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1. [Home](#)
2. [Programs](#)
3. [Advertising Self-Regulation](#)
4. [Direct Selling Self-Regulatory Council \(DSSRC\)](#)
5. [Case Decisions](#)
6. [Case 124-2023: Government Referral – Tori Belle Cosmetics](#)

# Case #124-2023: Government Referral – Tori Belle Cosmetics

## BBB NATIONAL PROGRAMS

Direct Selling Self-Regulatory Council

Case #124-2023: Government Referral – Tori Belle Cosmetics

## Company Description

Tori Belle Cosmetics (“Tori Belle” or the “Company”) is a direct-selling company founded in 2019 and based in Woodinville, Washington. The Company markets beauty and cosmetic 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.

This inquiry concerned 12 earnings claims disseminated by Company salesforce members. The following representative earnings claims that formed the basis of this inquiry were communicated on Facebook and YouTube.

### Earnings Claims

- “Honestly, weather you just want to feed your lash addiction on a discount, want to get a bill paid each month, or are looking for a full-on supplemental or replacement income- it is all do-able!”

- “Who wants a free vacation?! 🤗

I can't believe this, guys. These magnetic lashes have been flying off the shelves so much that I earned a free trip to an all-inclusive resort in Cancun, Mexico! And in just under 4 months. 🤗”

- You can supplement your income with just minutes a day work!...I’ve been with the company just under 2 months and I am making money and enjoying my new business”
- Image of a car with coy stating “financial freedom...I’m so Thankful that my \$27 investment into myself help me to get to this!!!.....’Additional transportation”

- “Are you looking👀 for something to do from home to supplement your income or even to replace lost income ? ”

- “financial freedom”

- Screenshot of payment from Tori Belle with copy stating “#payday #residual I could not be more thankful for these 3 paydays each month that I receive from TB..... additional income has allowed me to travel more, purchase a vehicle, increase my credit score and save, and still be a blessing to others....in the midst of a pandemic. I can remember when payday loans had been my only means to an end. NOW THAT IS NOT AN ISSUE”

- “Now is a great time to have a second income or to create a full time business.”

- Compensation Plan; [05:28] If you were to sell \$3,000 worth of product...you would earn \$1,200 in commission...the sky’s the limit
- “how about we transform you bank account with a second income stream. Join me and let me show you how to have fun while building an empire...Earn Bonus incentives such as bonus pay & travel credits... Let me help you with that car 🚗 note, mortgage or tuition! It’s your choice. #multiplestreamsofincome”

DSSRC was concerned that the representative social media posts identified above would imply to a reasonable consumer that the typical salesforce member of Tori Belle could generally expect to earn significant or substantial income, replace their income, earn full-time income, and/or achieve financial freedom.

### **Company’s Position**

The Company did not attempt to provide support for the claims identified by DSSRC. Shortly after receiving DSSRC’s Notice of Inquiry, Tori Belle contacted DSSRC and stated that the dates of the posts identified by DSSRC had been altered. Moreover, according to the Company, all of the representative social media claims were “at least three years old” and were disseminated by inactive Company salesforce members. As such, Tori Belle stated that “there’s nothing we can do about their Facebook posts from 3 years ago...”.

The Company did note that it carefully monitors its salespeople and does not allow inappropriate claims.

### **Analysis**

After initially responding to DSSRC after its receipt of the Notice of Inquiry, the Company did not engage in any further dialogue with DSSRC or provide any evidence to substantiate the earnings claims that were identified in this inquiry. Despite multiple attempts by

DSSRC to communicate with Tori Belle and address their concerns regarding the alleged alteration of the social media posts identified by DSSRC, no further response was received.

Notwithstanding the Company's assertions, all 12 of the posts and claims at issue continue to be accessible to the public.

Although the Company maintained that all of the social media posts that were the subject of the inquiry were "at least three years old," none of the 12 posts were disseminated prior to 2020, and two were disseminated less than one year before the DSSRC inquiry was commenced.

Further, DSSRC sent Tori Belle three follow-up correspondences asking for more information regarding the alleged alteration of the posts. However, the Company failed to respond to DSSRC or provide any further information regarding the status of the posts.

Even assuming that the posts in question were communicated more than three years ago by inactive salesforce members, which has not been proven, DSSRC disputed Tori Belle's argument that it was powerless to facilitate the removal of posts. As DSSRC has noted in a number of previous inquiries, there are several steps that a direct selling company can take to demonstrate that they have made a bona fide, good faith effort to contact the inactive salesforce member responsible for the post(s) and request that the post(s) be removed.

This may include providing DSSRC with a copy of the takedown request that was sent to the inactive salesforce member, demonstrating to DSSRC that the company has attempted to contact the social media platform where the post appears and advise them of the unauthorized claim, and considering the inclusion of a statement in the comments area of the post informing the public that the claim has not been authorized by the Company.<sup>1</sup>

Moreover, when a direct selling salesforce member has disseminated an unsupported claim or social media post, the direct selling company cannot evade responsibility for an inaccurate or deceptive claim, particularly if the post is still publicly accessible and the company has been notified of the claim yet takes no action to facilitate its removal.

As stated in section 6 of the DSSRC's Guidance on Earnings Claims for the Direct Selling Industry, 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." Furthermore, earnings claims must be substantiated and representative of a level of earnings that can be generally expected by the audience.<sup>2</sup>

DSSRC remains extremely concerned regarding the ongoing availability of unsupported earnings claims and the Company has failed to demonstrate that it has made any effort to contact the individuals responsible for the posts to have the claims removed or alert the social media platform of the unauthorized representation.

In sum, DSSRC recommends that Tori Belle take the necessary action to facilitate the removal of the earnings claims at issue.

## **Conclusion**

DSSRC concluded that the earnings claims at issue communicated by Tori Belle salesforce members have not been supported and, as such, it is recommended that the Company take the necessary actions to remove the earnings claims that are the subject of this inquiry from the marketplace.

## **Failure of Tori Belle to Provide a Company Statement**

Although DSSRC requested in writing that Tori Belle provide a Company Statement to this report, the Company did not submit a Company Statement to DSSRC or provide any indication that it would adhere to the recommendations stated in this report. Accordingly, as provided in section VI (E) of the DSSRC Policies & Procedures, DSSRC referred this matter to the appropriate government agency for review and possible law enforcement action.

(Case No. 124-2023, closed 7/31/23)

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[1] See Pure Haven, Inc. (DSSRC Case# 123-2023); Essential Bodywear (DSSRC Case #103-2023); Le-Vel Brands (Case # 57-2021); Gano Excel USA, Inc. (Case #30-2020); Daxen, Inc. (Case #52-2021).

[2] [https://bbbnp-bbbp-stf-use1-01.s3.amazonaws.com/docs/default-source/dssrc/dssrc\\_guidanceonearningsclaimsforthedirectsellingindustry.pdf](https://bbbnp-bbbp-stf-use1-01.s3.amazonaws.com/docs/default-source/dssrc/dssrc_guidanceonearningsclaimsforthedirectsellingindustry.pdf)

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