



**Written Testimony of Robert H. Haralson IV
Executive Director, TrustInAds.org
U.S Senate Committee on Commerce, Science, and Transportation - Subcommittee on
Consumer Protection, Product Safety, and Insurance**

June 17, 2014

Chairwoman McCaskill, Ranking Member Heller and distinguished Members of the Subcommittee:

Thank you for the opportunity to testify today on TrustInAds.org's member companies' efforts to combat fraudulent online advertising for weight loss products. My name is Rob Haralson and I am the organization's Executive Director.

TrustInAds.org includes internet industry leaders AOL, Facebook, Google, Twitter and Yahoo, and we founded this organization to work together toward a common goal: Protect people from malicious online advertisements and deceptive practices. With this effort, we are: bringing awareness to consumers about online ad-related scams and deceptive activities; collaborating to identify trends in deceptive ads and sharing best practices; and sharing our knowledge with policymakers and consumer advocates around the country.

TrustInAds.org offers guidance to consumers on how to avoid scams through the regular release of what we call our Bad Ads Trend Alerts. These are consumer-friendly and easily digestible reports that examine a specific trend or trends we are seeing, and provide specific examples of bad ads and websites the companies have removed from their platforms. We highlight steps the companies have taken to combat the problem and give consumers useful tips on how to make good consumer choices online.

In addition, our website includes a dedicated page where people can go to learn how to easily report a suspicious ad seen on any of our member companies' advertising platforms.

Our first report, released in May, detailed ads for phony tech support services, and yesterday, we released our newest report on fraudulent ads related to weight loss products and dietary supplements.

I have included this report as an attachment to my written testimony for the Subcommittee.

Our member companies are committed to protecting people from malicious online advertisements and deceptive practices and have allocated significant resources to keep these kinds of bad ads off of their platforms. Without question, ensuring a positive experience for all users is essential to maintaining a vibrant and successful internet ecosystem.

Today, the sale of numerous weight loss products and dietary supplements through advertising is seen across all mediums – print, broadcast, radio and the web. And while most entities selling these kinds of products provide accurate and truthful information regarding their overall effectiveness, some bad actors - in an attempt to entice consumers - market products with outrageous, unrealistic claims and promises of dramatic weight loss.

For the bad actors attempting to use online advertising, these kinds of claims violate both TrustInAds.org's member companies' advertising policies and existing laws aimed at protecting consumers.

We applaud federal agencies for recognizing the weight loss scam problem and their active efforts to educate consumers about misleading claims. In addition to its active law enforcement against scammers, the FTC's Consumer Information website has an entire section devoted to weight loss and fitness that outlines many of the advertisements that users could encounter on the internet and debunks their claims. In addition, the Food and Drug Administration's (FDA) website brings regulatory actions against scammers and also provides consumers with helpful information about weight loss fraud.

Stopping these ads is critical for online advertising companies as well. Collectively, TrustInAds.org member companies have hundreds of individuals on their respective teams spanning policy, engineering, network security and legal dedicated to identifying and preventing this illegal activity.

Fortunately, most of these types of ads never reach the user and are immediately rejected through automated filtering processes as soon as they are submitted. For those that are detected after they are published, they are immediately removed and the advertiser account is reviewed. Temporary or permanent suspension of the advertiser account is then considered depending on the severity of the ads policy violation(s).

User feedback also plays an important role in detecting bad ads, and our companies carefully review user complaints related to ads and quickly take action when warranted.

Over the course of the past 18 months, AOL, Google, Facebook, Twitter and Yahoo have collectively removed or rejected over 2.5 million ads related to weight loss and dietary supplements due to numerous ads policy violations.

While all stakeholders are working hard to stop these ads, weight loss scammers, some who are incredibly sophisticated, work maliciously to find ways to avoid detection by agencies, falling within their guidelines, and circumvent our companies' automated filters. Given this, each company has allocated substantial technical, financial and human resources to stop bad advertising practices like these and protect users on their platforms and across the web.

