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Case #149-2024: Administrative Closure – Innov8tive Nutrition

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Direct Selling Self-Regulatory Council

Case #149-2024: Administrative Closure – Innov8tive Nutrition

Company Description

Innov8tive Nutrition ("Company") is a multi-level direct selling company that sells nutritional supplements and self-care products.

Basis of Inquiry

The Direct Selling Self-Regulatory Council ("DSSRC") is a national advertising self-regulation program administered by BBB National Programs. This matter was commenced by DSSRC pursuant to a third-party inquiry and DSSRC's ongoing independent monitoring of advertising and marketing claims in the direct selling industry.

DSSRC contacted Innov8tive Nutrition regarding two social media posts that communicated earnings claims and 17 posts that communicated health-related claims. DSSRC expressed concern that the posts conveyed claims regarding the potential income that a typical salesforce member could earn from the Company's business opportunity, including the possibility of achieving "financial freedom" and that the typical Company salesforce member could "pay off all" of their debt. The health-related claims included representations that Company products could effectively treat migraines, rheumatoid arthritis, pain, anxiety, immune system deficiencies, and other conditions. The claims were disseminated on Facebook, Instagram, and TikTok.

Company Position

Upon receipt of DSSRC's inquiry, the Company promptly took corrective action to address the social media posts identified by DSSRC, successfully removing all posts that communicated earnings claims and nine that communicated health-related claims. DSSRC acknowledged the Company's prompt actions to effectuate removal of these posts and determined them to be necessary and appropriate.¹ As outlined in Section III of the DSSRC Policy and Procedures, DSSRC evaluates the truthfulness, accuracy, and substantiation of earnings and product claims made by direct selling companies and their salesforce members.

Here, eight of the social media posts at issue remain unchanged and publicly available. DSSRC determined that the Company has made verifiable, good-faith efforts to have each of these remaining posts removed or modified to remove the language at issue.² The Company attempted to contact the individuals responsible for these posts and has provided DSSRC with copies of correspondence sent to these individuals as confirmation of their efforts. The Company has also terminated the accounts of salesforce members that were unresponsive to the Company's requests to remove or modify the posts at issue. In addition, the Company has added publicly viewable comments on remaining posts made by terminated salesforce members that state "[t]his post contains an unauthorized claim" and contacted the social media platform on which the claims appeared to request that such unauthorized posts be removed.

Conclusion

DSSRC found that the Company made a bona fide, good-faith effort to address concerns by promptly removing 11 of the identified posts and taking appropriate actions to have the other eight removed or modified. The inquiry was administratively closed based on the Company's demonstrated good-faith actions in addressing the issues brought to its attention.

(Case #149, closed on 03/21/24)
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[1] More specifically, Section 6 of DSSRC's Guidance on Earnings Claims for the Direct Selling Industry states that some words or phrases, such as "financial freedom," carry a high risk of being misleading when communicated in a general context. Moreover, claims that a product can treat serious health conditions generally require substantiation in the form of competent and reliable scientific evidence.

[2] As DSSRC has noted in previous self-regulatory inquiries, when a direct selling company is made aware of improper claims 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 individual 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 post removed or appropriately modified.

4.11.24

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