



*Step by Step on How to be  
US Claims-Compliant  
Using Claims to Bolster Sell-through  
and Mitigate Legal Risk*

*Presented by:  
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Co-Founder, Managing Director*

*October 24<sup>th</sup>, 2019*



theBenchmarkingCompany

**The Benchmarking Company** is a bi-coastal beauty and personal care consumer research firm with a proven track record in cosmetics, skincare, beauty devices, body care, hair care, nail care, fragrance and wellness/personal care.

Laser focused on providing:

- Quantitative research
- Qualitative research
- In-home beauty and personal care product testing

Benefits:

- Proof of efficacy
- Sell-in
- Sell-through
- Consumer insights
- Validation
- Risk mitigation

***Understanding the beauty consumer is what we do.***



# What We Will Cover Today

- **Who is the US Beauty Buyer**
  - **Why Are Claims Critical**
- **Claims that Connect w/Consumers**
  - **A Regulatory Primer**
- **Best Practices for Crafting Claims**
  - **Leveraging Claims to Drive Consumer Demand**



# WHO IS THE US BEAUTY BUYER?

01

QUESTION

# Who is the US Beauty Enthusiast

## Ginger Gen Z (18-24)\*

- Born with smart devices and prefers shopping with this method
- The “selfie” generation – thrive to look their best for photos
- 91% of Gen-Z are highly influenced to purchase a beauty product as a result of reading positive reviews
- Top 5 ways she describes herself: Passionate, health-minded, family oriented, trendy and busy
- Is price sensitive
- Looks for animal cruelty logo on BPC products



## Maddie Millennial (25-39)

- First generation to adopt widespread cell phone usage
- She is swayed by what is trending in social media
- 88% of Millennials are highly influenced to purchase a beauty product as a result of reading positive reviews
- 59% are early adopters of new skincare trends
- Is influenced to purchase if it is a new product on the market
- Top 5 ways she describes herself: family-oriented, health-minded, busy, passionate and frugal



\*Gen Z is 4 to 24 years old but for this study we evaluated those 18-24

# Who is the US Beauty Enthusiast, cont.

## Jessie Gen-Xer (40-54)

- Generation that shops the most frequently
- Are more likely to be influenced to purchase by a salesperson knowledge of a brand and product benefits
- Top 5 ways she describes herself: family oriented, passionate, health minded, busy and focused.
- Are more likely to purchase natural/organic BPC every time they shop than other generations
- 44% use homeopathic remedies regularly
- 65% use natural skincare products on a regular basis



## Barbie Boomer (54+)

- Disposable income and still buying big
- Looks for expected benefits and a list of ingredients on beauty packages
- Takes supplements
- Purchase a product from a brand because they are familiar with the brand
- Top 5 words she uses to describe herself: family-oriented, health-minded, spiritual, passionate and environmentally conscious





# Her Expectations

## *I expect products to...*

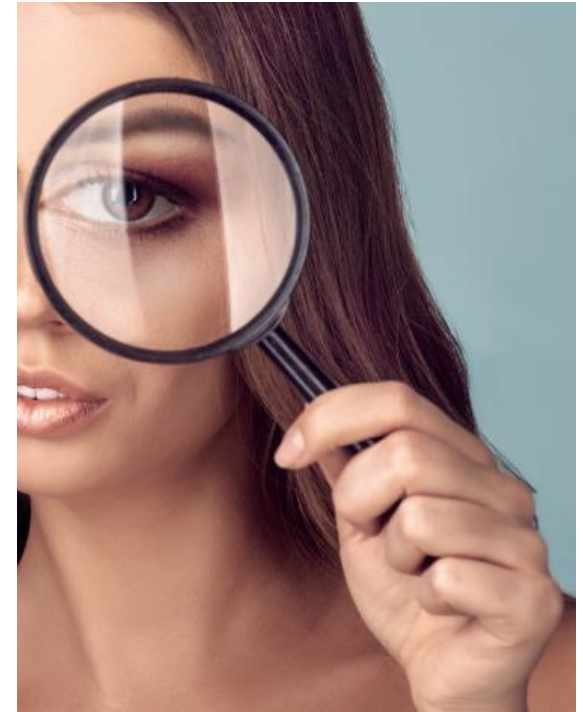
- **95%** do exactly what the package says it will do
- **84%** to have product reviews and consumer claims
- **82%** to be accessible, available where I shop
- **73%** be cruelty free/not tested on animals

## *I expect brands to...*

- Show me the reviews and ratings
- Deliver highly efficacious products
- Give me **PROOF** of efficacy

# The *Importance* of Knowing Your Target Consumer

1. What compels her to buy?
2. What turns her on and what turns her off?
3. What is important to her?
4. What are hot button issues for her relative to beauty?
5. Where does she shop?
6. How does she research her products?
7. What influencers her most in her purchase decisions?



