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Case #110-2023: Administrative Closure – Prime My Body

BBB NATIONAL PROGRAMS

The Direct Selling Self-Regulatory Council

Case Number 110-2023: Administrative Closure – Prime My Body

Company Description

Prime My Body LLC (“Prime My Body” or the “Company”) is a direct-selling company based in Carrollton, Texas. The company was founded in 2013 and sells CBD oils and other nutritional 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 process, which monitors advertising and marketing claims made in the direct selling industry.

This inquiry concerned 11 product claims disseminated by Company salesforce members. The representative claims that formed the basis of this inquiry were communicated on Facebook, Instagram, and Twitter. Those claims are set forth below:

Product Claims

- “CBD is generally used for managing stress and anxiety, reducing pain and inflammation, and improving your sleep. But through advanced research, scientists are now finding more healing benefits in CBD than ever before.
 - CBD can be used to treat schizophrenia, bone marrow transplants, Crohn's disease, diabetes, and more.
 - CBD can drastically reduce brain damage when administered after strokes and head trauma...#BrainPlasticity”
- “Provide stress/anxiety relief, pain relief, immune support, sleep support, mental focus and clarity.”
- “Hormone Support; Weight Loss Program; Hair Repair; Immunity Support; Mental Clarity & Relief; Anxiety Relief”
- “Did you know that CBG can relieve anxiety and lift your spirits?”
- “CBD oil benefits patients suffering from epilepsy, anxiety issues, heart problems, Schizophrenia, inflammation, chronic pain, addiction and raises immunity without the non psycho active components of hemp #COVID__19 #Immunity”
- “I sleep so soundly that I don’t hear Jake snore, my anxiety/depression is diminishing so much so that I am getting off my prescription med, less migraines; my girls are sleeping better, handle the stress of homework better and focus better at school, leading to doing better at school work, and Jake is sleeping better and virtually has no more pain in his hip. We have more energy and feel better physically and mentally. And there are so many more benefits of this product: improving memory, fighting cancer, improving digestion, relieving pain, reducing seizures, and even more!”
- “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.”
- “Started as a skeptic but my osteoarthritis pain was 24/7! Ugh. Doctor had nothing for me other than Advil (which I can’t take!!). Took a while but this Prime My Body hemp has altered it dramatically. Arthritis pain completely gone for 10 months/ and now even reducing the swelling in my hands! Believer!! Unexpected impact on my sleep and Attention Deficit.”
- “I had battled chronic migraines that started in 2013, I had tried every known medication and treatment to ease the pain I was enduring with no relief. 2014 I began having blackout seizures. 2015 I started my battle with chronic pain from fibromyalgia and degenerative disc disease and was released from work. 2016 I was diagnosed with vestibular migraines and discovered I had a lesion on my brain. 2017 I was diagnosed with PTSD with dissociation as well as severe chronic depression and generalized anxiety disorder. Life has been quite a journey. In 2019 I took a leap of faith to give PrimeMyBody Hemp extract a try, now they make no claims to heal, treat or prevent any disease or disorder, but I thought why not give it a try. I had heard of so many people finding relief through hemp so why not. Today one year later I am so thankful to have taken that leap of faith. The first day I took the hemp extract my migraines were gone, haven’t had one since! Such a relief!! Within a couple month of taking it, my anxiety and depression were nearly nonexistent, chronic pain was minimal-yay! no more walking with assisted devices or wearing a back brace. After about 4 months all PTSD symptoms were gone. After 6 months all issues I had been battling for so many years were gone! I found healing in hemp. My health is beyond what I had ever expected or anticipated. I am truly thankful for this amazing company and their premium quality hemp products.”
- “Supports the endocrine system, better sleep, calmer, pain relief, migraine relief.”
- “The nurse in me loves knowing that I can help others & offer them a clean, high quality, fast acting product for their anxiety, insomnia, panic attacks, depression, body pains and many other ailments they may be experiencing.”
- “I’m having surgery that day but come listen to WHY Prime My Body CBG, yes CBG HEMP OIL is the best option if u suffer from depression, anxiety, insomnia, inflammation, gut issues, and in my case a STRESS FRACTURE and repair and recovery from surgery!”

DSSRC was concerned that the representative social media posts identified above would imply to a reasonable consumer that the Company's products could effectively treat a series of health-related conditions including chronic migraines, arthritis pain, anxiety, depression, immune support, insomnia, and schizophrenia.

Company's Position

Prime My Body promptly responded to DSSRC's Notice of Inquiry. The Company did not attempt to substantiate the representative claims at issue in this inquiry but rather informed DSSRC that four of the 11 social media posts identified in DSSRC's Notice of inquiry had been removed from circulation on social media. As to the remaining seven posts that remained online, the Company informed DSSRC that it reached out to the individuals responsible for the remaining posts to request that they be removed on no less than four separate occasions.

As a result of the failure of the salesforce members to adhere to the company's take-down requests, Prime My Body terminated its relationship with all of those individuals. In addition, the Company has indicated to DSSRC that it has also taken steps to contact the social media platforms on which the posts were made to request removal of the subject posts.

Analysis

DSSRC appreciated the Company's efforts to promptly remove four of the 11 social media posts identified in the DSSRC's Notice of Inquiry, an action which DSSRC determined was necessary and appropriate.

Concerning the remaining product performance claims, DSSRC has noted in previous inquiries that 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."¹

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 that 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, by providing information to DSSRC indicating that it attempted to contact the salesforce members that were responsible for disseminating the posts on four separate occasions, terminating the accounts of the individuals who were unresponsive to the requests, and then working with the respective platforms to inquire about removal of the posts, DSSRC determined that Prime My Body has demonstrated that it has made a concerted, good faith effort to address DSSRC's concerns.

Based upon the actions taken by Prime My Body to address DSSRC's concerns, this matter has been administratively closed. DSSRC will continue to monitor the messages communicated by Company salesforce members and reserves the right to commence a compliance inquiry should it identify a pattern of unsupported health claims.

Conclusion

DSSRC administratively closed this inquiry based upon Prime My Body's good faith actions to remove several of the social media posts at issue and its good faith effort to contact the salesforce members responsible for the remaining posts and terminate their accounts based upon their failure to respond to the Company's request and reporting the unauthorized content to the respective social media sites.

(Case 110 closed on 4/5/23)

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[1] See, e.g. *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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