

**BBB NATIONAL PROGRAMS**

***THE DIRECT SELLING SELF-REGULATORY COUNCIL***

The Juice Plus+ Company, LLC

Case No. 127-2023

Filed 8/27/2023

**COMPLIANCE REPORT**

**I. Company Description**

The Juice Plus+ Company, LLC (“JuicePlus” or the “Company”) is a direct selling company founded in 1970 and based in Collierville, Tennessee. The Company markets fruit and vegetable juice extract supplements.

**II. Background**

The Direct Selling Self-Regulatory Council (“DSSRC”) is a national advertising self-regulation program administered by BBB National Programs. In October 2022, DSSRC commenced an inquiry that was submitted by a non-governmental organization (“NGO”) regarding several product performance and earnings claims that were disseminated by Juice Plus and its salesforce members and which were communicated on the website, blogs and on social media platforms. JuicePlus did not dispute DSSRC’s concerns regarding a majority of the claims at issue in that inquiry and conceded that many of the claims should not have been disseminated. As a demonstration of its commitment to advertising self-regulation, Juice Plus removed a majority of the posts brought to its attention.

The Company stated that it was committed to appropriate claim dissemination and that it has devoted significant resources to actively monitor and review product and earnings representations made by the Company and its salesforce members. The Company also made reference to 47 peer-reviewed scientific research papers on Juice Plus+ Essentials Fruit, Vegetable, Berry, and Omega Blend capsules that have been published in more than 30 different scientific journals, all of which were provided to DSSRC during the October 2022 inquiry.

DSSRC acknowledged the good faith efforts of JuicePlus and determined that the remedial actions were necessary and appropriate. More specifically, while DSSRC agreed that the results of the Juice Plus’ Health Start Study were encouraging and that the company should be permitted to share the results of the data in the appropriate context, DSSRC also determined that the results of this study based upon responses reported by consumers, would be considered anecdotal evidence and should not be

communicated in a way that could be interpreted by consumers as meaning that the stated results are based on reliable, reproducible clinical research.

With respect to the specific product performance claims at issue, DSSRC concluded that several of the social media posts at issue could be reasonably interpreted by consumers as communicating the message that Juice Plus alone (i.e., not in conjunction with a diet of fruits and vegetables) may confer a number of specific health benefits. Although DSSRC determined that, collectively, the research on Juice Plus provided compelling data about the potential efficacy of the Company's products to deliver valuable nutrients to the body, DSSRC had several concerns about the reliability of the studies to substantiate specific health claims implying that the stated benefits were derived exclusively from the supplementation of Juice Plus. Conversely, DSSRC concluded that claims positioning Juice Plus in the context of contributing to cardiovascular wellness, healthy DNA, immune system support, the reduction of inflammation, etc. when taken with a diet of fruits and vegetables were appropriate. Notwithstanding, 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.

DSSRC further recommended that the Company use particular caution when presenting health-related claims and general health information in long-form video posts and the Company should review the remaining video posts at issue to make sure that the videos do not imply that taking Juice Plus alone could confer all of the stated health benefits or overstate such benefits to consumers.

With respect to three blog posts, DSSRC could not recommend that Juice Plus take any specific actions to reconcile two blog posts because the location of those posts could not be identified, and it has not been confirmed that these blog posts remain publicly available to consumers. Lastly, DSSRC determined that the one blog post that could be identified (i.e., the "Lake Shore Lady" post) did not communicate any substantive claims regarding the efficacy of Juice Plus to treat health-related conditions.

### **III. Compliance Inquiry**

Several weeks following DSSRC's publication of its report on its inquiry with JuicePlus, DSSRC was contacted by the NGO that filed the original inquiry and who maintained that the Company had failed to comply with DSSRC's recommendations and provided DSSRC with a number of links which it contended communicated unsupported health and safety claims, including several posts that were part of DSSRC's October 2022 inquiry, nine blog posts and ten social media posts that were not part of the original inquiry.

In response to the compliance inquiry, JuicePlus informed DSSRC that it had removed or modified 27 links and reached out to social media platforms to request removal of three other social media posts (e.g., posts referencing Reynaud disease), including the immediate removal of all nine blog posts that could not be identified in the October 2022 inquiry. DSSRC determined that the Company actions were necessary and appropriate.

Conversely, JuicePlus did not take action on four posts which it contended were either adequately supported or did not communicate any substantive claims.

The first post disseminated on Instagram included a photograph of five women on their way to a JuicePlus conference in St. Louis. The post discusses generally how food is the cause and remedy of many disease conditions and that chronic disease can be prevented with diet and lifestyle. The post also includes the salesforce members assertion that “[JuicePlus] has changed my health, but this business changed my life!”