***Answers to these questions help brands craft powerful claims that speak to her on an emotional level where and when she shops.***



# WHY ARE CLAIMS CRITICAL?

02

QUESTION

**93%** LOOK FOR EFFICACY CLAIMS  
BEFORE PURCHASING A  
OF WOMEN BEAUTY PRODUCT

**86%** MAKE BEAUTY BUYING  
DECISIONS WHILE STANDING  
OF WOMEN AT THE BEAUTY COUNTER



To win in today's beauty market, you need  
**5-STAR CONSUMER CLAIMS.**



## Claims *influence* Men Too



**89%** find consumer claims important when buying a high cost personal care item

**83%** trust 'men like them' saying that a product works more than a brand saying the same thing

**91%** would be willing to pay more for a product if they knew it worked and delivered on its promises

# Claims Deliver Powerful *Testimonials*



Thanks for the FlashPatch Lip Gel love, Lauren! "these lip masks from @patchology are definitely a new favorite of mine! ❤️❤️ i have been using every night before bed and my lips are getting so much softer 💋" 📧@laurenjaneyt

- Real user experiences
- Real user feedback
- Feedback supports, debunks, validates or unearths new benefits or results
- Provides powerful testimonials
- Testimonials used for retail channel requirements (i.e. HSN, QVC, ShopHQ, on-air DTC)

# The Benefits of *Claims*



Insights



Risk Mitigation



Third-party  
validation



5-Star  
Marketing  
Claims

# Proof Comes in *Many* Forms

## Consumer Claims

### Genius Ultimate Anti-Aging Cream Consumer Study Results

Results obtained following a consumer use study of 100 women using the product twice daily.

**95%**

Dull skin is brighter in 10 days

**91%**

Fragile skin texture appears reinforced within 10 days

**95%**

Skin appears firmer and more resilient, and bounce and suppleness appears restored within 28 days

**87%**

Forehead wrinkles, creases and lines are visibly minimized within 28 days

## Ratings & Reviews



T3

Healthy Hair Set

\$250.00 (\$330.00 value)

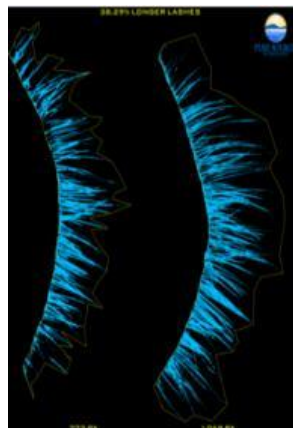
limited edition - online only



## Clinical Claims

38.29%

longer lashes



## Customer Testimonials

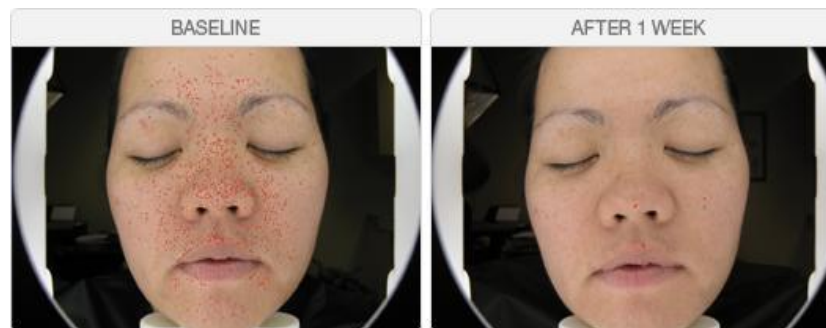


### COULDN'T BELIEVE MY EYES!

**PPEDACE**  
on Nov 29, 2015

*I received my first patch as a sample and when I looked in the mirror I couldn't believe my eyes! I looked in the mirror and just kept staring in awe! I felt my face and went in for a closer look. My skin was plumper, bags under my eyes filled, fine lines gone! For the first time ever, I immediately got on line and ordered the product and now use my Patchology masks religiously. My skin is visibly more hydrated and looks more alive.*

