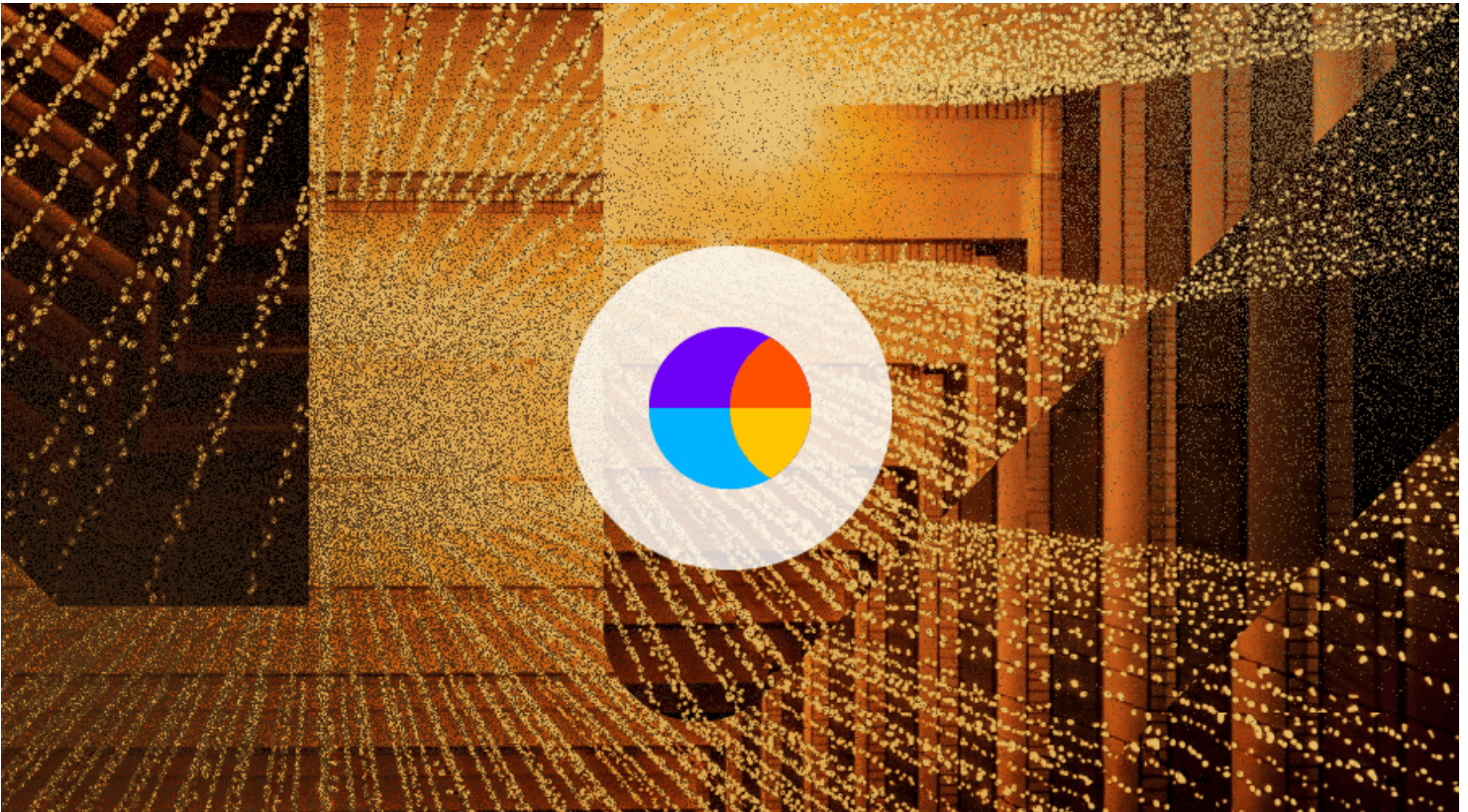


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# Case #138-2023: Monitoring Inquiry – Thrive Life, LLC

## BBB NATIONAL PROGRAMS

Direct Selling Self-Regulatory Council  
Case #138-2023: Monitoring Inquiry – Thrive Life, LLC

## Company Description

Thrive Life, LLC (“Thrive Life” or the “Company”) is a direct selling company founded in 2005 and based in American Fork, Utah. The Company manufactures and markets freeze-dried and rehydrated foods.