The steps our member companies have taken aim to complement the continued efforts by agencies such as the FTC to enforce existing law to ensure that consumers are presented with truthful and accurate information in online ads.

Working together, AOL, Facebook, Google, Twitter and Yahoo are fully committed to improving their systems to help protect users across the web, contributing research, and facilitating industry initiatives to combat bad online ads. We believe that if we all work together to identify threats and stamp them out, we can make the web a safer place for everyone.

Again, thank you for this opportunity to testify.

Bad Ads Trend Alert: False Claims in Online Weight Loss Advertisements

June 2014

TrustInAds.org
Keeping people safe from bad online ads

EXECUTIVE SUMMARY

Today, the sale of numerous weight loss products and dietary supplements through advertising is seen across all mediums – print, broadcast, radio and the web. And while many entities selling these kinds of products provide accurate and truthful information regarding their overall effectiveness, some bad actors - in an attempt to entice consumers - market products with outrageous, unrealistic claims and promises of dramatic weight loss.

For the bad actors attempting to use online advertising, these kinds of claims violate the advertising policies of the companies that make up TrustInAds.org, in addition to laws aimed at protecting consumers.

Our member companies are committed to protecting people from malicious online advertisements and deceptive practices and have allocated significant resources to keep these kinds of bad ads off of their platforms.

The steps our member companies have taken aim to complement the many ongoing efforts by agencies to enforce existing law to ensure that consumers are presented with truthful and accurate information in online ads. For example, the Federal Trade Commission (FTC) has a long, continuing history of bringing law enforcement matters to stop deceptive weight loss advertising, as well as providing education to consumers and media companies about avoiding these ads. Similarly, the Food and Drug Administration (FDA) brings regulatory actions against deceptive advertisers, in addition to consumer education.

Challenges remain in the ability for online advertising platforms to effectively determine the validity of some of the claims made by websites selling these products. However, TrustInAds.org member companies are working diligently to combat scammers and are committed to working with all stakeholders to determine the best and most effective ways to keep bad ads of the web.

INTRODUCTION

The websites often look enticing - “Lose 30 pounds in 30 days!” or some other similar claim serves as the focal point of the page. “Burn Fat Without Diet or Exercise!” and “Boost Your Metabolism!” are other catchphrases used to encourage the visitor to click the “Order Now” button. These sites are selling dietary supplements like Acai Berry, Raspberry Ketone, and Garcinia Cambogia using outlandish and false claims of miracle methods to dramatically shed pounds instantly. They often attempt to further legitimize their products with fake reviews and endorsements from reputable sources like celebrities or mainstream media outlets.

The entities operating these websites use a number of marketing tactics to promote these products to consumers, including attempts to serve online ads on AOL, Facebook, Google, Twitter, Yahoo, and other online advertising platforms. TrustInAds.org’s member companies all have advertising policies in place for health and wellness-related advertisements and work hard to prevent ads that promote false claims from ever reaching the user through tools like automated filters. Advertisers are required to strictly adhere to these policies. However, sophisticated scammers work maliciously to circumvent companies’ automated filters and sometimes a small number of these ads do end up on the web.

Our companies have strong incentives to keep these and other bad ads off of the internet and are committed to working with the FTC in their efforts to protect consumers. As we have stated publicly before, ensuring a positive experience for all users is essential to maintaining a vibrant and successful internet ecosystem.

In this Trend Alert, TrustInAds.org examines these kinds of scam ads, highlights specific examples of ads and websites that our member companies have encountered and removed from their platforms, and provides basic tips for consumers to stay safe and make good consumer choices online.

ONLINE WEIGHT LOSS ADS AND WEBSITES

Below are examples of ads (Fig. 1) and websites (Fig. 2) that, after review, were disabled from of TrustInAds.org member companies' platforms.

