

BBB NATIONAL PROGRAMS, INC.
The Direct Selling Self-Regulatory Council

Case #: 34-2021 – Monitoring Inquiry – via ONEHOPE Wine

COMPANY DESCRIPTION

Founded in 2007, Via ONEHOPE (“ONEHOPE” or the “Company”) is a California-based direct selling company that sells wine, coffee, and other comfort beverages.

BASIS OF INQUIRY

The Direct Selling Self-Regulatory Council (“DSSRC”) is a national advertising self-regulation program administered by BBB National Programs, Inc. This inquiry was commenced by DSSRC pursuant to its ongoing independent monitoring of advertising and marketing claims in the direct selling industry.

The representative earnings claims that formed the basis of this inquiry were disseminated on the Company’s website and by Company salesforce members on various social media platforms. Those claims are set forth below:

- “Need some extra income during COVID? This business has been such a blessing to me and my family. I would love to share my success with you.”
- “In 2016, I was able to leave my full-time job and focus on ONEHOPE. I replaced my full-time income in that very first month and was making double my income by the end of the year!”
- “Your income potential is as high as you want to be. Here are some of the ways you can earn an income as a ONEHOPE Cause Entrepreneur:
 - Earn unlimited cash bonuses for personal sponsoring when you enroll customers in the Grateful Club and as Cause Entrepreneurs.
 - Earn unlimited income and infinitely deep bonuses ranging between 1-5% of your teams’ sales when you coach, mentor and develop others through team building.”
- “Whether you’re looking to start a side hustle or turn your wine business into a full time career or make this something more, ONEHOPE will help you achieve your goals.”
- “My why for joining OneHope is this for my family and having financial freedom. I love this company because not only do I learn about wine but I make a difference in my community the people who lost their jobs because of COVID,

parents who still need to support their loved ones, the flexibility to be able to still work from your home using a computer or your phone can do this!”

OneHope
May 1, 2020 · 🌐

My why for joining OneHope is this for my family and having financial freedom. I love this company because not only do I learn about wine but I make a difference in my community the people who lost their jobs because of COVID, parents who still need to support their loved ones, the flexibility to be able to still work from you home using a computer or your phone can do this! So if you want to join my team and make a difference please click into my website and see what specials we're doing for May. Don't let anybody tell you you can't succeed!
www.onehopewine.com/myshop/lourdes_turpin #determinedtosucceed

Delivering Hope to Your Home

As a company that was built on hope and rooted in purpose, it is our mission and responsibility to safely deliver wine to your home, and always give back to those in need. In addition to the current nonprofits that each bottle supports, we have created more opportunities for our community to fundraise for [frontline workers](#) and [mothers in hospitality](#) during these uncertain times.

Host a Virtual Tasting

Invite friends and family to an online wine tasting and raise money for a cause you care about.

Make a difference

COMPANY'S POSITION

The Company explained that ONEHOPE wine is distributed nationally through wholesale, e-commerce and direct sales. The company has an affiliate program (i.e., Cause Entrepreneurs) where individuals market the ONEHOPE brand through at-home events and ship orders directly to the customers. ONEHOPE Cause Entrepreneurs raise money for causes that their wine tasting event hosts care deeply about and for which they would like to fundraise. Through the sale of every bottle, ONEHOPE has donated over five million dollars to causes around the world.¹

¹ For example, ONEHOPE informed DSSRC that it has built a school in Guatemala, funded 19,000+ days of clinical trials for breast cancer research, planted a forest in Indonesia, provided 3

ONEHOPE also has a newly launched preferred customer program called The Grateful Club where customers can donate 10 percent of their purchase amount annually to a nonprofit of their choice.

With respect to the claims and social media posts at issue in this inquiry, the Company was able to remove the post stating “Need some extra income during COVID? This business has been such a blessing to me and my family. I would love to share my success with you.” The Company also removed the testimonial on its website stating that “In 2016, I was able to leave my full-time job and focus on ONEHOPE. I replaced my full-time income in that very first month and was making double my income by the end of the year!”

In addition, the Company made further modifications to the income representations on the ONEHOPE website. More specifically, the Company eliminated the sentence “Your income potential is as high as you want it to be” and also eliminated any references to “unlimited” cash bonuses.

Finally, ONEHOPE changed the claim stating “Whether you’re looking to start a side hustle or turn your wine business into a full-time career or make this something more, ONEHOPE will help you achieve your goals” by removing the words “full time career” from the representation.

ANALYSIS AND RECOMMENDATION

DSSRC expressed its appreciation to ONEHOPE for its participation in the self-regulatory process and the Company’s good faith efforts to address several of DSSRC’s concerns.

