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Case #117-2023: Administrative Closure – Unicity International, Inc.

BBB NATIONAL PROGRAMS

Direct Selling Self-Regulatory Council

Case #117-2023: Administrative Closure – Unicity International, Inc.

Company Description

Unicity International, Inc. (“Unicity” or the “Company”) is a multi-level marketing company headquartered in Orem, Utah and founded in 1986. The Company markets nutritional and personal care products and operates in approximately 30 countries, including the United States, Australia, Brazil, Brunei Darussalam, Canada, Colombia, Hong Kong, Indonesia, Japan, Malaysia, New Zealand, Philippines, Russian Federation, Singapore, Taiwan, Thailand, and Venezuela.

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 included nineteen product performance claims that were disseminated by Company salesforce members. The representative claims, several of which originated outside of the United States, formed the basis of this inquiry and were communicated on Facebook, Tik-Tok, and YouTube.

Those claims are set forth below:

Product Performance Claims

- “My 10 year old daughter is free from...mild oppositional defiant disorder, sugar addiction, anxiety. After starting to use Unicity products, she lost 12.4 lbs., 6” off her hips, & 5” off her waist, in her first 21 days... She continued on her journey, losing a total of 48 lbs., but gaining so much more.....having increased energy, was able to spend time being active with her daughter, plus discontinuing & eliminating prescription medication. After struggling with constant nausea, fatigue, brain fog, light headedness, pulsating headaches, troubles concentrating & hormonal imbalances, she was diagnosed with a Toxic Brain Injury from chronic carbon monoxide poisoning. The Unicity products she has continued to use, have helped her somewhat recover.....but she feels they have saved her life.....not once, but twice!!!
 - To make life even more challenging, her daughter Kaylei, at 7 years old, was put on antidepressants and was referred to a psychiatrist for a Severe Sugar Addiction. In
 - May 2019, she started having severe anger, defiance, & behavioral problems, & was later diagnosed with anxiety & Mild Oppositional Defiant Disorder (ODD). Both Tammy & Kaylei, have found new life with the Feel Great System!!!”
- “Less bloat; Lowering cholesterol; Increased Focus.” “We can’t wait to get our numbers tested again for cholesterol and insulin resistance”
- “Off 10 Medications; Lost 70lbs; Lost 35 inches of FAT
 - No Longer Pre-diabetic; Lowered my A1C from 6.8 to 5.1
 - #pcosinsulinresistance #insulin #insulinresistance”
- “#diabetes #highcholesterol #highbloodpressure #weightloss”
- “Unicity has me covered pocos thyroid glucose controlled ask me how !! It’s easy I am having my self back ! 8lbs down no anxiety! Energy level great ! NOT MOODY”
- “UNICITY and Unimate Tea can help you back into balance – a balance of weight loss, lower cholesterol and blood sugar levels, diabetes prevention, reduced anxiety and depression, better focus, no more cravings, healing your body and feeling absolute health & happiness”
- “High sugar level; High blood pressure; Weight loss; Brain fog; Migraine, Fatty liver and more problems”
- “Unicity Balance: Healthy Blood Sugar Levels Naturally #diabetic #highbloodpressure #bloodglucose #highcholesterol #weightloss
 - This natural plant-based fiber drink has been clinically proven to balance blood sugar within 60 days, as well as raise HDL, lower LDL, lower triglyceride, lower homocystein, balance blood pressure within 60 days.”
- “Are you struggling with any of these issues? Cholesterol; Obesity; Overweight; Insulin resistance; Diabetes; Hypertension; Heart Disease #insulinresistance # diabetes #heartdisease #cholesterol #hypertension #cholesterol”
- “Since 1989, Unicity Balance (formally called Bios Life) has been the worlds top selling preventative health products with its clinically proven proprietary fiber matrix that helps the body to burn fat while promoting healthy cholesterol, manage blood sugar and triglyceride levels, and has proven weight loss results.”
- “Have helped millions to improve their blood sugar, improve digestion and lose weight.”
- “Vladimir Guerrero Jr. worked hard to get in shape ahead of the 2021 season. When he first showed up for spring training earlier this year, the 22-year-old Toronto Blue Jays player shared that he had lost 42 lbs. during the offseason. As he states, ‘It really changed things for me’”
- “... currently on day like 70...my A1C is down, my blood sugars are down”
- “Weight loss *Blood pressure *diabetes *brain fog *lack of energy *Cholesterol *Food craving *sugar craving *Triglycerides”
- “High Blood Pressure Medications have side-effects....go for All Natural and Scientific way of reducing High BP in just 3 Months by doing a proper detox and then using Bios Life Nutraceuticals !”
- Image with copy stating “One little packet can do so much...
 - 1st True Scientific Breakthrough in Weight Loss in 30 year!
 - Lower LDL Cholesterol 31% in 60 days; Lower Triglycerides 40% in 60 days; Raise Good HDL 29% in 60 days; Drastically Helps Diabetics”

