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Case #130-2023: Monitoring Inquiry – Healy World

BBB NATIONAL PROGRAMS

Direct Selling Self-Regulatory Council
Case #130-2023: Monitoring Inquiry – Healy World

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.

Basis of Inquiry

The Direct Selling Self-Regulatory Council (“DSSRC”) is a national advertising self-regulation program administered by BBB National Programs. This inquiry was commenced by DSSRC pursuant to its ongoing independent monitoring process, which monitors advertising and marketing claims disseminated by direct selling companies and their salesforce members.

This inquiry concerned 11 product performance¹ claims disseminated by Company salesforce members on social media. DSSRC was concerned that such product performance claims communicated the message that Healy World products are effective at treating several serious health-related conditions including fibromyalgia, anxiety, depression, autoimmune disease, migraines, and chronic pain. The representative claims that formed the basis for DSSRC's inquiry are set forth below:

Product Performance Claims

- "...helps to balance blood flow and help with blood pressure and circulation... abdominal support and inflammation within the small intestine to promote movement... helps the kidneys to flush blood in a more productive way...hepatitis frequencies...parasite frequency in lower GI tract"
- "Healing Depression, Anxiety & Mental Disorders with Healy #healy #health #anxiety #aura #depression"
- "I was diagnosed with MS in 2011 and wheelchair bound by 2016. Rapidly Progressive MS."

Before my Healy Experience I needed the manual hoist to get in and out of bed and could not sit or stand balanced for more than a few seconds.

I had severe chronic pain, fatigue and muscle spasms.

After nearly 4 weeks of 'Healy Harmonizing' my whole entire world has changed!!!

Here is my personal experience:

No more pain

No more fatigue

No more anxiety

No more brain fog

No more depression

Hardly any muscle spasms

More mobility

Heaps of stamina

Heaps of clarity

I am standing aided but balanced and transferring to chair without my hoist!!

I am pivoting my feet, shifting my weight and stepping slightly!! 🥰💖👏👏💖

I am So so Happy!!!"

- "After starting to have a huge migraine attack early this morning, I run 2x the program for gallbladder and my migraine disappeared. Everyone who deals with migraines knows exactly how relieved I was."
 - "Fibromyalgia affects millions of people around the world. Now people can finally feel relief with Frequencies!"
- "Body Therapy healed my broken ankle quickly and has 1000 milligrams of CBD in a topical salve. I have shared this body therapy with anyone I know who has painful arthritis, body aches, broken or bruised or sore muscles and getting tons of testimonials."

I have suffered from Fibromyalgia for 25 years and now I have thrown all medication away...I am now pain free.

My Healy is also helping with my Anxiety and Sleep issues.

Healy is a medical device for the treatment of pain in Chronic pain, fibromyalgia, skeletal pain and migraine, as well as for the supportive treatment of mental illnesses such as depression, anxiety and related sleep disorders.

Healy can be used for stress relief, pain, sleep, Anti-aging, depression, anxiety, insomnia, migraine, detoxification, Immune support, protecting from 5G and harmful EMF radiation, eliminating pathogens and bacteria, fitness, mental balance, concentration, brain health and memory, balancing chakras, meridians and much more! Healy works for people and pets of all ages!"

- "Back Pain and Arthritis Testimonial

My initial scan came up with 1. Chronic Pain 2. Tooth/jaw 3. Depression 4. Chronic back 5. Migraine

On day one, I was struggling pretty badly, and my anxiety was through the ROOF so this was not surprising. My low back was killing me and had the beginning of a bad migraine. He ran a general pain cycle for 27 minutes and within 10 minutes I was feeling arm and fuzzy. I started to feel the pain in my back ease up, and the overall tension starting to release. My low back was giving me such grief that I couldn't lay on my left side and would toss and turn trying to get comfortable. After the session, I was able to move again and lay in my left side for the first time in about nine months!

Day two: He ran another cycle for pain and for Migraine. The migraine went from a 5-6 to a 2 within fifteen minutes...

This morning he did a 24 min session and when I got up I had realized that my right-hand thumb wasn't hurting. I have major arthritis in a joint in my thumb which makes it hard to grasp things, text, etc. I did not hurt! The inflammation is minimal, I can press hard on it, move it and it's not tender...