## Before & After Photos



## G2G Social Share



turquoisebb  
Frequent Contributor

Re: Perlier Honey facial skin care

07-20-2016 07:32 PM



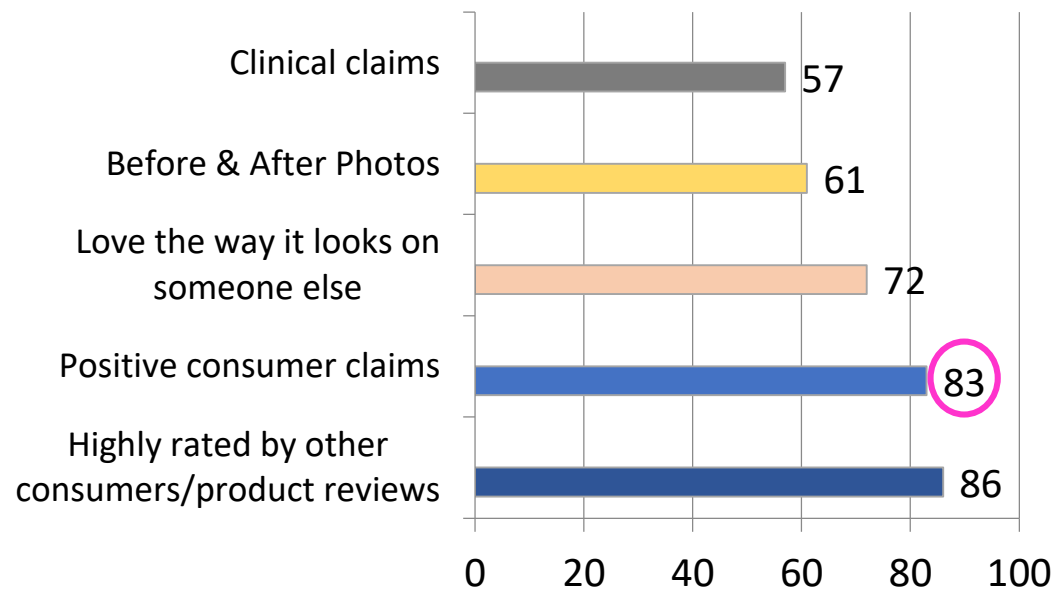
Posts: 95  
Registered: 03-16-2010

staying cheerful, You sound like me! My skin is soo dry and even flaky. So I got the 3 piece set and the night oil. WOW! It really helps. I did not get the cream. Skip said it is even better with that. Also said the oil will be featured next month. I'll stock up...that's the very best oil I have ever used. When Amanda said you only need 3 drops, she was right. Glad I got mine at the special pricing.

# Consumers Have a "Prove It" Mentality

**89% of women / 79% of men** say that consumer claims are influential in their decision to purchase beauty/personal care product

The type of proof that has significant impact on his/her purchase decision.



$$\begin{aligned}
 a &= b \\
 a^2 &= ab \\
 a^2 - b^2 &= ab - b^2 \\
 (a + b)(a - b) &= b(a - b) \\
 a + b &= b \\
 2b &= b \\
 2 &= 1
 \end{aligned}$$

WHICH CLAIMS CONNECT WITH  
CONSUMERS AND WHY?

03

QUESTION



# The Elements of a *Believable* Claim

Men & women believe consumer claims because they are derived from consumers like them.

## What Women and Men Look for in a Claim:

- **97% of women / 91% of men** - have similar skin care concerns
- **96% of women / 89% of men** - are their same age
- **93% of women / 88% of men** - have similar cosmetics needs/ grooming needs
- **82% of women / 75% of men** - are of the same ethnicity

83%

of men “I trust a bunch of guys who say the product works more than I trust the brand telling me the product will work.”

81%

of women find consumer claims very believable because they are derived from a panel of real women like them.



- *The magic number of participants to make a study believable? **Over 100.***
- ***For a claim to be believable***, consumers believe claims percentages must be in the 80s or higher!

# Transparency is *Expected*

Consumers expect transparency in all facets of a brand's interactions with the consumer. From disclosing all the ingredients in a product, to how a product claim is derived, today's consumer is an active seeker of information!

- ❖ **70% of consumers** expect brands to disclose their ingredients not only on product labels but also on the company's website
- ❖ **74% of women/62% of men** expect the brand to disclose the number of people in a claims study
- ❖ **72% of women/54% of men** expect disclosure of the attributions of the study participants (i.e. oily skin, acne)
- ❖ **66% of women/58% of men** expect the brand to disclose the length of the study
- ❖ **62% of women/53% of men** expect the brand to disclose if the claims study was conducted by a third-party independent research firm



## Compelling Claims

Today's consumer is focused on good results fast. Five years ago, anti-aging claims ruled the roost but the claims that resonate today are focused on healthier, purer, cleaner and more youthful skin.

### Top coveted claims:

- Radiant looking skin/brighter looking skin (Driver: K-beauty)
- Healthier feeling skin (Driver: organic/natural beauty)
- Younger looking skin/more youthful appearance (Driver: aging of the Baby Boomer)
- Skin feels protected against future aging
- In as little as 14 days, fine lines and wrinkles appear diminished (Driver: Amazon culture – fast delivery!)
- Gentle enough for all skin types (Driver: Microbiome, Probiotics)



# HOW DOES A BRAND MITIGATE REGULATORY RISK?

04

QUESTION

# The Regulatory & Legal *Landscape*

## The Regulator: FDA

FDA regulates cosmetics under the authority of two important laws pertaining to cosmetics marketed in the US: The Federal Food, Drug and Cosmetic Act and the Fair Packaging and Labeling Act.

## The Enforcer: FTC

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.

## Class Action Lawsuits:

A "**class action**" lawsuit is one in which a group of people with the same or similar injuries caused by the same product or **action** sue the defendant as a group.



FEDERAL TRADE COMMISSION  
PROTECTING AMERICA'S CONSUMERS

# Understand Common Pitfalls



Website Claims



Influencers



Ingredient Claims



Function Claims



Competitive Claims

# What Claims Can *Cosmetics* Companies Make?



Though it would be nice to say words like:

- Heal
- Repair
- Regrow
- Regenerate

*We just can't!*  
Why?

## Because...

According to the FDA a **cosmetic** is anything intended to be applied to the human body to cleanse, beautify or alter its appearance. But not anything intended to treat or mitigate a disease or to affect the structure of function of the body.

