



April 27, 2020

VIA EMAIL

Andrew Smith, Director  
Lois Greisman, Associate Director  
Rick Quaresima, Acting Associate Director  
Bureau of Consumer Protection  
Federal Trade Commission

Re: Herbalife Nutrition’s False and Deceptive Coronavirus Marketing

Dear Mr. Smith, Ms. Greisman, and Mr. Quaresima:

We write to file a complaint against Herbalife International of America, Inc., the multibillion-dollar, California-based multilevel marketing company that was the subject of a 2016 FTC deceptive marketing lawsuit. In recent advertising, the company, through its distributors, deceptively claims that using various Herbalife products can treat and/or prevent the coronavirus by boosting one’s immune system.

By way of example:



“#protectyourself with #immunity Essentials taste great! #covid-19...”<sup>1</sup>

**Support Immune Health All Year Long**

Don't get caught off guard. Give your immune system the support it needs with Herbalife Nutrition Immune Health products.

Immunity Essentials	Best Defense®	Schizandra Plus	RoseGuard®
<b>Strengthen</b> Give your immune system the support it needs to restore the body's natural defense system*	<b>Boost</b> When your immune system needs an occasional boost*	<b>Support</b> Helps support your immune system*	<b>Support</b> Supports the immune system*
<b>Features &amp; Benefits:</b> <ul style="list-style-type: none"> <li>Strengthens and supports immune health daily*</li> <li>EpiCor® and Vitamin D help strengthen your immune system by balancing your immune response</li> <li>EpiCor® supports mucosal defense*</li> <li>Excellent source of zinc, Vitamins C and D</li> </ul>	<b>Features &amp; Benefits:</b> <ul style="list-style-type: none"> <li>Formulated with echinacea to support immune health*</li> <li>1,000 mg of Vitamin C, a powerful antioxidant*</li> <li>Contains 8 mg of zinc to support the body's immune function*</li> </ul>	<b>Features &amp; Benefits:</b> <ul style="list-style-type: none"> <li>Excellent source of selenium and Vitamin A (as beta-carotene), C and E, which provide general antioxidant support against free radicals</li> <li>Vitamins C and E support the immune system*</li> </ul>	<b>Features &amp; Benefits:</b> <ul style="list-style-type: none"> <li>Provides general antioxidant support against free radicals with Vitamins A (as beta-carotene), C and E*</li> <li>Vitamin C helps to recycle the antioxidant activity of Vitamin E*</li> </ul>
<b>Special Benefits:</b> <ul style="list-style-type: none"> <li>Made with non-GM ingredients</li> <li>Gluten-free</li> <li>Kosher</li> </ul>	<b>Special Benefit:</b> <ul style="list-style-type: none"> <li>Naturally flavored</li> </ul>	<b>Special Benefits:</b> <ul style="list-style-type: none"> <li>N/A</li> </ul>	<b>Special Benefits:</b> <ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Usage:</b> <ul style="list-style-type: none"> <li>Enjoy daily, hot or cold</li> <li>Add to Herbal Aloe Concentrate, Herbal Tea Concentrate or Relaxation Tea</li> </ul>	<b>Usage:</b> <ul style="list-style-type: none"> <li>Take as needed, up to two times per day</li> <li>Enjoy hot or cold</li> </ul>	<b>Usage:</b> <ul style="list-style-type: none"> <li>Take one tablet up to two times daily</li> </ul>	<b>Usage:</b> <ul style="list-style-type: none"> <li>Take one tablet in the morning and one in the afternoon, preferably with a meal</li> </ul>
<b>Type &amp; Flavor:</b> <ul style="list-style-type: none"> <li>Powder</li> <li>Enhanced with rosemary extract</li> </ul>	<b>Type &amp; Flavor:</b> <ul style="list-style-type: none"> <li>Effervescent tablet</li> <li>Orange Boost flavor</li> </ul>	<b>Type &amp; Flavor:</b> <ul style="list-style-type: none"> <li>Tablet</li> </ul>	<b>Type &amp; Flavor:</b> <ul style="list-style-type: none"> <li>Tablet</li> </ul>

\*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease. EpiCor® is a registered trademark of EpiCor Health Sciences.

**HERBALIFE NUTRITION**

**ms\_jfernandez** • Follow  
Tampa, Florida

**ms\_jfernandez** This is the time to invest in your health. Immune health is definitely what we need right now. #immunesystemsupport #herbalifeimmunehealth #tampabayarea #coronavirus

4w

2 likes  
MARCH 20

Add a comment... Post

“This is the time to invest in your health. Immune health is definitely what we need right now. #immunesystemsupport #herbalifeimmunehealth ... #coronavirus”<sup>2</sup>

**dds\_fitness\_** • Follow

**dds\_fitness\_** Hope everyone is keeping safe and taking the nesscery precautions as best as possible. One of the way I am doing that is by protecting my immune system by having a glass of Herbalife Best Defense that have vitamin C , powerful antioxidant to support immune health.It also have zinc to support the body's immune function. I also add some Aloe that Supports nutrient absorption and intestinal health. Get yours to assist in supporting your immune system. ddsfitness101.goherbalife.com #fitnessgirl #selfcare #selfinvestment #selflove ##selfworth #yesyoucan #togetherwecan #health #healthylifestyle #healthy


17 likes  
MARCH 16

Add a comment... Post


“Hope everyone is keeping safe and taking the nesscery [sic] precautions as best as possible. One of the way [sic] I am doing that is by protecting my immune system by having a glass of Herbalife Best Defense...”<sup>3</sup>

**VIBE AT HOME**  
*Take Home Kits*


**Kit 1** Aloe, Tea, & Shake



**Kit 2** Aloe, Tea Bomb, & Shake



**Kit 3** Corona Defender Kit



**vibnutritiondothan** • Follow  
Vibe Nutrition Dothan

**vibnutritiondothan** Let us get you set up with your favorite aloe, tea & shake AT HOME, so you can still have Vibe Nutrition if you're choosing to stay in more during Corona season!

