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Case #179-2024: Administrative Closure – Sanki Global LLC

BBB NATIONAL PROGRAMS

Direct Selling Self-Regulatory Council

Case #179-2024: Administrative Closure – Sanki Global LLC

Company Description

Sanki Global LLC (“Sanki,” or the “Company”) is a multi-level direct selling company that sell nutritional supplements that was founded in 2010 and headquartered in Japan, with its U.S. office located in Henderson, Nevada.

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 initiated by DSSRC as part of its ongoing, independent monitoring of product and income claims in the direct selling industry and following an investigation conducted earlier this year by a consumer advocacy group¹ into earnings claims made by direct selling companies.

This inquiry concerns health-related product claims and earnings claims disseminated by the Company's salesforce members.

Product Claims

DSSRC identified three health-related social media posts disseminated by salesforce members of the Company on social media, each of which included several product performance claims. DSSRC informed the Company of its concerns that such claims communicate the message that Sanki's products are effective at treating a number of serious health-related conditions, including, but not limited to, diabetes, high blood pressure, migraines, and heart problems.

The product claims are set forth below:

1. "(Translated from Spanish) Japanese technology has just arrived in Peru. We have been promoting it for more than 90 days with spectacular results.

You have hair loss; Insomnia; Joint pain; Cramps; Hot flashes during menopause and all its symptoms; Inflammations for example of the prostate, ovaries. overweight; Severe acne; Chronic gastritis; Helicobacter pylori; Arterial hypertension; Sight loss; Anemia;

Thyroid; COVID 19; Parkinson's; Stroke; Diabetes 1 and 2; AIDS; Herpes; Human papillomavirus, varicose veins; Etc etc. If it can help more than 2,000 diseases, imagine what we have for Peru. I am looking for people who want to be part of SANKI GLOBAL."

Facebook (2023)

2. "*FUN FACTS ABOUT THE SANKI GLOBAL NUTRITIONAL PRODUCT SYSTEM* :

Wonderful, Life Transforming and all natural ingredients in our 4 product systems!!

Sanki Global spent 40 years in preparation before launching the company 11 years ago. The Products are backed by Almost 5 decades of clinical trials, research and development.

- o Some all natural ingredients of: *BelAge* :- Rosemay & Olives; *Kronuit Fire* :- Black Japanese Beans & Geen Japanese Tea; *Hasaki*:- Cocoa, over 500 metabolites
 - *Belage REVERSES and IMPROVES: * Inflammation; * Nerve damage; * Memory loss; * Depression; * Anxiety; * Blood Circulation; * Irrectile Dysfunction; * Hair & Nail loss: * and more...
 - -*Kronuit Fire REVERSES and IMPROVES: * Diabetes; Insomnia; High Blood Pressure; *Cholesterol; Clogged arteries; Obesity* and more...
 - *Inner 7 REVERSES and IMPROVES: Hormonal Imbalance; Debilitating pains; PH balance; * Menstrual and Endometriosis Challenges; * Provides over 60 minerals * and more...
 - Hasaki REVERSES and IMPROVES: colon & prostate challenges; Brain injuries; Energizing the cells (microbiome system); * Meal replacement; * Restores pigmentation and so much more...

These Product Formulae work 100% of the time with 100% of the people to REVERSE, RECOVER & RESTORE!!!!"

Facebook (2021)

3. "Hypertention, fibroids, poor blood circulation, over weight, prostate & E.D. complications, glaucoma,diabetes & more.

Order to improve your health - Sign up & become a distributor to leverage your income & improve your wealth"

Facebook (2021)

Earnings Claims

DSSRC also called Sanki's attention to the following seven earnings claims, which it determined communicated the message that Company salesforce members would receive significant income through participation in the Sanki business opportunity:

1. Images of money and mention of financial freedom

YouTube (7/23)

2. picture of \$100 bills; improves my finances; residual income; resolve finances; solves \$ problems; car clubs

YouTube (4/23)

3. coins falling; moving to a nicer neighborhood for the kids; luxury car club

YouTube (6/19)

4. Image of person holding a fanned out \$100 bills with copy stating “Sell product & Make Money”

Instagram (11/22)

5. Video exhibit travel with copy stating “Fly through the rainforest; swim with dolphins; rush your dream car to the limit; experience human flight”
 - Caption stating “Dare to live the life you have dreamed for yourself. Go forward and make your dreams com true. What does living your dreams mean to you?”

