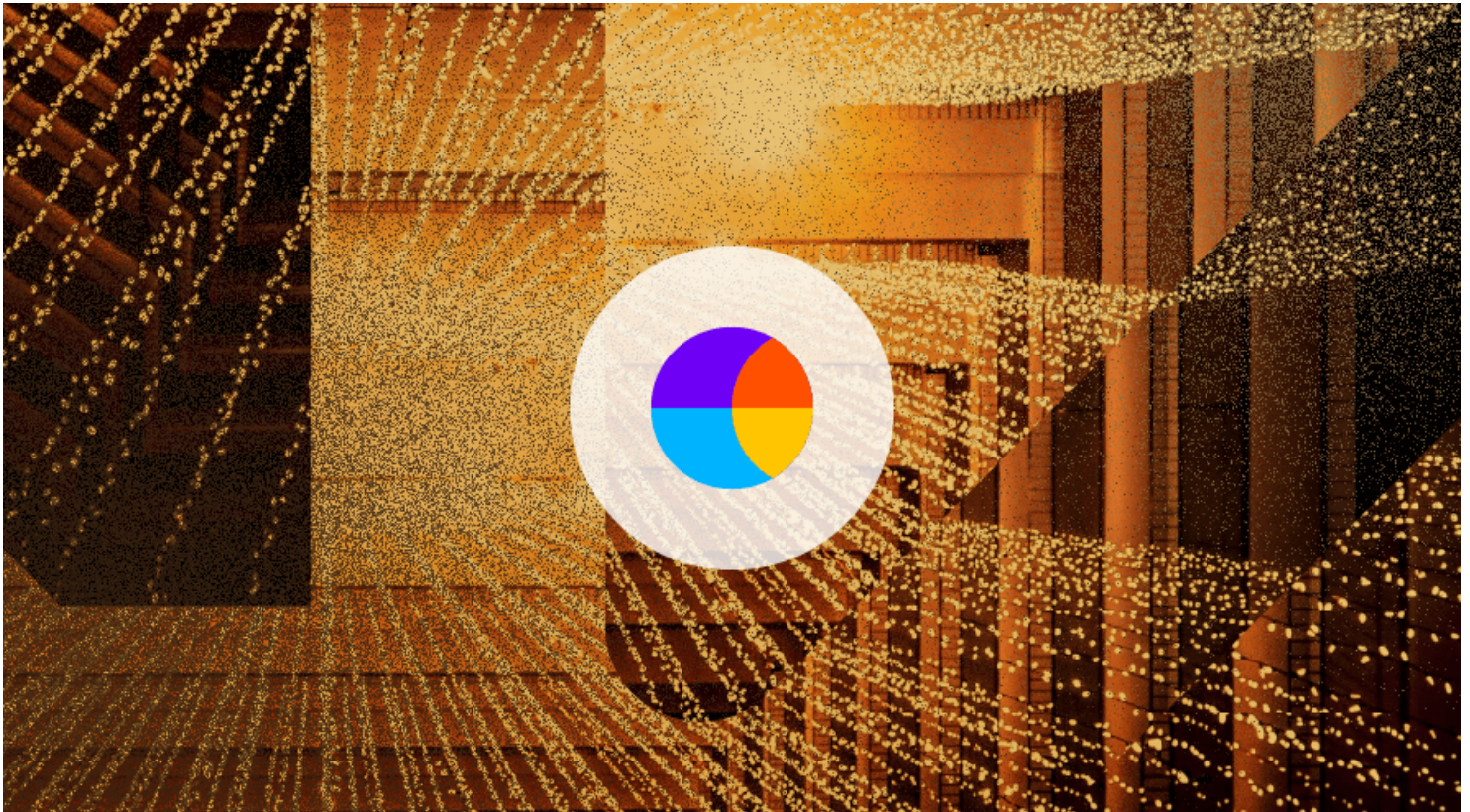


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# Case #100-2022: Monitoring Inquiry – Youngevity International, Inc.

## BBB NATIONAL PROGRAMS

The Direct Selling Self-Regulatory Council

Case Number 100-2022: Monitoring Inquiry – Youngevity International, Inc.

### Company Description

Youngevity International, inc. (“Youngevity” or the “Company”) is a direct selling company that sells health, nutrition, and wellness products. The company is headquartered in Chula Vista, California and was founded in 1996.