Fig. 1 - Advertisements



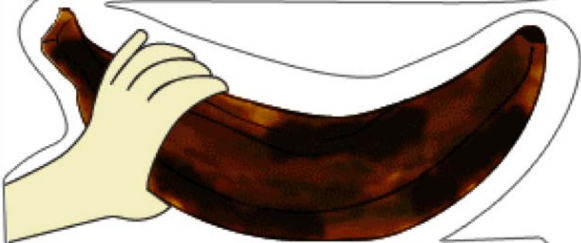
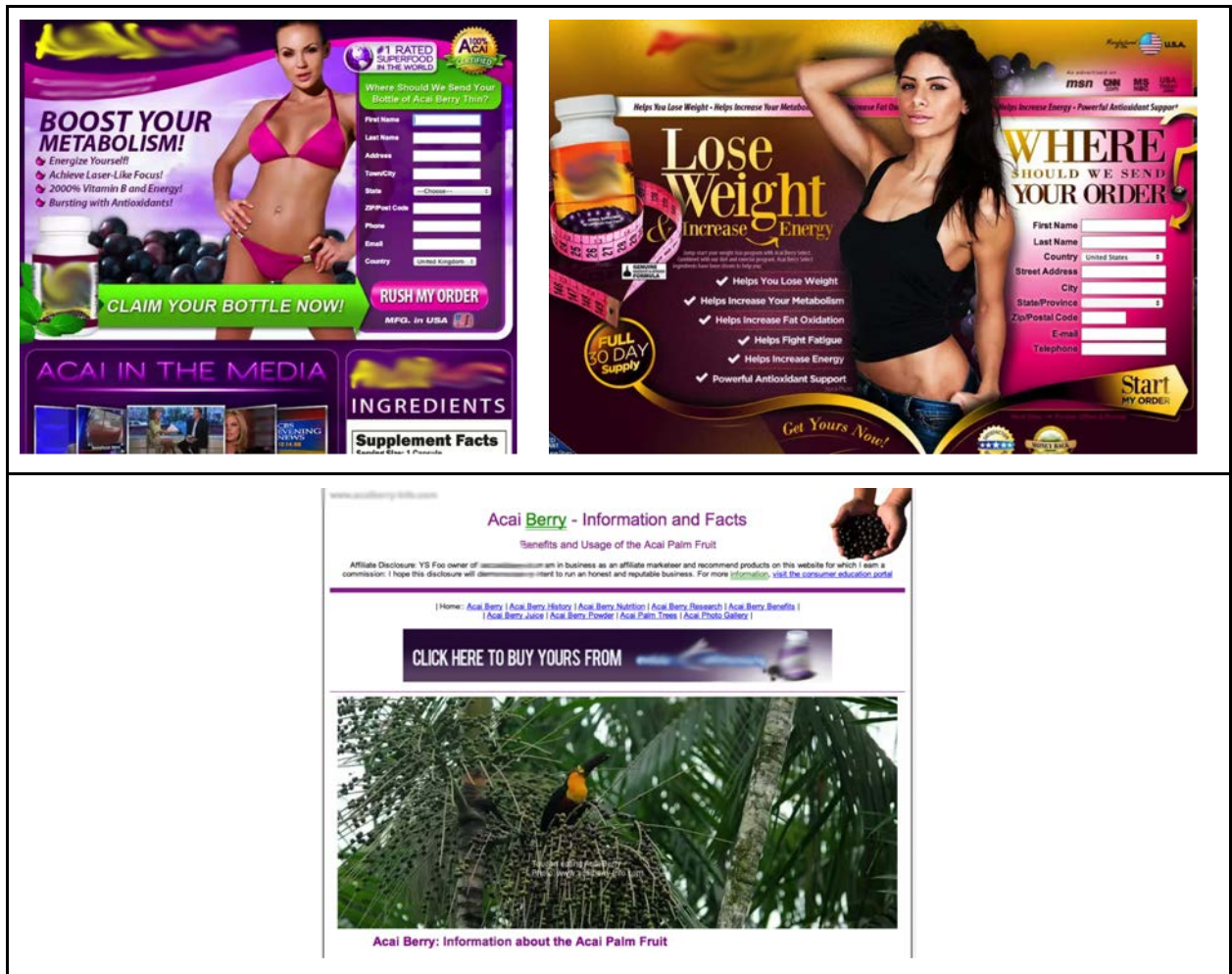
<p>Eat THIS, Never Diet Again</p>  <p>Researchers say this one ingredient may stop obesity dead in its tracks... [continue]</p>	 <p>This body... by eating this</p> <p>See why millions are praising this as the "Miracle" of weight loss...</p>
<p>5 Foods women must avoid:</p>  <p>Cut down a bit of stomach fat every day by never eating these 5 foods. ➔ Never eat</p>	<p>Dr. Banned this Diet Millions rushing to get it. Flying off shelves at record pace. www.kangrengarcia.com</p>

