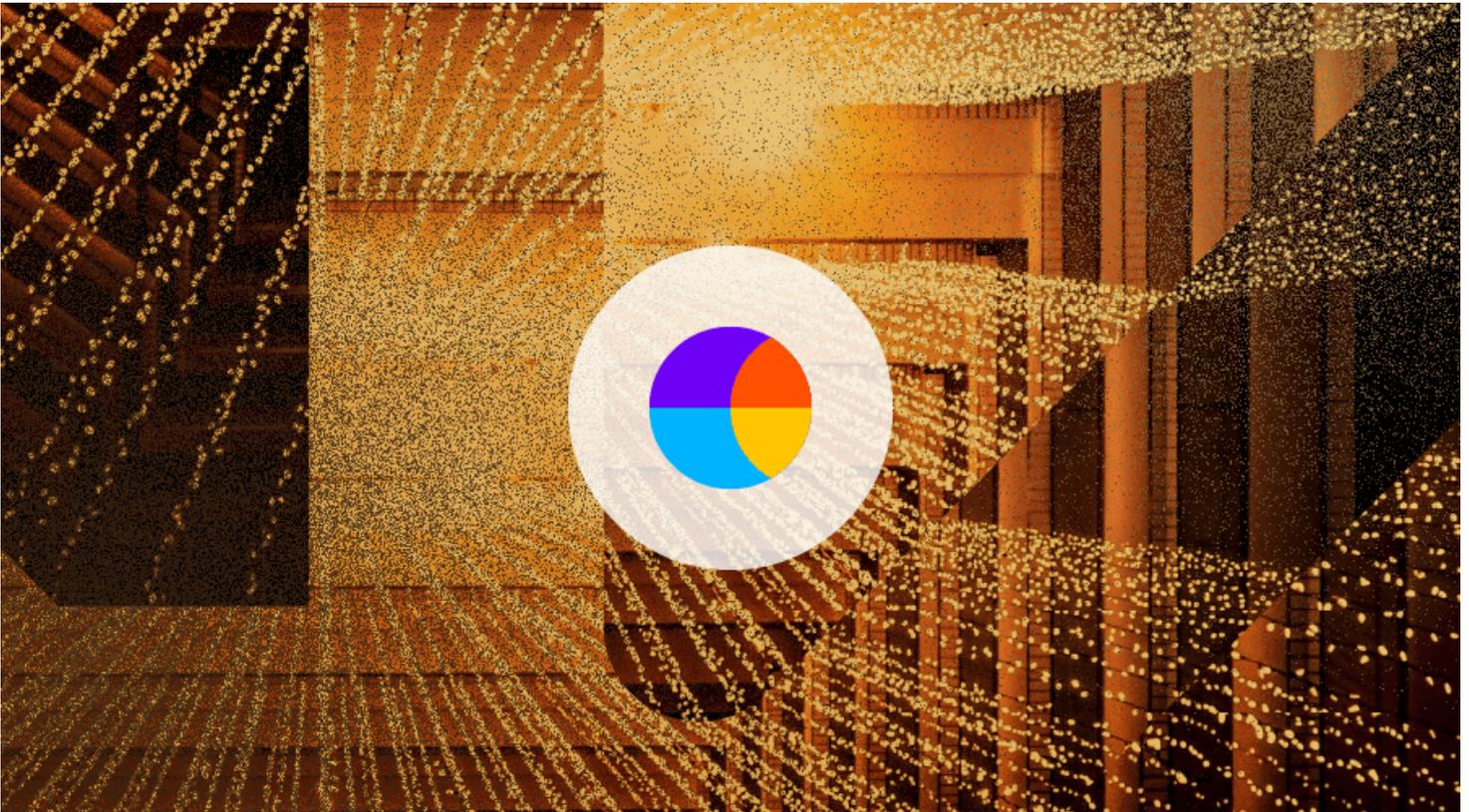


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Case #160-2024: Compliance Inquiry – Healy World, Inc.

BBB NATIONAL PROGRAMS

Direct Selling Self-Regulatory Council
Case #160-2024: Compliance Inquiry – Healy World, Inc.

