

SYNOPSIS OF FEDERAL TRADE COMMISSION DETERMINATIONS
CONCERNING PROMOTION OF PRODUCTS AND PLANS FOR WEIGHT CONTROL*

Porter & Dietsch, Inc.
Docket 9047

This synopsis has been prepared for purposes of 15 U.S.C. §45(m)(1)(B), a law which provides for civil penalties for certain violations of the Federal Trade Commission Act. The Federal Trade Commission has determined that the following acts or practices are deceptive and are unlawful under Section 5(a)(1) of the FTC Act, 15 U.S.C. §45(a)(1).

A. It is deceptive to represent, directly or by implication, that use of an appetite suppressant, and/or methylcellulose, enables a person to lose body weight or fat without dieting or restricting his or her accustomed caloric intake.

B. It is deceptive to represent, directly or by implication, that a weight control product contains a unique ingredient or component, unless the ingredient or component is not present in other available weight control products.

C. It is deceptive to represent, by means of testimonials, directly or by implication, that any particular experience with a weight control product or plan reflects the typical or ordinary experience of users of the product or plan, unless the representation is true.

D. It is deceptive to represent, directly or by implication:

1. that use of a weight control product or plan will result in weight loss or a change in body configuration, without possessing and relying upon a reasonable basis for the representation at the time it is disseminated.

2. that scientific evidence supports a statement about a weight control product or plan, without possessing and relying upon competent scientific evidence that fully supports the statement at the time the representation is disseminated.

Approved: March 1983

Resolution: Approved March 7, 1983 in File 802 3132,
Marketers of Weight Control Products and Plans

* As used here, "weight control" includes the reduction or elimination of fat with or without weight loss. This synopsis is based on the Commission's Porter & Dietsch decision. The decision was approved, with a few changes, by a federal appeals court. A further appeal to the U.S. Supreme Court was turned down. The legal citation for the case is 90 F.T.C. 770 (1977), modified, 605 F.2d 294 (7th Cir. 1979), cert. denied, 445 U.S. 950 (1980), amendments to order, 95 F.T.C. 806 (1980).