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### NAD Uses Monitoring to Discourage Misleading COVID-19 Health Claims



As part of its routine monitoring program, the National Advertising Division (NAD) recently announced several decisions involving social media posts that advertised products as having health benefits that could help protect against COVID-19.

The NAD's inquiries are consistent with [similar efforts by the Federal Trade Commission \(FTC\)](#) intended to combat false and misleading advertising in connection with the pandemic. In its decisions, the NAD noted that it shares the FTC and FDA concerns related to advertising that touts a product can treat or protect consumers from COVID-19 and is therefore using its monitoring resources to identify misleading health claims. Specifically, the NAD analyzed the health claims made about four different products, as follows:

- **Provezza Elderberry Syrup's "Potent Immune Support":** The NAD [examined](#) whether an Instagram post stating "Potent Immune Support During a Severe Season" and connected text stating "Provezza is highly concentrated to deliver antioxidant action for immune defense" falsely implied that the product could protect against COVID-19. Provezza reported that the ad had already been discontinued and agreed not to make any express or implied COVID-19 health claims in the future.
- **Your Superfoods' Immunity Bundle:** The [NAD inquired](#) into a social media video for Your Superfoods, Inc., which featured the company owners discussing the "immunity boosting" qualities of their products in light of "all that's going on, with the coronavirus." The company agreed to remove the video and pledged to take steps to ensure future advertising did not make any express or implied claims related to COVID-19.
- **INID Research Lab's Glutathione Enhancer:** The NAD [questioned](#) whether INID Research Lab's social media post with an image of a woman wearing a face mask with the text "Strong IMMUNITY needs Glutathione" and "Building your immunity during these times is more important than ever" communicated the message that INID's product protected users against COVID-19. INID agreed to discontinue the post and noted it has no intention to make any express or implied claims related to COVID-19 in the future.
- **Optivida Silver Solution:** The [NAD also challenged](#) advertising for Optivida Silver Solution after a testimonial in a Twitter video touted the dietary supplement as a potential treatment or cure for COVID-

19. The video had already been taken down as a result of law enforcement cease and desist letters, and Optivida Health further agreed to comply with NAD recommendations moving forward. The NAD also requested substantiation for other claims made regarding the unique qualities and general safety of Optivida Health's product unrelated to COVID-19. The NAD concluded that the advertiser did not have adequate competent and reliable scientific support for such claims.

### **Key Takeaways:**

- NAD is monitoring to identify misleading health claims related to COVID-19 as part of its public interest mission to protect consumers.
- Marketers should exercise care in ensuring that all health claims are supported by competent and reliable scientific evidence and meet other potentially applicable (e.g., FDA) standards. Further, marketers should take extra care to avoid making express or implied advertising claims related to COVID-19 until the body of science related to COVID-19 is sufficiently developed and vetted by industry and government regulators.

*\*Summer Associate Caleb Bacos contributed to this post.*

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