
ftc consumer feature

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Tipping the Scales? Weight-Loss Ads Found Heavy on Deception

A new report from the Federal Trade Commission (FTC) finds that many weight-loss ads need some toning.

The review of 300 ads that ran during 2001 found that many made claims promising more than the product or service could likely deliver. The ads often boasted “miraculous” results — quick, easy and effective weight loss — while ignoring and often contradicting the basic tenets of successful weight loss and weight maintenance — calorie reduction and exercise. Many ads lacked scientific evidence to support their performance claims, instead using misleading consumer testimonials and expert endorsements and other deceptive techniques to bolster the credibility of their products.

And, the report found, the use of exaggerated weight-loss claims is on the rise.

“This report confirms that consumers really need to read these ads with a big dollop of skepticism,” said Richard Cleland, an Assistant Director for the FTC’s Division of Advertising Practices and the report’s lead author. “False and misleading claims in weight-loss ads are widespread.”

The report, he says, shows that the media, advertisers, and even consumers need to assess the role each plays in ensuring the accuracy of weight-loss ads. “Deceptive ads do nothing to address an individual’s weight problem,” he says. “If anything, they compound an already serious national health crisis by steering consumers away from weight-loss methods that have demonstrated benefits.”

Quick Fixes and Other Claims

The FTC report involved a review of 300 ads from TV, radio, magazines, newspapers, direct mail solicitations, commercial email, and Internet websites, as well as a comparison of weight-loss ads from eight national magazines published in 1992 and 2001. FTC staff, with help from the Partnership for Healthy Weight Management – a coalition of representatives from science, academia, healthcare professions, government, commercial enterprises, and other organizations – collected and reviewed the ads.

Among the 300 ads that ran in 2001, the researchers found that 55 percent made at least one false or unsubstantiated claim. The claims generally promised:

- *Rapid weight loss.* Claims like “You can lose 18 pounds in one week!” and “You only have to stay on it 2 DAYS TO SEE RESULTS” were the most common; they appeared in 56 percent of the ads. Claims of quick weight loss also were alluded to in product names, like “Redu-Quick” and “Slim Down Fast.” In reality, substantial weight loss in a short period is highly unlikely and potentially harmful. Experts generally recommend a maximum weight loss of 1 to 2 pounds a week.
- *No need for dietary restrictions or exercise.* Claims like “Lose up to 8 to 10 pounds per week ... no dieting, no strenuous exercise” and “Eat as much as you want – the more you eat, the more you’ll lose” appeared in 44 percent of the ads. Though tempting, these claims contradict scientific evidence that stresses exercise and moderate calorie intake for long-term weight loss.
- *Permanent weight loss.* Claims like “Discover the secret to permanent weight loss” and “Get weight off and keep it off” appeared in 23 percent of the ads, apparently to target consumers who had lost weight but gained it back. Long-term weight loss is extremely hard to achieve, and little evidence exists to show that popular dietary supplements are more successful than lifestyle changes in achieving it. In the FTC’s experience, few marketers have the scientific studies to support their long-term weight-loss claims.
- *Lose weight despite previous failures.* Apparently recognizing the low rate of weight-loss success, nearly 33 percent of the ads tried to appeal to frustrated dieters with statements like “Are you tired of fad diets that never seem to work?” and “You want to lose weight, and you’ve been successful before. But after a while, you’re right back where you started.” The advertised product or service was then touted as the one that would finally work.
- *Scientifically proven or doctor-endorsed.* Almost 40 percent of the ads claimed that their product or service was “clinically tested” or “scientifically proven.” Many claimed their products were tested at “respected,” “major” or “leading” medical centers or universities. However, most of the ads did not provide details – such as where the referenced study was conducted and by whom or where it was published – to help consumers assess the claims’ validity. In addition, almost one-fourth of the ads stated that the product was “recommended,” “approved” or “discovered” by a health professional – endorsements that can be misleading because the ads may not disclose that the medical professional has a financial interest in the product, because the health professional may not have reviewed the scientific evidence or because, if the health professional did, he or she may not have used acceptable review standards. The “professionals” also can be fictional.
- *Money-back guarantees.* About 50 percent of the ads promised money-back guarantees, apparently in an attempt to break down consumers’ resistance to buying new products and services. Some ads made specific guarantees like “You will lose up to 35 pounds in three weeks. Yes. Guaranteed! You lose or it doesn’t cost you a penny.” While money-back guarantees – if honored – may benefit consumers, there is no reason for consumers to have any more confidence in them than in a claim that the product will actually work. And the FTC frequently has sued companies that “guaranteed” to give consumers their money back but didn’t.