- “Whatever you want to support in your life there's a frequency program for even hair, even skin, even your eyes, even meridians chakras anything you can imagine, whatever you want to support”
- “Healy testimonials of people who suffer from DEPRESSION/MANIC DEPRESSION, MIGRAINES, 2-3 KIDNEY DISEASE, CHRONIC FATIGUE, AUTOIMMUNE DISEASE, HYPOTHYROIDISM, OBESITY, AND FUNK FEELING.

DO YOU HAVE ANY OF THESE ISSUES. IMAGINE WHAT IT CAN DO FOR YOU...

Fiona

I've been using the Healy for 9 days now. Before I received it, I was hoping it would help relieve some symptoms associated with my stage 2-3 kidney disease, manic depression, chronic fatigue, autoimmune disease - hypothyroidism, obesity... The Healy is the 'real deal' I've run all the Gold programs, depression, hormones, thyroid, local pain, etc. Where do I start? I'm feeling energetic going for long walks every day, I'm so much more positive, happier, joyful. I don't recognize myself - or perhaps I'm finding myself again! I love my life. I've taken up new creative pursuits. Its only DAY 9.

Nikki

For the last 11 years, I have struggled daily with headaches and migraines, at age 30 I was diagnosed with a rare brain condition with no cause and no cure, where my brain makes too much CSF and squashes my brain.

I've had 31 lumbar punctures to drain the fluid and 7 VP shunt brain surgeries.

My 7th surgery was just 12 weeks ago & my surgeons told me there was nothing more they could do to help me 😞 I knew in my heart that treatment was out there, but it was not going to come from traditional medicine (they had not been able to help me for 11 years so far)

It was then that Peter reached out to me and shared this amazing technology with me..

It instantly resonated with me and without even seeing it in person I knew I needed to get one..

I've been using it daily for 5 weeks now and very pleased to say for the first time in 11 years I'm waking up without my head feeling like it's going to explode..

I have not taken any pain meds in 4 weeks and it worked wonders on my hangover after my boozy birthday weekend too 🙌🙌

Greg

However, due to the restrictions from the virus scare, the lockdowns, and social distancing, I had become severely depressive. I am a depressive little soul, to begin with, suicidal at times and self-harm. The lockdowns had in fact triggered my PTSD, from the times a few years ago when I was the sole carer for my wife before she left this planet. I was virtually confined to my home, no social life, no leisure activities, no outings nor road trips - basically Level 4 lockdown conditions!!! All while caring for a dying wife. This was also the time when I was most depressed and suicidal. 😞😞

When I started on the Gold programs the difference was immediate. The depression lifted after a couple of days, and no self-harm urges. I am feeling a lot calmer, and am sleeping much better. I have other conditions such as ADHD, this seemed to have eased, enabling me to sleep better. All these just from the Gold programs, I hadn't even done the Mental Balance nor Sleep programs. 😊”

- “I was prescribed antidepressants which for me made it worse. I have been using

@healy_world for the last several months which has helped significantly w/many of the symptoms associated PMDD especially my anxiety & sleep. I also use #purium to balance hormones, gut and mood”

- “#chronicpain #migraine #Fibro #mentalhealth”

Company’s Position

Healy World promptly responded to DSSRC’s Notice of Inquiry. The Company did not attempt to substantiate the 11 health-related product performance claims at issue in this inquiry. Rather, the Company was successful in having six of the 11 posts identified by DSSRC as communicating health-related product claims removed from social media.

In addition, the Company stated its commitment to training its salesforce members and monitoring social media for compliance. Healy World expressed to DSSRC that it was concerned by the claims identified by DSSRC and stated that it also closely monitors the Company’s brand presence on social media. The Company further stated that it analyzed each of the links DSSRC identified and, where possible, used its contractual powers and policies to get them removed.

Healy World further stated that the Company and its salesforce are growing and that within the Company’s legal department, its compliance department includes experienced agents, including a Direct Selling Compliance Professional Certification Program (DSCP-CP) certified compliance manager. The Company also indicated that its compliance agents hold calls that take place up to three times a week to respond to emerging compliance issues, that its internal monitoring is supported by an external social media monitoring agency, and that the Company also hired a Social Media Manager to support virtual corporate communications.

