

BBB NATIONAL PROGRAMS

THE DIRECT SELLING SELF-REGULATORY COUNCIL

Lifebrook, LLC

Case No. 49-2021

Filed 10/08/2021

MONITORING INQUIRY

I. Company Description

Lifebrook LLC (Lifebrook or the Company) is a multilevel marketing company headquartered in Vermillion, South Dakota that sells juices, supplements, and other products containing Aronia.

II. Basis of Inquiry

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

This inquiry concerns representative earnings claims and product claims disseminated by Lifebrook and its salesforce members that were disseminated on social media and on the Company website. Those claims are set forth below:

A. Earnings Claims

- “Imagine how that can multiply to give you residual monthly income” (accompanied by a large stack of one hundred dollar bills).
- “Build your health while you build your wealth”
- “Now is the best time to start your journey to ... financial health.”
- “Earn long-term residual income from a growing customer base”
- “How much can you earn? It’s entirely up to you.”
 - “The sky is the limit. Join now as an independent advocate
 - “Decide just how far—and how fast—you want to grow”

DSSRC informed the Company of its concern that such earnings claims may convey a message regarding the amount of income that can be typically earned through the Lifebrook business opportunity.

B. Product Claims

The representative product claims that formed the basis of this inquiry are set forth below:

- “PURONIA, an aronia juice, may be the kryptonite that could weaken the diabetic growth and begin to save lives”
- “Impact Your Health With Aronia *The Healing Berry*”
 - Weight Loss
 - Menopause
 - Fibroid/Cysts
 - Prostate Health
 - Erectile Dysfunction
 - Sex Drive
 - High Blood Pressure
 - Diabetes
 - Cataract
 - Improve Your Eye Health
 - Breast health
 - Arthritis Pain Relief
 - Energy Booster - And Much More

Lovenia Munroe
5 February · 🌐

HMU for your bottle today, don't get left out. To order your own, click on the link below.
<https://lifebrook.com/vina40>

Join us for an information presentation and sign up
Tuesday, Feb. 2nd @5:30pm
Old Dr. Darville Office, Downtown Freeport

IMPACT YOUR HEALTH
with **ARONIA** *The Healing Berry*

WORKS GREAT FOR

- Weight Loss
- Menopause
- Fibroids/Cysts
- Prostate Health
- Erectile Dysfunction
- Sex Drive
- Cataract
- Improve Eye Health
- Breast Health
- Arthritis Pain Relief
- Energy Booster
- And Much More

- Aronia Berry is effective for:
 - Blood Pressure
 - Immune System
 - Cardiovascular
 - Help Aid with Cancer
 - Diabetes
 - And so much more

SICKNESS & Disease

- *Blood Pressure
- *Immune System
- *Cardiovascular
- *Help Aid With Cancer
- *Diabetes
- *And So Much More....

Contact information
WhatsApp only

- “Aronia Berry is clinically proven to help with heart disease, high blood pressure; diabetes; arthritis; weight loss; eye health, kidney problems; circulation and high cholesterol – The Healing Process”
- “I almost lost my life due to diabetes. It put me in the hospital in August with a bad toe infection and then in October, I had a mild stroke. I was at my end, is what I through. As I layed at home recovering I remembered a product called Aronia Berry I was using about 1 1/2 years ago to help me maintain my blood sugar, high blood pressure and

my diet. It was working great. But as time past along, I got a little cocky and started skippy doses because everything was looking normal. That was my biggest mistake and the one I regret to this day, the one that help put me in the hospital in 2020. I have started back on this wonderful berry and after just a short time, it has given me back my life again.”

During the pendency of the inquiry, DSSRC identified several additional social media posts that communicated the efficacy of the Company’s product to treat several serious health conditions.¹

III. Company’s Position

The Company did not dispute the inaccuracy of the claims DSSRC brought to its attention.

Lifebrook was responsive to DSSRC’s inquiry and took immediate steps to address the concerns originally brought to its attention. Noting that the Company makes clear to its field of distributors that unsupported health claims cannot be made in any form of advertising, the Company informed DSSRC that it disabled posts stating that Aronia Berry is effective for helping blood pressure, the immune system, various cardiovascular functions and with cancer. In addition, Lifebrook was able to remove the post stating that “Aronia Berry is clinically proven to help with heart disease, high blood pressure; diabetes; arthritis; weight loss; eye health, kidney problems; circulation and high cholesterol – The Healing Process.”