Last year, the Federal Trade Commission (FTC) announced that it had sent a number of warning letters to direct selling companies after it identified claims being disseminated by salesforce members regarding their products’ ability to treat or prevent COVID-19 or about the earnings people who have recently lost income can make during the pandemic.

DSSRC expressed its concern to the Company regarding statements suggesting that people who may have lost their jobs due to the COVID-19 epidemic can earn significant income and/or even replace their lost income through the ONEHOPE business opportunity.

Accordingly, with respect to claims stating “Need some extra income during COVID? This business has been such a blessing to me and my family. I would love to share my success with you” and “In 2016, I was able to leave my full-time job and focus

million+ meals for children in need, found 80,000+ pets a forever home, and delivered 190,000+ vaccines to end tropical diseases.

on ONEHOPE. I replaced my full-time income in that very first month and was making double my income by the end of the year!” DSSRC determined that ONEHOPE’s removal of these representations were necessary and appropriate.

However, DSSRC remained concerned that the Company did not adequately address the remaining social media post which stated “My why for joining OneHope is this for my family and having financial freedom.... Need some extra income during COVID? This business has been such a blessing to me and my family. I would love to share my success with you.” DSSRC found that the reference to “financial freedom” contributed to the overall net impression of the post that potential sales force members can earn significant income during the pandemic by engaging in direct selling of the Company’s products.

As DSSRC notes in its Guidance on Earning Claims for the Direct Selling Industry, while DSSRC will evaluate any claim based upon the context in which the claim appears and the potential net impression of such claim to the audience, 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.”²

The Company did not indicate to DSSRC whether the individual responsible for the remaining post is an active ONEHOPE salesforce member. If the individual who disseminated the post is an active salesforce member, DSSRC recommends that the Company contact the individual and request that the post be removed pursuant to the Company’s compliance policies and procedures and take the appropriate enforcement measures if the salesforce member refuses to remove the post. If the remaining post was made by a salesforce member that later became inactive, DSSRC recommends that, promptly upon learning of such a claim, a direct selling company should make a bona fide good faith effort to contact the former salesforce member to request that the improper claim be removed. DSSRC also recommends that the Company take additional steps to remove such claims from the marketplace including utilizing the mechanism that websites and social media platforms may have for removal of trademark or copyright violations. If the subject claim by a former salesforce member occurs on a website or platform without a reporting mechanism, DSSRC recommends that the Company should also contact the website or platform in writing and request removal of the subject claim or post.³

Although DSSRC requested that ONEHOPE provide DSSRC with a written response regarding the status of the sales force member and the steps it has taken to contact the salesforce member and address its concerns, the Company did not provide such information.

² See section 6 of The Direct Selling Self Regulatory Council’s Guidance on Earnings Claims for the Direct Selling Industry: <https://tinyurl.com/y7vsj7oc>.

³ See DSSRC Case #13-2020, Young Living Essential Oils, LLC

Accordingly, DSSRC recommends that ONEHOPE immediately take any and all necessary steps to have the post removed or significantly modified to remove language indicating that Company salesforce members can earn “extra income during COVID” and achieve “financial freedom” through the ONEHOPE business opportunity.

Regarding the claims that appeared on the Company website, DSSRC was appreciative of the efforts made by the Company to modify its claims by removing the statement that “Your income potential is as high as you want it to be” and eliminating references to “unlimited” cash bonuses. However, although the Company modified its original claim which suggested that potential salesforce members could “turn your wine business into a full time career,” DSSRC determined that the revised claim which now states “Whether you’re looking to start a side hustle or make this something more” could still be reasonably interpreted in its unqualified context as implying that salesforce members could earn more than simply modest income from the business opportunity (i.e., “make something more.”). However, the Company did not produce any data indicating that ONEHOPE salesforce members will typically earn any income beyond what would be considered modest or supplementary income.

As such, DSSRC recommends that the Company further modify its claim by either removing the implication that salesforce members can earn more than supplemental income or include a disclosure of the amount of income that could be generally expected by salesforce members from the ONEHOPE business opportunity.

CONCLUSION

DSSRC appreciated ONEHOPE’s participation in the self-regulatory forum and its removal of the social media post stating “Need some extra income during COVID? This business has been such a blessing to me and my family. I would love to share my success with you,” as well as the testimonial on the Company website which stated “In 2016, I was able to leave my full-time job and focus on ONEHOPE. I replaced my full-time income in that very first month and was making double my income by the end of the year!” DSSRC determined that the actions taken by ONEHOPE to remove these statements were necessary and appropriate.

