

BBB NATIONAL PROGRAMS

THE DIRECT SELLING SELF-REGULATORY COUNCIL

MWC LIVING, LLC D/B/A BE
(BETTER EXPERIENCE),

Case No. 62-2022
Filed: March 18, 2022

MONITORING INQUIRY

I. Company Description

MWC Living, LLC d/b/a BE (Better Experience) (“BE” or the “Company”) is a multi-level direct selling company based in Dubai, United Arab Emirates that offers a suite of educational subscription services focused on foreign exchange trading and other financial investment vehicles. The Company maintains a Facebook page¹, an Instagram page², a company website³, and its marketing materials are accessible by consumers in the United States.

II. Background & Basis of Inquiry

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

This inquiry was originally commenced on November 11, 2021, against Melius, a direct selling company that marketed cryptocurrency trading package subscriptions. As will be detailed later in this report, DSSRC referred this matter to the Federal Trade Commission (FTC) based upon the Company’s failure to respond to the DSSRC inquiry.

Shortly after dissemination of the DSSRC press release referring the matter to the FTC, DSSRC was contacted by an attorney for BE who informed DSSRC that BE is located in Dubai, United Arab Emirates and currently does not have a physical office or employees in the United States. BE explained that due to confusion regarding the Company’s website and email address, BE did not receive any notice of DSSRC’s investigation until after this matter had been referred to the FTC. The Company further stated that once it became aware of the self-regulatory inquiry, BE acted

¹ <https://www.facebook.com/wearebeofficial/>

² <https://www.instagram.com/accounts/login/?next=/wearebeofficial/>

³ <https://berules.com/>

proactively, and quickly removed the claims brought to the Company's attention from the Internet.

Based upon BE's response to the DSSRC inquiry, DSSRC contacted the FTC to request that the matter be remanded to the self-regulatory forum. The FTC acquiesced to DSSRC's request and, as such, BE worked with DSSRC to address the concerns raised in the inquiry.

The original inquiry against Melius involved several earnings claims disseminated by Company salesforce members on social media, including, but not limited to, the following claims:

- “Catching over 3000 pips on a monthly basis for over the last 13 months at a 80% winning ratio is absolutely incredible and life changing making extra money copying and pasting these signals from Melius. Since I partnered up with @rumeal.beckford it's been blessing after blessing and everyday gets better because you get to help, teach, mentor other people around you and help everyone else achieve this type of financial freedom and new lifestyle that 90% of Americans aren't used to.
Just blessed beyond what I can explain right now and excited for this Diamond 💎 season of 2020. DM if you want to secure a spot up top 500 fortune.
Learn Forex.
#Melius #iGoTrade #iGoLuxe #iRide #Invest #Lifestyle #ForexTrading #ForexMarket #Forex #Profit #Boss #Bitcoin #Crypto #Entrepreneur #Money #ForexSignals #DayTrading #Money #CurrencyTrader #Investor #Trading #CryptoCurrency #LifeSkill #2020”
- “This is our first steps towards financial freedom...we are proud to be the first two Mauritians to be promoted by Melius...the journey has begun and we shall help more people to achieve success together”
- “Welcome to earn money it's easy to come to profit with an amazing app with Melius, you will be rich”
- “Easy Money
📱 One App - #igotrade
📱 😊😊😊😊😊😊
#melius #igotrade #igolearn #igoluxe #iRide #triva #travel #technology #BossYourTradeUp #PipAssassins #MalStreetAcademy #Invest #forextrading #Forex #Profit #Boss #Bitcoin #Crypto #Entrepreneur #Money #ForexSignals #Investor #Trading #lifestyle #life #Hawaii #HawaiiWarriors #LadyBoss #lipstickgang 📱🔗”
- YouTube video titled “Melius Testimonial of the power of residual income” with description stating: “Melius is a phenomonal educational platform which is impacting millions of lives worldwide. melius trading strategies are

highly effective if you have the right mentors who will support you. This melius review will teach you how to generate traffic and leads to dominate the market. melius finance are a group of wealthy partners on a global mission. melius is certainly not a scam and there is a viable melius opportunity for you and your family to live full time. So when you think of multiplying your money think melius. Melius has several cutting edge products including igotrade, igolearn, traders gemini and igoluxe. In order for you to access the tools just login to the melius store and immediately start profiting by leveraging the pips master via the melius back office and melius shop. In order for you to be successful in Melius contact Nathan today to show you how to explode your income with the melius presentation, and melius compensation plan. Make this year, the year that truly counts and become a wealthy investor utilising melius forex, melius crypto, and become one of the next biggest melius success stories. Melius”