The Company further maintained that it has built a strong compliance mindset at Healy World. The Company informed DSSRC that it started to implement new policies and procedures to meet the complex requirements of regulatory control including its new Rules of Conduct in January 2023. In addition, according to the Company, the topics of “equal rights”, “data protection policy”, and “use of social media and the internet” are included in its compliance rules. The Company also stated that it has issued new “Do’s and Don’ts” outlining, for example, the prohibition to mention diseases or medical conditions in the testimonials of benefits other than the local pain relief as specified by the Company’s FDA 510(K) clearance to market a medical device.²

Healy World maintained that monitoring a plethora of distributors is a challenging task to which it is committed with internal and external resources and that the Company will continue to focus on training its salesforce and monitoring social media channels with its high standards and values.³

Analysis

DSSRC appreciated the good faith efforts of the Company to remove six of the social media posts that communicated health-related product claims and determined the removal of such claims to be necessary and appropriate. DSSRC also appreciated Healy World’s commitment to compliance and its robust description of the Company’s efforts to ensure that the claims being disseminated about the Company’s products are compliant.

Notwithstanding Healy World’s successful efforts to remove a number of health-related product claims and its commitment to compliance and monitoring of its salesforce members, DSSRC informed the Company that three health-related product claims remained publicly available and requested an update as to the Company’s efforts to have such posts removed. In addition, DSSRC informed Healy World that two other social media posts identified by DSSRC appear to be in a private Facebook group and, accordingly, DSSRC could not determine if the posts have been removed or if DSSRC merely no longer has access to the posts.

As to these posts which remain publicly accessible or have been designated as “private,” DSSRC requested that the Company provide DSSRC with additional information on its efforts to have the posts removed. However, despite multiple entreaties for this information, DSSRC did not receive a response from the Company. As of the date of this decision, the three social media posts that were publicly available remain so. In addition, DSSRC remains unable to determine the status of the two posts that appear to be in a private Facebook group.

DSSRC remains concerned about these posts, which communicate serious health-related product claims, including that Healy World’s products can cure, treat, or alleviate the symptoms of conditions including migraines, depression, fibromyalgia, kidney disease, autoimmune disease, and hypothyroidism.

As DSSRC has noted in past cases, it is well established that health-related claims must be supported by competent and reliable scientific evidence. Though the FTC expects that advertisers have a reasonable basis for all product claims, the standard of substantiation for health claims is particularly rigorous. The FTC has defined the health claim substantiation standard as requiring “competent and reliable scientific evidence” in the form of “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.”⁴

With respect to the five remaining social media posts, DSSRC recommended that the Company demonstrate to DSSRC that it exercised bona fide good faith efforts to have the posts at issue removed, including by contacting the individuals that disseminated the claims and requesting that such claims be removed. If such individuals are active salesforce members and unresponsive to the Company's removal request, DSSRC recommended that the Company take appropriate disciplinary action including termination of the salesforce member that disseminated the claim.

DSSRC recognizes that removing social media posts that were communicated by inactive salesforce members can be a challenging endeavor for direct selling companies. As DSSRC has noted in previous self-regulatory inquiries, when a direct selling company is made aware of improper claims that were made by an individual who was an active salesforce member when such claim was made but has since become an inactive salesforce member of the company, DSSRC acknowledges that the direct selling company may not be able to require such salesforce members to remove a social media post. In that instance, DSSRC nonetheless recommends that the direct selling company make a bona fide good faith effort to have the improper claim removed.

Accordingly, if any of the five remaining claims at issue were disseminated by former salesforce members, DSSRC recommends that the Company provide DSSRC with correspondence that has been sent to the former salesforce members that are no longer affiliated with the Company requesting that their social media posts be removed.

In addition, DSSRC recommends that the Company take additional steps to remove such claims from the marketplace including utilizing any mechanism that social media platforms may have for removal of trademark or copyright violations. If the subject claim by a former salesforce member occurs on a website or platform without a reporting mechanism, DSSRC recommends that the Company should also contact the website or platform in writing and request removal of the subject claim or post. DSSRC notes that companies in past DSSRC inquiries have also posted a comment on the applicable social media platform indicating that the subject post is not authorized by the company and that it has requested the individual responsible for the post have it removed.

In addition, given DSSRC's concern that the product claims at issue in this inquiry convey that Healy World's products are effective at treating several serious health-related conditions, DSSRC recommended that the Company continue its efforts to educate its distributors regarding the types of health-related claims they should avoid making.