Cold sore treatment heals her lips



Makeup changes her appearance

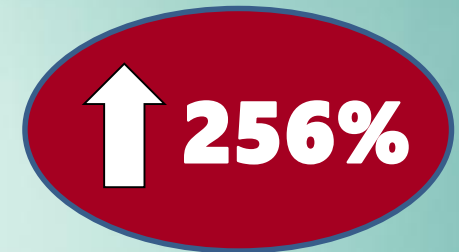




## ***Properly-worded Claims are Important For Regulatory Compliance & Legal Risk Mitigation***

Although marketing claims are important, how brands communicate claims is as important as the claim itself.

**“Popular marketing words like recover, heal, and restore can draw regulatory attention and that was evident in 2016, when consumer class suits and FTC and FDA regulatory actions against beauty companies rose steadily.”**  
—Ronie Schmelz, Esq.,  
counsel at Tucker Ellis, LLP.



*increase in the number of  
Federal Trade Commission  
(FTC) warning letters issued to  
cosmetics companies in 2016  
over 2015 for improperly worded  
claims*

# Don't Put Your Brand at Risk

## 2017

- Collagen production/ stimulation
- Cell regeneration
- Cell turnover
- UV protection/ prevention of sun damage
- Healing sun damage
- Skin lightening
- Wrinkle reduction

## 2018

- Ingredient claims
- Natural/Organic claims
- Treatment claims (i.e. acne, inflammation, gingivitis)
- Product names
- Cellulite/Thinning claims

## 2019

- CBD claims
- Drug claims
- Supplements that imply or explicitly state they solve a medical issue
- Disease prevention



***This is to advise you that in April 2019 the Food and Drug Administration (FDA) reviewed your Facebook page, your YouTube channel, and examples of some of the website claims that provide evidence that your product is intended for use as a drug include:***

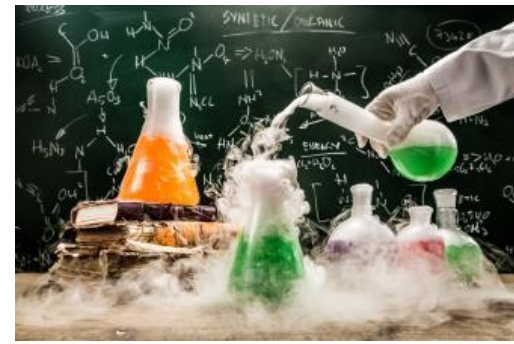
- ***“Great for connective tissue disorders, pain, and sleep issues”***
- ***“Removes Toxins From The Gut”***
- ***“Removes a variety of Toxin [sic] From the Digestive Tract”***

# Pitfalls of *Ingredient* Claims

- ❖ Mixing stand-alone ingredients can change formula properties
- ❖ Lab concentration levels vs. product concentration
- ❖ Drug claims for specific ingredients doesn't mean you can use the same claims for a cosmetic

## *Language from a formal FDA warning letter:*

Lavender [an ingredient in the product]: “[T]his herb has also been used as a remedy for a range of ailments from insomnia and anxiety to depression and fatigue...Lavender has many other health benefits: antibacterial, antidepressant, anti-inflammatory, antispasmodic, anti-toxic, antiviral. Studies have shown that lavender...reduces irritability, apprehension, stress, nervous tension, insomnia, nightmares...



# Remember!

## Cosmetics Claims Sound Like This...

**My fine lines appear...**

**My skin looks...**

**Feels healthier...**

**Feels more hydrated...**

**Eyes appear brighter...**

**I love my skin...**

**Feel more confident...**



## While Avoiding Claims like...

**Restructures**

**Reduces**

**Restores**

**Rebuilds**

**Regenerates**

**Heals**

**Cures**



# Common Indie Brand *Claims* Mistakes

*“We can always just take the claims off our website.”*

Using claims derived from previous version of a formula

Lack of clinical data to support science of the claim, i.e. wetness protection

Claims derived without substantiation or without statistically relevant panel

Influencer disclosures



NOT CONVINCED? Read what our happy customers have to say.

They help heal and provide therapy.

“Your products are mind blowing fast and effective. That’s the only other way to describe them. If you find a way to make your products better, you are some sort of wizard or genius. They help heal and provide therapy. The bar soaps can handle everything from a fussy baby with purple haze to years of suffering from psoriasis with shea honey oat. On behalf of our customers, thank you.”

Jesse Gonzales  
Oasis, A CBD Wellness Shop  
Brownsville, TX

# WHAT ARE THE BEST PRACTICES FOR CREATING STAND-OUT CLAIMS?

05

QUESTION

# Defining Claims *Testing*

## Clinical Testing



- Safety testing
- Efficacy and claims substantiation testing – specific to the benefit tested, i.e. increase in hydration
- Conducted in a scientific lab using set scientific procedures and measurement
- Average panel size: 25 to 50
- Governed by regulations



## Consumer Testing



- Products that are safety and stability tested/approved for in-market commercialization
- Efficacy and claims substantiation from a panel of women with concerns mapped to the product benefits
- In home use with specific usage instructions
- Reveals emotional connections to products and brand
- Average panel size: 100 to 150

# Not all Claims are Created Equal

## They Find Consumer Claims Most Compelling

When shown consumer and clinical claims from actual print advertisements touting the same product benefits, respondents stated the consumer claim was more compelling than the clinical claim for the same product.

