



September 7, 2022

**VIA EMAIL**

Peter C. Marinello, Director  
Howard J. Smith, Attorney  
Direct Selling Self-Regulatory Council  
112 Madison Avenue, 3rd floor  
New York, NY 10016  
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HSmith@bbbn.org

Re: Repeated deceptive marketing by Juice Plus

Dear Peter and Howard:

We write to file a complaint with the Direct Selling Self-Regulatory Council against The Juice Plus+ Company, LLC (Juice Plus), a Tennessee-based multi-level marketing company that sells nutritional supplements. For years, Juice Plus and its distributors have been using – and continue to use – deceptive and unsubstantiated disease-treatment claims to market products, including the ability of products to protect against COVID-19; help with cancer; treat arthritis, psoriasis, and infertility; cure allergies, ear infections, and pediatric eczema; and reduce inflammation, among other things. Such marketing has continued despite several warnings from TINA.org over the span of more than five years<sup>1</sup> (most recently in May 2022<sup>2</sup>), as well as a warning letter from the FTC regarding deceptive claims related to COVID-19.<sup>3</sup> In addition, while not the focus of this particular Juice Plus investigation, the company is also continuing to make atypical and deceptive earnings claims about its business opportunity, despite

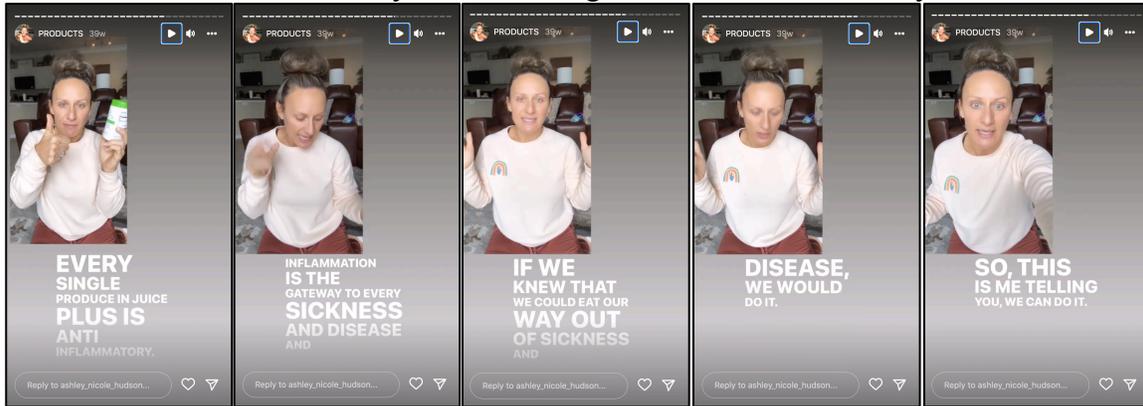
having been warned by TINA.org about such claims in 2017<sup>4</sup> and having received a Notice of Penalty Offenses concerning income claims from the FTC in October 2021.<sup>5</sup>

### **TINA.org's Findings Regarding Disease-Treatment Claims**

In May, a consumer alerted TINA.org to a high-level Juice Plus distributor, Ashley Hudson, making inappropriate health claims to promote the company's products on social media. TINA.org promptly investigated and found that Ms. Hudson, a Juice Plus National Marketing Director, was indeed making deceptive and unsubstantiated health claims about company products, including, for example, the ability to reduce inflammation<sup>6</sup> and be more effective than prescription medication.<sup>7</sup> As a result, TINA.org immediately alerted Juice Plus to this distributor's use of deceptive marketing claims.<sup>8</sup> In response, the company's Global Compliance Director assured TINA.org that Juice Plus was taking the matter seriously and had engaged its full compliance resources, including FieldWatch, to track down the non-compliant posts, and confirmed that the non-compliant content had since been removed from Ms. Hudson's social media accounts.<sup>9</sup> In reality, however, the company failed at removing all of the illegal marketing claims found on Ms. Hudson's account.

For example, the following Instagram story clips existed on Ms. Hudson's Instagram account at the time TINA.org reached out to Juice Plus in May and remain in publication today.