Fig. 2 - Websites



For these types of ads and websites (and the related advertiser accounts), the most common patterns that were detected by TrustInAds.org member companies and found to be in violation of advertising policies included:

- Outrageous or misleading claims in the ad or on the website landing page
- Websites with fake reviews or perceived endorsements from reputable sources
- Fake news or consumer alert websites that purport to be objective articles approving of the piece
- Hidden or recurring billing schemes that were misleading to the user

FEDERAL EFFORTS AND ACTIONS AGAINST DIET SCAMMERS

We applaud federal agencies for recognizing the weight loss scam problem and their active efforts to educate consumers about misleading claims. For example, the FTC's Consumer Information website has an entire section devoted to [weight loss and fitness](#) that outlines many of the

advertisements that users could encounter on the internet and debunks their claims. The FDA's website also provides consumers with helpful information about [weight loss fraud](#).

These agencies allow users to report deceptive weight loss ads, provide tips for consumers on how to lead an active, healthy lifestyle and directs them to several free, online resources to learn more about effective ways to lose weight.

In addition to providing consumers with resource pages, the agencies are continually policing the space as well. For example, the FTC recently [announced](#) that it filed suit against a Florida-based company behind Pure Green Coffee for using fake weight loss claims and fabricated news stories, which included logos of major news outlets, to advertise its dietary supplement. The FDA also brings regulatory actions, and frequently [sends companies warning letters](#) to stop deceptive weight loss claims.

Both agencies also provide guidance to industry. One recent effort that deserves special note is the FTC's extensive guidance for media companies to avoid running these deceptive ads. In its "[Gut Check: A Reference Guide for Media on Spotting False Weight Loss Claims](#)," the FTC outlines seven common false claims found in weight loss ads that should immediately raise red flags for publishers. This "Gut Check" provides important information for companies to catch the "worst-of-the-worst" ads, as well as critical guidance for the manual review of advertisements.

ACTIONS TAKEN BY OUR MEMBER COMPANIES

Of course, media companies must also take responsibility to protect their consumers. Because these deceptive advertisers use online ads, TrustInAds.org's member companies all have advertising policies in place that prohibit misleading health and wellness-related advertisements. Advertisers are clearly required to strictly adhere to these policies.

In addition, TrustInAds.org's member companies work hard to enforce these policies to prevent ads that promote false claims from ever reaching the users. All of our member companies have allocated substantial technical, financial and human resources to stop bad advertising practices and protect users on their platforms and across the web. Collectively, TrustInAds.org member companies have several hundred individuals spanning policy, engineering, information security, and legal fields dedicated to identifying, investigating, and preventing this abusive activity.

Fortunately, most of these types of ads never reach the user and are immediately rejected through automated filtering processes as soon as they are submitted. For those that are detected after they are published, they are immediately removed and the advertiser account is reviewed. Temporary or permanent suspension of the advertiser account is then considered depending on the severity of the ads policy violation(s).