Company Description

Healy World, Inc. (“Healy World” or the “Company”) is a direct selling company based in Mainz, Germany with its domestic headquarters in Orlando, Florida. The Company markets consumer health and wellness products with a focus on microcurrent frequency devices.

Background

In October 2023, the Direct Selling Self-Regulatory Council (“DSSRC”) administratively closed a monitoring inquiry regarding the dissemination of 11 product performance claims communicated by Healy World salesforce members.¹ As demonstration of its commitment to advertising self-regulation, the Company removed six of 11 social media posts brought to its attention and DSSRC further determined

that the Company made a genuine, bona-fide attempt to contact the individuals responsible for the five posts that remained publicly accessible. DSSRC also noted that it would continue to monitor claims being disseminated by Healy World and its salesforce members.

Shortly after the resolution of that inquiry, DSSRC identified 11 additional social media posts being disseminated on Facebook and Instagram by Company salesforce members regarding the health-related benefits that could be realized by using Healy World products, as well as three earnings claims communicating that the typical Healy World salesforce member could achieve financial freedom and/or replace their current income through participation in the Company’s business opportunity.

As such, DSSRC commenced this compliance inquiry with respect to the representative earnings claims and product performance claims enumerated below.

Product Performance Claims

DSSRC expressed concern that the health-related product performance claims convey the message that Healy World products have been proven to effectively address and treat a number of health-related conditions.

- “Relief from chronic, acute, and local pain. Arthritis, Fibromyalgia.....list goes on and on.”
- “So bad thing is that I was diagnosed with Fibromyalgia. Good news is I have a Healy!!! I use it and it works!! This little device is a miracle! I am so grateful that Healy found its way into my life!! There are some days that I can't event get out of bed with out using this first. Thank you Healy!!! #frequencyhealing #frequencytherapy”
- “Healy is a medical device for the treatment of chronic pain, fibromyalgia, skeletal pain and migraine as well as for the adjuvant therapy of mental illness such as depression, anxiety and associated sleep disorders.”²
- “⚡ This device has accelerated my wean away from heavy ass pharma / RA • chemo drugs that I was told I’d be on for life. I was on 10 pills a week, now I'm on ONE.

⚡ I’m currently using it to heal something with my teeth... and it’s working. 😊

⚡ I’ve traveled the world extensively post c o v i d and I have not been sick once (and I’m on immuno suppressant drugs).

⚡ Biggest feedback from all others who use this device: helps them sleep, gets rid of anxiety, migraine, thyroid, skin and gut issues. lifelong ones at that.”

- “This small machine is helping thousands of people with various ailments, such as chronic pain, fibromyalgia, skeletal pain, migraines, and so much more!”
- “Healy makes a program for everything from pain relief, support for anxiety and depression, hair skin and nails, anti-aging and so much more!”
- “A man who had a stroke, arthritis, and diabetes, was wheelchair bound and couldn’t use the restroom for myself (sic), used the Healy for two weeks and three days and was able to walk on his own and use the restroom by himself.”
- I just found out that the “bed rest” Healy program can help regulate the vagus nerve and assist our bodies to go from fight and flight mode to rest and digest.

When the vagus nerve is affected, the body can experience a variety of health problems: pain, fatigue, poor focus, digestive problems, tinnitus, vision changes, headaches, anxiety, depression and inability to handle stress.”

- “This small machine is helping with various ailments, such as chronic pain, fibromyalgia, skeletal pain, migraines, and so much more! It is also mainly used as an alternative, complementary therapy for mental illnesses such as depression and anxiety.”
- “Here are some of the benefits of Healy devices:

1. Pain relief: Healy can help reduce the symptoms of pain and inflammation in the body, including back pain, arthritis, and more.
 2. Stress relief: Healy can help balance the nervous system and promote relaxation, reducing symptoms of anxiety and depression.
 3. Improved sleep: Healy can help promote deeper, more restful sleep, leading to better overall health and well-being.
 4. Enhanced physical and mental performance: Healy can support athletic performance, focus, and mental clarity, helping you achieve your goals.
 5. General wellness: Healy can support overall health and wellness, promoting a sense of happiness and vitality.
- Some popular Healy products include the Healy Resonance, Healy Gold, and Healy Holistic Health Plus. Each product is designed to support different aspects of health and wellness, from pain relief to mental clarity and beyond.”

