

FTC CHARGES ADVERTISEMENTS FOR SEVERAL RELATED DIET PROGRAMS
CONTAINED
MISLEADING CLAIMS, ENDORSEMENTS AND TESTIMONIALS

Expert Endorser Settles Related FTC Charges He Made False and
Unsubstantiated Claims

The marketers of the "Rotation Diet" and several related weight-reduction plans made false, misleading and unsubstantiated claims in advertisements for their mail-order programs and products, the Federal Trade Commission charged in a complaint announced today. Dr. Barry Bricklin, an expert in the psychology of dieting, signed a consent agreement settling related Commission charges that he provided false and misleading endorsements for the diet plans. Buckingham Productions Inc., five related companies and several individuals sold weight-reduction programs under several names: the "Rotation Diet," the " 'No Frills' Rotation Diet," the "Freedom Diet," the "Freedom Plus! Diet" and the "Rotation- Freedom Diet." Advertisements for the diet plans claimed that dieters could eat virtually unlimited quantities of any food they wished for four out of seven days each week and still lose weight if, for the other three days, they followed a severely restricted low-calorie diet along with the company's vitamin supplements and wafers. Under the plans, the dieter alternated (or "rotated") between "free" days (no caloric restrictions) and "balance" days (calorically controlled). Past Commission cases have established that people on a diet will lose weight and maintain weight loss only if they reduce their total caloric intake over a period of time. Ads for these diets expressly claimed that a range of weight loss per month

* eight to 20 pounds for women and 12 to 25 pounds for men

* was usual. According to the complaint, Buckingham did not have substantiation for these claims. The ads also claimed the diets were proven safe and could not harm dieters. The complaint charged these claims were similarly unsubstantiated. The Commission alleged that testimonials by users of the Rotation Diet were not genuine. The Commission also charged that the photographs accompanying other testimonials were in fact photographs of Buckingham employees. The Commission charged that failure to disclose the connection between Buckingham and the photographed individuals was misleading, because reasonable consumers would not expect such a connection, and such disclosure would have affected the credibility of the testimonials. In addition, the Commission charged that Dr. Barry Bricklin, a psychologist and expert in the psychological aspects of dieting, represented that he used his expertise to test and evaluate the products in the same way similarly qualified experts would normally do. The Commission charged he did not have such substantiation. In addition, the complaint alleged

that based on his expertise, Dr. Bricklin knew or should have known that the claims in his endorsements were false and misleading.

(More) Under the consent agreement, Dr. Bricklin is prohibited from representing in the future that consumers can eat as much food as they want and still lose weight without also giving the specified disclosures about weight reduction. Dr. Bricklin is also prohibited from making claims about "usual" or "average" weight loss, or about the efficacy or performance of weight reduction or weight control products or programs, unless he relies on competent and reliable surveys or other scientific evidence for substantiation, as defined in the agreement...