
ftc consumer feature

Bureau of Consumer Protection

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Contact: Richard Cleland, 202-326-3088

Paula Kurtzweil Walter, 202-326-2583

Health Claims on the Internet: Buyer Beware

A former healthcare practitioner from Seattle had several reasons for complaining to the Arizona Attorney General about a website touting an AIDS cure. He knew that the claim was bogus: Scientists have yet to discover a cure for AIDS. And he knew that the \$1,100 charge for a six-week “treatment” to cure the disease was tantamount to stealing. But the “clincher” was the claim that the product was “100-percent guaranteed.”

The man, who asked that his name not be used, said the guarantee could lead people who used the product to think they had been cured when they hadn’t, a fact that could cause them to put others at risk for HIV infection.

False promotions like this have the Federal Trade Commission (FTC) concerned, too. “These bogus claims put consumers’ health at risk,” says Howard Beales, Director of the FTC’s Bureau of Consumer Protection. “And with millions of Americans going to the Internet for health information, it’s doubly troubling.”

In recent years, the FTC and other law enforcement agencies have stepped up efforts to prevent the proliferation of false health claims on the Internet: They’re using the latest technology to track down fraudulent marketers quickly and efficiently and bringing enforcement actions when appropriate. But Internet health scams are still too common, so the FTC also is educating consumers on how to shop safely online for health products and encouraging them to talk to their doctor or other healthcare provider about the safe use of supplements and other alternative health products. They’re also encouraging the public to report suspicious health claims to government fraud fighters.

The complaint the Seattle man filed, for example, prompted the Arizona Attorney General to charge a local marketer with peddling a bogus AIDS treatment. The claims were removed from the website.

The Lure of the Internet

The Internet offers health product hucksters low-cost access to a huge market. A recent study found that more than 90 million Americans use the Internet to find health-related information.

Online marketers — legitimate as well as fraudulent — market their products through websites, spam and chat rooms. The cost is reasonable. “A marketer can design and post a website for a lot less money than it takes to buy ad space in traditional media,” FTC senior attorney Richard Cleland says.

Marketers also place misleading metatags on their Internet sites to increase the likelihood that their product will turn up on search engines. This is among the charges the FTC brought against an Internet marketer of a shark cartilage product promoted as a cancer treatment without adequate substantiation. The FTC charged that the marketer had embedded the terms “non-toxic cancer therapy,” “cancer treatment” and “cancer survivor” in the site’s metatags to improve the chances of online users seeing the website.

Cure-all Claims

Whether made on- or offline, fraudulent health claims typically deal with serious diseases, such as AIDS, cancer, heart disease, multiple sclerosis, diabetes and arthritis, as well as chronic medical conditions like headaches and back pain. Often, exaggerated claims are used to promote products like DHEA (a hormone

supplement), Cat's Claw (an herbal product), and colloidal silver, as well as diagnostic tests, such as electrical "zappers." Cases investigated by the FTC and state law enforcement agencies have involved unsubstantiated claims for the health benefits of shark cartilage, Essiac herbal tea, colloidal silver and electrical therapy devices.

"A health fraudster's stock technique is to exaggerate the science," Cleland says. "Legitimate marketers know they need appropriate substantiation to show that a product will do what it claims."

Fighting Health Fraud

Why the concern about health fraud? Like other fraud, it cheats consumers out of their money and harms legitimate marketers striving to compete fairly. Health fraud often targets the very sick and even desperate consumers who may even be lured away from treatments that have proven benefits. It can mislead people who use an advertised "cure-all" product into thinking they're disease-free. As a result, they may not seek or continue medical care, receive the drugs or legitimate treatment that could keep them healthier longer, or take precautions to prevent the spread of their disease. Some products can interact with medicines, causing serious side effects or reducing the medicine's ability to work as it should. And some products may contain harmful substances. In one case, reported in the *Annals of Internal Medicine* in 2000, a 52-year-old man died from kidney and liver failure, which his doctors attributed to his use of hydrazine sulfate, an unapproved product that had been touted on the Internet for treating cancer.