- *Safety.* Some 43 percent of the ads made safety-related claims, such as “proven 100% safe,” “safe, immediate weight loss” and “safest weight management system in the world.” The term “natural” accompanied three-fourths of these claims, perhaps relying on a perception that “natural” products are safer than prescription or over-the-counter medicines. Many ads also implied safety with claims like “not a prescription weight-loss drug” and “no dangerous pills or tablets to take.” Despite the safety assurances, the FTC’s Cleland says, there is little evidence on safety, particularly with long-term use of the products. “Many ads handicap consumers by not even revealing what the active ingredients are in the products being sold,” he says.

Before-and-After Testimonials

Unsupported claims often appeared in consumer testimonials – that is, personal accounts of success with the product or service. One testimonial said, “7 weeks ago I weighed 268 pounds; now I’m down to just 148 pounds! ... I didn’t change my eating habits”

Before-and-after photos appeared in 39 percent of the ads. In the before photo, the person usually appeared with poor posture, a neutral facial expression, unkempt hair, unfashionable clothes, and washed-out skin tones. The after photo, however, was better lit, almost of studio-quality. The person was smiling, wearing fashionable clothes or skimpily clad, carefully made up and stylishly coiffed, and standing with shoulders held back and tummy tucked in.

At least 10 percent of the testimonials claimed an amount of weight loss that is extremely unlikely – if not impossible. The rest probably provided results that occurred in only a small percentage of users, Cleland says.

“There’s nothing wrong with using testimonials, as long as they are truthful and not misleading,” he says. “But in our experience, testimonials generally provide little reliable information about what consumers can expect from using the product.”

Changes in Weight-Loss Ads

In comparing weight-loss ads from eight national magazines published in 1992 and 2001, the reviewers found that the use of testimonials and before-and-after photos had increased. The percentage of weight-loss ads using testimonials climbed from 12.5 percent in 1992 to 76 percent in 2001. Use of before-and-after photos increased from 12.5 percent to 48 percent.

Another difference noted was that dietary supplements comprised two-thirds of the weight-loss products advertised in 2001. In 1992, meal replacement products were the most commonly advertised product.

In addition, the number of times weight-loss ads appeared in the magazines more than doubled between 1992 and 2001, and the 2001 ads generally included more highly questionable claims.

Need for Critical Evaluation

The FTC’s report notes that deception in weight-loss advertising has worsened despite an “unprecedented level of FTC enforcement.” Since 1990, the FTC has brought more than 80 cases against advertisers for allegedly false and misleading weight-loss claims – more than half the total number filed since the FTC’s first weight-loss case in 1927.

The report calls on government agencies, trade associations, self-regulatory groups, the media, and consumers to consider how they might help reduce the incidence of misleading weight-loss ads.

For consumers, the study provides important information on how to spot deceptive weight-loss products and services, says Walter Gross, an attorney in the FTC's Division of Enforcement and co-author of the study.

"Claims like 'rapid weight loss,' 'no diet or exercise required,' 'eat whatever you want,' and 'take it off and keep it off' are all 'hot' buttons advertisers use to get consumers to buy their products and services," he says. "Knowing how to recognize these will help consumers make more informed choices."

The full report is at www.ftc.gov/dietfit.

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The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint or to get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.