



Gut Check: A Reference Guide for Media on Spotting False Weight Loss Claims

To make it easier to spot false weight loss representations – "gut check" claims – the FTC has compiled a list of seven statements in ads that are likely to be a tip-off to deception.

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Introduction

Misleading ads for weight loss products target consumers desperate for results. But let's face it: When it comes to dieting, there are no easy answers. If a product promises weight loss without effort and sacrifice, it's bogus.

That doesn't stop some marketers from trying to make a quick buck at consumers' expense. What's more, they often use the reputation of respected media outlets as cover. "It has to be true," consumers conclude. "The ad ran on my favorite channel" – or on the radio, in a national magazine, in a local newspaper, or on a trusted website.

The Federal Trade Commission, the nation's consumer protection agency, has brought hundreds of cases challenging deceptive weight loss claims and will continue their law enforcement efforts. But spotting false claims *before* they're published or aired – and *before* consumers risk their money and perhaps even their health on a worthless product – is something only you can do. That's why the FTC is asking for your help.

Of course, there's no one-size-fits-all way to spot every deceptive weight loss claim, but scientists have established that there are some statements that simply can't be true. In consultation with experts, the FTC has come up with a list of seven representations – we call them "gut check" claims – that media outlets should think twice before running.

How does that work in the day-to-day operation of your business? Before you run any ad, someone in your company already gives it the once-over to make sure it meets your standards. But if it has one of those seven can't-be-true weight loss claims, it's time for that gut check – a quick second look to make sure you're not getting ready to risk your reputation by running a claim known to be false. Train your sales staff to speak to a supervisor if an ad makes a "gut check" claim. Of course, just because a claim in a weight loss ad isn't a "gut check" claim doesn't mean it's legitimate. But taking a moment to stop an obviously bogus "gut check" claim should be standard operating procedure in your office.

Why is that "gut check" important? Because:

- no legitimate media outlet wants to be associated with fraud. Accuracy is your company's stock in trade. Why sully your good name by being known as a publication or station that promotes rip-offs?
- if scammers are willing to cheat consumers, there's a good chance they'll cheat you by not paying their bills. By the time fly-by-nighters have made a quick killing, they've disappeared – and left you holding a stack of worthless

receivables.

- you want to protect loyal readers, listeners, and viewers from bogus products that can't possibly work as advertised.
- reputable advertisers don't want to associate their brands with media outlets used by con artists.

For the most part, the examples we're talking about apply to dietary supplements, including herbal remedies, over-the-counter drugs, as well as patches, creams, wraps, and similar products worn on the body or rubbed into the skin. They don't apply to prescription drugs, meal replacement products, low-calorie foods, surgery, hypnosis, special diets, or exercise equipment.

If you spot a "gut check" claim, take a step back and look at the ad from the point of view of the average consumer. Is it really worth tarnishing your reputation by running a false claim?

The basics about advertising weight loss products

It's the law – and it's always been the law – that before companies can run ads for weight loss products, they need scientific proof to support objective claims their ads make.

False or misleading claims can be conveyed in words and in images. Some brazen scammers just flat-out lie. Others use eye-catching before-and-after pictures. A word about consumer endorsements (sometimes called testimonials): Endorsements from supposedly satisfied customers – "*D.G. lost 38 pounds in just 3 weeks*" or "*Jane from Springfield dropped 4 dress sizes in 30 days!*" – are a staple of weight loss ads. Too often, advertisers cherry-pick their best cases or even make up bogus endorsements, deceptively conveying to consumers that they'll get similar results. Under the law, advertisers that choose to use endorsements have two choices: Either the results in the ad must be typical of what other consumers can expect to achieve or the ad must clearly and conspicuously disclose what the typical results are.

Even for the most effective products, services, or programs, weight loss of more than a pound a week over a long period is unusual. As a rule, endorsements from people who claim to have lost an average of two pounds or more per week for a month or more – or endorsements from people who say they lost more than 15 pounds overall – should be accompanied by a disclosure of how much weight consumers typically can expect to lose.

What makes a disclosure "clear and conspicuous"? Simply put, it stands out in an ad. It finds you; you don't have to look for it. In general, disclosures should be:

- close to the claims they relate to – for example, consumer testimonials – and not buried in footnotes or blocks of text people aren't likely to read;
- in a font that's easy to read and at least as large as other fonts the advertiser uses to convey the claim;
- in a shade that stands out against the background;
- for video ads, on the screen long enough to be noticed, read, and understood;
- for video or radio ads, read at a cadence that's easy for consumers to follow; and
- in words consumers will understand.