- “I am so excited to be apart of this financial movement to assist others to see money differently...Financial Freedom is the Movement!!! 🤗❤️👩💪
#MillionaireMindset #FinancialFreedom #CashFlow #Wealth”
- “This is a remarkable achievement for us at MELIUS. Im so excited right now. Being recognized by silicon valley is so meaning that we are now also verified and certified company that is at par with companies like Google Yahoo, Bing, Facebook, and others at silicon valley CA and the beauty is that we are very at the beginning still.. happy to part of this one. ONE OF THE FASTEST GROWING COMPANIES IN 2019!! 🚀🚀🚀
See you start the top with this company. If you know uno. If you don't know, then ask me. Start your financial Freedom right here with Melius”
- Image of trading statement with copy stating “This is how I can make money just like banks...by trading foreign currency...”
- “💰💰 Another Source of Income...Think Multiple Streams of Income 💰💰
🌐 The Leaders of Melius would love to show you how to start making income from your home...All you need is a 📱 or 💻 by using Melius innovative technology and platform 🌐
✅ Learn to Forex Trade 📈 using Melius IGoLearn e-Learning platform and IGoTrade, the trading autotrader.
✅ Offer Traveling Options via IGoLuxe: An innovative app that's a travel search engine for you and your customers
✅ Coming Soon: Learn to build a profitable E-commerce store from the experts
✅ Residue Income by sharing these amazing opportunities via Melius to create income and financial freedom
✅ Team Connection with Like-minded people that's hungry and focused to make a difference in their lives and others.

Learn recession proof financial concepts so the 9 to 5 job does not have your future in their hands...Learn financial literacy and how to build a business by helping others to seek financial freedom...Let's Go to GROW!!! 🌍❤️💥
🌍 Be MELiUS and Be More 🌍”

- “🌍📈📱Team Melius is doing a Get Together Again at 8pm EST on Zoom...Our Movement is Financial Freedom 📱📈🌍”
- Image of article titled “Pier-Olivier Larose Achieves \$140,000+ Monthly Income with MELiUS”

According to information found online, Melius offered three trading package subscriptions:

- Melius Adventure – Forex Mastery Course, trading strategies, analysis daily live sessions and a video library, \$450 for 90 days
- Melius Escape – blockchain course, coin analysis, weekly coin magazine, daily live cryptocurrency trading sessions and a video library, \$450 for 90 days
- Melius Experience – combines Melius Adventure and Melius Escape, \$600 for 90 days, \$999 for 180 days or \$1800 for 365 days

Included with any Melius subscription was an iGoTrade app, through which affiliates can set trade with signals provided by Melius.⁴

After DSSRC emailed its November 11, 2021 Notice of Inquiry to Melius CEO and Founder Jeremy Prasetyo at info@getmelius.com, a second attempt was made to contact the Company by email on November 15, 2021. Neither of the two referenced emails bounced-back to DSSRC which would indicate that the correspondence was received. After DSSRC commenced its inquiry, it learned that Melius acquired a website domain (“befactor.com”) on March 26th, 2020, and that the Company rebranded as BE Factor on or about June, 2020.

After not receiving a response from Melius within 15 business days from the date that the Company was sent the DSSRC Notice of Inquiry, a 10-day notice was emailed to Jeremy Prasetyo on December 15, 2021, indicating that, if the Company failed to provide a response to DSSRC regarding the claims and issues within 10 business days, the matter would be referred to the appropriate government agency.

⁴ Melius also marketed a “GoPro Forex” program priced at \$3,000 for a 90-day subscription.

⁵ When DSSRC commenced its investigation, it could not find a traditional mailing address, email address or telephone number for Melius on any websites or social media feeds. Subsequently, DSSRC was able to identify Jeremy Prasetyo as the CEO and Founder of Melius along with a Company email address (info@getmelius.com).

Notwithstanding the additional opportunity to respond to DSSRC's inquiry, the Company again failed to respond.

After sending the 10-day Notice to the Company, DSSRC became aware of a website for another entity affiliated with Melius named BE Rules (www.berules.com), which included additional earnings claims (e.g., "With BE, your freedom and growth are limitless. Whether part-time or full-time, you have a chance to earn residual income, or your dream car, or travel the world for free through our incentive trip program.") and several lavish lifestyle depictions.

