

FTC SUPPLEMENT GUIDELINES

Turn a Minefield into a Trust Tree



THE COPYWRITER'S CRUCIBLE

Introduction

From the way Facebook is bashing down on supplement ad campaigns with its banhammer, like a frenzied game of whack-a-mole, it's clear supplement ads have to be whiter than white to stay alive.

No longer can you make unsubstantiated claims or stretch the truth until it snaps. And this applies to the presell pages used to shield VSLs from inspection. As if the rumours are true, Facebook is clicking through to see what mischief they're hiding, banhammer raised.

But even if you get your traffic from affiliate emails, making outrageous claims is not a smart long-term strategy. There's a graveyard of marketers who thought compliance was for wimps.

Here are a few of the FTC's victims and the warnings they left behind:

- Use the terms "clinically" and "scientifically proven" in your ads? Make sure they are actually proven. Activia got a bumper \$45 million fine for claiming its yogurt's health benefits were backed by science.
- Tempted to use fake testimonials? Husband and wife team "The Marketing Architects" got fined \$2 million for inventing the customers quoted in their weight loss ads. The before and after photos were likely fake too.
- If you've thought of making claims your supplement can delay cognitive impairment, think harder. Lumosity was fined \$2 million for a "Brain Training" program it claimed would improve people's performance at work and keep memory loss at bay. A mistake they'll never forget.
- The anti-aging market is exploding. And so are the fines for plucky marketers making claims about holding back Father Time. Telomerase Activation Sciences got in hot legal water for claiming their supplement reverses aging, prevents DNA damage, and restores an aging immune system. Just for measure, they also failed to mention that reviewers got compensated for their praise.

Clearly, the potential costs of non-compliance are business bustingly high. And with rumours of the FTC opening a division targeting digital marketers, you can expect more fines to be doled out with gusto.

Before we continue, I want to make it clear that the notes below are just my summary of the wordy FTC guidelines. So it's wise to read through the original yourself and don't use my notes as a replacement for proper legal checks.

Now that's been said, here's what I deciphered...

The FTC's guidelines on supplement advertising boil down to two cast iron rules:

- 1) Always tell the truth
- 2) Prove every claim you make

Sounds simple. But defining exactly what you have to say to be compliant is where it gets tricky.

Let's tackle rule #1 first. That's the easy one.

Rule #1 - Always Tell the Truth

You could be deemed to be breaking this rule if you:

Misrepresent the facts

If the supplement addresses a mineral deficiency only 9% of the population suffers from you must disclose this. As for 81% of people your supplement is little better than a sugar pill.

Miss out key information

If people in a study lost 15 lbs in 2 months after taking the supplement in combination with diet and exercise you must say consumers do the same to expect the same results. Few supplements achieve life transforming benefits on their own.

Provide advice that may harm the reader

You can't say a supplement has "zero side effects" when 1 in 10 people gets a mouth as dry as the Sahara and jitters like the Duracell bunny. If you want to make a "zero side effects" claim, you must have rock solid scientific proof that every ingredient is safe.

Onto rule # 2...

Rule # 2 - Prove Every Claim You Make

This is where things get messy.

Because you see, it's not just the overt claims you've got to prove.

It's also the implied ones: The claims made in your testimonials...your images...quotes by experts...and the way you present the proof.

For example:

- If you say "9 out of 10 cardiologists recommend Heart Health Max" you must have a study to prove Heart Health Max can support heart health along with the results of the survey.
- If you have a before and after photo of a woman going from sitting in a chair to dancing the macarena, you've got to prove your supplement provides this level of joint pain relief. And here you've got to be doubly careful. Describe how it works the wrong way and you'll get slapped by the FTC twice (more on this later).

The key takeaway is this...

It's the "net impression" of what your ad says that matters. The totality of all the claims, both overt and implied. Not just the study results lovingly curated and handpicked to embellish the healing powers of the "superfood" ingredients.

What Counts as Proof

The FTC defines proof as:

"tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results."