### 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 concerns health-related product claims and earnings claims disseminated by the Company's salesforce members. The representative claims that formed the basis for this inquiry are set forth below:

### *Product Claims*

- "NO more allergies, IBS, diverticulitis, blood sugar issues, melanoma, eczema, acid reflux, joint pain, insomnia and MORE for us!"
- "Here's a great product if you have arthritis, knee problems, bone on bone!"
- "cancer, diabetes, arthritis, cirrhosis, leukemia, etc."
- "diabetes, cancer, cirrhosis, arthritis, lupus, tumors, etc."
- "helped me with my high blood pressure and eczema!" ; image with extensive list of medical claims
- "Allergies, Gas, Constipation, Diarrhea, Diverticulitis, Crohn's Disease, Intestinal Bloating, Heartburn, Hiatal Hernia, Indigestion, Irritable Colon, Reflux, Stomach Pain, Leaky Gut, Ulcerative Colitis, Bacterial Infections, Fungus and Athlete's Foot"
- "diabetes, cancer, cirrhosis, arthritis, lupus, tumors"
- "may prevent the onset of Alzheimer's disease."
- "do you have diabetes, high blood pressure, arthritis, obesity, Alzheimer's? Help has arrived"
- "A few of us were sick last month. I'm pretty sure we had the dreaded virus. I pull this kit out when any of us start to not feel well. We have definitely found it to boost our immune system and help us fight whatever we may be coming down with, along with helping others prevent getting sick"

### *Earnings Claims*

- "financial freedom"
- "financial freedom"; [00:20] I have been able to stop a heck of a lot of pain medications; [00:27] my oldest son on the spectrum and intolerant to a lot of chemicals and additives has actually lost over 40 kilos in the space of a year thanks to the products
- "financial freedom...quickly replace your income"
- "There are people that I know that have made over a million dollars a month in this industry who are associated with this company"
- Video titled "How to quit your job and grow your downline fast"; [00:11] you're going to quit your job...you're now an entrepreneur and you're going to be doing that full-time; [00:32] you're gonna get not you silver Mercedes that Youngevity paid for...
- "she's been getting thousands of dollars of sales from each one of these presentations"
- "financial freedom, Car bonus, free cruise many other perks"
- "I can't believe that we have been on the road for over 4 months. We sold our house in July and set out to explore the USA... Youngevity business has helped give us the financial freedom for this adventure"
- "she lost 35 pounds..."

### **Company's Position**

The Company promptly responded to DSSRC's inquiry and did not attempt to substantiate the product or earnings claims at issue in this inquiry.

Rather, the Company informed DSSRC that it attempted to contact the individuals responsible for the social media posts and request that they have the posts removed. All but three of the social media posts were removed from circulation.

With respect to the three remaining posts, the Company demonstrated to DSSRC that it suspended the individual responsible for one of the social media posts and initially informed DSSRC that it was unable to identify the individuals responsible for two of the posts as being affiliated with the Company. Thereafter, the Company was able to identify the author of one of the remaining posts and sent a cease-and-desist letter requesting removal of the post.

In addition, with respect to all three posts that were not removed from circulation, the Company lodged takedown requests with both Facebook and YouTube, citing the account holders' unauthorized use of the Company's intellectual property and the potentially unlawful nature of the content contained in each. The Company informed DSSRC that it intends to follow up on its cease-and-desist demand and also resubmit takedown requests to the platforms.

### **Analysis and Recommendation**

As noted above, the Company did not provide evidence to DSSRC to support the product claims or earnings claims at issue in this inquiry.

As such, DSSRC determined that the actions taken by the Company to promptly have the claims removed were necessary and appropriate. However, as noted above, three of the individuals responsible for disseminating the claims at issue have not been responsive to the Company's requests.

DSSRC has recognized in past decisions that "when a direct selling company...is made aware of an improper product or income claim that was made by an individual that was an active distributor when such claim was made but that has since become an inactive distributor of the company, DSSRC acknowledges that the direct selling company may not be able to require the former distributor to remove such

claim.”<sup>1</sup> In that instance, DSSRC nonetheless recommends that the direct selling company make a bona fide good faith effort to have the improper claim removed, including by attempting to contact the individual in writing.<sup>2</sup> If the social media platform where the subject post was made provides a mechanism for reporting trademark or copyright violations, DSSRC recommends that the direct selling company promptly utilize such mechanism and seek removal of the subject claims and posts<sup>3</sup> If efforts to utilize a mechanism for reporting trademark or copyright violations are unsuccessful or if the subject claim occurred on a website or platform without a reporting mechanism, DSSRC recommends that in addition to making a bona fide good faith effort to contact the individual as described above, the Company contact the website or platform in writing and request removal of the subject claim or post.

### **Conclusion**

DSSRC determined that the actions taken by the Company to have the social media claims at issue in this inquiry removed to be necessary and appropriate. With respect to the claims that are still publicly accessible, DSSRC concluded that the Company’s efforts to suspend one salesforce member and send a cease-and-desist removal request to another, as well as the Company’s lodged requests with both Facebook and YouTube constitute a bona fide good faith effort to have the remaining social media posts removed from circulation. Accordingly, DSSRC administratively closed this inquiry.

(Case No.100-2022, closed on 01/17/23)

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[1] Case #12-2020 Young Living Essential Oils, LLC.

[2] Case #86-2022, Visi.

[3] Id. See DSSRC Case #58-2022 Surge365; DSSRC Case #52-2921 Daxen, Inc., and Case #30-2020.

March 02, 2023

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