



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

November 13, 2020

Via Federal Express and E-mail

Ms. Nichole Andrews

Nutrition with N

[Redacted]

[Redacted]

Dear Ms. Andrews:

The Federal Trade Commission (“FTC”) is an independent federal agency whose mission is to protect consumers and promote competition in the marketplace. One of our primary responsibilities is to ensure that businesses and their marketing practices are fair and not deceptive. We are concerned that your marketing practices on Instagram and TikTok may be deceptive or unfair in violation of the FTC Act.

You posted dietary advice on Instagram and TikTok. For example, in one video posted on Instagram and TikTok on July 20, 2020, you stated, “it’s okay to still enjoy your non-sugar sweetened beverages” and that, in summary, “non-sugar sweetened beverages are safe.” On June 29, 2020, the International Agency for Research on Cancer (“IARC”), a branch of the World Health Organization (“WHO”), announced that “the opinion from the IARC Working Group is that artificial sweeteners are not safe.” In a video post, you stated, “artificial sweeteners are safe.” This information was displayed on your Instagram and TikTok profiles, increasing your audience. The American Beverage Association (“ABA”) is a leading industry organization.

The FTC’s Endorsement Guide states that if there is a material connection between an endorser and the marketer of a product, in other words, a connection that might affect the weight or credibility that consumers give the endorsement, that connection should be clear and conspicuous, or disclosed, unless the relationship is already clear from the communication containing the endorsement. Material connections could consist of a business or

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