When evaluating express and implied messages communicated by a social media post, DSSRC will review the totality of the claim including its words, images, and context to determine the “net impression” or takeaway message conveyed to the audience. Here, it was determined that in the context of the social media post, the statement “[JuicePlus] has changed my health” was a reference to the overall health benefits of incorporating fruits and vegetables into one’s diet and how adopting a diet that is high in fruits and vegetables could positively impact an individual’s well-being.

DSSRC also concluded that, within the context of the social media post, the statement that “this business changed my life” was not positioned as an income claim but, instead could be reasonably interpreted as referring to the network of friends and relationships that have been developed through the business opportunity. DSSRC notes that there are no references to income in the post and the photograph of the five women and the accompanying language (“... we also get to learn from some the most successful entrepreneurs so that I can better serve my team, customers and community... I get to spend time with my amazing team all over the world 🌍 who I only get to hug in person at these events. These people are so special to me! It’s a family business and a ministry for me”) contributes to the message that the transformation in the salesforce member’s life is attributable to the friends and relationships that the salesforce member has developed through the business opportunity.

Similarly, the second post (disseminated by the same salesforce member responsible for the post discussed above) also discusses the benefits of better nutrition and a healthy lifestyle. However, the post does include several substantive claims. While DSSRC was not troubled by the claim of JuicePlus customers having more energy, it was also determined that statements indicating that customers have “better mood,” “better sleep” -and “glowing skin” were substantive claims that required substantiation. JuicePlus provided a 2021 study to DSSRC published in the Sleep Health Journal<sup>1</sup> which concluded that increasing consumption of fruits and vegetables improved insomnia-related symptoms in young adults. More specifically, the 3-month study, conducted on 1,165 subjects indicated that women who increased their fruit and vegetable intake by 3 or more servings showed statistically significant improvements in insomnia symptoms, sleep quality and time to fall asleep. The study

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1 Jansen EC, She R, Rukstalis M, Alexander GL. Changes in fruit and vegetable consumption in relation to changes in sleep characteristics over a 3-month period among young adults. Sleep Health. 2021 Jun;7(3):345-352. doi: 10.1016/j.sleh.2021.02.005. Epub 2021 Apr 8. PMID: 33840631; PMCID: PMC8205968.

was consistent with previous research showing that fruit and vegetable intake is associated with longer sleep duration and higher sleep quality.

DSSRC was not troubled by the “glowing skin” reference in the post at issue. In the 2022 inquiry, Juice Plus+ provided two studies to DSSRC regarding skin health benefits associated with the consumption of fruits and vegetables. In one study microcirculation of skin increased by 39% in the test group. Further, skin hydration increased by 9%, while skin thickness increased by 6% and skin density by 16%. The second study also demonstrated that supplementation with Juice Plus, in conjunction with moderate exercise, improved the markers of microcirculation in the test subjects compared to baseline. According to the research provided by Juice Plus, microcirculation nourishes cells with oxygen and prevents toxins from exiting through the skin resulting in issues such as inflammation, acne, dryness and fine lines. Optimal microcirculation contributes to a revitalized appearance as it promotes robust blood circulation and effective purification.

Notwithstanding, DSSRC recommends that Company salesforce members refrain from communicating more specific skin-related claims such as those conveyed in a particular social media post that was identified in this compliance inquiry including assertions of “less break-outs – if none at all”, dark circles under the eyes are at least 50%” and “Acne scarring/sunspots are hardly visible anymore.”

JuicePlus indicated to DSSRC that it was continuing its efforts to monitor and make remedial changes to social media posts to convey a more accurate message and to assure that any claims made by salesforce members are consistent with its research. For example, the Company agreed to address claims made by salesforce members that JuicePlus is “amazing for eye health” and 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.

DSSRC also concluded that several of the JuicePlus social media posts that the NGO provided in this compliance inquiry were not objectionable such as posts that merely display images of product labels and those referencing the product’s intended purpose – e.g., “Juice Plus+ is a whole food-based nutrition, including juice powder concentrates from 25 different fruits and vegetables and grains. Juice Plus+ helps bridge the gap between what you should eat and what you do eat every day. Not a multivitamin, medicine, treatment or cure for any disease, Juice Plus+ is made from quality ingredients carefully monitored from farm to capsule to provide nutrients your body needs to be at its best.”

DSSRC remained concerned with several other claims at issue in the compliance inquiry. More specifically, 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. As the Federal Trade Commission notes in its Health Products Compliance Guidance, as a general matter, substantiation of health-

related benefits will need to be in the form of randomized, controlled human clinical testing to meet the competent and reliable scientific standard.

JuicePlus did produce a study that observed the preventive effect of its product on common cold symptoms that predicated on the subjects self-assessing the number of days they suffered with moderate or severe common cold symptoms. While the results did show that JuicePlus was associated with a 20 % reduction of moderate or severe common cold symptom days in healthcare professionals particularly exposed to patient contact, DSSRC was not persuaded that one study employing a self-reporting methodology was sufficient to meet the competent and reliable scientific standard. Similarly, 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.”

