

PARTNER POOJA NAIR QUOTED ON HEALTH CLAIM STANDARDS WHEN ADVERTISING TO THE REASONABLE CONSUMER

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NutraIngredients-USA

Pooja S. Nair, Chair of ECJ's Food, Beverage and Hospitality Department, was quoted in the March 25, 2021 *NutraIngredients-USA* article, "NAD Recommends Goli Modify, Discontinue Health Claims."

The article describes the National Advertising Division (NAD) of the BBB National Program's recommendation to Goli Nutrition Inc. that it amend its current marketing message, which states that their Apple Cider Vinegar Gummies include "Vitamin B12 to help support energy production." Of note is that this claim does not specify that it's referencing *cellular* energy.

Pooja discusses that the NAD's standards for advertising is based on the impressions of the reasonable consumer. In this case, "claims that 'Vitamin B12 to support energy production' could be construed by the reasonable consumer to suggest that consuming the product would make them feel more energized, even though the evidence presented was about cellular energy."

The article continues with a look into other questionable claims made about this product, as well as some key takeaways from this decision. Goli, while disagreeing with the findings, ultimately decided to comply and adjust its claims.

Read the full article for more of Pooja's analysis of this decision.

NutraIngredients-USA provides a 360-degree view of the functional food and supplement market in North America, spanning everything from investment, incubation and innovation, to ingredients, food science and product formulation, labelling, litigation, regulation, consumer trends, new products and new technology. A William Reed, NutraIngredients-USA has been the leading online news source for the nutrition industry for more than 15 years.

PROFESSIONALS

Pooja S. Nair

PRACTICE AREAS

Food, Beverage and Hospitality