Product	Consumer Claim	Clinical Claim
Anti-aging serum	82%	18%
Razor	81%	19%
Mascara	75%	25%
Eye cream (anti-aging)	69%	31%
Acne solution	69%	31%
Deodorant	68%	32%
Lip balm	66%	34%
Brightening solution	65%	35%
Anti-aging skincare	61%	39%
Facial moisturizer	61%	39%





# Clinical vs. Consumer Claims *Showdown*

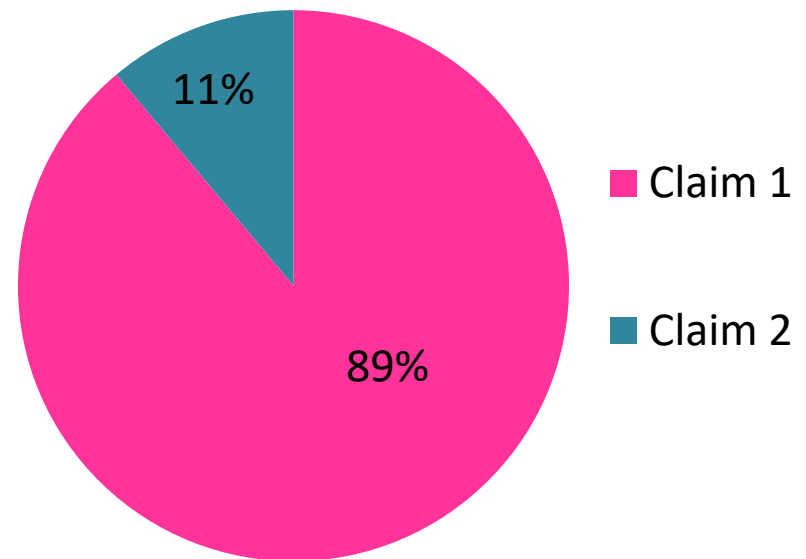
When considering the purchase of the following products, which statement, per product, is the most compelling to you?

*Taken from real magazine and online advertisements*

**Claim 1:** 94% of women saw overall diminished appearance of aging

**Claim 2:** Diminishes appearance of aging

## Anti-Aging

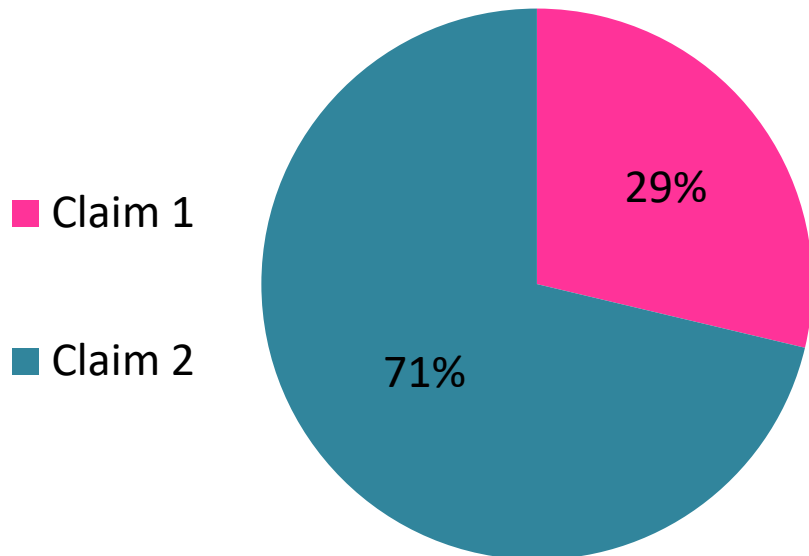


# Clinical vs. Consumer Claims *Showdown*

When considering the purchase of the following products, which statement, per product, is the most compelling to you?