Lifebrook also removed the claim from its website stating that that “PURONIA, an aronia juice, may be the kryptonite that could weaken the diabetic growth and begin to save lives.”

¹ <https://www.facebook.com/restorativewellnesstt/posts/137442961064473> (“Take care of you! Health is wealth. Try this new supplement with benefits of lowering blood sugars, blood pressure and help with joint pain and many more.”); <https://www.facebook.com/lovenia.munroe.9/posts/440250190526060> (“These juice helps Eliminate sickness and desease” [sic]); <https://www.facebook.com/SerenaWilliams/posts/257653492385547> (“Lifebrook aronia berry juice good for covid voracious and all types of sickness please read about lifebrook aronia berry juice on Google for your self”); <https://www.youtube.com/watch?v=MExJeDxRUNI> (“I shared it with that person that was having pain in their wrist and they told me that night that they did not have that pain.”)

With respect to the earnings claims at issue that originated from Facebook, Lifebrook disabled the streaming video on its website that included the claims stating: “Imagine how that can multiply to give you residual monthly income” (accompanied by a large stack of one hundred dollar bills) and “Now is the best time to start your journey to ... financial health.” The company also removed the “Build your health while you build your wealth” claim from the Lifebrook website.

Lifebrook also advised DSSRC that it has sent a written warning or admonition to the salesforce members responsible for the social media posts at issue. More specifically, the Company stated that each salesforce member has been notified by mail, e-mail, and by telephone of the unauthorized posts and the Company requested that the salesforce members remove the posts within 5 business days of their notice or face disciplinary actions including the termination of their relationship with Lifebrook. The Company provided DSSRC with a copy of the written warning that was sent to the respective salesforce members.

In addition to the Company’s good faith actions to remove the above claims, Lifebrook informed DSSRC that, pursuant to section 15 of the Company Policy and Procedures, the salesforce members had violated the Company’s prohibition against salesforce members disseminating:

- Any display ads or institutional or trademark advertising copy, other than covered in the foregoing rules, must be submitted to the Company and approved in writing by the Company prior to publication.
- All advertising copy, direct mailing, radio, TV, newspaper, and display copy must be approved in writing before being disseminated, published or displayed with the exception of blind ads where no reference is made to the Company name or product name.
- No claims as to therapeutic or curative properties about the products may be made except those officially approved in writing by the Company or as contained in the official Company literature. In particular, no IA may make any claim that the Company products are useful in the treatment or cure of any disease. Such statements can be perceived as medical claims. Not only is this totally against Company policy, but it is also against the laws governed by the United States Food and Drug Administration.

IV. Analysis and Recommendation

A. Earnings Claims

DSSRC appreciated Lifebrook’s good faith actions to remove several claims on the Company website which DSSRC determined could be interpreted by consumers or potential recruits as meaning that the experience of prospective participants in the Lifebrook business opportunity can result in financial freedom and unlimited earnings, an action that DSSRC determined was necessary and warranted.

DSSRC determined that the claims at issue communicated the message of unlimited income (i.e., “The sky is the limit”; “Decide just how far—and how fast—you want to grow”) and could be reasonably interpreted by consumers as meaning that they can expect to earn significant or substantial income from the Lifebrook business opportunity.

Despite the actions taken by Lifebrook to remove earnings representations identified by DSSRC on the Company website, it did not address the claim stating, “How much can you earn? It’s entirely up to you” which remains accessible to consumers.²

DSSRC determined that this claim could be reasonably interpreted by consumers as an unlimited income opportunity.

As stated in DSSRC’s Guidance on Earnings Claims for the Direct Selling Industry (“the Guidance”), 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.” Furthermore, earnings claims must be substantiated and representative of a level of earnings that can be generally expected by the audience. Similarly, the Guidance also notes that some claims, including phrases such as “make more money than you ever have imagined or thought possible” and “realize unlimited income,” for example, can be considered prohibited lifestyle claims when made to a general audience of prospective or current salesforce members.

As such, DSSRC recommended that the Company take immediate steps to remove the earnings claim on the Lifebrook website stating “How much can

² See <https://www.lifebrook.com>

you earn? It's entirely up to you.”

