



September 14, 2023

VIA EMAIL

Peter C. Marinello, Director
Direct Selling Self-Regulatory Council
112 Madison Avenue, 3rd floor
New York, NY 10016
PMarinello@bbbn.org

Re: Juice Plus

Dear Peter:

We very much appreciate the DSSRC's continuing work and dedication to ensuring that Juice Plus complies with truth in advertising laws. As you know, Juice Plus has also received several warnings from our organization, as well as one from the FTC.1 Unfortunately, it appears that all of our efforts have been in vain as a plethora of deceptive Juice Plus health claims are still available for consumers to view on a variety of social media platforms, including misleading claims specifically identified by the DSSRC in its two recent decisions.2

By way of example, a deceptive post identified in the DSSRC's May 2023 report that claims Juice Plus can improve Raynaud's disease, as well as another post identified by TINA.org claiming Juice Plus can treat Raynaud's, are still in publication.3

Screenshot from DSSRC May 2023 Report



Still on the internet today



The same is also true of numerous posts claiming Juice Plus can reduce inflammation.4

Further, several claims identified in the DSSRC’s August compliance report are still published on Meta’s platforms.

DSSRC August report	Still in publication today
<p>“it is recommended that the Company refrain from making claims such as using Juice Plus+ will ‘reduce the severity of cold symptoms.’ It was determined that because the statement implies reduced risk related to a specific condition, the assertion could be interpreted as a health claim.”</p>	<p>https://www.instagram.com/p/CG07panJVpa/ (“reduces the severity of cold symptoms”)</p> <p>https://www.facebook.com/hmcmillin.juiceplus/photos/a.200077970329519/200077916996191/ (“Have you prepared your immune system for the cold and flu season?”)</p>
<p>“it is recommended that the Company refrain from claims such as ‘The power of extra plants every day ... helped me thrive as a 5-year old who used to suffer from skin conditions and ear infections.’”</p>	<p>https://www.instagram.com/p/CGaIvg6J8zC/ (“The power of extra plants every day ... helped me thrive as a 5 year old who used to suffer from skin conditions and ear infections”)</p>
<p>“DSSRC also concluded that the Company’s testing did not support claims that stating that taking Juice Plus will have a beneficial effect on the specific attributes of cognitive functioning that were referenced in the remaining social posts, including the overall dental health and improvements to skin and hair.”</p>	<p>https://www.instagram.com/p/Car-xtUOMuw/ (Video: “After just 1 month: 1. Less breakouts – if none at all 2. Skin is hydrated 100% of the time 3. Overall even/glowy skin tone 4. Dark circles under eyes are at least 50% better 5. Acne scarring/ sunspots are hardly visible anymore”</p> <p>Caption: “BUT these little omegas, I’m telling you, they’re small but so powerful! They have worked wonders internally and externally for me! I’ve never been so confident in my skin and loved life without makeup. These plant based omegas are anti-inflammatory, great for skin, hair, immune, brain, cardiovascular, eye health and so much more! I open up the capsule and put it directly on my face everyday and also take the capsules and I will never do it any other way!”)</p>
<p>“the Company agreed ... to revise broad assertions regarding ‘lung health’ to align such representations with the limited group that was the subject of the testing provided to DSSRC in the October 2022 inquiry.”</p>	<p>https://www.instagram.com/p/Cc5wrOmu0p/ (“It’s proven to help Heart health, Immune health, Inflammation, Oxidative stress, Lung health, Skin health, Gut health, Weight management and so much more!”)</p>

Moreover, in just a few minutes of online research, TINA.org was readily able to find additional Juice Plus marketing materials that make illegal disease-treatment claims:

September 6, 2023 Facebook reel⁷



“Battling an autoimmune disease stinks - I get it. I have my ‘off days’ and instead of wallowing in the sad feelings....I'm choosing to do good and use it as fuel to make an even bigger impact, thanks for listening and helping me. ... I believe everything happens FOR ME, not to me and because of my autoimmune and nursing background~ both made me more open minded when my friend shared Juice Plus with me.....and when I saw the research behind this I was ALL IN!!!! Anything that is clinically proven to decrease inflammation and oxidative stress in the body is a MUST HAVE for all of us.....less inflammation = less illness/disease all the way from the common cold to the big ugly C word and even autoimmunes.”