## 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 earnings claims disseminated by Company salesforce members on Facebook and YouTube as well as on the Company website. DSSRC was concerned that the earning claims communicated the message that the typical Thrive Life salesforce member can earn significant income through the Company's business opportunity. The representative claims that formed the basis for DSSRC's inquiry are set forth below:

#### Earnings Claims:

- "...our full-time income for quite awhile"
- "I was able to quit my truck driving job in January 2019...my income has grown considerably since then because I continue to add new customers and I continue to get residual income"
- "Advantages of being a consultant are ... ..Supplement or replace a full time income"
- "Thrive Life has an excellent opportunity, to make a decent income, sharing things you love!!"
- YouTube video titled "Debt Free Again" with copy stating "Would you like to earn a paycheck every time your neighbor goes grocery shopping? Every month!"

 Thrive Life Debt Free

- YouTube video titled "Thrive Life 2018 Pre Launch to Set Up Your Seven Figure Income"
- [01:38] This is the honest truth that within eight months of doing the Thrive Life program...we not only replaced my entire salary but it almost doubled it
- "Are you looking for financial independence & future Residual income that you can pass to your children?...whether it's going to be a full-time gig or just a side hustle"
- "And if you want a high level of income, there's a plan for you"
- "please give our contact info to anyone who is interested in eating healthy or saving time, earning extra income, free trips, needs a part time job or a full time job, or isn't happy with their current job!"
- YouTube video titled "Webinar Earn \$100000 with Thrive Life with New compensation plan" with copy stating "Your Thrive business can earn you over \$10000 a month"

 Thrive Life Ad

### III. Company's Position

Thrive Life stated that the Company is dedicated to supporting its salesforce members in providing a compliant environment to communicate truthful and accurate product and earnings claims to the public. The Company further informed DSSRC that it was in the process of generating a Compensation Disclosure and an Earnings Disclaimer and provided DSSRC with drafts of those documents. The Company also provided DSSRC with specific responses to the claims identified by DSSRC in this inquiry.

The Company did not attempt to substantiate the earnings claims in the social media posts that were identified in the inquiry. Rather, the Company indicated to DSSRC that it would take the necessary action to remove the non-compliant posts in their entirety.

More specifically, the Company informed DSSRC that it removed six of the 12 social media posts that DSSRC indicated were non-compliant.

With respect to the "...our full-time income for quite awhile" claim, the Company noted that neither the YouTube video nor the language in the video descriptor makes any mention of Thrive Life and the individual who posted the video has no affiliation with Thrive Life.

As to the remaining five social media posts, the Company provided DSSRC with copies of the email correspondence it sent to the salesforce members responsible for disseminating the posts requesting that the claims be removed.

### IV. ANALYSIS

DSSRC determined that Thrive Life made a good faith effort to address the concerns at issue in this inquiry. More specifically, DSSRC confirmed that the Company facilitated the removal of six of the 12 social media posts at issue and provided DSSRC with copies of the correspondence sent to the salesforce members responsible for the social media posts that remain publicly accessible requesting that such posts be removed. DSSRC determined that the Company's actions were necessary and appropriate.

According to the Federal Trade Commission, statements indicating that business opportunity participants while not necessarily becoming wealthy, can achieve career-level income are likely to be false or misleading when made to current or prospective participants.<sup>1</sup> Moreover, as noted in section 9 of the DSSRC's Guidance on Earnings Claims for the Direct Selling Industry, DSSRC will evaluate any claim based upon the context in which the claim appears and the potential net impression of such claim to the audience. Some words and phrases commonly used in earnings claims can carry a particularly high risk of being misleading to consumers. Such words and phrases include claims such as "financial freedom," "full-time income," "replacement income," "residual income," and "career-level income."<sup>2</sup>

DSSRC agreed with the Company's position that one of the posts that was identified in the inquiry included a claim (i.e., "...our full-time income for quite awhile") that could not be attributed to Thrive Life. Upon a subsequent examination of the Facebook post, DSSRC confirmed that there is no mention of Thrive Life and it was evident that the referenced "full time income" pertained to earnings generated from the individual's YouTube channel and not from a direct selling business opportunity. As such, DSSRC concluded that no action from the Company was necessary.

