



January 26, 2018

Laura Smith
Truth in Advertising, Inc.
P.O. Box 927
Madison, CT. 06443

cc: Jared Blum
DSA Code of Ethics Administrator
Direct Selling Association
1667 K Street N.W., Suite 1100
Washington, D.C. 20006-1600

RE: AdvoCare International, LP's Response to TINA.org's Letter Dated December 18, 2017

Dear Ms. Smith:

Thank you for your letter dated December 18, 2017, alleging some nineteen (19) internet posts contain false and unsubstantiated income claims about the AdvoCare business opportunity. AdvoCare takes all complaints brought to our attention very seriously, and we appreciate you bringing these posts to our attention. We hope the following response, with appendices, addresses your concerns.

AdvoCare's Policies to Address Unsubstantiated Claims

The Independent Distributors (Distributors) selling AdvoCare products are required to adhere to the AdvoCare Policies and Procedures (Policies). As a proud member of the Direct Selling Association (DSA), these procedures¹ intentionally comply with DSA's Code of Ethics as they relate to unsubstantiated income claims.

Distributors must be truthful, ethical in representing AdvoCare products, and must comply with all local, state and federal laws.² Distributors receive training on the use of internet and social media to promote AdvoCare's products and business opportunity. Amongst other rules, Distributor-created content must comply with the Policies, be current and up to date, and be removed if found to be non-compliant.³ Distributors who fail to comply with the Policies are subject to disciplinary action including possible termination of their Distributorship.⁴ Internally, AdvoCare Corporate holds itself to the same standards it holds of its Distributors and is constantly monitoring and updating its content.

¹ See Appendix 1.

² See AdvoCare Policies and Procedures (AP&P) 7.3, 7.4, 7.6, 10.1, 10.2, 10.4, and 10.14.

³ See AP&P 10.4, 10.6, 10.14, 10.26, 10.27, and 10.29.

⁴ See AP&P 11.2

AdvoCare's Enforcement of its Policies, in General

The AdvoCare Business Ethics Team (BET) is responsible for receiving and investigating complaints concerning allegations of Distributor Policy violations. BET utilizes Momentum Factor's FieldWatch Software to scan the internet and social media to identify potential violations of the Policies. In addition to FieldWatch, BET investigates other complaints received and gathers any information concerning potential violations. Complaints can originate from various internal (IT, Customer Service, Will Call) and external (Distributor, customer, DSA, BBB, regulatory agencies, and third party complaints) sources.

BET will investigate the complaint, review all documentation collected, conduct witness interviews as applicable, and communicate with any affected Distributor(s). In the case of improper product claims, BET will (1) require the distributor to remove the non-compliant post, (2) educate the distributor on the applicable Policies, (3) sanction the Distributor for the violation, taking into consideration the nature of the violation and any prior disciplinary history, and (4) document the action taken. When the initial inquiry originates with a third party (such as in the current instance) the third party is notified of the investigation results and actions taken by AdvoCare.

AdvoCare's Enforcement Response to Your Letter

A review of your website indicated eleven (11) posts from AdvoCare Corporate (website, Youtube or Facebook) and eight (8) to its Distributors. A BET investigator reviewed each Distributor post, conducted research to determine the origin of the post, determined if the author was a current/former Distributor, contacted each Distributor to remove the non-compliant material, sanctioned current Distributors as applicable, and documented the investigation. AdvoCare's legal team reviewed each Corporate post and required edits or removal from public view of all materials cited.

The dates of the posts range from 2010 to 2017, and the majority occurred prior to 2015. The information below summarizes AdvoCare's investigation and subsequent enforcement actions:

##	Detail	Summary of Action Taken	App. 2 Item Ref. #
7	Posts made in 2014-2016 on the Corporate website or Youtube.	Each post has been edited or replaced by updated content. Old content has been archived.	Corporate C4-C8, C10-C11
4	Posts made in 2010-2016 on the Corporate Youtube or Facebook.	Each post has been edited or replaced by updated content. Old content has been archived.	Corporate C1-C3, C9
8	Posts made by Independent Distributors.	BET investigated each post, disciplined or educated the Distributor and verified Distributor removed the post. One post was not found.	Distributor #D1-D8
19	TOTAL		

CONCLUSION

We appreciate your cooperation as we continue to monitor and enforce Distributor compliance with the Policies. If you have any concerns about our response, please contact the undersigned.

Respectfully,

A handwritten signature in black ink that reads "Dick Laurin". The signature is written in a cursive, flowing style.

Dick Laurin
Director, Business Ethics
AdvoCare International, L.P.