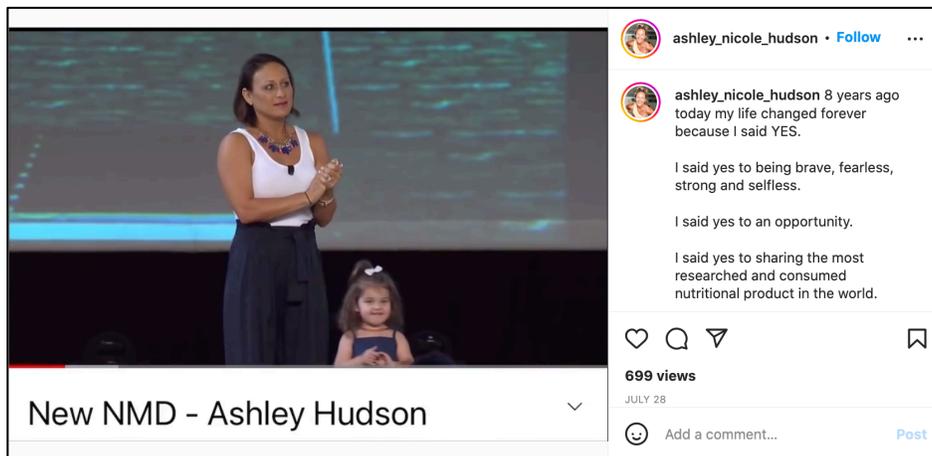
### Ashley Hudson Instagram “PRODUCTS” Story



*“EVERY SINGLE PRODUCE IN JUICE PLUS IS ANTI INFLAMMATORY. INFLAMMATION IS THE GATEWAY TO EVERY SICKNESS AND DISEASE...IF WE KNEW THAT WE COULD EAT OUR WAY OUT OF SICKNESS AND DISEASE, WE WOULD DO IT. SO, THIS IS ME TELLING YOU, WE CAN DO IT.”*

And because of Juice Plus’s inaction, Ms. Hudson – among many others – have continued deceiving consumers.

For example, in July, Ms. Hudson posted a video on her Instagram channel, in which she tells consumers that Juice Plus products can treat infertility and seasonal allergies (and that the business opportunity allowed her to pay off significant debt and buy a new home).<sup>10</sup> And to add insult to injury, the very same video and claims are published on the Juice Plus Business YouTube channel.<sup>11</sup> The following is an illustrative screenshot and excerpt.



“...[A]t the age of 14, I developed an eating disorder that I struggled with for over 20 years. ... So at the age of 33, my health was a mess. My hair was coming out in globs, I was sick all the time, I had horrible seasonal allergies, but the biggest burden I ever had to carry was being told I couldn’t have kids. I didn’t have a menstrual cycle for three years. ... So when a dear friend introduced me to Juice Plus, it was an absolute God send ... Within two months on the trio capsules and Complete shakes, I started that menstrual cycle that I didn’t have for three years. In four years, I’ve been sick once, I no longer have seasonable allergies, ... and as you can see, we have two beautiful healthy Juice Plus babies I was told I couldn’t have. ... This opportunity has afforded my family to pay off over \$50,000 of debt in less than a year, become completely debt-free, and just this month, on October the 2<sup>nd</sup>, we moved into our brand new home.”

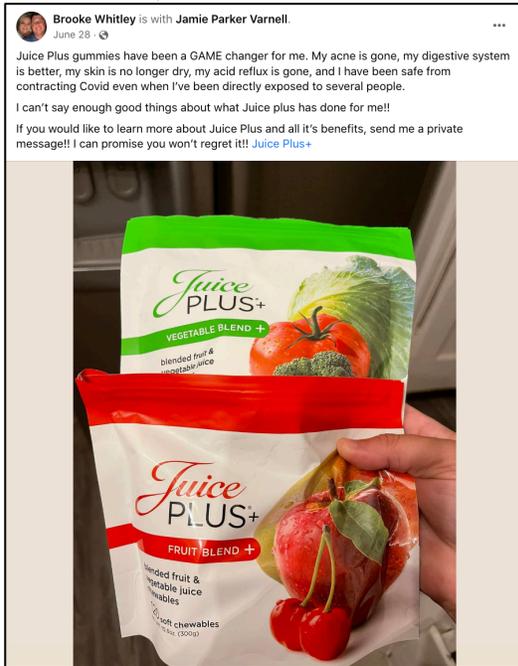
Unsurprisingly, a plethora of other Juice Plus distributors also make unsubstantiated disease treatment claims, including claims that Juice Plus products can prevent COVID-19, despite having been warned by the FTC just last year that such claims are unlawful.<sup>12</sup> Similar claims also exist on company-controlled platforms. The following are some examples.

