FTC’S ROLE

- Consumer Protection Mission
- Section 5 of the FTC Act prohibits deceptive and unfair acts and practices in commerce
- Claims made in advertising must be truthful, not misleading and substantiated
- Focus of FTC in PEP area has been on unproven safety claims in advertising. Law also requires that efficacy claims are truthful and substantiated
ENFORCEMENT ACTIONS

- FTC priority with sports products has been explicit safety claims for supplements that present serious health risks.
- Recent actions have involved explicit safety claims for androgen products (AST and Met-Rex (consents)).
- Some of the products also contained ephedra and caffeine.
- FTC challenged safety/no side effects claims. Required strong warning statements about risks of steroid hormones, and about ephedra in labeling and advertising.
Basic Principles of FTC Ad Law

- All claims made by an ad – express and implied – must be truthful, non misleading and substantiated.
Basic Principles of FTC Ad Law

- Substantiation means **competent and reliable scientific evidence**
  - Starting point is always well controlled human clinical studies
  - Look to what experts in relevant field consider adequate
  - Studies must relate to the product
  - Claims must reflect strength of the science ("may" is not an adequate qualifier)
  - Consumer anecdotes never a substitute for science
Basic Principles of FTC Ad Law

- Include any material information that qualifies a claim
  - Significant side effects/safety risks
  - Emerging Science
  - Limits on Efficacy/Conditions of Use
Basic Principles of FTC Ad Law

- Disclosures must be clear and prominent
- Use direct and unambiguous language
- Do not hide disclosures in fine print
- Place disclosures close to claims being qualified
Laura M. Sullivan

Federal Trade Commission
Division of Advertising Practices
202/326-3327
LSullivan@FTC.GOV