RKL/jr
Attachments

cc: Jared Blum
Joseph Mariano

Appendix 1 – Applicable AdvoCare Policies and Procedures

7.3 Distributors Must Follow All Laws

Distributors are responsible for complying with all local, state and federal laws and regulations concerning the operation of a Distributorship, marketing and selling practices, and the distribution of Products. Distributors should familiarize themselves with the applicable local, state and federal laws and regulations that affect the operation of their Distributorships. AdvoCare shall not be liable for any conduct of Distributors contrary to such laws and regulations.

7.4 Truthful and Ethical Conduct

All statements made by Distributors regarding AdvoCare, the business opportunity, the Products, past earnings, or product results must be truthful, ethical, accurate and not misleading. Distributors shall always conduct their business in an ethical manner and in compliance with the Direct Selling Association's Code of Ethics (See www.dsa.org/code-of-ethics) and all local, state and federal laws and regulations.

7.5 Complaints or Concerns

AdvoCare values constructive comments and input from Distributors, and in part relies on its Distributors to report Distributor conduct that could detrimentally affect its business, the business of other AdvoCare Distributors or the reputation of AdvoCare. AdvoCare encourages all complaints or concerns regarding other Distributors to be reported to legal@advocare.com. Complaints or concerns regarding Products may be directed to Customer Service.

7.6 Professional Conduct and Business Practices

Distributors shall use their best efforts to promote the positive reputation of AdvoCare, its products, its business opportunity and its Distributors. Distributors are prohibited from engaging in high-pressure selling or recruiting. Distributors must always conduct themselves in a professional, ethical, courteous and considerate manner when representing AdvoCare. All presentations and communications regarding Products and the AdvoCare business opportunity must be complete and truthful (i.e., product directions for use, cautions and warning statements, and product benefits as stated on product packaging, the AdvoCare website, or any AdvoCare-published literature, presentation of the most current AdvoCare Income Disclosure Statement or average income earned by Active Distributors).

10.1 Distributor Advertising in General

What follows are general principles to help guide Distributors in the decisions they may make regarding advertising and promotion of the AdvoCare opportunity (for more resources on how to advertise and promote your AdvoCare business, login to your Distributor Website). AdvoCare considers any direct or indirect statement or graphic using its name, logo, or trademarks or regarding its Products, results of its Products, its business opportunity, and results with its business opportunity to be forms of advertising covered by this Chapter.

Distributors may utilize various forms of advertising so long as their business activities comply with all terms of these Policies and all local, state and federal laws and regulations.

10.2 No Deceptive or Misleading Advertising

It is the obligation of each Distributor to ensure that all advertisement activities are truthful, not deceptive and do not mislead customers or potential Distributors in any way. Advertisements and marketing activities should be professional and appropriate. Any Distributor who engages in abusive language or inappropriate conduct that causes disruption to the normal business of AdvoCare or that of any Distributor, or that is injurious to the image or reputation of AdvoCare or that of any Distributor is in violation of these Polices.

10.4 Claims

AdvoCare considers any statement or assertion about its Products, results on Products, use of Products, its business opportunity, and results with its business opportunity to be a claim within the scope of this Chapter. When discussing or promoting AdvoCare, Distributors may make only those claims or representations found on product packaging, the AdvoCare Website or in current literature published by AdvoCare. Distributors may describe, in general terms, the positive impact AdvoCare has had on their lifestyle or the positive results they have personally experienced from using AdvoCare products so long as the statement is truthful, accurate, not misleading to a consumer, and follows the guidelines set forth in Chapters 10.4.1 and 10.4.2 below.

10.4.2 Income Claims

Distributors may not make future income projections or income claims regarding the amount of money they or others may expect to earn through the AdvoCare Compensation Plan.

Distributors may not make any statement about their AdvoCare income or the AdvoCare Compensation Plan that is untrue, misleading or based upon any experience other than the Distributor's personal experience. Distributors must provide the complete, current AdvoCare Income Disclosure Statement found on the AdvoCare website to all individuals to whom they promote the AdvoCare opportunity, provide income information, or share lifestyle claims that imply income from AdvoCare contributed.

Distributors must clearly disclose that success in AdvoCare depends on a number of factors, including effort exerted by the Distributor in selling Products and in helping train those Distributors whom he or she sponsors. AdvoCare sells sales aids, such as *IMPACT* magazine and *Solutions for your Success* DVD, that, if current, may be used to illustrate its business opportunity, provided the complete and current AdvoCare Income Disclosure Statement is simultaneously provided to the recipient. If such claims or testimonials are made on the internet or on social media, AdvoCare recommends providing a link directly to the current Income Disclosure Statement on the AdvoCare website. These testimonials must also provide the following disclaimer:

Personal testimonials reflect individual experiences of AdvoCare Independent Distributors and are not necessarily typical of the results you may obtain. Earnings depend on a number of factors, including your individual effort and the area in which you live. For more information regarding earnings, see the AdvoCare Income Disclosure Statement.