August 11, 2022 Juice Plus Instagram Post<sup>13</sup>



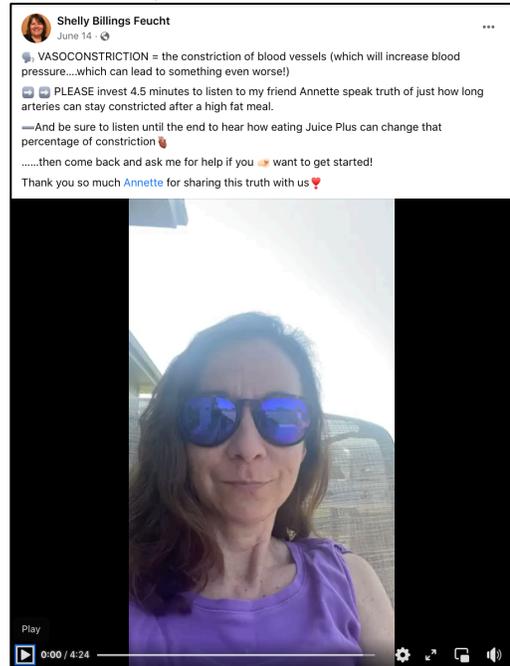
“[After Juice Plus] 66% were visiting the doctor less[,] 60% were missing fewer days of school[,] 56% were taking fewer over-the-counter and/or prescription drugs”

June 28, 2022 Distributor Post<sup>14</sup>



*“Juice Plus gummies have been a GAME changer for me. My acne is gone, my digestive system is better, my skin is no longer dry, my acid reflux is gone, and I have been safe from contracting Covid even when I’ve been directly exposed to several people.”*

June 14, 2022 Distributor Post<sup>15</sup>



*“...this actually can reduce the risks of heart attack and stroke...”*

April 22, 2022 Distributor Post<sup>16</sup>



*“...it’s the only product on the market that has research behind it showing that it actually gets into the bloodstream and supports a healthy pregnancy, decreases complications and premature deliveries...”*

January 1, 2022 Distributor Post<sup>17</sup>



*“improved blood pressure...improved insulin response...decreased inflammation...”*

## November 6, 2021 Podcast Episode<sup>18</sup>

Apple Podcasts Preview



**Toni Branner on Being the Crazy Plant Lady**  
Billy's JP+ Podcast

Business

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Toni Branner on Being the Crazy Plant Lady  
Toni Branner is a Presidential Marketing Director with The Juice Plus+ Company. Toni has held a number of other distinguished roles during her 40-year career as "The Crazy Plant Lady." These include former professor in the UNC-Chapel Hill Department of Physical Education, Exercise and Sports Science, as well as former director of the Faculty and Staff Wellness Center at UNC-Chapel Hill. Toni has been a popular corporate speaker for more than four decades and is the founder of Health Made Simple, LLC. She is also the author of six books. Toni is deeply passionate about the power of plants to prevent disease and to heal the human body. In this podcast, we cover a wide range of topics, from the subject of her next book (preparing for the storms of life) to building one of the largest JP+ teams in North America to the impact of plants on inflammation, the microbiome, and heart health. More than anything, you will come away inspired and encouraged to be what some might consider a little crazy. If it's crazy to believe deeply in our mission and calling, then Toni is all that and more; and she invites us to live in the same way. We have a life-changing message that we should boldly (call it crazy if you want to) share with the world!

Disclaimer: Juice Plus+ does not claim to cure or treat any specific disease or symptoms and makes no income promises regarding the business.

[Billy Leonard, Juice Plus National Marketing Director]:

*“Two of [my daughters] have muscular dystrophy and the pulmonologists say they should have had pneumonia and certainly the flu many times throughout their lives but because of our awareness about diet as well as giving them Juice Plus since they were eight months old, they’ve never had pneumonia and they’ve had flu twice in their lives and recovered really strongly...”*

[Toni Branner, Juice Plus Presidential Marketing Director]:

*“Chronic inflammation is what leads to chronic diseases, as well as being a part of autoimmune issues, allergies, asthma...And Juice Plus... within two weeks it lowers inflammation.”*

More than 100 examples of unsubstantiated disease-treatment claims used to market

Juice Plus products are available at <https://truthinadvertising.org/evidence/2022-juice-plus-health-claims-database/>.<sup>19</sup>