There are also key requirements a study needs to fulfill for it to be deemed as providing “accurate and reliable results”:

- Double blind and placebo controlled
- Human rather than animal or in vitro studies
- You have the entire study and not just an informal summary or abstract
- It's peer reviewed and published in a reputable journal (FTC will consider unpublished if other indicators are strong)
- Adequate duration e.g. 6 weeks
- Enough subjects who match the demo of the target customer e.g. 50 subjects over age 65
- Dosage and formulation is the same as the supplement
- Results are statistically significant
- The delivery mechanism is the same i.e. the ingredient was consumed orally
- There's a plausible biological mechanism to explain how the supplement works

Strong Proof Example

An ingredient in an eye health supplement is backed by two long-term, large-scale studies which found that people over 70 who ate a lot of this ingredient have statistically significantly better eyesight. This result is supported by a plausible biological mechanism.

Weak Proof Example

Lots of people said an ingredient relieved their joint pain in a survey, but there's no plausible biological mechanism and the findings conflict with another study.

So the key is finding studies with strong findings and you can explain the mechanism for how the ingredient works.

But here's the kicker: **You can't cherry pick studies to suit your claims** (yes, I know the pharmaceuticals industry does this all the time. I'm just the messenger).

As the FTC states:

“Advertisers should consider all relevant research relating to the claimed benefit of their supplement and should not focus only on research that supports the effect, while discounting research that does not.”

And if the science is weak don't think using words like “may” or “could” gives you a pass. It doesn't.

And it gets more complex...

According to the letter of the law, you can't exaggerate the effects people experienced in a study (tough when most write ups are dry as sandpaper) or suggest greater scientific certainty than exists.

So if you find yourself quoting from studies with the legitimacy of professional wrestling doping test avoid words like “boosts”, “improves”, or “skyrockets”. Instead, dial down the lingo to say an ingredient “supports” or “assists”. It will save having to correct them later when your copy gets rejected by legal.

What if My Supplement Contains Multiple Ingredients?

The more ingredients the better, right?

But before working on a supplement ad, make sure due diligence has been done to check the magic combination of herbs, spices and gifts from mother nature is safe. Otherwise every claim you make may be non-compliant.

As the FTC states:

Where there is reason to suspect that the combination of multiple ingredients might result in interactions that would alter the effect or safety of the individual ingredients, studies showing the effect of the individual ingredients may be insufficient to substantiate the safety of the multiple ingredient product.

Never Make Disease Claims

Let's bury this so there's no doubt – NEVER claim a supplement can treat, heal, reverse, or cure any disease or medical condition. Supplements can only “support” what the body does naturally.

What else you should know about disease claims:

Rock solid proof – If you're going to step into disease territory, like how cinnamon supports lower blood sugar, be very careful with your wording. You're going to need rock solid proof if you're going to claim an ingredient offers the slightest benefit for a medical condition or disease.

Not a replacement for medical treatment – Think very carefully about suggesting they throw their statins or metformin in the trash. The FTC can come down like a ton of bricks on any suggestions that a consumer foregoes medical treatments or self-medicates for potentially serious conditions.

Supports rather than improves – Never suggest a supplement changes the “structure or function” of a biological mechanism. That would make it a pharmaceutical and dump your ad in legal boiling water.

What about Alternative Medicine Claims?

Ah, alternative medicine. The bastion from which legions of natural health copywriters hang their healing claims.

It's perfectly ok to say an ingredient has a long history of use in alternative medicine. But you can't say it's “scientifically proven” or “backed by science” unless you have the studies to prove it. Instead, you must say the reverse and convey that it is scientifically unproven and more research is needed.

Example of Acceptable Alternative Medicine Claim

Your headline reads “Traditional Chinese Medicine — Used for Thousands of Years to Bring Mental Clarity and Improve Memory.” The supplement contains the key ingredient in a manner consistent with Chinese preparation methods. You clearly state that its efficacy has not been proven by research and there's no guarantee of achieving the claimed results.

Example of Unacceptable Alternative Medicine Claim

Your supplement contains an ingredient in a concentrated form which is different to the raw form used to brew an energy boosting tea in China.

The ad states that the supplement's energy benefits are based on traditional use and haven't been proven by scientific research. Because the supplement is a different form to the alternative medicine version this ad would be deemed deceptive.