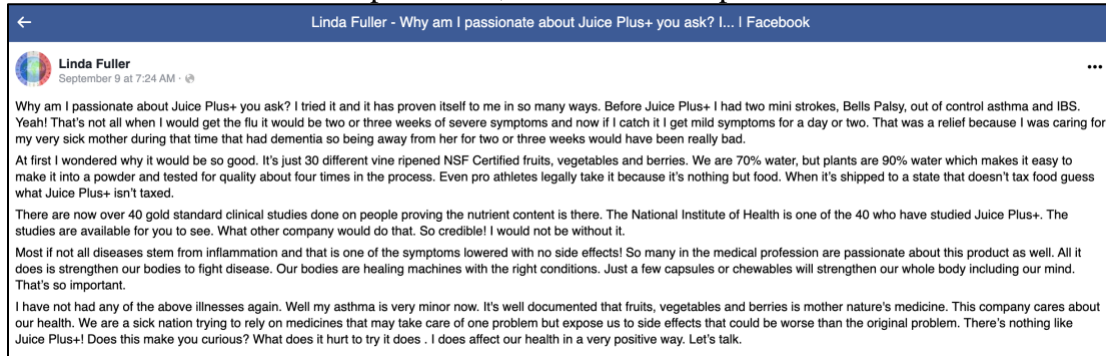
September 7, 2023 Facebook post⁸



“SYSTEMIC INFLAMMATION isn't something that we can always feel in our bodies- it creates pain and is linked to just about every disease and health condition there is, heart disease, cancer and conditions ending in 'itis'. Alkaline foods - fruits, veggies grapes, berries, nuts, seeds, legumes help reduce the inflammation and body pain that is associated with it. The 30 FUNCTIONAL FOODS in Juice Plus+, 30 fruits, veggies, grapes and berries, in capsules and soft chewys for children, has clinical research showing that it significantly reduces systemic inflammation in the body - providing

protection from disease and reducing the pain. I've had Fibromyalgia for 65 years. I've never taken any drugs - I've kept pain free with an alkaline diet and Juice Plus+. Wouldn't it give you great peace of mind knowing that Juice Plus+ could help each and every day fight off this horrific condition! It's simple, easy, affordable and effective!"

September 9, 2023 Facebook post⁹



“Why am I passionate about Juice Plus+ you ask? I tried it and it has proven itself to me in so many ways. Before Juice Plus+ I had two mini strokes, Bells Palsy, out of control asthma and IBS. Yeah! That's not all when I would get the flu it would be two or three weeks of severe symptoms and now if I catch it I get mild symptoms for a day or two. . . . Most if not all diseases stem from inflammation and that is one of the symptoms lowered with no side effects! So many in the medical profession are passionate about this product as well. All it does is strengthen our bodies to fight disease. . . . I have not had any of the above illnesses again. Well my asthma is very minor now. . . . We are a sick nation trying to rely on medicines that may take care of one problem but expose us to side effects that could be worse than the original problem. There's nothing like Juice Plus+!... ”

In short, while Juice Plus has assured the DSSRC that it is “dedicated to operating [its] business in an appropriate, ethical, and compliant manner,”¹⁰ there is no evidence to support this contention. Quite to the contrary, Juice Plus has continued to ignore DSSRC recommendations¹¹ and is continuing to turn a blind eye to its distributors’ continuing and widespread use of deceptive and illegal health claims being used to sell its products and the business opportunity to susceptible consumers. As such, we strongly urge the DSSRC to reconsider its decision to close out its investigation into Juice Plus and consider further enforcement action.

Sincerely,

Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.

Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

¹ See Nov. 22, 2016 letter from TINA.org to Juice Plus, https://truthinadvertising.org/wp-content/uploads/2022/05/11_22_16-ltr-to-Juice-Plus-re-health-claims.pdf; May 25, 2022 letter from TINA.org to Juice Plus, https://truthinadvertising.org/wp-content/uploads/2021/12/5_25_22-letter-from-TINA-to-Juice-Plus-re-distributor-claims.pdf; June 5, 2020 letter from FTC to Juice Plus, https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_juice_plus.pdf.

² DSSRC Case #115-2023: NGO Inquiry – The Juice Plus+ Company, LLC, May 12, 2023, <https://bbbprograms.org/programs/all-programs/dssrc/ccd/dssrc-juice-plus>; DSSRC Case #127-2023: The Juice Plus+ Company, LLC Compliance Report, August 27, 2023.

³ Purposewellnesshealth Instagram post, Feb. 8, 2021, <https://www.instagram.com/p/CLDb7LwrSDG/> (Image: “Pesky raynauds is still hanging around but fewer episodes of it. I feel more energetic. And my kids are reporting better digestive health. . .”; Caption: “I love getting texts like this one from one of my Juice Plus customers. She, like I, struggles from Raynaud's (an autoimmune illness that causes poor circulation and joint pain). Though everyone's experience is different with Juice Plus, even after just 6 weeks she is seeing improvement in her Raynaud's, increased energy, shinier hair (who doesn't want that???) and better digestive health for her children (plus they love the taste of their gummies).”); Purpose Wellness Facebook post, Dec. 7, 2020, <https://www.facebook.com/purposewellnesshealth/posts/384632999630116> (treats Raynaud's “I just could not get this Raynaud's under control until I found Juice Plus . . .”)

⁴ Ashley Hudson Instagram post, May 20, 2022, <https://www.instagram.com/p/Cdx-ZwAlt4B/> (“less inflammation”); Ashley Hudson Instagram post, July 11, 2022, <https://www.instagram.com/p/Cf3tIA7F9ty/> (“I am an athlete looking to have a nutritional edge that’s scientifically proven to increase circulation and decrease inflammation. (I GOT YOU...)”); Juice Plus Nutrition, R & R Family Chiropractic, <https://www.rrfamilychiropractic.com/Our-Office/juice-plus> (reduces inflammation); Chloe Radesi Instagram post, March 4, 2022, <https://www.instagram.com/p/Car-xtUOMuw/> (“These plant based omegas are anti-inflammatory, great for skin, hair, immune, brain, cardiovascular, eye health and so much more”).

The FDA has made clear that claims of reducing inflammation are disease-treatment claims. *See e.g.*, June 10, 2022 FDA Warning Letter to Young Living Essential Oils Corporate, <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/young-living-essential-oils-corporate-615777-06102022>.

⁵ Kerri-Lynn Netko Facebook post, Sept. 1, 2023, <https://www.facebook.com/kerrilynn.netko/videos/761745312392689>.

⁶ Thefitnessangel Instagram post, Sept. 2, 2023, <https://www.instagram.com/p/CwsqcdkOFej/>.

⁷ April Marie Taylor Conklin Facebook reel, Sept. 6, 2023. <https://www.facebook.com/reel/2448664848645089>.

⁸ Jini Carlson Facebook post, Sept. 7, 2023, <https://www.facebook.com/photo/?fbid=10160014693961559&set=a.477103576558>.

⁹ Linda Fuller Facebook post, Sept. 9, 2023,
https://m.facebook.com/story.php?story_fbid=pfbid0DFXE6Q2zPNFpKRbosEVnNBMrPp75ST6snh61AujGyFBaLHpB63FtisPrnFUXpWznl&id=100002740059609&mibextid=qC1gEa.

¹⁰ DSSRC Case #115-2023: NGO Inquiry – The Juice Plus+ Company, LLC, May 12, 2023,
<https://bbbprograms.org/programs/all-programs/dssrc/ccd/dssrc-juice-plus>.

¹¹ Of note, in its reports, DSSRC has approved of a few Juice Plus marketing claims that TINA.org identified as deceptive. We disagree with the DSSRC’s positions on those claims and would welcome the opportunity to discuss our differing viewpoints at your convenience.