In defense of the illegal disease-treatment claims that Juice Plus makes, it states Juice Plus products are “supported by more than 40 peer-reviewed scientific publications.”<sup>20</sup> However, a review of the studies found on the Juice Plus website reveals that none of them provide competent and reliable scientific evidence to substantiate any of the disease-treatment claims made about its products. Among the problematic issues with the studies Juice Plus references on its website are:

- Small sample sizes;
- Homogenous samplings (e.g., all men in the Austrian Special Forces Cobra unit, all obese women, all smokers, all prepubertal boys) limiting the generalizability of any results.
- No findings of any statistically significant causal effect on disease;
- No placebo group;
- The publication is a post hoc analysis rather than a study<sup>21</sup>;
- The publication is a review of other studies rather than a study;
- One or more of the primary researchers conducting the study works for Juice Plus or Natural Alternatives International, the company that manufactures Juice Plus, or the study was financially supported by Juice Plus or a related entity.

In addition to these material flaws, the company does not have FDA approval for any of its products, meaning that its products are being marketed as unapproved drugs.

### **TINA.org's Findings Regarding Income Claims**

While investigating Juice Plus's use of unsubstantiated disease-treatment claims, TINA.org also found distributors making atypical and deceptive earnings claims regarding the business opportunity.<sup>22</sup> For example, and as mentioned above, Ms. Hudson claims the Juice Plus business opportunity has allowed her family to pay off large debts, become debt-free and buy a new home.<sup>23</sup> Income claims are made elsewhere as well,<sup>24</sup> and must be stopped, given that the majority of distributors earn less than \$500 a year, before expenses.<sup>25</sup>

## Conclusion

Juice Plus is – and has been for years – deceiving consumers with unsubstantiated health claims and inappropriate income claims. This deceptive marketing exists despite warnings from the FTC and TINA.org, as well as fines from international regulators,<sup>26</sup> because Juice Plus – a Direct Selling Association member recently recognized as one of the association’s biggest sellers<sup>27</sup> – repeatedly ignores the law. TINA.org urges the DSSRC to review the claims being made by Juice Plus and its distributors, and take appropriate action.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Laura Smith, Esq.  
Legal Director  
Truth in Advertising, Inc.



Bonnie Patten, Esq.  
Executive Director  
Truth in Advertising, Inc.

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<sup>1</sup> See Nov. 22, 2016 letter from TINA.org to Juice Plus, [https://truthinadvertising.org/wp-content/uploads/2022/05/11\\_22\\_16-ltr-to-Juice-Plus-re-health-claims.pdf](https://truthinadvertising.org/wp-content/uploads/2022/05/11_22_16-ltr-to-Juice-Plus-re-health-claims.pdf).

<sup>2</sup> May 25, 2022 letter from TINA.org to Juice Plus, [https://truthinadvertising.org/wp-content/uploads/2021/12/5\\_25\\_22-letter-from-TINA-to-Juice-Plus-re-distributor-claims.pdf](https://truthinadvertising.org/wp-content/uploads/2021/12/5_25_22-letter-from-TINA-to-Juice-Plus-re-distributor-claims.pdf).

<sup>3</sup> June 5, 2020 letter from FTC to Juice Plus, [https://www.ftc.gov/system/files/warning-letters/covid-19-letter\\_to\\_juice\\_plus.pdf](https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_juice_plus.pdf).

<sup>4</sup> Dec. 18, 2017 letter from TINA.org to Juice Plus, [https://truthinadvertising.org/wp-content/uploads/2022/05/12\\_18\\_17-ltr-to-Juice-Plus-re-income-claims.pdf](https://truthinadvertising.org/wp-content/uploads/2022/05/12_18_17-ltr-to-Juice-Plus-re-income-claims.pdf).

<sup>5</sup> List of October 2021 Recipients of the FTC’s Notices of Penalty Offenses Concerning Money-Making Opportunities and Concerning Deceptive or Unfair Conduct around Endorsements and Testimonials, [https://www.ftc.gov/system/files/attachments/penalty-offenses-concerning-money-making-opportunities/list-recipients-mmo\\_notice\\_0.pdf](https://www.ftc.gov/system/files/attachments/penalty-offenses-concerning-money-making-opportunities/list-recipients-mmo_notice_0.pdf).

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<sup>6</sup> See, e.g., May 20, 2022 Ashley Hudson Instagram post, <https://www.instagram.com/p/Cdx-ZwAlt4B/>.