10.14 Advertisements and Marketing Must Abide By the Law

Promotion of AdvoCare Products and the business opportunity by Distributors is considered commercial speech, or speech done on behalf of a company or individual for the intent of making a profit. This type of speech has the intent of convincing consumers to take part in a particular action, such as purchasing Products or engaging with AdvoCare. This commercial speech must be truthful, and must not be deceptive or misleading to the reasonable consumer. Government agencies have established guidelines and rules for what may and may not be communicated in commercial speech, and even a Distributor's personal experience may not conform to these guidelines. Distributors are responsible for complying with these legal requirements as well any relevant local, state and federal laws and regulations.

10.26 Social Networking and Social Media

Distributors may use social media and networking sites, online forums, discussion groups, blogs, webinars and other forms of internet communication to find new prospective Distributors and/or customers. These online social networks may be used to drive traffic to the Distributor's AdvoCare Website. Social Networks include such sites as Facebook, Instagram, Twitter, YouTube, Snapchat, Pinterest, Flickr, LinkedIn, Google+, Tumblr, etc.

It is the Distributor's obligation to ensure that all content they post on social networks is current and that any old content that is out of compliance with any terms of the Policies is immediately and permanently removed. Distributors who use social networking sites must also comply with the rules associated with that particular website or network.

10.27 Distributors are Responsible for Their Postings

Distributors are personally responsible for their postings and all other online activity related to AdvoCare. Therefore, even if a Distributor does not own or operate a social media site, if a Distributor makes a post that relates to AdvoCare, or which can be traced back to AdvoCare, the Distributor is responsible for the posting. Distributors are also responsible for postings which occur on any blog or social media site the Distributor owns, operates or controls.

10.29 Use of Videos on Social Media

Distributors are encouraged to use AdvoCare corporate videos to advertise or promote the Products and the business opportunity. AdvoCare corporate videos must be re-posted in their entirety and may not be modified in any way.

The disclaimers required in this Chapter must be provided in their entirety in the video, either verbally or displayed in writing, for a reasonable amount of time in order to enable the viewer the ability to review the information. It is the responsibility of the Distributor to ensure any of the material he or she is recording or providing is current and in compliance with these Policies, as well as any local, state and federal laws and regulations.

No other videos are approved for Distributor use to promote the Distributor's AdvoCare business and, as such, Distributors may not create videos that combine personal material with AdvoCare trademarks or AdvoCare content except as provided below.

10.29.1 Personal Videos on Private Forums

Distributors may create personal videos that use AdvoCare trademarks or AdvoCare content solely for the purposes of training current Distributors. The intended audience of these videos must be current Distributors, not consumers or the public at large. They may only be shared on private forums such as social media accounts with correct privacy settings, which may include invite-only group pages or personal pages closed to the public. At any time, AdvoCare may request access to a private forum in which its Products, Distributors or business opportunity are discussed. The Distributor who has the ability to grant access is required to immediately provide AdvoCare with entry to the forum. These videos must be in compliance with these Policies and must contain the following disclaimer, spoken and/or in writing:

This type of video is not sponsored or endorsed by AdvoCare. The information and views in it are provided by an AdvoCare Independent Distributor to be viewed by other AdvoCare Independent Distributors. It may not be shared with the public.

10.29.1.1 Business Training Videos

Any video that discusses the AdvoCare opportunity and/or explicitly or implicitly makes an income or lifestyle claim must use this additional disclaimer:

Personal testimonials reflect individual experiences of AdvoCare Independent Distributors and are not necessarily typical of the results you may obtain. Earnings depend on a number of factors, including your individual effort and the area in which you live. For more information regarding earnings, see the AdvoCare Income Disclosure Statement.

10.29.1.2 Product Training Videos

Any video that discusses or mentions the Products must include this additional disclaimer:

Personal testimonials reflect individual experiences of AdvoCare Independent Distributors and are not necessarily typical of the results you may obtain. Results vary with individual effort, consistency of use, body composition, eating patterns and exercise. AdvoCare makes no guarantee as to the results that you may experience. AdvoCare encourages healthy, sustainable weight loss with consistent healthy lifestyle activities over a period of time. If an individual has a medical condition or is pregnant or nursing, AdvoCare recommends that the individual consult his or her healthcare professional before starting an AdvoCare Product regimen. Individuals should always read the product label before use.