B. Product Claims

DSSRC identified several posts made both by Lifebrook salesforce members on social media as well as claims disseminated on the Company website which claimed that the Company's products are effective at treating several serious diseases including, but not limited to, COVID-19, heart disease, high blood pressure, diabetes, and arthritis. Four of the product claims were disseminated on Facebook by Company salesforce members and the remaining claim appeared on the Company website.

Lifebrook took immediate steps to contact the salesforce members responsible for the posts and was able to remove two of the four posts at issue. The two posts that remain accessible to consumers include a personal testimonial regarding the effectiveness of the product³ and the post stating that Lifebrook's Amonia product “Works great for Weight Loss, Menopause, Fibroid/Cysts, Prostate Health, Erectile Dysfunction, Sex Drive, High Blood Pressure, Diabetes...”).

DSSRC determined that the actions taken by the Company to remove the health-related product performance claims were necessary and appropriate.

It is well established that the evidentiary burden for health-related claims is competent and reliable scientific evidence.⁴ The FTC generally defines competent and reliable scientific evidence as: “test, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area that has been conducted and evaluated in an objective manner by persons

³ The post at issue stated “I almost lost my life due to diabetes. It put me in the hospital in August with a bad toe infection and then in October, I had a mild stroke. I was at my end, is what I through. As I layed at home recovering I remembered a product called Aronia Berry I was using about 1 1/2 years ago to help me maintain my blood sugar, high blood pressure and my diet.”

⁴ VGH Solutions Inc. (Dr. Ho's Circulation Promoter), Report #6404, NAD/CARU Case Reports (September 2020); Molekule Inc. (Molekule MH1 Air Purifier), Report #6314, NAD/CARU Case Reports (October 2019); Triumph Pharmaceuticals Inc. (SmartMouth Dry Mouth Products), Report #6190, NAD/CARU Case Reports (June 2018); Good Health Naturally, LLC (Serranol Supplements), Report # 5441, NAD/CARU Case Reports (March 2012); Nature's Cure, Inc. (2 -Part Acne Treatment), Report #4797, NAD/CARU Case Reports (February 2008).

qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.”⁵

With respect to the social media posts that include health-related product performance claims, and which remain accessible to the public, Lifebrook provided DSSRC with copies of the correspondence that it sent to the salesforce members responsible for the remaining claims at issue. While DSSRC acknowledged the good faith efforts of the Company to address its concerns, it also recommended that Company heighten its efforts to effectuate the removal of the problematic social media posts. For example, if it is an active salesforce member who has been unresponsive to Lifebrook’s request to remove the unauthorized post, DSSRC recommended that the Company pursue any available disciplinary remedies available to the Company pursuant to its Policy and Procedures including suspension or termination of the Lifebrook Advocate relationship.

Alternatively, when a direct selling company is made aware of an improper product (or income) claim that was made by an individual that was an active distributor when such claim was made but that has since become an inactive distributor of the company, DSSRC acknowledges that the direct selling company may not be able to require the former distributor to remove such claim. In that instance, if the social media platform where the subject post was made provides a mechanism for reporting trademark or copyright violations, DSSRC recommends that the direct selling company promptly utilize such mechanism and seek removal of the subject claims and posts. If the subject claim that came to the attention of the direct selling company occurred on a website or platform without a reporting mechanism, DSSRC recommends that in addition to contacting the former distributors in writing as described above, the Company contact the website or platform in writing and request removal of the subject claim or post.⁶

With respect to the headline claim on a Company blog post stating that “PURONIA, an aronia juice, may be the kryptonite that could weaken the diabetic growth and begin to save lives,” Lifebrook removed the statement from the blog post. While DSSRC appreciated this voluntary modification, an entire page remains on the website that references the “Silent Killer” (i.e., diabetes) and explains that “aronia berries top the charts for antioxidants which, amazingly, may lower blood sugar and “improve the body’s own natural production of insulin.” The blog post then goes on to discuss Lifebrook’s Pursionia, which contains aronia berry juice as a primary

⁵ FTC Guide, Dietary Supplements: An Advertising Guide for Industry, www.business.ftc.gov/documents/bus09-dietary-supplements-advertising-guide-industry;

⁶ See Case Number: 13-2020 – Challenge – Young Living Essential Oils, LLC

ingredient, as a possible method of treating diabetes (“PURONIA is available today. Why not try it, especially if you are dealing with a type of diabetes?”).

