department of Health and Human Services as well as your time spent sharing your perspective on the involvement of Diet Coke® in the *The Heart Truth*® campaign events.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth J. Fischmann". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth J. Fischmann
Deputy Associate General Counsel for
Ethics Advice and Financial Disclosure

cc: Dr. Susan Shurin, NHLBI



DEPARTMENT OF HEALTH & HUMAN SERVICES

National Institutes of Health
National Heart Lung and Blood Institute
FOIA/PA Office, RKL 1, Suite 6070
6705 Rockledge Dr. MSC 7957
Bethesda MD 20892-7957

April 23, 2010

Cara Wilking
Northeastern University School of Law
Public Health Advocacy Institute
102 The Fenway, Suite 117
Boston, MA 02115-5000

Re: FOIA Case Number: 10-FOI-00181-NHLBI - 37431

Dear Ms. Wilking:

This is our final response to your March 9, 2010, Freedom of Information Act (FOIA) request addressed to the National Heart, Lung and Blood Institute (NHLBI), National Institutes of Health (NIH). You requested copies of NHLBI's co-sponsorship agreement with Diet Coke for the 2008, 2009, and 2010 The Heart Truth campaign, The Heart Truth Road Show, and The Heart Truth Red Dress Collection Fashion Show.

Enclosed are 36 pages responsive to your request. This includes copies of the 2008 (14 pages), 2009 (12 pages), and 2010 (10 pages) NHLBI's co-sponsorship agreement with Diet Coke for the Heart Truth campaign, The Heart Truth Road Show, and The Heart Truth Red Dress Collection Fashion Show. It is Department of Health and Human Services (DHHS) policy to expunge proprietary information. This information has been removed from the enclosed material.

In certain circumstances provisions of the FOIA and Department of Health and Human Services FOIA Regulations allow us to recover part of the cost of responding to your request. Because the cost is below the \$25 minimum, there is no charge for the enclosed materials.

Thank you for your interest in the National Heart, Lung and Blood Institute.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Barden". The signature is written in black ink and includes a horizontal flourish at the end.

Nancy Barden
Freedom of Information Specialist, NHLBI

Enclosures - 36 pages