Earnings Claims

- “financial freedom”³

- “Healy also offers for those interested an (business) opportunity to supplement or replace the person's current income out of other activities, either part time or full time depending on the person's personal situation and wishes. Even more than this is for sure an option with Healy... Our goal is to upgrade people's lifestyle with better health and more time. financial & emotional freedom, stability & security.”

Company's Position

Healy World took immediate action to contact the salesforce members responsible for the subject social media posts shortly after receipt of DSSRC's compliance inquiry. The Company did not attempt to substantiate the claims but, instead, informed DSSRC that it would take immediate action to contact the salesforce members responsible for disseminating the social media posts and have them promptly removed.

The Company explained that since the closure of the 2023 DSSRC inquiry, it has taken significant steps to enhance Healy's compliance processes. These efforts included implementing stricter guidelines for social media posts, conducting regular training sessions for its salesforce on compliant communication, and closely monitoring and reviewing all marketing materials to ensure they meet the Federal Trade Commission's (FTC) standards for competent and reliable scientific evidence.

More specifically, Healy World informed DSSRC that it has taken decisive steps to fortify its compliance measures, notably by deactivating the Healy World accounts of the active salesforce members responsible for these postings. According to the Company, many of these accounts were already inactive, particularly those with content predating 2023. Despite these challenges, Healy World stated to DSSRC that it has tirelessly pursued outreach to the individuals concerned, employing continuous emails (even after deactivation of their accounts), and direct messaging them on Instagram and Facebook. The Company emphasized that in certain countries, such as in Europe and India, Healy World has received a medical certification that permits different claims than those that are based on clearance by the Food and Drug Administration and FTC guidelines.

To further strengthen its compliance efforts, Healy World enlisted the services of a second company to assist with daily monitoring of activities in the US market. This company provides Healy World with weekly reports specifically for the US, enabling the Company to swiftly address new incidents. Healy World further expanded its Compliance team by adding two full-time social media agents in 2024.

Additionally, the Company stated that it has significantly enhanced its free Healy World Online Academy and that these improvements aim to deepen the community's understanding of Healy World's products and the importance of making appropriate claims pursuant to the FTC Business Guidance on health-related claims, and its compensation plan. The Company introduced three new modules focused on Compliance, including income disclosure, reaffirming its commitment to ensuring that the Healy World community is well-informed and adheres to the highest standards of compliance and ethical conduct.

With respect to the claims at issue, Healy World was successful in removing eight of the 11 social media posts communicating product performance claims and two of the three posts that included earnings claims. The Company confirmed that those individuals who failed to comply with Healy World's requests to modify or remove the content have had their memberships terminated, consistent with the Company's Rules of Conduct and strict enforcement policies. Healy World also provided DSSRC with screenshots of its correspondence with Facebook, informing the platform of the unauthorized posts and requesting that they be removed.

The Company also publicly commented on two of the four posts that remain publicly accessible.⁴

Compliance Determination

DSSRC agreed that the Company's efforts to remove the claims at issue were necessary and appropriate.

Health-Related/Product Performance Claims

DSSRC appreciated Healy World's efforts in disabling eight of the 11 social media posts that communicated unsupported health-related claims.

As noted in the FTC's 2022 Health Products Compliance Guidance, the FTC's substantiation standard for health-related claims is a rigorous one. The FTC has more specifically defined its standard for health-related claims as “tests, analyses, research, or studies that (1) have been conducted and evaluated in an objective manner by experts in the relevant disease, condition, or function to which the representation relates; and (2) are generally accepted in the profession to yield accurate and reliable results.” In addition, the FTC requires that the research must be “sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.”⁵

As DSSRC has stated in several previous self-regulatory inquiries, once a direct selling company learns that an inactive salesforce member or an individual unaffiliated with the Company has disseminated a post that includes language not authorized by the Company, the Company should make a bona fide, good faith effort to contact the individual to request that the improper claim be removed. DSSRC also recommends that the Company take additional steps to remove such claims from the marketplace, including utilizing the mechanism that websites and social media platforms may have for removal of trademark or copyright violations. If the subject claim occurs on a platform without a reporting mechanism, DSSRC recommends that the Company should contact the platform in writing and request removal of the subject claim or post.⁶

Pursuant to the Company's actions to remove eight of the 11 health-related social media posts and its attempts to contact the inactive salesforce members responsible for the three posts that remain publicly accessible, DSSRC determined that Healy World satisfactorily demonstrated its good faith efforts to address the concerns at issue in this inquiry. In addition, the Company also provided DSSRC with copies of its communication to the inactive salesforce members and screenshots of its request to Facebook informing the platform of the unauthorized claim and requesting that they be removed. The Company also alerted the public of the unauthorized claims in the comment section in two of the three remaining posts.