It is a fundamental principle of advertising law that an advertiser has the burden to support any reasonable interpretation of its claims.⁷ The Lifebrook blog post reports that “Health researchers are beginning to study purple fruits more diligently because the compounds they offer are incredible. What fruit is at the top of the list? Aronia, a small, dark purple berry gaining wide attention.” Accompanying the blog post is a picture of bowl of aronia berries next to a jar of Puronia juice. DSSRC concluded that it would be reasonable for consumers to interpret the “Silent Killer” blogpost as suggesting that Lifebrook’s Puronia juice is effective to treat diabetes. Further contributing to DSSRC’s determination is the statement at the end of the blog post that “PURONIA is available today. Why not try it, especially if you are dealing with a type of diabetes?”

Lifebrook did not provide any evidence demonstrating that its Puronia product is efficacious to treat diabetes. Although the blog post refers to tests that have been performed on diabetic-induced rats administered aronia juice, the study was not provided to DSSRC and there was no indication that the aronia juice administered in the study contained the same amount of aronia berries that are contained in Puronia juice. As the FDA Guidance for Industry: Substantiation for Dietary Supplement Claims states:

Animal studies may provide useful background on the biological effects of a substance. However, they often have limited or unknown value in predicting the effect of the substance in humans. Care should be exercised in extrapolating results obtained in animal research directly to the human condition . . . without any data from human studies, the results of animal studies alone are not sufficient to substantiate a claim.⁸

Accordingly, in the absence of any reliable studies indicating that Lifebrook’s Puronia juice is effective in treating diabetes, DSSRC recommended that the Company either remove the blog post in its entirety or modify the page to not imply that Puronia may be effective in treating diabetes.

⁷ See ACH Food Companies, Inc. (Mazola Pure Cooking Spray), Report #4539, *NAD/CARU Case Reports* (August 2006); Swiss Research, Inc. (Sugar Sweetener) Report # 4442, *NAD Case Reports* (January 2006); Colgate-Palmolive Company (Murphy Soft Wipes), Report # 4431, *NAD Case Reports* (December 2005).

⁸ See Vital Proteins LLC (Vital Proteins Collagen Peptide Products), Report #6337, *NAD/CARU Case Reports* (January 2020).

V. Conclusion

DSSRC recognized Lifebrook's good faith actions to remove several claims on the Company website which DSSRC determined communicated claims that prospective participants in the Lifebrook business opportunity can result in financial freedom and unlimited earnings, an action that DSSRC determined was necessary and appropriate. Notwithstanding these actions, DSSRC recommended that the Company take immediate steps to remove the earnings claim on the Lifebrook website stating "How much can you earn? It's entirely up to you"

With respect to the product performance claims at issue, DSSRC noted that Lifebrook took immediate steps to contact the salesforce members responsible for the social media posts at issue and was able to remove two of the four posts that DSSRC brought to its attention. DSSRC determined that the action taken by Lifebrook was necessary and appropriate. While DSSRC acknowledged the good faith efforts of the Company to provide copies of the correspondence that it sent to the salesforce members responsible for the remaining claims at issue, it also recommended that Company heighten its efforts to effectuate the removal of the problematic social media posts including contacting the website or platform where the posts were disseminated in writing and requesting removal of the posts.

Finally, with respect to the headline claim on a Company blog post stating that "PURONIA, an aronia juice, may be the kryptonite that could weaken the diabetic growth and begin to save lives," DSSRC appreciated the Company's removal the statement from the blog post. However, DSSRC remained concerned that the website still references the "Silent Killer" (i.e., diabetes) and determined that in the consumers could interpret the blog post as implying that the Company's Pursionia product is effective in treating diabetes. Accordingly, DSSRC recommended that the Company either remove the blog post in its entirety or modify the page to not imply that Pursionia may be effective in treating diabetes.

VI. Company Statement

"Lifebrook agrees with all the presented recommendations given by the DSSRC and has complied by correcting them as quickly as possible. Our blog post as referenced in the recommendations has been removed. Our IT is in the process of eliminating verbiage that you asked to be removed from our website concerning earning claims. We will also continue to monitor social media platforms to our best ability for improper health claims related to our products. While some social media posts remain online, these Lifebrook Advocates are no longer active in the company by either their own actions or through disciplinary action taken by Lifebrook to terminate that Advocate's membership with the company.

Lifebrook appreciates and respects the recommendations of the DSSRC and thank them for their efforts in protecting the direct sales industry.

(Case No. 49-2021, closed on 10/08/2021)

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