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# Case #101-2023: Monitoring Inquiry – NeVetica International, Inc.

## BBB NATIONAL PROGRAMS

The Direct Selling Self-Regulatory Council

Case Number 101-2023: Monitoring Inquiry – NeVetica International, Inc.

## Company Description

NeVetica International, Inc. (“NeVetica” or the “Company”) is a direct selling company headquartered in Louisville, Kentucky and founded in 2016. The Company markets pet products.

## 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 of advertising and marketing claims in the direct selling industry.

The subject of this inquiry involved 28 social media posts, all but one of which included claims regarding the amount of income that potential salesforce members could typically expect to earn through their participation in the NeVetica business opportunity.<sup>1</sup> The product performance claims and the one earnings claim were disseminated by Company salesforce members. One remaining social media post identified several specific health-related conditions that could purportedly be treated by the product.

Those claims at issue are set forth below:

#### *Earnings Claim*

- bonus ranging from \$1,000 up to \$100,000
  - “financial freedom”
  - YouTube video with images of a boat, cars, retirement money, schools , and a large home with audio stating: Can I really afford to miss out on this opportunity of a life time?
  - “Inbox me to learn how I’m making residual income online from home in the billion dollar pet industry”
  - [02:55] providing opportunities for individuals to make residual income...generate income
  - “Part-Time or Full-Time income online utilizing a \$100+-Billion Dollar Industry”
  - “helping PEOPLE generate residual and passive income from home online💰 ”
  - “I have my master’s degree and about to pursue my doctorate degree in August but guess what I know that that degree is not going to give me the financial freedom or time freedom that I want.”
  - “I’m looking for 10 more people this month who are looking to earn an extra \$500 - \$2,000 a month residually part - time working from your phone”
  - “...help dogs and cats live healthier while making online linear & residual income in the process”
  - “who are looking to create time🕒🕒 and financial 💰💰 freedom!!”
  - “Tired of being the 9-5 employee? Tired of not having the time freedom you and your family desperately seek? Ready to step out and be the entrepreneur you believe you can be? Love to have you on my team!!”
  - “It's created more billionaires who are will to work than any other business in the world #residualincome”
  - “Don’t let this opportunity pass you by! I’m sure you could use some time and financial freedom. I mean come on, residual income sounds pretty good to me.”
  - [58:14] this industry will create legacy income
  - “Anyone looking to make an residual income?... P/T or full time it’s up to you”
  - “NeVetica Your Pet’s Choice is a Ground Floor business opportunity that allows anyone to earn unlimited online residual and passive income”
  - “I’m personally looking for more people who would like to earn an extra \$500 - \$2,000 a month residually working online part time”

#### *Product Claims*

- Image of list of health claims: Allergies; Anxiety; Appetite; Arthritis; Cancer; Chronic Pain; Deteriorating Quality of Life; Digestive Issues; Fatty Tumors; Glaucoma; Homeostasis; Inflammatory Bowel Disease; Inflammation; Joint & Mobility Issues; Phobias (Fireworks & Thunderstorms); Seizures; Skin Problems

#### **Company’s Position**

NeVetica did not attempt to substantiate the claims at issue and, instead, worked diligently to effectuate removal of the posts and to ensure that the salesforce members responsible for the posts understood the reason(s) that each is not acceptable to avoid future issues.

The Company’s efforts resulted in the removal of the subject claims in all but four of the social media posts identified by DSSRC.

#### **Administrative Closing Summary**

DSSRC appreciated the good faith actions taken by NeVetica to address its concerns. The Company was successful in removing almost all but four of the 28 posts brought to its attention by DSSRC and adequately demonstrated that it made a bona fide effort to address DSSRC’s concerns with respect to the remaining posts.

With respect to the remaining posts, the Company provided DSSRC with copies of correspondence that it sent to the salesforce members responsible for claims requesting that the identified claims be removed. The Company also indicated that the accounts of the three of the four salesforce members that did not respond to the Company’s take-down requests have been suspended.<sup>2</sup>

DSSRC expressed its appreciation to the Company for being able to facilitate removal of almost all social media posts that communicated unsupported product performance claims and for its ongoing efforts to address DSSRC’s concerns.

#### *Earnings Claims*

As noted by DSSRC in section 6 of its Guidance for Earnings Claims in the Direct Selling Industry, 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. Accordingly, DSSRC was concerned with references to “unlimited income” and representations that the typical salesforce member could achieve financial freedom or replace their income by virtue of their participation in the NeVetica business opportunity.

The Company was in communication with DSSRC throughout the inquiry. DSSRC determined that the Company used its best efforts to address DSSRC’s concerns and was largely successful in its requests to Company salesforce members to remove the posts that were the subject of the DSSRC inquiry.

As DSSRC has noted in previous self-regulatory inquiries, when a direct selling company is made aware of improper product (or income) claims that were made by an individual that was an active salesforce member when such claim was made but that has since become an inactive salesforce member of the company, DSSRC recognizes that the direct selling company may not be able to effectuate the removal of the social posts by the inactive salesforce member. In that instance, DSSRC nonetheless recommends that the direct selling company make a bona fide good faith effort to have the improper claim removed.<sup>3</sup>

Here, NeVetica provided DSSRC with copies of its communications with the salesforce members responsible for disseminating the posts which remain publicly available and concluded that the Company used its best efforts to address DSSRC’s concerns in this inquiry.

### *Product Claims*

Shortly after DSSRC commenced its inquiry with NeVetica, the Company was able to remove the one post at issue that communicated the message that Nevetica products can treat several health-related conditions in dogs. DSSRC determined that the Company’s actions were necessary and appropriate.

As DSSRC has noted in previous inquiries, health-related claims must be supported by reliable and competent evidence demonstrating that the product can perform as claimed. The Federal Trade Commission’s (“FTC”) standard of competent and reliable scientific evidence has been defined in FTC case law as “tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.”<sup>4</sup>

### **Conclusion**

DSSRC administratively closed the inquiry based upon NeVetica’s good faith actions to remove 24 of the 28 social media posts at issue and made a good faith effort to have the remaining posts removed by attempting to contact the salesforce members responsible for the posts, suspending and/or terminating their accounts, and reporting the unauthorized content to Facebook.

(Case #101-2023, closed on 1/24/23)

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[1] Several of the same claims at issue were communicated by multiple salesforce members.

[2] DSSRC was privy to the communications between Nevetica and the one active NeVetica salesforce member responsible for posting one of the four posts that remain publicly available. Despite the salesforce member best efforts to remove the post, Facebook has been unresponsive to her request to disable the post. The salesforce member provided DSSRC with screen shots of her requests to Facebook and has committed to DSSRC that she will continue her due diligence to have the post disabled.

[3] Le-Vel Brands (Case#57-2021); Gano Excel USA, Inc. (Case #30-2020); Daxen, Inc. (Case #52-2021).

[4]. Vital Basics, Inc., C-4107 (Consent April 26, 2004); see also In Re Schering Corp., 118 F.T.C. 1030, 1123 (1994).

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