

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
BUREAU OF CONSUMER PROTECTION
WASHINGTON, D.C. 20580

VIA ELECTRONIC MAIL

TO: Internet Advertisers of Purported HGH Enhancers

FROM: Mary K. Engle *MKE*
Associate Director
Division of Advertising Practices

RE: Marketing of Products that Claim to Provide Anti-Aging Benefits by Increasing Human Growth Hormone: **IMMEDIATE ACTION REQUIRED**

DATE: June 14, 2005

Federal Trade Commission (FTC) staff has reviewed marketing claims on your website regarding to the provision of anti-aging benefits by increasing human growth hormone (HGH). We remind you that the Federal Trade Commission requires that health related claims, such as claims that a product increases HGH and thereby provides anti-aging benefits (such as reduced weight, fat, blood pressure, cholesterol, or wrinkles; or increased muscle mass, cognition, memory, libido, or skin quality) **must be supported by competent and reliable scientific evidence** at the time the claims are made. We are aware of no competent and reliable scientific evidence supporting such claims. **Studies showing that injected HGH provides anti-aging benefits do not constitute competent and reliable scientific evidence that a pill or spray will provide the same benefits.** Without such evidence, the claims are illegal under the Federal Trade Commission Act and **should be discontinued immediately.**

Violations of the FTC Act may result in legal action in the form of a Federal District Court Injunction or an Administrative Order. An order also may require that you pay money back to consumers. All entities and individuals who actively participate – directly or indirectly – in deceptive marketing could potentially be held liable under the FTC Act.

The FTC recently sued several companies and individuals in connection with the advertising and sale of purported HGH enhancers for anti-aging benefits. In the complaint filed most recently, *FTC v. Great American Products*, No. 3:05CV170 (N.D. Fla.) (filed May 11, 2005) the FTC alleges that the defendants violated the FTC Act by claiming, falsely or without substantiation, that two dietary supplements (Ultimate HGH and Super HGH Booster) and two sublingual sprays (Super HGH and Master HGH) will significantly increase growth hormone levels; provide the benefits purportedly shown in studies involving HGH injections; and provide

physical benefits including reduced fat, cholesterol, and blood pressure; increased muscle mass; and improved cognitive, immune, and sexual function. The order in the case requires the defendants to pay up to \$20 million in redress to past purchasers of these products and requires that future health claims for the challenged products and other dietary supplements, foods, and drugs be true and substantiated. The Commission has also filed complaints alleging FTC Act violations against two other marketers of purported HGH enhancers. *FTC v. Creaghan A. Harry*, No. 04C-4790 (N.D. Ill.) (Complaint filed July 21, 2004) and *FTC v. Global Web Promotions Pty. Ltd.*, No. 04C-3022 (N.D. Ill.) (Complaint filed Apr. 28, 2004).

You are responsible for all claims, both express and implied, that are made on your website and in other advertising and promotional materials that you create or disseminate. Please note that consumer testimonials constitute claims that your product will provide the advertised benefit; therefore, all testimonials making health benefit claims must be supported by competent and reliable scientific evidence. We strongly urge you to review immediately all claims on your website and other advertising and to discontinue any claims not in compliance with the law.

Please notify us within seven (7) days of the specific actions that you have taken to remove any deceptive claims on your website. Please send your notification to the FTC staff by email to hgh@ftc.gov. Questions can be sent to that same email address.

FTC investigators have copied and preserved your website. We will revisit your site soon to determine whether you have eliminated any deceptive claims.