10.29.2 Personal Videos on Public Forums

Distributors may post personal videos of their own or video clips to share their own story without using AdvoCare trademarks or content.

10.29.3 Video Streaming

Streaming services, such as Facebook Live, may be used by a Distributor to share their AdvoCare story live with their team, customers and prospects on public forums. Once the video is saved, it is considered a video subject to the requirements in this Chapter and may only stay on a private forum.

Video streaming that is advertised or promoted in advance as an AdvoCare-related training or webinar may only be hosted on a private or invite-only forum

11.2 Forms of Disciplinary Action

The Policies are in place to protect AdvoCare and the business opportunity for all Distributors. Violations of the Policies are considered extremely serious and may subject a Distributor to disciplinary action, at the sole discretion of AdvoCare. AdvoCare may attempt to address a violation by counseling the Distributor; however, depending on the particular situation, more severe disciplinary measures may be required including, but not limited to, the following:

- (1) **Legal Hold**: a period of time in which a Distributor's account is frozen during an investigation of a possible Policy violation. During this time, the Distributor may not buy or order Products, sign up new Distributors or earn compensation through the Compensation Plan. AdvoCare agrees to investigate the violation within a reasonable amount of time and release the legal hold upon the determination that the Distributor's conduct is not subject to further disciplinary action. Withheld compensation that would have been earned by the Distributor during the legal hold period is forfeited and may be retained by AdvoCare while the Legal Hold is pending investigation unless and until the Distributor is found not at fault and then the compensation may be returned to the Distributor upon request;
- (2) **Warning**: issued to clarify the meaning and application of a specific Policy and advise that continued violation will result in further disciplinary action;
- (3) **Probation**: a defined period of time in which the Distributor is considered *not in good standing*, but may continue to conduct certain aspects of their Distributorship, unless otherwise communicated by AdvoCare, including buying Products, placing orders on his or her Distributor Website, earning compensation through the Compensation Plan and signing up new Distributors. However, while a Distributor is considered *not in good standing* he or she will not be eligible for certain Distributor privileges, including but not limited to earning incentives, participating in Leadership or Diamond and above events, receiving recognition for pin level advancement, or taking part in the Leads program. It is within the sole discretion of AdvoCare to restrict or allow certain Distributor rights and privileges within the probationary period;
- (4) **Suspension**: a defined period of time where, or until certain specified conditions are met, a Distributor is considered *not in good standing*. During a suspension the Distributor's account is frozen and all rights to conduct the AdvoCare business and participate in Distributor events, along with any eligibility for earning incentives and compensation are revoked. Withheld compensation that would have been earned by the Distributor during the suspension period is forfeited and may be retained by AdvoCare; or
- (5) **Termination**: the complete cancellation of a Distributor Agreement and revocation of the Distributor's rights, including the right to receive any further compensation whether accruing before or after the termination date. Upon termination, the Distributor must immediately cease to represent himself or herself as a Distributor.

AdvoCare reserves the right to take disciplinary action against a Distributor at any time, with or without prior notice, whenever it is determined to be the necessary and appropriate action. Upon disciplinary action, a Distributor's earnings and incentives may be forfeited at the sole discretion of AdvoCare. AdvoCare reserves the right to recoup damages and pursue legal action for violation of its Policies or its Distributor Agreement.

Notwithstanding the foregoing section, any probation, suspension or termination invoked by AdvoCare becomes effective on the date AdvoCare sends notice to the affected Distributor(s). The notice will be

mailed and/or emailed to the Distributor's physical address and/or email of record with AdvoCare. Legal holds are the exception to this notification process as they are the most minor forms of disciplinary action, and will be effective immediately with or without notification.

Appendix 2 – Summary of Actions Taken on Complaint

Current as of 1/25/18

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Corporate

C1.

AdvoCare Facebook Page

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareFacebook1AfricaincentiveTrip

Posted: 2013

Response: Removed as no longer in compliance with current Policies.

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C2.

AdvoCare Facebook Page

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareFacebook2IncentiveTrips

Posted: 2013

Response: Removed as no longer in compliance with current Policies.

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C3.

AdvoCare Facebook Page

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareFacebook4Cruise

Posted: 2010

Response: Archived and removed from public view as no longer in compliance with current Policies.

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C4.

AdvoCare Website

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareWebsite1

Posted: 2015

Response: Updated to comply with current Policies.

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C5.