The FDA has made clear that claims of reducing inflammation are disease-treatment claims. See e.g., June 10, 2022 FDA Warning Letter to Young Living Essential Oils Corporate, <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/young-living-essential-oils-corporate-615777-06102022>.

<sup>7</sup> Apr. 14, 2022 Ashley Hudson Instagram post, <https://www.instagram.com/p/CcVDt-8Fdzi/>.

<sup>8</sup> May 25, 2022 letter from TINA.org to Juice Plus, [https://truthinadvertising.org/wp-content/uploads/2021/12/5\\_25\\_22-letter-from-TINA-to-Juice-Plus-re-distributor-claims.pdf](https://truthinadvertising.org/wp-content/uploads/2021/12/5_25_22-letter-from-TINA-to-Juice-Plus-re-distributor-claims.pdf).

<sup>9</sup> June 3, 2022 email from Juice Plus to TINA.org, [https://truthinadvertising.org/wp-content/uploads/2022/08/6\\_3\\_22-Juice-Plus-response.pdf](https://truthinadvertising.org/wp-content/uploads/2022/08/6_3_22-Juice-Plus-response.pdf).

<sup>10</sup> July 28, 2022 Ashley Hudson Instagram post, <https://www.instagram.com/p/CgjkOTXFqnA/>.

<sup>11</sup> Oct. 31, 2018 Juice Plus Business YouTube Video, “New NMD – Ashley Hudson,” <https://www.youtube.com/watch?v=ICMQAGcsWEY>.

<sup>12</sup> June 5, 2020 letter from FTC to Juice Plus, [https://www.ftc.gov/system/files/warning-letters/covid-19-letter\\_to\\_juice\\_plus.pdf](https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_juice_plus.pdf).

<sup>13</sup> Aug. 11, 2022 Juice Plus Instagram post, <https://www.instagram.com/p/ChIVmZPsuwy/>.

<sup>14</sup> June 28, 2022 Brooke Whitley Facebook post, <https://www.facebook.com/brookejonesecu/posts/pfbid02sPm7vtNR5bnaXBZdyUuth4Ezcc7wxU9wSYuKw3mEuNFUyDTJycU4q8L5QeuDK4i9l>.

<sup>15</sup> June 14, 2022 Shelly Billings Feucht Facebook post, <https://www.facebook.com/shelly.feucht.1/posts/pfbid02GYVzyujcp8AnHtg2CvhwFD6nNV7uwilZooji8qayaCAPY3Fdfs1Wscs59AqsHq6wl>.

<sup>16</sup> Apr. 22, 2022 Ellie Montgomerie Instagram post, <https://www.instagram.com/p/CcqJepMLCTw/?hl=en>.

<sup>17</sup> Jan. 1, 2022 Jennifer Boltz Instagram post, [https://www.instagram.com/p/CYMj5-pr2\\_P/](https://www.instagram.com/p/CYMj5-pr2_P/).

<sup>18</sup> Billy’s JP+ Podcast Nov. 6, 2021 episode, “Toni Branner on Being the Crazy Plant Lady,” <https://podcasts.apple.com/us/podcast/toni-branner-on-being-the-crazy-plant-lady/id1481081282?i=1000540966239> and <https://billysjppodcast.libsyn.com/toni-branner-on-being-the-crazy-plant-lady>.

<sup>19</sup> It is important to note that while some of the examples in TINA.org’s database were originally published prior years, each and every example is still available on the World Wide Web today and thus a current marketing material that needs to be addressed.

<sup>20</sup> Juice Plus+ Clinical Research, <https://www.juiceplus.com/us/en/products/clinical-research>.

<sup>21</sup> Post hoc analyses are not clinical study results. Rather, post hoc analyses are separate retrospective analyses of trial data performed after the study has concluded to try to find patterns that were not primary objectives of the study. See Henry L. Elliott, Post Hoc Analysis: Use and Dangers in Perspective, 14(2) J. Hypertension S21 (1996). Though important for generating hypotheses for future research, post hoc analyses are not definitive proof. *Id.* at S23 (“Post hoc analysis is of major importance in the generation of hypotheses. However, the hypothesis is created by the analysis and it has not been proved by any experiment....”). See also Brief of Amicus Curiae Truth in Advertising, Inc. in Opposition to Proposed Settlement, Oct. 27, 2020, S.D. Fl., [https://truthinadvertising.org/wp-content/uploads/2020/10/Collins-v-Quincy\\_TINA-Amicus-Brief.pdf](https://truthinadvertising.org/wp-content/uploads/2020/10/Collins-v-Quincy_TINA-Amicus-Brief.pdf).