With respect to the remaining five posts (all of which appear on YouTube), DSSRC appreciated the Company's submission of correspondence demonstrating its communication with the individuals responsible for the social media posts. Notwithstanding the Company's good faith efforts to request that the posts be removed or modified, DSSRC remained concerned by the individuals' non-responsiveness to the Company's requests and the ongoing accessibility to the claims communicating that the typical Thrive Life salesforce member can earn significant income from the Company's business opportunity.

Further, the Company did not indicate to DSSRC if the individuals responsible for the remaining YouTube videos were active or inactive salesforce members with Thrive Life and DSSRC noted the importance of this distinction. As stated in previous DSSRC inquiries, if the individual who disseminated the post is an active salesforce member, DSSRC recommends that the Company contact the salesforce member and request that the post be removed pursuant to the Company's compliance policies and procedures and take the appropriate enforcement measures if the salesforce member refuses to remove the post. If the remaining post was made by a salesforce member that later became inactive, DSSRC recommends that, promptly upon learning of such a claim, a direct selling company should make a bona fide good faith effort to contact the former salesforce member to request that the improper claim be removed.

Accordingly, here, if the remaining posts were made by active Thrive Life salesforce members that have been unresponsive to the Company's request to remove the claims, DSSRC recommends that the Company take the necessary enforcement measures (e.g., suspension or termination) to address the salesforce member's non-responsiveness to the Company's outreach.

DSSRC also recommends that the Company take additional steps to remove such claims from the marketplace including utilizing the mechanism that websites and 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.

## V. CONCLUSION

DSSRC appreciated Thrive Life's good faith efforts to address DSSRC's concerns at issue in this inquiry by facilitating the removal of six of the 12 social media posts at issue and providing DSSRC with copies of the correspondence sent to the salesforce members responsible for the social media posts that remain publicly accessible. DSSRC determined that the Company's actions were necessary and appropriate. DSSRC also agreed with Thrive Life that one of the posts that was identified in the inquiry included a claim (i.e., "...our full-time income for quite awhile") that could not be attributed to the Company.

With respect to the remaining YouTube posts, DSSRC appreciated the Company's submission of correspondence demonstrating its communication with the individuals responsible for the social media posts. DSSRC nevertheless remained concerned by the non-responsiveness of the individuals responsible for the remaining videos to the Company's requests the posts be removed or appropriately modified and the ongoing accessibility to claims implying that the typical Thrive Life salesforce member can earn significant income from the Company's business opportunity.<sup>3</sup>

DSSRC also recommended that the Company take additional steps to have the videos removed including the utilization of the mechanism that YouTube may have for removal of trademark or copyright violations and/or contacting the platform to request removal of the posts.

## VI. COMPANY STATEMENT

"Thrive Life has reached out to all Consultants who were identified in this inquiry. We requested that said claims are adjusted or removed immediately. All Consultants who have responded to our inquiries have taken the proper action, which we are pleased to report. We are still trying to get a hold of 3 Thrive Life Consultants who have been identified in the inquiry. We've sent 3 emails and if we don't hear from them by the first part of next week, we will begin calling them with the phone number they provided. In each case, the 3 Consultants are no longer active, therefore we can't put them on any type of probation. But we will continue to reach out. We also have started training our Consultants on what is and is not ok to say when it comes to making earning claims. We believe this will help for future inquiries.

Thrive Life is committed to complying with all outstanding recommendations from DSSRC."

(Case 138-2023, closed on 11/16/23)

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<sup>1</sup> See, Federal Trade Commission's Business Guidance Concerning Multi-Level Marketing, paragraph 13, third bullet point at <https://www.ftc.gov/business-guidance/resources/business-guidance-concerning-multi-level-marketing>.

<sup>2</sup> See The Direct Selling Self-Regulatory Council Earnings Claims Guidance for the Direct Selling Industry at <https://bbbprograms.org/programs/all-programs/dssrc>.

<sup>3</sup> Regarding one of the posts at issue, the Company indicated to DSSRC that the individual responsible for the video had changed the "Debt Free Again" description of the video. However, DSSRC did not see this change implemented.

12.07.23

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