Instagram (7/20)

6. “(Translated from Spanish) Are you ready for our next millionaire MENTORING scheduled for Saturday, November 5 at 6pm (Peru time) this time with Omar Herbozo 🇵🇪 🤝 🤝 ”

Instagram (10/22)

7. “I am looking for 10 persons today who want to make \$5000 to \$10.000 US in the next 90 days .Are you willing to work with me and with my company. step one look at this video Plan to make you more money”

Facebook (7/20)

Company’s Position

Sanki did not dispute DSSRC’s concerns that the social media posts in question were in violation of the Company’s policies and were not aligned with the Federal Trade Commission’s (FTC) guidance regarding the dissemination of product and income claims. Sanki also informed DSSRC that several of the identified claims were disseminated by inactive salesforce members who were located outside of the United States.

Accordingly, in response to DSSRC’s Notice of Inquiry, the Company undertook contacting the individuals who were responsible for the posts and requested that the social media posts be removed. The Company’s efforts included attempts to contact the individuals by telephone, using the mechanism provided by its monitoring company to send emails to the individuals and implementing the remedial process provided by the social media platform where the social media posts were disseminated to alert the platform of the unauthorized claims.

The Company also provided DSSRC with copies of all of the aforementioned correspondence sent to the individuals who were responsible for the posts, as well as the correspondence sent to the platforms along with copies of account termination that were previously sent to inactive salesforce members.

As a result of the Company’s actions, all of the earnings and product performance posts at issue were removed.

Administrative Closing

Product Claims

DSSRC appreciated the good faith efforts of Sanki to address the concerns in the inquiry. Sanki chose not to substantiate the health-related product performance claims, and instead attempted to effectuate the removal of the posts at issue. More specifically, the Company attempted to contact each of the individuals responsible for the posts through social media, telephone, email, and SMS. Although the Company was originally unsuccessful in the removal of five of the posts brought to its attention by DSSRC, as a result of Sanki’s ongoing due diligence to effectuate discontinuance of the remaining posts, DSSRC confirmed that all of the posts were removed. DSSRC determined that the actions taken by the Company were necessary and appropriate.

Under FTC law, advertisers must have a reasonable basis for their product claims before disseminating an ad. What constitutes a reasonable basis depends greatly on what claims are made, how they are presented in the context of the entire ad, and how they are qualified. The FTC’s substantiation standard is a rigorous one, particularly when claims relate to health.² When applied to claims about the efficacy or safety of health-related products, the FTC ‘s requires competent and scientific evidence. The FTC has more specifically defined that standard 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.”³

Earnings Claims

DSSRC determined that Sanki Global took the appropriate action to discontinue the earnings claims at issue in the inquiry. Section 6 of DSSRC's Guidance on Earnings Claims notes that some words and phrases presented in the context of earnings claims are prohibited when made to a general audience of prospective 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.⁴ In addition, Section 6 (A) of the DSSRC Earnings Claim Guidance states that 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."⁵

Moreover, section 15 of the FTC's Business Guidance Concerning Multi-Level Marketing (the "FTC Guidance") states that "Some MLMs and MLM participants may present the MLM as a way for participants to get rich or lead a wealthy lifestyle. They may convey such representations through words or through images such as houses, automobiles, and luxury vacations. These are implied earnings claims, and such claims are deceptive if participants generally do not achieve such results."

DSSRC concluded that several of the social media posts identified in this inquiry, which featured new homes and luxury sports cars, could reasonably be interpreted as lavish lifestyle claims and were inconsistent with the results that the typical Sanki salesforce member would receive through its participation in the Sanki business opportunity. The FTC Guidance further notes that it is deceptive and unlawful to make such claims if participants generally do not achieve such results or if the direct selling company lacks objective data to know whether participants generally achieve these results.

As such DSSRC agreed that the Company took the appropriate action to have all of the earnings claims at issue removed.

Conclusion

DSSRC recognized Sanki's good faith efforts to have all of the social media posts at issue in the inquiry removed and to provide DSSRC with evidence of the actions that were taken by the Company. DSSRC recommends that the Company continue to carefully monitor past and current social media posts that reference unsupported product and earnings claims.

(Case No. 179, closed on 9/23/24)
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[1] Truth In Advertising, Inc.

[2] See FTC Health Products Compliance Guidance at page 11 (https://www.ftc.gov/system/files/ftc_gov/pdf/Health-Products-Compliance-Guidance.pdf).

[3] *Id* at 12.

[4] DSSRC Guidance on Earnings Claims §2

[5] *Id.* at §2(A)

November 01, 2024

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