AdvoCare Website

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareWebsite2

Posted: 2015

Response: Updated to comply with current Policies.

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C6.

AdvoCare Website

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareWebsite3

Posted: 2015

Response: Updated to comply with current Policies.

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C7.

AdvoCare Website

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareWebsite4

Posted: 2015

Response: Updated to comply with current Policies.

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C8.

AdvoCare Website

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareWebsiteSuccessStories

Posted: 2015

Response: Updated to comply with current Policies.

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C9.

AdvoCare YouTube page

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareYoutube1StayHome

Posted: 2015

Response: Archived and removed from public view as no longer in compliance with current Policies.

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C10.

AdvoCare YouTube page

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareYoutube2Incentive

Posted: 2016

Response: Archived and removed from public view as no longer in compliance with current Policies.

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C11.

AdvoCare YouTube page

TINA Website Link: www.truthinadvertising.org/wp-content/uploads/2017/09/AdvocareYoutube4Rewarding

Posted: 2015

Response: Archived and removed from public view as no longer in compliance with current Policies.



Distributors

D1.

ID # xxxxx6279

Date Posted: February 27th, 2017

Link: <https://www.facebook.com/charity.mercer.1/posts/1589155431096315>

Method of Contact: FieldWatch (FW Incident # 2017-12-00192)

Response: Dist. Complied, post was removed on 12/30/17 per Distributor.

Warning/admonishment: Legal Claim on acct IC (Income Claim)

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookCharity.png>

D2.

ID # xxxxx0564

Date Posted: August 21st, 2017

Link: <https://www.facebook.com/Advocare-Independent-Distributor-721940818006537>

Method of Contact: FieldWatch (FW # 2018-01-00098)

Response: Dist. Complied, post was removed on 1/17/18 per Distributor.

Warning/admonishment: Legal Claim on acct IC (Income Claim)

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookIndependentDistributor.png>

D3.

ID # xxxxx385

Date Posted: July 7th, 2017

Link: <https://www.facebook.com/photo.php?fbid=10211891350710776&set=a.2075774745584.2111775.1581424581&type=3&theater>

Method of Contact: FieldWatch (FW # 2018-01-00005)

Response: Dist. Complied, post was removed on 1/2/18 per distributor.

Warning/admonishment: Legal Claim on acct IC (Income Claim)

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookMexico.png>

D4.

ID # xxxxx7322

Date Posted: January, 18th, 2016

Link: <https://www.facebook.com/220536748006459/photos/a.509186822474782.1073741828.220536748006459/1040788485981277/?type=3&theater>

Method of Contact: FieldWatch (FW # 2018-01-00005)

Response: Dist. Complied, post was removed on 1/4/18 per Distributor.

Warning/admonishment: Legal Claim on acct (PEV), post older than a year

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookNorris.png>

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D5.

ID # xxxxx8891

Date Posted: January, 14th, 2015

Link:<https://www.facebook.com/GlodowskiAdvoCare/photos/a.481073435353473.1073741825.140407582753395/650617178399097/?type=3&theater>

Method of Contact: FieldWatch (FW Incident # 2018-01-00008)

Response: Dist. Complied, post was removed on 1/2/18 per Distributor.

Warning/admonishment: Legal Claim on acct (PEV), post older than a year

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookSixFigures.png>

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D6.

ID # xxxxx2521

Date Posted: August, 11th, 2015

Link: <https://www.facebook.com/sonia.c.trotter/posts/1051890831488029>,
<https://www.facebook.com/sonia.c.trotter/posts/1333081553368954>

Method of Contact: FieldWatch (FW # 2018-01-00009)

Response: Dist. Complied, post was removed on 1/2/18 per Distributor.

Warning/admonishment: Legal Claim on acct (PEV), post older than a year

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookSonia.png>

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D7.

ID # xxxxx1686

Date Posted: June, 17th, 2017

Link:<https://www.facebook.com/teammagsadvocare/photos/a.1743545195873507.1073741828.1738828959678464/1991342344427123/?type=3&theater>

Method of Contact: FieldWatch (FW # 2018-01-00099)

Response: Dist. Complied, post was removed on 1/17/18 per Distributor.

Warning/admonishment: Legal Claim on acct IC (Income Claim)

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookMagaddino.png>

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D8.

ID # xxxxx572

Date Posted: October 10th, 2017

Link: Post no longer available

Method of Contact: N/A

Response: N/A

Warning/admonishment: N/A

TINA Website Link: <https://www.truthinadvertising.org/wp-content/uploads/2017/12/AdvocareFacebookAlexia.png>