In addition, on the berules.com website, a copy of the Direct Selling Association (DSA) Code of Ethics was displayed and accompanied by a statement that "all IBIs [Independent Brand Influencers] of BE are required to abide by the latest version of the DSA Code of Ethics."⁶ DSSRC was concerned that this statement coupled with displaying the DSA Code of Ethics could be interpreted by consumers as meaning that BE was a member of the DSA located in the United States, when, in fact, that was not the case. Although the berules.com website did list a contact email address (info@berules.com), when DSSRC attempted to email the Company copies of all previous correspondence regarding the inquiry, it received a bounce-back message stating "The message you sent to info@berules.com couldn't be delivered. Recipient email address is possibly incorrect. The email account that you tried to reach does not exist."

Despite DSSRC exercising its due diligence in attempting to contact the Company, the Company did not respond to the self-regulatory inquiry. In accordance with section (II)(9) of the DSSRC Policies and Procedures, in the event the company whose marketing is the subject of a DSSRC inquiry fails to participate in the self-regulatory process, DSSRC may refer the matter to an appropriate government agency for review and possible law enforcement action.

Accordingly, based upon the Company's failure to respond to the self-regulatory inquiry, DSSRC referred this matter to the FTC and a press release was published reporting the Company's non-participation in the self-regulatory forum on January 15, 2022.⁷

III. Company's Failure to Respond to the DSSRC Notice of Inquiry

BE stated that the Company's offerings are entirely educational and do not include a trading platform to buy or sell investments.

With respect to the Company's failure to respond to the DSSRC's Notices of Inquiry, BE stated that it did not receive any copies of DSSRC's various communications and did not have any knowledge of the DSSRC inquiry, until January 31, 2022, when it

⁶ In addition, DSSRC noted that linking to the Company Privacy Policy on berules.com resulted in an error message and, thus, the Company Privacy Policy could not be accessed.

⁷ <https://bbbprograms.org/programs/all-programs/dssrc/cases-and-closures-details/case-59-2021-government-referral-be-rules-a-k-a-be-factor-f-k-a-melius>.

was made aware of media coverage pertaining to DSSRC's referral to the FTC. BE acknowledged that the communication sent by DSSRC on January 13, 2022 should have been received by the Company as the email communications were sent to a correct email address as *info@berules.com* is an operative email address and emails sent to this address are, in the normal course, received by the Company and routed to the correct recipients.⁸

The Company also asserted that the November 15, 2021, and December 15, 2021 communications were not received by the Company and provided the following information regarding BE's relationship with Melius:

- BE has no current relationship with Jeremy Prasetyo and Melius and has never had any affiliation with anyone associated with the *info@getmelius.com* email address or *getmelius.com* website (or any email addresses related to that domain name).
- The *getmelius.com* domain does not belong to the Company, and, never has. As best as the Company could tell from the Internet and from online research, there is a Boston-based business that does business under the name "Melius" and which uses the *getmelius.com* domain name; this business appears to provide financial advisory services (which BE does not);⁹
- Prior to May 2020 (when it re-branded as BE), the Company did do business under the name "Melius Marketing," and had a website using the *thinkmelius.com* domain name. Several months prior to the re-branding, Melius Marketing terminated its relationship with the company's former CEO, Jeremy Prasetyo, changed its ownership structure, and became owned by MWC Living, LLC.
- On or about May, 2020, the Company modified its product offerings and become exclusively an educational platform; BE, unlike the former Melius Marketing, does not promote or provide access to any trading or investment platform.

IV. Company's Substantive Response to the Claims at Issue

BE stated that it understands the importance of an active compliance monitoring effort and takes this responsibility seriously. BE explained that it is a completely different Company than Melius and is owned by a different legal entity, has different

⁸ According to BE, recent testing of the *info@berules.com* email address has not shown any issue or problem and the Company attributed its failure to receive DSSRC's January 13 email to some type of temporary Internet or domain host problem.

⁹ This business appears to belong to a Delaware corporation named Melius, Inc. (which has no affiliation with BE); and this entity (Melius, Inc.) is associated with an individual named "RJ Irving" (who has no affiliation with the Company).

management, has different products, and maintained that it is not responsible for any of the claims brought to the Company's attention by DSSRC.

The Company informed DSSRC that it has a full-time compliance staff (based out of its Dubai offices), and subscribes to an independent, third-party monitoring service that specializes in the monitoring of direct selling product and income claims.

The Company explained that BE is an active member of the Direct Selling Association of the United Arab Emirates (DSA UAE) and aspires to full compliance with the letter and spirit of the US DSA Code of Ethics and the DSA UAE Code of Practice. The Company noted that DSA UAE, like the Direct Selling Association in the United States, is a member of the World Federation of Direct Selling Associations.