Example of Very Unacceptable Alternative Medicine Claim:

You claim your supplement contains a mineral used in a popular American folk remedy for shrinking tumors.

There is no scientific support for this claim and it also relates to treating a disease. The ad puts people in danger of taking this supplement without medical supervision and they may stop their chemo. This ad could land you with jail time, and not just a slap on the wrist.

What About Ingredients with Few Studies to Support Them?

The FTC does offer some leeway for breakthrough ingredients with limited research. As it states:

“The FTC’s standard for evaluating substantiation is sufficiently flexible to ensure that consumers have access to information about emerging areas of science.”

So while it is feasible to highlight a previously under researched ingredient's potential., Ensure that:

- It has a scientifically backed mechanism
- You disclose there are limited studies available and more research is needed.

When all is said and done, a good smell test for the ad is to consider how you'd feel showing it to your grandma as evidence of a solution to a problem she suffers from daily. Would you feel like you're tricking her or presenting a genuine solution?

Yet, it's not just your grandma the ad needs to convince.

As the FTC consults with natural health and traditional medicine experts on what claims are valid. So imagine presenting your ad for Dr Mercola's inspection and whether he'd give you a high five or uncap big red.

Reviews and Testimonials

Never use fake testimonials. That's obvious.

All customer quotes also need a disclaimer to say their personal experience is not representative of what buyers can expect. A vague disclaimer that "results may vary" is insufficient.

If it's a paid endorsement, they got the product as a free trial, or there's some other connection between them and the client, this must be stated.

What About Asking Readers to "Imagine" the Benefits?

Taking readers on an emotionally charged journey from pain to salvation (during which they transform into the person they want to be viewed by others and not just by themselves) is where natural health copywriters earn their stripes.

But is it compliant?

According to Michael H Cohen (FDA/FTC compliance expert), "puffery" is allowed.

"Puffery can include "an exaggerated, blustering, and boasting statement" about a product, or a general claim of superiority over comparable products that is so vague it's commonly understood as a mere expression of opinion. (The overall context is important, though)."

So as long as all your ingredients' health claims are backed by science, you're free to pitch with logic and sell with emotion.

Disclaimers

Any additional info the reader needs to know about the ad can't be buried in tiny type or in complex language Stephen Hawking would have struggled to understand. Disclaimers and disclosures must be in the same font size as the rest of your ad and in clear, plain English.

A Challenge and an Opportunity

After reading all this, you may be more confused than before. Or worried that your conversions will take a hammering after cutting out all the studies that fail to pass the grade.

Making ads compliant is indeed a challenge. And it's going to make the task of creating an ad that's both truthful and compelling harder.

Yet, trust is what consumers yearn for.

In this era of fake news, distrust in the media (let alone us marketing folk), and mob justice via Twitter, making outrageous health claims that can't be backed up is short-term thinking and can easily backfire.

Promising miracle cures only for consumers to be disappointed also pushes up refund rates, shreds customer loyalty, and makes it harder to increase the lifetime customer value (the key metric in a world of rising advertising costs).

So the key to success is to...

Use Compliance to Increase Conversions

Pointing out when the science is lacking or more research is needed can position the ad sat alongside the customer, rather than pitching to them from across the table.

Calling out the people it won't help can make the other claims more trustworthy, in an industry where belief is in short supply.

As John Carlton says, *“They don’t want to believe you. So be honest with customers never given a fair shake by an advertiser.”*

Or as Eugene Schwartz puts it, *“Frankness silently says there’s no nonsense here. Just common sense.”*

And to really hit this point home, I’d like to quote from the greatest living copywriter Gary Bencivenga’s Bullet # 3:

“The vast majority of B level copywriters spend most of their days dreaming up ways to pump up ever-bigger claims ... which is why their mailings are almost always beaten easily by the tiny handful of A level copywriters who know this simple secret of successful selling in an overmarketed world...”

(now here’s the good part)

“There is no more powerful nor consistent way to explode your response. Surround your claims with stronger, bolder proof and watch your response soar.”

You’re going to struggle to find any marketer or copywriter who’s worth speaking to to disagree with these masters of the craft.

