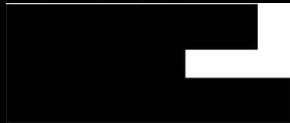




United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

November 13, 2023

Via Federal Express and E-mail
Ms. Keri Gans



Dear Ms. Gans:

The Federal Trade Commission ("FTC") is an independent federal agency whose mission is to protect consumers by enforcing laws and rules that promote truth in advertising and fair business practices, and by educating consumers and businesses about their rights and responsibilities. We are writing to express concerns that your marketing practices on Instagram may be deceptive or unfair in violation of the FTC Act.

You posted dietary advice on Instagram endorsing the safety of aspartame. In a July 13, 2023 post available as both an Instagram Video and a Reel, you stated "As you know, I've always been a fan of no and low calories sweeteners as part of an overall healthy diet, so I thought I'd share with you that there's new info up on the FDA's website reaffirming the safety of aspartame and other no and low calories sweeteners." You stated in the text description of the post that, "According to the FDA 'aspartame is one of the most studied food additives in the human food supply' with more than 100 studies supporting its safety." You also stated in the text description of the post: "Check out the FDA's website for new info," and linked to an FDA.gov site regarding aspartame. It appears that you were paid by the American Beverage Association ("ABA") to make the post.

The FTC's Endorsement Guides state 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 clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser. "Clear-

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