*Taken from real magazine and online advertisements*

## Firming Claims



**Claim 1:** Clinically proven to improve appearance of firmness

**Claim 2:** 94% of women saw improved appearance of firmness

# Consumer & Clinical Testing = *Powerhouse*



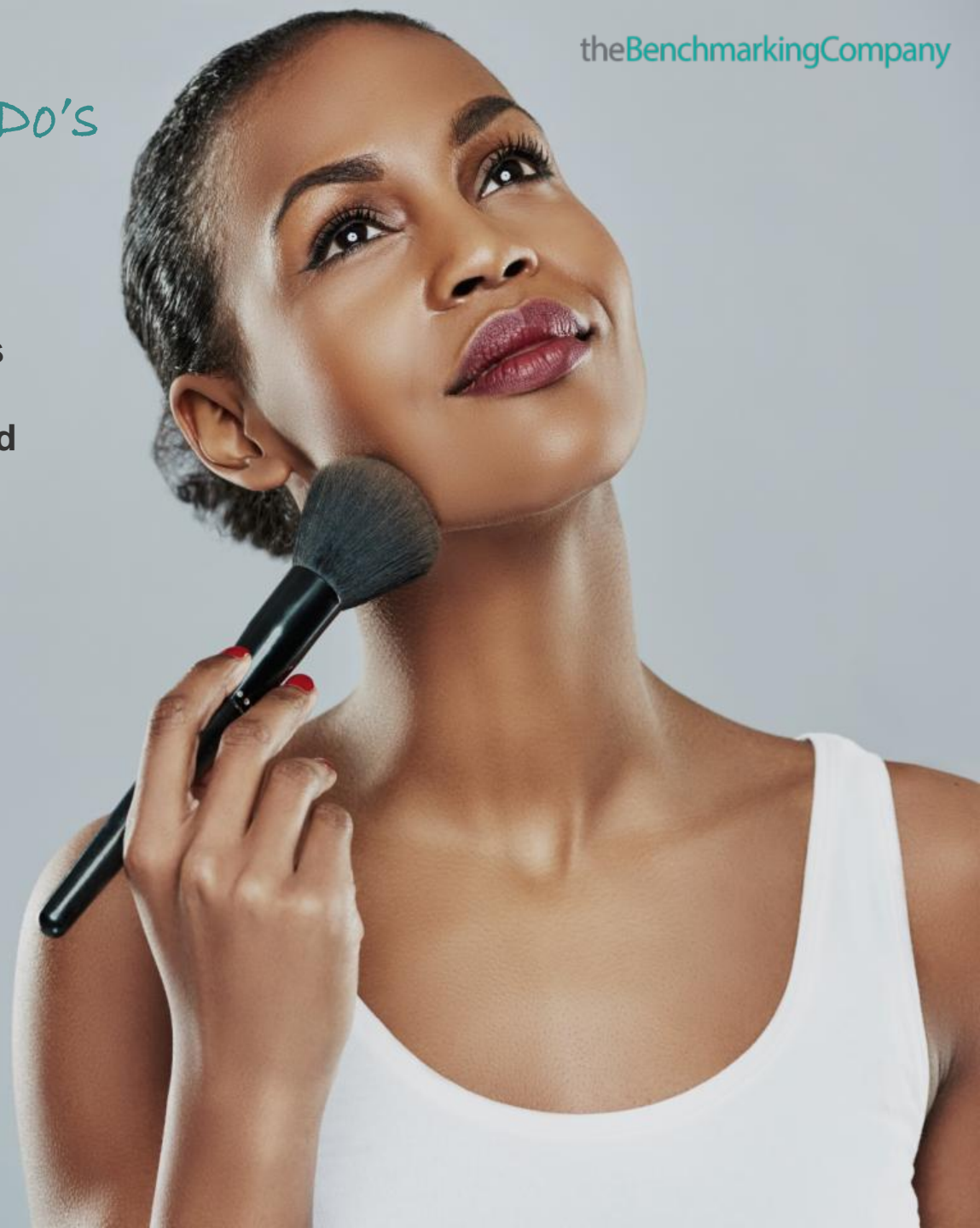
- ❖ Leverage your investment in clinical testing to *propel* your consumer claims
- ❖ What will give my brand the strongest claims. *Set the budget* to this!
- ❖ *Involve* the PD team
- ❖ What is *important to the consumer*?
- ❖ How strong are your clinical claims? *Capitalize* on the opportunity to make them stronger with consumer testing.
- ❖ Use *consumer claims* testing to *bolster* your clinical results.
- ❖ Carefully consider the timeline
- ❖ *Involve* the marketing department

## Claims Substantiation Do's

**TEST YOUR PRODUCTS WITH YOUR TARGET CONSUMER AND GET VALUABLE FEEDBACK**

It is an opportunity to make things good (and then better) and right (and then fantastic) for the men and women who use the products.

- Use a reputable research firm with proven methodology
- Involve the PD/Marketing/Regulatory/Legal team
- Test your differentiator
- Find the emotional connection for your consumer
- Bolster your clinical results
- Legal consent
- Carefully consider the timeline
- Know the laws
- Plan for success or setbacks
- Certify and validate claims



# Beauty Product Testing *Don'ts*

- **Ignore** the laws and put your brand in a position to defend what the government may deem “false claims”
- **Bypass** legal/PD/Marketing
- Have too few or the **wrong testers**
- **Forget** the consent forms
- **Skimp** on the product
- Wait too long
- **Rush!**
- Combine claims
- Use **‘no-no’** words



# Types of *Products* Tested

## Cosmetics and Nails

Foundation, Bronzer, Lipstick, Lip Gloss, Nail Polish



## Skincare

Acne, Sunscreen, Anti-Aging Skincare, Lotion



## Beauty and Personal Care Devices

Anti-Aging Ultra-Sound Devices, Purifying Shower Heads



## Body Care

Body Oil, Body Lotion, Neck Cream



## Hair Care

Shampoo, Conditioner, Gel, Styling Cream



## Fragrance

Perfume, Eau de Toilette, Body Lotion



## Men's Care

Deodorant, Shave Creams, Beard Balm, Lip Care



# Types of *Beauty & Personal Care* Product Testing

(Consumer In-Home Use Testing)

*As varied as your  
marketing & PD needs*

- ✓ Branded
- ✓ Blind
- ✓ Prototype/Pilot
- ✓ New SKU
- ✓ New Formulation
- ✓ New Formulation vs. Old
- ✓ Formula A vs. B  
for maximum efficacy
- ✓ Old SKU
- ✓ New Set
- ✓ Competitive
- ✓ Fragrance Preference
- ✓ Usage instruction efficacy
- ✓ Advertising compliance



# Target Your Testers

Leverage your testing initiatives to create brand evangelists and future buyers.