So while balancing compliance with creating compelling ads is a challenge, it’s also an opportunity to stand out as the ethical, trustworthy option. A chance to position the brand as one consumers feel loyal to and confident recommending to a friend or neighbour. Conversions and lifetime customer value will rise as a result.

Who Wrote This?

If you want to sell more of your product, your priority shouldn't be Facebook Ads, graphics or web design...It should be investing in persuasive, compelling, emotionally charged copy.

Graphics and web design may create the shop window. Yet it's copy that does the selling when they walk in the door. And it can't be just words on a page.

Your copy has got to sell the sizzle not the steak. It's got to take readers by the hand and guide them on an emotionally interesting journey that gets them yelling "YES! I want that!" by the end.

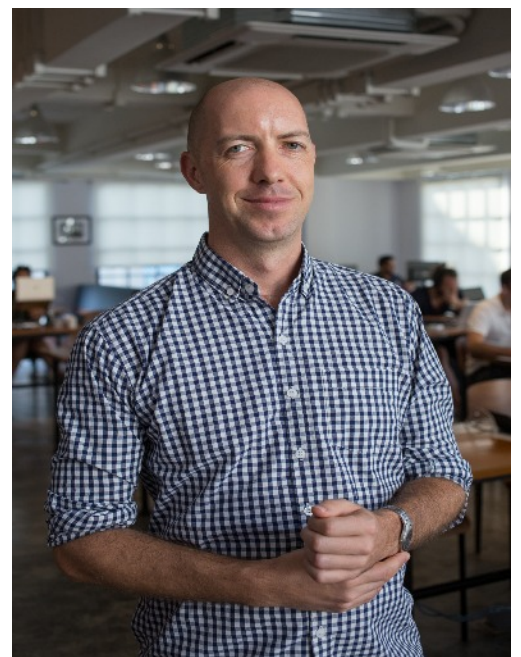
This is what my copy can do for you.

My name's Matt Ambrose and over the last 12 years I've helped solopreneurs, startups and global brands to grow their businesses with punchy, persuasive copy. This includes millionaire marketers, like Jason Akatiff, Shaun Sheik and Mike Saif, natural health publishers, like Spark Health, Truegenics and NutriFrontier, and B2B tech brands, including Siemens, Micro Focus and Technicolor.

So whether you sell spark plugs or supplements, I provide the words and the strategy for growing your business with the power of compelling direct response copy.

Highlights:

- Updated the big idea, hook and mechanism for a probiotic supplement to propel conversions from 0.7% to 2-4% on warm traffic
- Increased conversions 18% with a new lead for a Spark Health VSL
- Passed an audition to write financial copy for Clayton Makepeace, one of the world's greatest A list copywriters
- Generated \$1 million on cold traffic for the PowerChute golf training aid
- Increased conversions for the internet's #1 soccer



What Clients Say



“Matt has worked on a number of projects for A4D, writing VSLs, advertorials and landing pages. This includes a VSL for the PowerChute golf training aid which, after some fine tuning, is on course to be a million dollar selling promotion.”— Jason Akatiff, A4D



“I found Matt randomly on Google a couple of years ago when looking for a video sales letter copywriter. We’ve been working with him ever since and he’s become a valuable asset for our agency. All my team needs to do is send him a Skype message or email with the product we want to promote and he does the rest. He always delivers on time and writes great quality copy. In fact, we even hired him to write the copy for our website, so that tells you all you need to know.”— Shaun Sheik, Jump 450! (North America’s #1 Performance Advertising agency)



“Everything about Matt’s work and his approach to it is commendable. His copy is clear, sprightly and a joy to read – even when covering complex subjects. He is highly disciplined about meeting deadlines and very proactive with ideas and responding to queries. I have no hesitation in recommending Matt for any copywriting work you require, and I am certain you will quickly discover he is an excellent researcher and writer, as well as a conscientious, friendly person with whom to do business.”— Anna Sexton, bda



“We auditioned five copywriters and Matt’s work was easily the best. Just as important is that his turnaround time for projects is quick and he is reliable. Our sales pages now look and read incredibly well and sales have improved because of it. We now outsource all of our copywriting to Matt on a regular basis and we couldn’t be happier” —

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