If disclosures are hard to find, tough to understand, obscured by other elements in the ad, or buried in unrelated details, they don't meet the "clear and conspicuous" standard. Furthermore, it's not enough to say "results not typical" or "your results will vary."

Although the seven "gut check" claims apply just to dietary supplements, over-the-counter drugs, and products rubbed into the skin or worn on the body, the rules about consumer endorsements apply across the board, including all weight loss products, programs, and services. If an ad features endorsers making weight loss claims that aren't likely to be typical – but there's no disclosure of typical results or the disclosure isn't clear and conspicuous – ask the advertiser to make a good

disclosure or show you that the results are typical.

The 7 Gut Check Claims

To make it easier to spot false weight loss representations – the “gut check” claims – the FTC has compiled a list of seven statements in ads that experts say simply can’t be true. If you spot one of these claims in an ad a marketer wants to run in your media outlet, it’s likely to be a tip-off to deception.

By the way, several of the “gut check” claims refer to “substantial weight loss.” This means “a lot of weight” and includes weight loss of a pound a week for more than four weeks or a total weight loss of more than 15 pounds in any time period. But as the examples illustrate, advertisers can convey that “substantial weight loss” message without using specific numbers. Substantial weight loss can be suggested by reference to dress size, inches, or body fat.

If one of these seven claims crosses your desk, do a gut check. Consult the appropriate person in your company and think twice before running any ad that says a product:

1. causes weight loss of two pounds or more a week for a month or more without dieting or exercise;
2. causes substantial weight loss no matter what or how much the consumer eats;
3. causes permanent weight loss even after the consumer stops using product;
4. blocks the absorption of fat or calories to enable consumers to lose substantial weight;
5. safely enables consumers to lose more than three pounds per week for more than four weeks;
6. causes substantial weight loss for all users; or
7. causes substantial weight loss by wearing a product on the body or rubbing it into the skin.

Some gutsy con artists may repeat a “gut check” claim verbatim. That’s a sure sign that false advertising is afoot. But “gut check” claims can be conveyed in more subtle ways, too. Knowing you’ll be on the look-out for specific false claims, some advertisers are careful not to use the exact wording of “gut check” claims. Others may try to work in limiting phrases that consumers may not catch. For example, they may claim a product “*helps* consumers lose substantial weight without diet or exercise” or that people can take off “*up to* three pounds a week for a month or more.”

You can outfox the fraudsters by understanding what makes each of those claims bogus. Fine-tuning your falsity detector will make it easier for you to spot deception when marketers try to slip a false claim past you by paraphrasing or using synonyms.

CLAIM #1: *Causes weight loss of two pounds or more a week for a month or more without dieting or exercise*

Gut check. *Meaningful weight loss requires taking in fewer calories than you use. It’s that simple. But it’s also that difficult for people trying to shed pounds. That means ads promising substantial weight loss without diet or exercise are false. And ads suggesting that users can lose weight fast without changing their lifestyles – even without mentioning a specific amount of weight or length of time – are false, too. Some ads might try a subtler approach, say, by referring to change in dress size or lost inches, but the effect is the same. That’s why these variations on that claim should fail your gut check:*

- “I lost 30 pounds in 30 days – and still ate all my favorite foods.”
- “Lose up to 2 pounds a day without diet or exercise.”
- “Drop four dress sizes in just a month without changing your eating habits or enduring back-breaking trips to the gym.”

- “Finally there’s FatFoe, an all-natural weight loss compound so powerful, so effective, so relentless in its awesome attack on bulging fatty deposits that it eliminates the need to diet.” (Next to the consumer endorsement, “*I lost 36 pounds in 5 short weeks.*”)

CLAIM #2: Causes substantial weight loss no matter what or how much the consumer eats

Gut check. *It’s impossible to eat unlimited amounts of food – any kind of food – and still lose weight. It’s a matter of science: To lose weight, you have to burn more calories than you take in. To achieve success, dieters have to put the brakes on at the dinner table. If an ad says users can eat any amount of any kind of food they want and still lose weight, the claim is false. That’s why these variations on that claim should fail your gut check:*

- “Need to lose 20, 30, 40 pounds or more? Eat your fill of all the foods you crave and watch the weight disappear!
- “Who needs rabbit food? Enjoy any mouth-watering foods you want anytime you want, and blast away dress sizes and belt notches.”
- “This revolutionary product lets you enjoy all your favorites – hamburgers, fries, pasta, sausage, and even gooey desserts – and still lose weight. One FatFoe tablet before meals does the work for you and you’ll lose all the weight you want.”

