



February 20, 2024

VIA EMAIL & U.S. MAIL

Truth in Advertising, Inc.
ATTN: Laura Smith, Esq.
Legal Director
P.O. Box 927
Madison, CT 06443

Re: Correspondence re: “Deceptive Income Claims Used to Market the USANA Health Sciences, Inc. Business Opportunity”

Dear Ms. Smith:

This letter is in response to Truth in Advertising, Inc.’s (“TINA”) letter dated February 14, 2024, with the above-captioned title. As we have indicated in prior correspondence to TINA, USANA Health Sciences, Inc. (“USANA”) takes TINA’s concerns seriously and is committed to ensuring that its products and business opportunity are marketed and promoted ethically and in compliance with applicable laws and regulations.

Below we have addressed the concerns raised in your letter.

a. USANA has eliminated identified improper income claims.

Upon receiving your correspondence, USANA reviewed the content TINA compiled and acted quickly to eliminate claims that violate USANA’s Terms and Policies (the “Policies”) and applicable regulatory guidance.¹ Where appropriate, USANA demanded that the Associates responsible for this content remove it immediately, and all promptly complied. USANA is also taking steps to ensure that these Associates follow the Policies and do not make improper claims in the future, including through training and disciplinary action where necessary.

TINA identified two documents that USANA ceased producing and promoting, and allowing USANA Associates to promote, around a decade ago. However, when USANA removed the link to the documents (years ago), the documents themselves inadvertently remained on our servers and were accessible through an internet search engine. These documents have now been

¹ USANA respectfully disagrees that there is anything improper in the following two samples identified in your letter but is happy to receive any additional information about TINA’s concerns.

(1) https://truthinadvertising.org/wp-content/uploads/2023/12/Usana_YT_1_12_23.png; and
(2) https://truthinadvertising.org/wp-content/uploads/2023/12/Usana_RyeC_TT_9_15_23.mp4.

removed from our servers and USANA has requested that Google re-index the URL to eliminate the searchability of the documents.

TINA also cited the “Sell USANA” tab on our Singapore market landing page.² USANA believes this content accurately reflects its business opportunity and is compliant with applicable Singapore law. Please note also that the Singapore website is not designed to target consumers in the U.S. However, because this content was discoverable by TINA (and could be discoverable by consumers in the U.S.), USANA is in the process of modifying this content to meet USANA Policies in the U.S. and applicable guidance.

b. USANA has a robust compliance department monitoring its Associates’ claims.

As we have communicated to TINA previously:

- USANA forbids Associates from engaging in “deceptive advertising” and from making “deceptive income claims.”
- USANA actively educates its field on prohibited income and lifestyle claims. All new United States Associates are required to take an Ethics in Action course, which contains training regarding USANA’s Policies and best practices to ensure compliance with them. After becoming an Associate, USANA provides access to an extensive database of approved marketing materials related to its products and the business opportunity. For Associates who wish to author their own materials, USANA provides guidance on how to create compliant marketing materials.
- USANA has a robust ethics and compliance department that is dedicated to ensuring its Associates are not engaging in prohibited conduct. The team is comprised of over fifty individuals that specialize in misleading-claim education, identification, and remediation.
- USANA continues to maintain a Facebook page dedicated to Associate compliance. See <https://www.facebook.com/USANAethics>. USANA distributes a wide variety of ethics and compliance content to its Associates via this page.
- USANA also continues to utilize independent, third-party platforms and personnel to assist in policing USANA Associates’ online presence. Considering the information provided by TINA, USANA will work with its third-party monitoring services to expand its search protocols to better identify improper claim content such as that identified by TINA.

c. USANA remains dedicated to ensuring that it is not engaging in misleading advertising.

USANA remains dedicated to ensuring that it does not engage in misleading advertising regarding its products and business opportunity and will continue to dedicate significant resources in this area. USANA will also continue to take considerable measures to ensure its Associates remain compliant with applicable laws and regulations when representing USANA’s products and business opportunity and will continue to take prompt and decisive action when its Associates

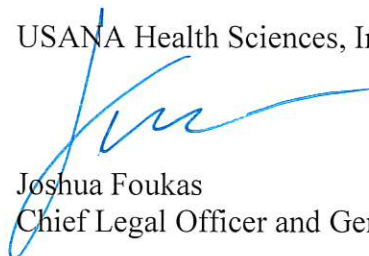
² https://truthinadvertising.org/wp-content/uploads/2023/12/Usana_Website_Opportunity.png.

engage in improper marketing. Given this, USANA requests that TINA publish this letter alongside TINA's original letter to provide a fair and accurate portrayal of USANA's dedication to compliance, ethics, and the prevention of misleading income, lifestyle, and product claims.

Should you have any questions regarding the information in this letter, you are welcome to contact me.

Sincerely,

USANA Health Sciences, Inc.



Joshua Foukas
Chief Legal Officer and General Counsel