The Company also modified references on its website to remove the representation that “Your income potential is as high as you want to be” and eliminated any references to “unlimited” cash bonuses.

DSSRC remained concerned that the Company failed to address the second social media post at issue which referenced the COVID-19 pandemic and the ability of the individual responsible for the post to achieve financial freedom. DSSRC recommended that the ONEHOPE immediately take any and all necessary steps to have the post removed or significantly modified to remove language indicating that Company salesforce members needing “extra income during COVID” can achieve “financial freedom” through the ONEHOPE business opportunity.

Lastly, although the Company modified a claim on the Company website which suggested that potential sales force members could “turn your wine business into a full time career,” DSSRC recommend that the Company further modify its claim by either removing the implication that salesforce members can earn more than supplemental income or including a disclosure of the amount of income that could be generally expected by salesforce members from the ONEHOPE business opportunity.

COMPANY STATEMENT

“ONEHOPE is a direct-to-consumer company that sells wine. That’s what we do. But who we are is a company built on hope and rooted in purpose. To date, we’ve donated \$5 million+ to causes around the world. ONEHOPE has built a school in Guatemala, funded 19,000+ days of clinical trials for breast cancer research, planted a forest in Indonesia, provided 3 million+ meals for children in need, found 80,000+ pets a forever home, and delivered 190,000+ vaccines to end tropical diseases - and these are just to name a few of its purpose-driven actions taken to make a positive impact in the world. In every aspect of our business, ONEHOPE is committed to doing good in the world through the highest and best practices.

We value the DSSRC reaching out to us in October of 2020 to inquire about the handful of social media and website posts it flagged as noteworthy for discussion. We appreciate the DSSRC’s willingness to connect in the middle of the COVID-19 pandemic to have a dialogue about ways in which we could better monitor our marketing language, assisting us to adhere to our strict policy of implementing best practices, including related to compliance.

After our discussion, ONEHOPE agreed to review each of the particular instances of concern and take appropriate action as needed. We also reassured the DSSRC that we had reviewed its latest published guidance in “Guidance on Earnings Claims: General Principles for the Direct Selling Industry” as part of our ongoing updates to our training process for our growing community members of independent contractors.

We appreciate the DSSRC recognizing that we addressed nearly all of the matters brought up in discussion. In its Monitoring Inquiry Report, the DSSRC singled out the one remaining instance of the social media post *“My why for joining OneHope is this for my family and having financial freedom.... Need some extra income during COVID? This business has been such a blessing to me and my family. I would love to share my success with you.”*

ONEHOPE made several attempts to reach out to the independent contractor who made the post, including as late as mid-January 2021. However, this particular independent contractor is not very active and has been relatively inactive for quite some time; accordingly, she did not respond. While we concede we inadvertently forgot to respond to the DSSRC on this remaining point, we can confirm that we did indeed reach out to this particular member more than once. When ONEHOPE discovers or is informed of any earnings claims that may be out of compliance, we have always and will continue to address them.

The DSSRC also noted its concern that ONEHOPE did not further modify its claim on its website. To quote the DSSRC, *“Whether you’re looking to start a side hustle or make this something more” could still be reasonably interpreted in its unqualified context as implying that salesforce members could earn more than simply modest income from the business opportunity (i.e., “make something more.”)*.” However, ONEHOPE respectfully disagrees with this assessment.

ONEHOPE’s brand value lies in its ability for both the Company and its community of independent contractors to create purposeful impact in the world. Our “make this more” is not about income but about building purpose and impact and supporting a company that supports social causes. As the DSSRC acknowledges, “ONEHOPE also has a newly launched preferred customer program called The Grateful Club where customers can donate 10 percent of their purchase amount annually to a nonprofit of their choice.” We very much stand behind our “more” being more than what our community can earn but also what they can give back.

That said, in the spirit of voluntary self-regulation, ONEHOPE has agreed to do an internal review to see how we can amend “make this more” to further clarify our community’s alignment with giving back and creating a social impact.

ONEHOPE also notes that its independent contractor community numbers over 8,000 people nationally who run their own businesses. Applying the standards of the DSSRC’s written Guidance, ONEHOPE has reasonable policies and procedures aimed to foster compliance with its legal duties and obligations. Further, ONEHOPE makes good faith efforts to cause removal of concerning materials posted by its community when we are aware of them. This reasonable effort is also a standard supported under applicable law.

ONEHOPE once again confirms its appreciation of the DSSRC’s mission and ONEHOPE will continue its commitment to adhere to best practices and train and educate its community of independent contractors to do the same.”

(#34-2021 PCM, closed 3/8/21)

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