- Geographic Location
- Shopping Habits
- Skin Concerns
- Age
- Ethnicity
- Household Income
- Values

## Benefits:

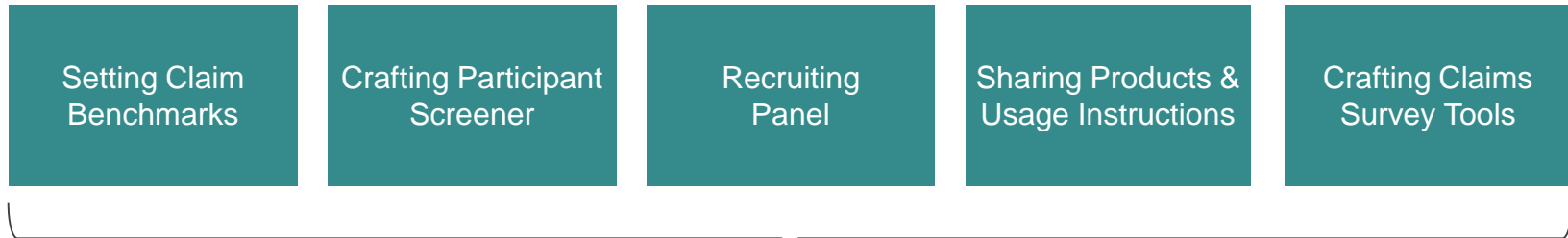
- Consumer insights
- Turn browsers into buyers
- Information on price elasticity
- Likelihood of purchase
- Retail strategy validation



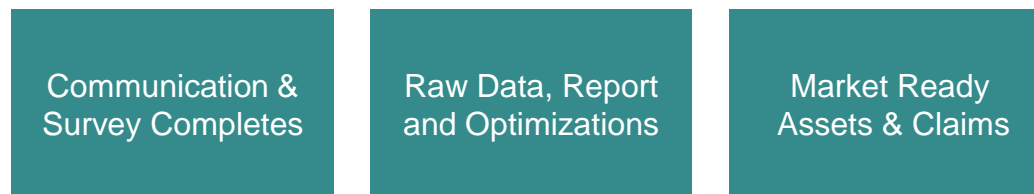


# Beauty Product Testing *Methodology*

**Independent Voice • Consumer Intelligence • Market Tracking  
Market Claims • Benchmarked Data**



## Anchor Points



## Impact Points



**HOW DO YOU USE CONSUMER RESEARCH  
TO DRIVE CONSUMER DEMAND?**

006

QUESTION

# Validate the Claims & Gather Testimonials



My skin is noticeably tighter, reducing the laugh lines extending from the edges of my lips to my nose. I thought only surgery could fix those. Also made the lines between my eyes much **less noticeable**. I've tried many serums, including some very expensive brands. None of them are even close to being as **effective** as TLC Framboos. I also love the packaging. It makes it very easy to get the same amount every time I use it without risking contaminating the product. —*Donna B., Henrietta, TX*



“At first, I thought the straightener wouldn't work for me since there are no heat adjustments. I thought it may not get hot enough. I have thick hair and it can be hard to style. This was not the case! It worked **PERFECT** for me and I love the overall results. I currently own a another straightener, but I **LOVE** this styler **so much better**. It is gentle on my hair, glides effortlessly, and my hair looks **shiny and smooth**. Overall, I would absolutely prefer this styler over any other straightener I have used in the past.” —*Amber W., St. Augustine, FL*



## Algenist ELEVATE Firming & Lifting Contouring Eye Cream



After 10 days of use, 95% of subjects reported visible improvements of skin texture around the eyes



## GLAMGLOW FLASHMUD Brightening Treatment



After 3 uses, 93% said it created a brighter complexion

# Claims Support in Product Packaging

## ADVANCED GENE SCIENCE, VISIBLE SKIN RESULTS

Clinically-advanced anti-aging face treatment backed by 8 years of university and scientific research

- Visibly softens fine lines and deeper wrinkles
- Reinforces and restores elasticity and firmness
- Hydrates and protects against moisture loss

### Unprecedented results\*:

- 100% agree skin is soothed and nourished
- 100% agree skin is smooth
- 95% agree skin is healthy and restored



## RESVOLOGY

### ADVANCED GENE SCIENCE, VISIBLE SKIN RESULTS

Luxuriously hydrating and rejuvenating eye cream with clinically-proven anti-aging actions

- Minimizes crow's feet, fine lines and wrinkles
- Reinforces skin firmness and elasticity
- Deflates puffiness and brightens dark circles

### Unprecedented results\*:

- 100% agree fine lines and wrinkles are minimized
- 100% agree eye area is firm
- 100% agree eye area is hydrated



### Pore Corrector Anti-Aging Primer

This anti-aging primer is formulated with Alguronic Acid and an additional 7 powerful ingredients to visibly refine pores, blur fine lines and imperfections, and improve skin texture and tone over time. This lightweight, aqueous formula evenly distributes onto the skin, creating a satin-soft finish for smooth, long-lasting makeup application.

