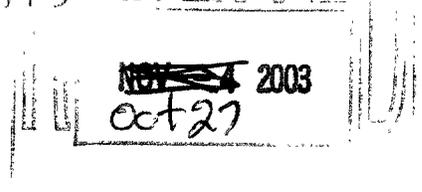




1499 High Ridge Rd., Boynton Beach, FL 33426 • tel 561.375.6333 fax 561.375.6003 DEC -1 P1:49



October 1, 2003

Food and Drug Administration
Office of Special Nutritionals (HFS-450)
Center of Food Safety and Applied Nutrition
200 C Street SW
Washington, DC 20204

Dear Sirs / Madam:

Notice is hereby given pursuant to Section 403 (r)(6)(21 U.S.C. 343(r)(6)) of the Federal Food Drug and Cosmetic Act that, Vitalstate, Inc. 1499 High Ridge Road, Boynton Beach, Florida 33426 has marketed a dietary supplement under the name Vitalstate Innovative Technologies / Russian Red / Advanced Creatine Actijube bearing the following statement(s) on the label and/or in the labeling:

This unique Russian Red product when used in conjunction with proper diet and exercise has shown to promote lean muscle mass, enhance strength, boost energy and increase muscle size. Creatine, as creatine phosphate" works in the body to maintain ATP (adenosine tri-phosphate) at the proper levels for sustained explosive exercise. ATP captures the chemical energy released by the combustion of nutrients and transfers it to reactions requiring energy, such as the building up of cell components and muscle contraction.

The **ActiJube Advanced Pharmaceutical Delivery Technology** is a patent-pending low-temperature formed matrix that "secures" the active ingredient or ingredients being delivered, thus protecting them and insuring their delivery in the system. The **ActiJube** is a chewable substance, having the texture and appearance resembling a gummy or jujube, is not manufactured like traditional confectionary forms. It is formulated in multiple premixes and combined under exacting staging specifications and timing to insure stability of the actives. Creatine is very susceptible to pH shift in manufacturing and becomes very unstable under heated conditions, with a shift in pH resulting in conversion to creatinine which renders the creatine as ineffective. The patent pending process of manufacture utilized in the production of the creatine **ActiJube** protects the creatine from heat and pH shift therein insuring stability of the creatine in the finished **Actijube**. Scientific data and clinical testing has shown the increased effectiveness of creatine delivered via **Actijube**.

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease. For Adult Use Only – Keep Out of reach of children. Do not exceed recommended daily dose.

The undersigned certifies that the information contained in this notice is complete and accurate and that Vitalstate, Inc. has substantiation that the statement(s) is truthful and is not misleading. Pursuant to 101.93 (a)(1), two copies of this notification are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terry Giles', written over a horizontal line.

Terry Giles
Chief Operating Officer
Vitalstate Inc.
1499 High Ridge Road
Boynton Beach, Florida 33426

975 0162 LET 13237