CLAIM #3: Causes permanent weight loss even after the consumer stops using product

Gut check. *Without long-term lifestyle changes – like continuing to make sensible food choices and upping the activity level – weight loss won’t last once consumers stop using the product. Even if dieters succeed in dropping pounds, maintaining weight loss requires lifelong effort. That’s why these variations on that claim should fail your gut check:*

- “Take it off and keep it off. Kiss dieting goodbye forever.”
- “Thousands of people have used FatFoe and kept the weight off for good.”
- “It’s not another weight loss gimmick. It’s a unique metabolism accelerator that changes how your body burns fat. Why settle for temporary weight loss when you can get rid of those flabby thighs and that unsightly muffin top once and for all.”
- “No more yo-yo dieting. Eat more. Weigh less. And finally – yes, finally – stay slim for the rest of your life.”

CLAIM #4: Blocks the absorption of fat or calories to enable consumers to lose substantial weight

Gut check. *Without lifestyle changes, no over-the-counter product can block enough fat or calories to cause the loss of lots of weight. To work, even legitimate “fat blockers” must be used with a reduced-calorie diet. That’s why these variations on that claim should fail your gut check:*

- “Super Flablock Formula is an energized enzyme that can absorb up to 900 times its own weight in fat. Relax and enjoy rich favorites like ice cream, butter, and cheese, confident that you’ll still blast off up to 5 pounds per week – or more!”
- “Take a StarchBloxIt tablet before meals. It dissolves into a gel that absorbs excess sugars and carbs, preventing them from forming body fat. Eat what you want and still lose weight.”

- “Block fat before your body absorbs it. The pounds and inches will melt away.”

CLAIM #5: Safely enables consumers to lose more than three pounds per week for more than four weeks

Gut check. *Medical experts agree: Losing more than three pounds a week over multiple weeks can result in gallstones and other health complications. So if an ad says dieters can safely and quickly lose a dramatic amount of weight on their own, it's false. That's why these variations on that claim should fail your gut check:*

- “Take off up to 10 pounds a week safely and effectively. Imagine looking into the mirror two months from now and seeing a slim reflection.”
- “Even if you have 40, 50, 60 or more pounds to lose, doctors recommend Fat Foe as the no-risk way to blast off the weight and inches in a few short months. Just in time for bikini season or that class reunion.”

CLAIM #6: Causes substantial weight loss for all users

Gut check. *People's metabolisms and lifestyles are different. So is how they'll respond to any particular weight loss product. The upshot: No product will cause every user to drop a substantial amount of weight. Any ad that makes a universal promise of success is false. That's why these variations on a claim should fail your gut check:*

- “Lose excess body fat. You can't fail because no will power is required.”
- “Lose 10-15-20 pounds. Gelaslim works for everyone, no matter how many times you've tried and failed.”
- “FatFoe is guaranteed to work for you. Melt away the pounds regardless of your body type or size.”
- “Maybe you want to drop a dress size before that get-together next month or perhaps you need to take off 50 pounds or more. Your search for a weight loss miracle is over. We've found the diet supplement guaranteed to work 100% of the time – regardless of how much you want to lose.”

CLAIM #7: Causes substantial weight loss by wearing a product on the body or rubbing it into the skin

Gut check. *Weight loss is an internal metabolic process. Nothing you wear or apply to the skin can cause substantial weight loss. So weight loss claims for patches, creams, lotions, wraps, body belts, earrings, and the like are false. There's simply no way products like that can live up to what the ads say. That's why these variations on the claim should fail your gut check:*

- “Ancient healers knew that a metabolism-boosting energy current runs from the earlobe to the stomach, making it easy to shed 30, 40, even 50 pounds. That's the secret behind our Dieter's Earrings. Why starve yourself when an attractive piece of fashion jewelry can do the weight loss work for you?”
- “Rub Melt-X Gel into your problem areas and watch the active ingredient penetrate the skin layers to melt fat at the cellular level. Use Melt-X around your mid-section to whittle a contoured, streamlined waist. You'll melt away 20 pounds in just a month.”
- “Slink into those skinny jeans in no time. Our patent-pending body wrap will increase the metabolism around your hips to burn fat faster. You'll lose 2-3 pounds per week just by wearing the body wrap while relaxing. Blast off 25 pounds in 8 short weeks.”