However, sophisticated scammers are always attempting to circumvent companies' automated filters and sometimes a small number of these ads do end up on the web. The issue - as a whole - is incredibly nuanced and scammers frequently find new ways to avoid detection by companies and law enforcement, as well as working around the FTC guidelines. This makes it extremely difficult for online advertising platforms to identify scam ads among the billions of legitimate ads served every year. For example:

- The guidelines recommend that publishers should be wary of ads that claim their product causes “substantial” weight loss. However, the subjectivity of the term “substantial” creates a grey area through which publishers must maneuver. Many of these bad actors are experts at walking a fine line to make their ads appear acceptable within the guidelines, especially to automated filtering technology or other methods to scan ads at scale.
- The FTC has made clear that advertisers cannot misleadingly claim that their products' results are “backed by scientific research” or “clinical studies”. However, assessing the validity of these reports for the thousands of websites that are advertised is an undertaking for which online advertising platforms are not equipped to manage, at least at scale. Many of the dietary supplements that are advertised through these ads are not subject to FDA approval, so the information needed to confirm these claims is not readily available.

Our member companies also rely on human review and analysis once specific ads or trends are recognized as potentially problematic from a variety of sources. For example, feedback from consumers and press releases from agencies play important roles in detecting bad ads, and our companies carefully review feedback related to ads and quickly take action when warranted. In addition, our member companies' dedicated teams are always on the lookout themselves for the latest trends.

Over the course of the past 18 months, AOL, Google, Facebook, Twitter and Yahoo have collectively removed or rejected over 2.5 million ads related to weight loss and dietary supplements due to numerous ads policy violations.

Our companies have strong incentives to keep these and other bad ads off of the internet and are working to establish more effective ways to collaborate with agencies in their efforts to protect consumers. As we have stated publicly before, ensuring a positive experience for all users is essential to maintaining a vibrant and successful internet ecosystem.

TIPS TO STAY SAFE

The phrase “if it sounds too good to be true, it probably is” certainly rings true with dietary supplement and weight loss advertisements and websites. TrustInAds.org encourages consumers to make careful considerations when purchasing any of these kinds of products.

- **Know the facts.** For any dietary supplement or weight loss product, always consult with your physician on the best course of action.
- **Watch out for these common themes.** On its [website](#), the FTC provides a helpful list of common claims made by scammers selling these kinds of products, like:
 - “Lose weight without diet or exercise!”
 - “Lose weight no matter how much you eat of your favorite foods!”
 - “Lose weight permanently! Never diet again!”
 - “Lose 30 pounds in 30 days!”

In addition, scammers also set up [fake news sites](#) using logos of legitimate news organizations to falsely promote endorsements of their products.

- **There simply are no magic pills, patches or creams.** Unfortunately, science has not produced a pill that we can simply take to help us shed the pounds without diet or exercise. Always be suspicious of these kinds of claims.
- **If you see a suspicious advertisement on our platforms, REPORT IT!** As we highlighted in our last report, one of the best ways we can defend users from harmful scams and bad ads is through user feedback. Each of the TrustInAds.org member companies have simple ways to alert them of potential scams and bad ads. Visit <http://TrustInAds.org/report> to learn how.

In addition, consumers are encouraged to report potential bad ads on the Federal Trade Commission’s website at <http://ftc.gov/complaint>.

ABOUT TRUSTINADS.ORG

TrustInAds.org comprises a group of internet industry leaders that have come together to work toward a common goal: Protect people from malicious online advertisements and deceptive practices. With this effort, TrustInAds.org and its member companies are: Bringing awareness to consumers about online ad-related scams and deceptive activities; collaborating to identify trends in deceptive ads and sharing best practices; and sharing our knowledge with policymakers and consumer advocates around the country. To learn more, visit <http://trustinads.org>.

Follow us on Twitter [@trustinads](https://twitter.com/trustinads), Facebook <http://facebook.com/trustinads> and [Google+](#).