



UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

Division of Advertising Practices

April 13, 2023

Via Federal Express  
[NAME]

Re: Notices of Penalty Offenses

Dear [NAME]:

I am enclosing a Notice of Penalty Offenses Concerning Substantiation of Product Claims (“Substantiation Notice”) and a Notice of Penalty Offenses Concerning Deceptive or Unfair Conduct around Endorsements and Testimonials (“Endorsement Notice”). We recommend that you carefully review both notices and take any steps necessary to ensure that your company’s practices do not violate the law.

**Receipt of a notice of penalty offenses puts your company on notice that engaging in conduct described therein could subject the company to civil penalties of up to \$50,120 per violation. See 15 U.S.C. § 45(m)(1)(B).**

Each notice consists of Commission determinations in prior litigated cases that certain practices are deceptive or unfair and, thus, are unlawful under Section 5 of the Federal Trade Commission Act.

As set forth in more detail in the Substantiation Notice, such unlawful acts and practices include failing to have adequate support for: objective product claims; claims relating to the health benefits or safety features of a product; or claims that a product is effective in the cure, mitigation, or treatment of any serious disease. These unlawful acts and practices also include: misrepresenting the level or type of substantiation for a claim, and misrepresenting that a product claim has been scientifically or clinically proven.

As set forth in more detail in the Endorsement Notice, such unlawful acts and practices include: falsely claiming an endorsement by a third party; misrepresenting that an endorsement represents the experience or opinions of product users; misrepresenting that an endorser is an actual, current, or recent user of a product or service; continuing to use an endorsement without good reason to believe that the endorser continues to hold the views presented; using an endorsement to make deceptive performance claims; failing to disclose an unexpected material connection with an endorser; and misrepresenting that the experience of endorsers are typical or ordinary. Note that positive consumer reviews are a type of endorsement, so such reviews can be unlawful if they are fake or if a material connection is not adequately disclosed.

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We request that you distribute copies of the notices and this letter to your subsidiaries.

This letter does not reflect any assessment as to whether you have engaged in deceptive or unfair conduct. We are distributing similar letters to numerous other companies.

Copies of the case decisions discussed in the Substantiation Notice are available on the Commission's website at [www.ftc.gov/substantiation-notice](http://www.ftc.gov/substantiation-notice). Copies of the case decisions discussed in the Endorsement Notice are available on the Commission's website at [www.ftc.gov/endorsement-notice-penalty-offenses](http://www.ftc.gov/endorsement-notice-penalty-offenses).

For further information on the marketing of health-related products, please see FTC staff's "Health Products Compliance Guidance," available at [www.ftc.gov/healthcompliance](http://www.ftc.gov/healthcompliance).

If you have any questions about this letter or the enclosed materials, please contact Christine DeLorme at [cdelorme@ftc.gov](mailto:cdelorme@ftc.gov) or (202) 326-2095 or Michael Ostheimer at [mostheimer@ftc.gov](mailto:mostheimer@ftc.gov) or (202) 326-2699.

Very truly yours,

Serena Viswanathan  
Associate Director