<sup>22</sup> These findings are in addition to TINA.org’s 2017 findings. See Dec. 18, 2017 letter from TINA.org to Juice Plus, [https://truthinadvertising.org/wp-content/uploads/2022/05/12\\_18\\_17-ltr-to-Juice-Plus-re-income-claims.pdf](https://truthinadvertising.org/wp-content/uploads/2022/05/12_18_17-ltr-to-Juice-Plus-re-income-claims.pdf).

<sup>23</sup> July 28, 2022 Ashley Hudson Instagram post, <https://www.instagram.com/p/CgjkOTXFqnA/>; Oct. 31, 2018 Juice Plus Business YouTube Video, “New NMD – Ashley Hudson,” <https://www.youtube.com/watch?v=ICMQAGcsWEY>.

<sup>24</sup> See e.g., Billy’s JP+ Podcast Apr. 27, 2022 episode, “Lauren Palmer on Her Family’s Journey with Childhood Cancer,” <https://podcasts.apple.com/us/podcast/lauren-palmer-on-her-familys-journey-with-childhood-cancer/id1481081282?i=1000558867441> and <https://billysjppodcast.libsyn.com/lauren-palmer-on-her-familys-journey-with-childhood-cancer>.



Apple Podcasts Preview

**Lauren Palmer on Her Family's Journey with Childhood Cancer**  
Billy's JP+ Podcast  
Business

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Lauren Palmer on Her Family's Journey with Childhood Cancer

Lauren Palmer is a powerful person who has focused her incredible strength on raising four children and walking with one of them, Jennings, through two bouts with leukemia. She and her husband, Joel, have walked hand-in-hand through long and very challenging seasons together. Recently, Lauren spoke from the main stage at The Juice Plus+ Conference in Anaheim, CA. Juice Plus+ is the title sponsor for the St. Jude Marathon Weekend and Lauren's family has benefited from St. Jude during both of Jennings' battles with cancer. In this episode, Lauren gives us additional details about her, their family, Jennings, their journey, and how they are doing now. She also offers encouragement for other moms walking through a hard season. If you would like to follow Lauren or connect with her, you can find her at @lgpalmer on Instagram.

Disclaimer: Juice Plus+ does not claim to cure or treat any specific disease or symptoms and makes no income promises regarding the business.

*“we have four children...that’s not cheap and so it is a means to provide for our family and a means for me to support our family’s bottom line and expenses and...give our children opportunities we may not otherwise be able to give them.”*

<sup>25</sup> Juice Plus+ Earnings Summary, [https://www.juiceplus.com/assets/juiceplus/nala/downloads/pdf-documents/us/Juice%20Plus%2b%202020%20U.S.%20Earnings%20Summary%20\(English\).pdf](https://www.juiceplus.com/assets/juiceplus/nala/downloads/pdf-documents/us/Juice%20Plus%2b%202020%20U.S.%20Earnings%20Summary%20(English).pdf).

<sup>26</sup> In 2020, the Australian government fined Juice Plus \$37,800 after finding the company using unapproved health claims to promote products in the country. See Multi-level marketing company fined \$37,800 for alleged advertising breaches, Feb. 18, 2020, <https://www.tga.gov.au/media->

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[release/multi-level-marketing-company-fined-37800-alleged-advertising-breaches](#). According to sources, in 2019, the Italian Competition Authority fined Juice Plus 1 million Euros (\$1.04 million U.S. dollars) after an investigation revealed Italian distributors marketed Juice Plus products in hundreds of private Facebook groups without disclosing their business relationship with the MLM. Some of these undisclosed endorsements contained unsubstantiated medical claims, the Italian competition regulator found. *See* Juice Plus fined €1 mill for deceptive marketing practices in Italy, Apr. 27, 2019, <https://behindmlm.com/companies/juice-plus-fined-e1-mill-for-deceptive-marketing-practices-in-italy/>.

<sup>27</sup> Direct Selling Association (DSA) Celebrates 2021 Awards Winners and 25-Largest Companies, Nov. 2, 2021, [https://www.dsa.org/events/news/individual-press-release/direct-selling-association-\(dsa\)-celebrates-2021-awards-winners-and-25-largest-companies](https://www.dsa.org/events/news/individual-press-release/direct-selling-association-(dsa)-celebrates-2021-awards-winners-and-25-largest-companies).