Choose from our 3 kits:  
1. Aloe, tea & shake  
2. Aloe, teabomb & shake  
3. Corona Defender Kit

Send us a private message with your order!

And DON'T FORGET, we are still OPEN and excited for you to hangout with us in the club! We're also offering CURBSIDE PICKUP for everyone, and DELIVERY to local businesses!

We hope these options help you feel!

32 likes  
1 DAY AGO

Add a comment... Post

“Corona Defender Kit”<sup>4</sup>



**marian\_i\_am** • Follow

**marian\_i\_am** Now is the time to boost and strengthen your immune system as much as possible! . There's no better trio than this one & its kid friendly!👉👉

👉 #Probiotics Best in the market. provides 1 billion active probiotic cultures, which promote digestive health. It is formulated with a powerful GadenenBC30®\* strain that survives the gastric journey to get to where it counts

👉 #BestDefense Best immune system booster. Formulated with echinacea to support immune health.\* 1,000 mg Vitamin C, a powerful

2 likes  
17 HOURS AGO

Add a comment... Post

“Now is the time to boost and strengthen your immune system as much as possible! There’s no better trio than this one...#coronavirus”<sup>5</sup>





“While some people still running around looking crazy due to this virus...I’m on my patio living my best life because I am fueled by the best! Build your Immunity Right! ... #nocoronavirus #herbalifeimmunityessentials #strongimmunesystem...”<sup>6</sup>

TINA.org has collected more than 30 examples of such deceptive and unsubstantiated claims, which are available at <https://www.truthinadvertising.org/herbalife-coronavirus-claims-database/>.

While the 2016 FTC lawsuit against the company was focused on – and resulted in, among other things, a prohibition against – deceptive earnings claims used to market the company’s business opportunity rather than health claims used to market its products, it nonetheless put Herbalife on notice that it is responsible for deceptive marketing claims made by its distributors.<sup>7</sup>

Now, during the coronavirus pandemic,<sup>8</sup> the company’s salesforce is capitalizing on the fact that there currently is no competent and reliable scientific evidence that any product can effectively treat and/or cure COVID-19 and marketing Herbalife supplements and nutrition products as a way to do just that – prevent and treat coronavirus.

As the above deceptive marketing examples show, Herbalife is taking advantage of susceptible consumers’ fear of the pandemic to sell its products. This tactic not only causes financial harm for consumers but can also have serious health consequences as well.

As such, TINA.org strongly urges the FTC to immediately investigate the claims being made by Herbalife and take prompt and appropriate enforcement 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.

Cc via email: Henry Wang, General Counsel, Herbalife

<sup>1</sup> [https://www.instagram.com/p/B\\_DMZcBB7Qe/?igshid=1tpbhtru6r42z](https://www.instagram.com/p/B_DMZcBB7Qe/?igshid=1tpbhtru6r42z) (also available at [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Jennifer-Walsh-IG-04\\_16\\_20-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Jennifer-Walsh-IG-04_16_20-wm.png)).

<sup>2</sup> <https://www.instagram.com/p/B999Ma1pi6w/> (also available at [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Jessica-Fernandez-IG-03\\_20\\_20-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Jessica-Fernandez-IG-03_20_20-wm.png)).

<sup>3</sup> <https://www.instagram.com/p/B90HRcRBam4/> (also available at [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Adrienne-Montgomery-IG-03\\_16\\_20-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Adrienne-Montgomery-IG-03_16_20-wm.png)).

<sup>4</sup> [https://www.instagram.com/p/B\\_GRE0rgOig/](https://www.instagram.com/p/B_GRE0rgOig/) (also available at [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Vibe-IG-03\\_19\\_20-i-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Vibe-IG-03_19_20-i-wm.png); [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Vibe-IG-03\\_19\\_20-ii-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Vibe-IG-03_19_20-ii-wm.png); [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Vibe-IG-03\\_19\\_20-iii-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Vibe-IG-03_19_20-iii-wm.png)).

<sup>5</sup> [https://www.instagram.com/p/B\\_LxKsLpIIX/](https://www.instagram.com/p/B_LxKsLpIIX/) (also available at [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Marian-IG-04\\_19\\_20-i-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Marian-IG-04_19_20-i-wm.png); [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Marian-IG-04\\_19\\_20-ii-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Marian-IG-04_19_20-ii-wm.png); [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Marian-IG-04\\_19\\_20-iii-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Marian-IG-04_19_20-iii-wm.png)).

The caption to this post goes on to state:





<sup>6</sup> [https://www.instagram.com/p/B\\_IC75aDiB7/](https://www.instagram.com/p/B_IC75aDiB7/) (also available at [https://www.truthinadvertising.org/wp-content/uploads/2020/04/Takiyah-IG-04\\_18\\_20-wm.png](https://www.truthinadvertising.org/wp-content/uploads/2020/04/Takiyah-IG-04_18_20-wm.png)).

<sup>7</sup> See *FTC v. Herbalife Internat'l of Am., Inc.*, July 15, 2016 Stipulation to Entry of Order for Permanent Injunction and Monetary Judgment, available at <https://www.ftc.gov/system/files/documents/cases/160715herbalife-stip.pdf>.

<sup>8</sup> As of April 27, 2020, the coronavirus, which has caused millions of Americans to live in quarantine to avoid contracting the deadly disease, has infected nearly one million people (according to testing results) and has claimed more than 55,000 lives in the United States.