To combat health fraud on the Internet, the FTC launched Operation Cure.All in 1999. It is an ongoing federal and state law enforcement and consumer education campaign. The FTC has since brought 13 law enforcement actions against Internet marketers for unsubstantiated health claims. One case resulted in a \$1 million settlement with the maker of the shark cartilage product promoted as a cure for cancer. Two other settlements stopped companies from claiming that St. John's Wort was a safe and effective treatment for HIV/AIDS and required warnings about the serious drug interaction risks associated with St. John's Wort. Another settlement required consumer refunds for electronic devices and herbal remedies that were sold as cures for cancer, AIDS, Gulf War Syndrome and many other diseases. All were required to remove their bogus claims from the Web. In addition, the FTC estimates that more than 100 other websites have taken down their sites or removed their claims after the FTC contacted them.

"These marketers apparently forgot the first rule of advertising law," the FTC's Cleland says. "If you're going to make a claim, you better have solid evidence to back it up."

The Food and Drug Administration's efforts to curtail online marketing of unapproved drugs have resulted in at least 12 product seizures, 11 product recalls, 43 arrests and 22 convictions. The FDA continues to investigate more than 80 incidences of Internet health fraud and unapproved drug products.

Education efforts — also key in fighting fraud — target consumers, as well as law enforcement. Last year, the FTC launched a program to teach state, local and foreign law enforcers how to investigate Internet-related fraud.

Education for consumers aims to help them learn how to determine the legitimacy of health claims. Two websites can help: the FTC's Virtual Health Treatments website at www.ftc.gov/healthclaims and the FDA's Buying Medicines and Medical Products Online website at www.fda.gov/oc/buyonline/default.htm. The sites give tips on how to spot health fraud and where to report suspicious claims.

"The public is important in the fight against health fraud," the FTC's Cleland says. "If consumers and businesses tell us about problems, we can investigate and take action. Using consumer complaints, we can identify and stop the promotion of fraudulent health claims on the Internet."

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 any of 150 consumer topics, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the complaint form at www.ftc.gov. 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.

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Suspicious Claims

Promoters of fraudulent health products often use similar claims and practices to trick consumers into buying their products. Be suspicious when you see:

- Claims that a product is a “scientific breakthrough,” “miraculous cure,” “secret ingredient” or “ancient remedy.”
- Claims that the product is an effective cure for a wide range of ailments. No product can cure multiple conditions or diseases.
- Claims that use impressive-sounding medical terms. They’re often covering up a lack of good science.
- Undocumented case histories of people who’ve had amazing results. It’s too easy to make them up. And even if true, they can’t be generalized to the entire population. Anecdotes are not a substitute for valid science.
- Claims that the product is available from only one source, and payment is required in advance.
- Claims of a “money-back” guarantee.
- Websites that fail to list the company’s name, physical address, phone number or other contact information. □

Supplement-al Information

Despite the fact that most dietary supplements are advertised and marketed widely, and many are promoted as “natural” or “non-toxic,” they shouldn’t be taken lightly.

Some are potent products that may cause harm and have dangerous interactions with other medications. Consumers should be very careful about when and how to use supplements. They always should discuss the risks and benefits with their health care professional.

For example, some traditional Chinese herbal products have been found to contain aristolochic acid, which has been linked to severe kidney damage. The herb comfrey contains certain toxic alkaloids that, if ingested, can cause serious liver damage and may increase cancer risk.

Drug/supplement interactions also can present a risk to consumers who combine these products without medical supervision. Some online marketers have promoted St. John’s Wort as a treatment for HIV/AIDS. But in February 2000, the Food and Drug Administration issued a public health advisory that St. John’s Wort interacts with certain medicines, including those used to treat HIV infection, making the drugs less effective.

“St. John’s Wort is not a bad product,” says Dr. Adriane Fugh-Berman, an assistant clinical professor of health care sciences at George Washington University School of Medicine. “It can be used safely for specific conditions, like mild depression. But in patients taking medicines everyday, its use has to be monitored by a healthcare professional.”

The best advice for patients who take prescription medicines: If you’re considering an herbal product, talk to your doctor, pharmacist or other healthcare professional. They have the resources and medical knowledge to give you the most current safety information. □