BE stated that the Company Policies & Procedures (a copy of which were provided to DSSRC) contains strict language prohibiting inaccurate or unlawful representations regarding BE's products and the Company's business opportunity. Medical claims and income claims are expressly and strictly prohibited.

The Company stated that adherence to these rules is actively enforced, and that it has occasionally been necessary for BE to discipline, suspend, and/or terminate distributors due to their failure to comply with the proscriptions contained in the Policy & Procedures.

With respect to the specific social media posts that DSSRC brought to its attention, BE did not dispute the inappropriateness of the eleven claims identified in this inquiry and agreed that they constituted improper income claims. Accordingly, within two weeks of being advised of the DSSRC Inquiry, the Company's compliance team removed all of the posts at issue. BE explained that these efforts included, where possible, identifying the persons responsible for the claims (some of whom were former distributors of Melius Marketing and not current BE distributors), and contacting the various social media platforms to request that the claims be taken down.

Moreover, to the extent the Company was able to identify BE distributors who were responsible for the posts, the Company advised those distributors that the postings violate BE's policies and procedures, and that any future Policy & Procedures violations will cause the Company to take appropriate disciplinary measures.¹⁰ The Company also noted that several of the claims that were the subject of the DSSRC inquiry were posted by individuals located outside of the United States who are not under the direct control of BE.

¹⁰ The Company also called DSSRC's attention to the fact that all eleven of the posts originated between December 10, 2019 and May 28, 2020 and all appear to relate to the old "Melius Marketing" business.

Finally, the Company immediately removed the "additional earnings claims" referenced by DSSRC in its Government Referral Report from the company's website. The Company will take caution to ensure that any future corporate communications do not overstate or misrepresent the earnings potential of BE's business opportunity.

V. Administrative Closing

After BE contacted DSSRC and explained that it had not received DSSRC's Notice of Inquiry, DSSRC informed the FTC that the Company had made a written request to participate in the self-regulatory forum. Accordingly, the FTC acquiesced to the matter being re-opened by DSSRC.

As stated in the DSSRC Guidance on Earnings Claims for the Direct Selling Industry, it is misleading for a direct selling company and/or its salesforce members to make any earnings claims unless the direct selling company and/or its salesforce members have a reasonable basis for its claim at the time the claim is made; and have documentation that substantiates the claim at the time the claim is made.¹¹ In addition, if the direct selling company does not have substantiation that the experience of the individual making the earnings claim or who is the subject of the claim is representative of what the audience will generally expect to achieve, the advertisement (e.g., social media post) should clearly and conspicuously disclose the generally expected results in the depicted circumstance. The direct selling company must possess adequate substantiation for the representation of the generally expected results.¹²

In addition, DSSRC appreciated the Company's good faith efforts to address its concerns regarding the earnings claims at issue in this inquiry. The Company agreed that the claims as stated by the Melius salesforce members were improper and took quick action to contact the individuals who disseminated the claims to have them removed. DSSRC determined that BE's actions were necessary and appropriate. DSSRC also notes that the Company has removed the earnings claims from the Company website that BE became aware of when the matter was referred to the FTC. Moreover, in an effort to alleviate any confusion regarding its UAE DSA membership, the Company has removed the US DSA Code of Ethics from its website and replaced it with a copy of the Code of Ethics and Practices for the Direct Selling Industry in the UAE, an action which DSSRC agrees was a constructive measure.

Finally, in an effort to address the issue of the Company not receiving the correspondence from DSSRC as well as from other individuals or entities that need to contact the Company (a situation that is no way unique to BE), DSSRC recommends that the Company consider including both a contact email as well as a telephone

¹¹ See section 7 of the DSSRC Guidance on Earnings Claims for the Direct Selling Industry; https://bbbnp-bbbp-stf-use1-01.s3.amazonaws.com/docs/default-source/dssrc_guidanceonearningsclaimsforthedirectsellingindustry_2020.pdf?sfvrsn=4ecfd36_6.

¹² *Id* at section 12.

number on the Company website that will allow for high-priority requests to be quickly routed to the appropriate company employee and expedited accordingly.

In conclusion, based upon the good faith actions taken by BE to remove all of the claims at issue in this inquiry and address DSSRC's concerns, DSSRC administratively closed this matter and will continue to monitor the social media claims being communicated by Company salesforce members and on the Company website.

(Case No. 62-2002, closed on March 18, 2022)

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