



Federal Trade Commission  
BCP Business Center

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# Weighing the Evidence: Substantiating Claims for Weight Loss Products

*By Lesley Fair*

Like the Fountain of Youth or the pot of gold at the end of the rainbow, easy weight loss is the stuff of dreams – and a figment of the imagination. In the past decade, the Federal Trade Commission (FTC) has taken action against more than 100 companies and corporate officers who have made deceptive diet claims, many via direct marketing. Recently the FTC announced settlements against the sellers of four of America’s most popular weight loss products – Xenadrine EFX, CortiSlim, TrimSpa, and One-A-Day WeightSmart. The upshot? A total of more than \$25 million in financial remedies and tough injunctive provisions to protect consumers in the future.

Here are some tips for separating facts from fairy tales when marketing weight loss products.

- **Proof positive.** The law is clear: Weight loss claims must be supported by competent and reliable scientific evidence. Magazine articles, marketing materials from wholesalers, and testimonials from satisfied customers won’t do the trick.
- **Reliance on science.** It’s not enough that somebody in a lab coat claims to have tested a diet product. The clinical research must meet the rigorous standards for accuracy generally accepted by experts in the field.
- **Beware of the bandwagon.** Like the fashion trade, the diet industry is subject to fads and fancies. But press reports touting the latest “miracle” cure can’t take the place of scientific proof. Resist the temptation to market a product containing the ingredient du jour until you can back up your claims with solid evidence.
- **The second time around?** One product – One-A-Day’s WeightSmart – was marketed by a company that had been the subject of an earlier FTC action alleging deceptive advertising. Companies that have been around the law enforcement block once with the FTC can expect careful monitoring and tough sanctions for repeat violations.
- **Red flag it!** The FTC has listed seven “red flag” weight loss claims that are almost always deceptive. Think twice before participating in the promotion of any product that says it can cause weight loss without diet or exercise, cause weight loss no matter how much someone eats, cause permanent weight loss; cause the easy loss of lots of weight just by blocking the absorption of calories; work for everyone, cause weight loss by rubbing a product on the skin or wearing something, cause safe weight loss of more than a few pounds a week.

For more information on substantiating claims for weight loss and other health-related products, read [Dietary Supplements: An Advertising Guide for Industry](#). Also, check out [Red Flag Bogus Weight Loss Claims: A Reference Guide for Media on Bogus Weight Loss Claim Detection](#).

*Lesley Fair is an attorney in the FTC's Bureau of Consumer Protection who specializes in business compliance.*