

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

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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 <u>www.ftc.gov/substantiation-notice</u>. Copies of the case decisions discussed in the Endorsement Notice are available on the Commission's website at <u>www.ftc.gov/endorsement-notice-penalty-offenses</u>.

For further information on the marketing of health-related products, please see FTC staff's "Health Products Compliance Guidance," available at <u>www.ftc.gov/healthcompliance</u>.

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

Very truly yours,

Serena Viswanathan Associate Director