Earnings Claims

DSSRC will evaluate any claim based upon the context in which the claim appears and the potential net impression of such claim to the audience. Some words and phrases are prohibited when made to a general audience of prospective or current salesforce members. Such words and phrases include statements such as “quit your job,” “be set for life,” “make more money than you ever have imagined or thought possible,” “unlimited income,” “full-time income,” “replacement income,” “career-level income,” or any substantially similar statements or representations. Moreover, some words or phrases carry a particularly high risk of being misleading to consumers when communicated in a general context. Such words and phrases include but are not limited to “financial freedom” and “time freedom.”⁷

Accordingly, DSSRC acknowledged the Company's actions in removing two of the three social media posts that communicated claims of financial freedom.

However, DSSRC remained concerned with the remaining earnings claim post, which included both a financial freedom claim as well as a claim that Healy World salesforce members could replace their current income through participation in the Company's business opportunity.

Notwithstanding its concerns, DSSRC determined that Healy World demonstrated that it made a bona fide, good faith effort to have the post removed by attempting to contact the inactive salesforce member and, after it was unsuccessful, contacting Facebook to inform them of the unauthorized post and request that it be removed. The Company also added a comment to the post to put consumers and prospective salesforce members on notice of the non-compliant earnings claims.

As DSSRC has noted in previous inquiries, when a direct selling company is made aware of an improper income claim that was made by an individual that was an active salesforce member when the claim was made but is no longer affiliated with the company, DSSRC acknowledges that the direct selling company may not be able to require the individual to remove the claim. In that instance, DSSRC nonetheless recommends that the direct selling company make a bona fide, good faith effort to have the improper claim or post removed and to provide DSSRC with evidence of its good faith efforts to contact the individual responsible for disseminating the post.

DSSRC acknowledged Healy World's good faith attempts to remove the earnings claims at issue in this inquiry and appreciated the Company providing the necessary documentation that was sent to Facebook and to the individuals responsible for dissemination of the posts to DSSRC confirming its efforts to have the subject claims removed.

Conclusion

DSSRC appreciated the prompt actions taken by the Company to remove 10 of the 14 social media posts at issue and its bona fide efforts to have the four remaining posts taken down. DSSRC determined that the actions taken by Healy World were necessary and appropriate.

Based upon the Company's efforts to address DSSRC's concerns in this compliance inquiry as well as the constructive steps taken by Healy World to provide additional oversight and training to salesforce members regarding the dissemination of product and income claims, DSSRC closed its compliance inquiry pursuant to section VIII (D)(1) of the DSSRC Policies and Procedures.

(Case No. 160-2024 closed on 5/15/24)
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[1] DSSRC Case #130-2023 – Healy World (<https://bbbprograms.org/programs/all-programs/dssrc/ccd/dssrc-HealyWorld>).

[2] This claim was made by two different Healy World salesforce members in two separate social media posts.

[3] Financial freedom claims were identified by DSSRC in 3 separate social media posts by 3 different Healy World salesforce members.

[4] Healy World informed DSSRC that it was unable to include comments in two of the posts that remain publicly accessible because the commenting function on those posts were disabled.

[5] See Section III(B) of the FTC Health Products Compliance Guidance at <https://www.ftc.gov/business-guidance/resources/health-products-compliance-guidance> page 11.

[6] As a demonstration of a direct selling company’s good faith efforts, DSSRC also requests that the Company provide DSSRC with copies of the correspondence that was sent to the individual responsible for the social media post, as well as the request made to the social media platform to have the post disabled.

[7] See section 6 of the DSSRC Guidance on Earnings Claims.

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