Given the nature of the claims at issue in this inquiry, DSSRC will continue to monitor the health-related product claims being disseminated by the Company and its salesforce members and, if necessary, will commence a compliance inquiry should unsupported health claims continue to be disseminated by the Company's salesforce members.

Conclusion

DSSRC appreciated the good faith efforts of the Company to remove six of the social media posts that communicated health-related product claims and determined the removal of such claims to be necessary and appropriate.

Notwithstanding the actions taken by Healy World to address DSSRC's concerns, DSSRC recommended that the Company also demonstrate to DSSRC that it exercised bona fide good faith efforts to have the posts at issue removed including by contacting the individuals that disseminated the claims and requesting that such claims be removed. If such individuals are active salesforce members and unresponsive to the Company's removal request, DSSRC recommended that the Company take appropriate disciplinary action including termination of the salesforce member that disseminated the claim. If any of the five remaining claims at issue were disseminated by former salesforce members, DSSRC recommends that the Company provide DSSRC with correspondence that has been sent to the former salesforce members that are no longer affiliated with the Company requesting that their social media posts be removed.

In addition, DSSRC recommends that the Company take additional steps to remove such claims from the marketplace including utilizing any mechanism that social media platforms may have for removal of trademark or copyright violations. If the subject claim by a former salesforce member occurs on a website or platform without a reporting mechanism, DSSRC recommends that the Company should also contact the website or platform in writing and request removal of the subject claim or post. DSSRC notes that companies in past DSSRC inquiries have also posted a comment on the applicable social media platform indicating that the subject post is not authorized by the company and that it has requested the individual responsible for the post have it removed.

Company Statement

Healy World formally acknowledges and affirms its commitment to complying with the recommendations provided by the DSSRC.⁵ We greatly value the role of DSSRC in promoting ethical and transparent business practices within the direct selling industry.

Healy World is dedicated to upholding the highest standards of integrity, honesty, and compliance with all relevant guidelines and regulations. We understand the importance of ensuring that our business practices adhere to the principles set forth by DSSRC, which are designed to protect both consumers, members, stakeholders, and the reputation of the direct selling industry as a whole.

In light of this commitment, we will continue carefully reviewing and implementing the recommendations put forth by DSSRC. We are committed to taking appropriate actions to address any concerns and to ensure that our operations, communications, and marketing strategies align with the best practices and guidelines provided by DSSRC.

(Case #130-2023 closed on 10/04/23)

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[1] DSSRC has also identified one earnings claim to the Company regarding the title of a YouTube video which the Company promptly removed.

[2] The Company further maintained that its salesforce members can access and download from the back office various disclaimers to be included to their communication, a social media policy, numerous marketing flyers, new flyers underlining permitted Income Disclosure Statements with examples, and Earning Claims FAQs based on recent FTC guidance. Healy World also stated that it has strengthened online compliance training through a comprehensive online Healy Academy where salesforce members can watch videos about products, direct selling specific legal obligations, and permitted product claim.

[3] During the pendency of this inquiry, the Company advised DSSRC regarding the publication of an article which articulated skepticism about the product performance claims being communicated about the Company's products. The Company reiterated to DSSRC its commitment to compliance efforts, including the enforcement of its Rules of Conduct and its attempted resolution of social media violations brought to its attention. Specifically, Healy World acknowledged the concerns raised in the article and assured DSSRC that it takes them very seriously. The Company informed DSSRC that it conducted a thorough review of the claims made and initiated appropriate measures to address them but that, while the Company attempted to address its concerns directly with the individuals who disseminated the claims or with the relevant platforms such as Meta (Instagram, Facebook), the removal of these claims has not been successful.

[4] See FTC Health Product Compliance Guidance at 12, https://www.ftc.gov/system/files/ftc_gov/pdf/Health-Products-Compliance-Guidance.pdf.

[5] At the time the Company provided DSSRC with its Company Statement, it also provided DSSRC with any update as to the status of certain of the claims identified in this inquiry. Specifically, the Company provided DSSRC with information demonstrating that the Company suspended and then terminated two salesforce members that were not responsive to the Company's requests, that one claim on Twitter was removed by someone that was not a salesforce member of the Company and that the two "private" claims on Facebook were removed.

10.19.23

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