- “Top 14 health conditions BioREISHI COFFEE (Ganoderma lucidum) helps you overcome... *Fatigue (including chronic fatigue syndrome); *Frequent infections (urinary tract, bronchitis, respiratory, etc.); *Inflammation; *Digestive problems, stomach ulcers and leaky gut syndrome; *Diabetes; *Food allergies and asthma; *Anxiety and depression; *Skin disorders; *Liver disease; *Tumor growth and cancer; *Autoimmune disorders; *Viruses, including the flu, HIV / Aids or hepatitis; *Heart disease, hypertension, high blood pressure and high cholesterol; *Sleep disorders and insomnia”
- “It’s been 4 months of my post delivery today, and it’s time for me to add Unimate to my morning protein shake! This works wonders, only when you took it, then you’ll understand why I say so. Unimate is a game changer! It changed my mood to be a happy one, it changed my anxiety to calmness and the best of it all, I can control myself from getting angry with my children to being happy with them.”
- “Gut is second brain, pls take care of your gut
 - easy to sleep; - reduce acne’s; - manage weight; - detox colon system; - reduce cholesterol; - enhance bowel transit; - reduce stress and anxiety”
- “During this outbreak it is extra important for us to boost our immune system!”

Company’s Position

The Company reiterated its commitment to promoting Unicity’s dietary supplements within the bounds of the rules prohibiting health claims as established by the FDA and Federal Trade Commission’s (“FTC”). Unicity 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 understand the reason(s) that each is not acceptable to avoid future issues. The Company noted that its efforts resulted in the removal of 16 of the 19 social media posts (several of which originated outside of the United States) that were the subject of the inquiry.

With respect to the remaining posts, the Company explained that despite repeated efforts, it did not hear back from one of the individuals it identified as being responsible for one of the posts and, because the salesforce members violated its agreement with the Company, its relationship with that salesforce member was terminated.¹ Unicity, also contacted Facebook to inform them of the unauthorized post but the social media platform would not remove the post despite the Company’s requests.

In addition, Unicity could not identify the individuals who were responsible for the two other Facebook posts that remain publicly accessible. The individuals did not respond to repeated attempts from the Company to contact them and have these posts revised or removed. Although the posts were again reported to the platform, Facebook did not remove the posts. The Company also left remarks in the comment section of the two posts stating “Claims in this post are not authorized or endorsed by Unicity International. Unicity Compliance has attempted to contact the poster to request correction or removal and has received no response.”

Unicity advised DSSRC that it continues to ramp up its compliance efforts to better ensure unauthorized claims are not made, or when they are, that they are removed as promptly as possible, and the responsible parties are taught acceptable ways to share about products with potential Unicity consumers.

The Company recently significantly expanded the number of employees on its compliance team and, as they have been integrated into Unicity, its field monitoring and education efforts are constantly becoming more robust. In addition, the Company recently went live with a new Unicity Compliance webpage. While the site is a work in progress, the Company informed DSSRC that the website will provide a new foundation for better awareness of Company salesforce members to help them with responsible marketing.

Administrative Closing Summary

DSSRC determined that the Company used its best efforts to address DSSRC’s concerns. Unicity was successful in removing almost all of the posts brought to its attention by DSSRC and adequately demonstrated that it made a bona fide effort to reconcile the remaining posts. 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 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.”²

DSSRC recognized that removing the social media posts that originated from salesforce members who are no longer affiliated with Unicity presented a significant challenge for the Company. As DSSRC has noted in previous self-regulatory inquiries, when a direct selling company is made aware of improper product 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.³

Here, it was determined that Unicity demonstrated that it made a bona fide, good faith effort to have the three remaining Facebook posts removed.

Conclusion

DSSRC administratively closed the inquiry based upon Unicity's good faith actions to remove 16 of the 19 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 #117, closed on 5/17/23)
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[1] Unicity provided DSSRC with copies of the take-down notices sent to the non-responsive individuals.

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

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

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