

# NHA/WASHINGTON

update\*

## Truth in Advertising

*New federal regulations severely restrict the use of testimonials.*

In December the Federal Trade Commission implemented new guidelines for the use of endorsements and testimonials in advertising. While regulations against outrageous advertising claims are welcome, the new regulations paint in broad strokes that obliterate truthful testimonials as well. The regulations apply to industries across the board, but for the nutritional supplement industry they could be especially devastating—because many nutritional supplements' benefits are best expressed in terms of how they make people feel.

Consider a supplement advertisement that includes a consumer testimonial. In the past, companies were required to include a disclaimer expressing that the results of that testimonial were not typical. Under the new regulations, advertisers must not only indicate that a testimonial is not typical, but must further explain what results consumers may typically expect when taking that supplement.

### Unreasonable Burdens

One problem with this requirement is that there may not be any "typical" expectation when it comes to nutritional supplements and the infinite variables of the human body. Another problem is that in order to make a claim of "generally expected results," supplement companies would have to launch massive research studies and data analysis projects to substantiate their representation of what those results are. Such requirements would be an immense financial burden—far

too great a burden for most dietary supplement companies to handle.

This echoes the earlier non-causal Adverse Event Reporting legislation, which needlessly drained supplement manufacturers' resources and finances by imposing unreasonable reporting requirements. On the surface, the new



FTC regulations still allow for the use of testimonials and advertisements—but in reality, the cost is far too prohibitive. It is practically the same as outright banning the use of testimonials in supplement advertisements.

The other problem is that these regulations appear to be constructed around the assumption that all consumer testimonials about nutritional supplements are false. This "guilty until proven innocent" model punishes the honest, straightforward consumer testimonials right alongside those that are exaggerated or outrageous. Ultimately, this may hurt the American public most of all—by denying them the chance to hear unadulterated, powerful consumer testimonials about nutrition

that may inspire them to take better care of their health.

### Health Freedom of Speech

An integral part of health freedom is being able to express how supplements make us feel. The FTC's new regulations may block manufacturers from sharing true success stories about their products, but the FTC can never block the freedom of speech guaranteed by our Constitution.

That's why we are asking you, in light of these recent developments, to actively share with friends and family how nutritional supplements have helped your well-being. Perhaps glucosamine and chondroitin have helped your mobility, a multivitamin has helped your energy or omega-3 fatty acids have helped your cardiovascular well-being. It is now up to the people to actively testify on behalf of nutritional supplements like these, because the natural products industry now faces significant obstacles in sharing such success stories.

As strict regulations bear down on the nutritional supplement industry, there has never been a better time for consumers to unite in the name of improved well-being. For the sake of health freedom, we must always be active and outspoken in our support of safe, natural nutrition. Attacks against health freedom are increasingly surreptitious, so we also must remain vigilant and aware that our supplements could be taken away at a moment's notice. To learn more, visit [www.nha2009.com](http://www.nha2009.com) to join the Nutritional Health Alliance—and use its resources to communicate your support of health freedom to your elected officials. ♦

\*This editorial is a public service announcement sponsored by the Nutritional Health Alliance (NHA).