Regarding other claims pertaining to the benefits of JuicePlus on the immune system, DSSRC reaffirmed its conclusions articulated in the 2022 inquiry that although the Company’s testing did not support a conclusion that taking a recommended dose of Juice Plus alone will boost or help the immune system, the Company’s research did provide support for the general observation that taking Juice Plus in conjunction with a plant-enriched diet would be beneficial to immune system health. For example, one new post at issue in the compliance inquiry included a reference to the salesforce member’s premature son who has since become an athlete. The accompanying language in the post states that she “got started on JuicePlus fourteen years ago” and “I never dreamed that flooding our body with fruits and veggies, with one simple change would make a difference... that “little boy” is now 6’3 nearly 200 pounds.” DSSRC did not object to this assertion regarding how fruit and vegetables can contribute to an individual’s health and development.

In another four-minute video posted on Facebook, a man describes his personal experience of seeing health changes when he added JuicePlus to his diet and how he was able to reduce medication with additional lifestyle changes. Although DSSRC acknowledged that the man’s assertion of seeing “radical” health improvements may have been excessively assertive and that any references to reducing medication must be carefully scrutinized, it was concluded that the post did not warrant discontinuance. More specifically, DSSRC considered the full, net impression of the video and determined that, in the context in which the statement was made, the man consistently reinforces that his health transformation was not exclusively attributable to JuicePlus; rather, that his use of the product complimented the other lifestyle changes he implemented.

In another similar Instagram video, a self-described nutrition coach is featured on a paddleboard taking JuicePlus and the accompanying text describes how adding JuicePlus to his diet changed his life. He then elaborates on the various reasons why people consider nutritional counseling such as weight management, muscle development, diabetes regulation, blood pressure maintenance, digestion improvement and more. He

also highlights his role in helping individuals incorporate nutrient-rich food like fruits and vegetables and whole grains, while emphasizing the importance of embracing a colorful diet (“Eat the rainbow”). The salesforce members goes on to state that that when he falls short of consuming the recommended amount of fruits and vegetables, JuicePlus fills the nutritional gap prompting the question: “Imagine what you would feel like if your body got what it needed to run optimally all the time? More energy, More mental clarity, Less afternoon slumps, Regular bowel movements, Less joint and body aches.” DSSRC similarly determined that the social media post spoke to the general benefits of incorporating fruits and vegetables into an individual’s diet and how JuicePlus can contribute to this lifestyle. DSSRC concluded that the posts did not necessitate any additional action from the Company.

DSSRC does caution the Company about social media posts that reference the cognitive benefits of JuicePlus. For example, one Instagram post provided by the NGO included the claim that customers were reporting having “a better mood.” In response, the Company correctly informed DSSRC that the post does not reference or depict JuicePlus (nor does the salesforce member’s Instagram feed include any recent mention of JuicePlus). Nevertheless, as several other Instagram posts from this salesforce member were at issue in the 2022 inquiry and because the language in the post referred to the salesforce member’s “customers” it was readily apparent to DSSRC that the “better mood” claim pertained to JuicePlus. DSSRC determined that a “better mood” assertion was a substantive claim that implied an improvement in mental or emotional well being and, as such, necessitated evidentiary support. In the absence of such substantiation, DSSRC recommends the removal of this statement.

Finally, DSSRC addressed a twenty-three minute video shown on JPTV entitled “Vitality With One Simple Change.” The majority of the video emphasizes the significance of good health and the simple lifestyle changes that can help prevent cardiovascular disease, including the consumption of fruits and vegetables in one’s diet. JuicePlus is not referenced until approximately three quarters of the video has transpired and when JuicePlus is discussed, it is presented in the context of peer-reviewed research that has been conducted on the product and highlights how JuicePlus can serve as a supplementary source of fruits and vegetables. The overall message as it pertains to JuicePlus is summarized by one slide in the presentation which states that “JuicePlus helps feed your body with plant based nutrition and a body well fed is going to function better.” Accordingly, DSSRC determined that consumers would not interpret any inaccurate claims in the video regarding JuicePlus.

#### **IV. Conclusion**

DSSRC recognized and appreciated the good faith actions taken by JuicePlus in the spirit of voluntary self-regulation and the appropriate and prompt steps resulting in the removal of all of the blogs or removal or modification of almost all of the posts that were brought to its attention. As such, DSSRC determined that the Company made a genuine, bona-fide attempt to adhere to DSSRC’s recommendations in the October 2022 inquiry. Notwithstanding, DSSRC also recommended that the Company takes several further

steps to assure that any substantive claims are properly supported and communicated truthfully and accurately.

(Case No. 127-2023, closed on 08/27/23)

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