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NAD Refers Implied COVID-19 Claims to FDA and FTC When Marketer of Dietary Supplement Fails to Respond to Inquiry



### **Key Takeaways:**

- Marketers should continue to ensure that all health claims are supported by competent and reliable scientific evidence. While the scientific community's understanding of COVID-19 is still relatively new, marketers should be particularly careful making any express or implied advertising claims related to COVID-19.
- NAD continues to monitor and challenge misleading health claims related to COVID-19. NAD will refer these claims to the FTC and FDA as needed.

After a National Advertising Division (NAD) inquiry and referrals to the Federal Trade Commission (FTC) and Food and Drug Administration (FDA), the marketers of a dietary supplement called Elderberry Immune Support discontinued Instagram and Facebook social media posts which implied that the supplement had the ability to boost immunity and treat COVID-19. In August, using its monitoring program, NAD challenged Vitamin Bounty's Instagram post describing the "immune-boosting" benefits of its Elderberry Immune Support supplement. The post included the text:

"[a]s restrictions are gradually lifting, it's more important than ever to keep your immune system strong. Our Elderberry Immune Support keeps you protected with vitamin C, zinc, elderberries, garlic and echinacea; a powerful immune-boosting combo."

In its decision, NAD noted that the FDA and the U.S. Centers for Disease Control and Prevention (CDC) have both stated that there are no approved products to treat or prevent COVID-19. NAD requested substantiation of the claims. When Vitamin Bounty failed to respond, NAD referred the case to the FTC and FDA. Following this referral, Vitamin Bounty responded to NAD and ultimately removed both the Instagram post in question and related Facebook posts that made similar claims. Following the removal of the posts, Vitamin Bounty stated that

it "accepts NAD's decision in its entirety and has discontinued the advertising in question." **Recent Related Posts:**

- [Check in on Influencer Marketing](#)
- [NAD Uses Monitoring to Discourage Misleading COVID-19 Health Claims](#)
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