#### After immediate use:

Leaves the skin soft and smooth in 93%\* of subjects.

Improves makeup application and wear in 90%\* of subjects.

#### Within 10 days of use:

Blurs fine lines and imperfections in 93%\* of subjects.

Visibly improves the appearance of pores in 90%\* of subjects.

Directions for Use: Apply evenly to clean and/or moisturized skin, avoiding the eye area. For a flawless finish, allow product to dry prior to applying makeup. Use only as directed.

\* Results obtained using product once daily before applying makeup following self-assessments of 100 women. Average result measured following an in vitro test with Alguronic Acid (0.1%\*\*, 0.04%\*\*\*).

## ALGENIST

### Regenerative Anti-Aging Moisturizer

Formulated with Alguronic Acid, the Regenerative Anti-Aging Moisturizer nourishes and restores skin moisture while rebuilding firmness and elasticity. The appearance of wrinkles, fine lines, and pores is minimized. The skin is regenerated.

#### Within 10 days of use:

Skin moisture is restored in 96%\* of subjects.

Skin is regenerated in 96%\* of subjects.

#### Within 4 weeks of use:

Fine lines & wrinkles are minimized in 90%\* of subjects.

Skin firmness is rebuilt in 88%\* of subjects.

Directions for use: Apply to the entire face, neck, and chest area twice a day. Use only as directed.

\* Results obtained using product twice daily, following a self-assessment of 100 women.



## StriVectin™

### StriVectin-EV™

7% (NIA-114 + Vitamin C Actives)™

Get Even Dark Circle Corrector

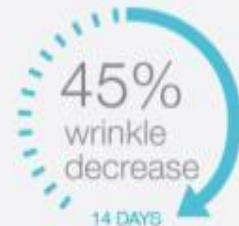
Soin correcteur anti-cernes

4 to 12 WEEKS / 4 à 12 SEMAINES

- Reduces the intensity of dark circles and fades spots / Réduit l'intensité des cernes et atténue les tâches de peau



15 ml/0.5 fl oz



# Claims Support in Social Media



Coming in April...

## MIGHTY

NAIL & CUTICLE SERUM

This peptide-packed serum will transform your nails and cuticles in just a few weeks!



**Julepmaven** 10 months ago

angel1331 dellzenleit. 505megerlson and 408 others like this

amozaa  
Oooh, I keep planning on canceling my maven subscription and you guys just keep coming out with more awesome stuff!

lacogieschick  
I think @julepmaven should just delete comments that have nothing to do with their products.

gastel\_garie  
Same @lacogieschick.

getytheilmeadaor  
@julepmaven WANTS

montmyrocks2  
I still want to get this stuff!

kassemfraroberts  
I just ordered my first Maven box! Any suggestions on products to try other than the addictive nail colours?

makingtheserbie  
So pumped for this!!

iwilt2  
If mac should feature me! I used the Brian starter kit

New!

## Liquid Gold Paradise

INTRODUCING

### Argan Liquid Gold Self-Tanning Face Oil

Tan + Nourish

Clinically proven to hydrate skin and smooth fine lines and wrinkles.

**Josie Maran Cosmetics**  
Like This Page February 29

Treat your skin to the magical power of liquid gold. My new self-tanning face oil is a rich, silky, indulgent hybrid of my Argan Liquid Gold Self-Tanning Oil and 100% Pure Argan Oil.

The quick-absorbing treatment concentrate delivers intense hydration and anti-aging benefits along with a sun-kissed, youthful-looking glow. The tahitian vanilla scent warms your senses and brings you straight to the glistening, warm, tropical beaches of Tahiti—pure, radiant bliss!

What's in it: Natural DHA provides a radiant bronzed glow while Josie Maran Blueberry Argan Extract, coconut water, black tea extract, aloe vera, and chicory root work together to nurture, hydrate, and soothe the skin while improving clarity and skin barrier function.

How I use it: Apply 4-6 drops to clean, dry skin. Massage and blend evenly over face and neck. Wash hands after use and allow product to dry before applying makeup. This hydrating concentrate can be used in place of your traditional moisturizer.

the best...  
firming active body oil

93% say

- it improves skin texture
- skin feels healthy and firm
- it repairs dry patches

#fitskinforlife

**Mio Skincare @MioSkincare** 3 Jan

The Activist firming active body oil. A little goes a long way! Here's what we love... [mioskincare.co.uk/the-activist.h...](http://mioskincare.co.uk/the-activist.h...) #skincare #fitskinforlife

Expand

← Reply ↻ Retweet ★ Favorite \*\*\* More

**Mio Skincare @MioSkincare** 2 Jan

The Activist: 93% say it improves skin texture, skin feels healthy and it repairs dry patches. [mioskincare.co.uk/the-activist.h...](http://mioskincare.co.uk/the-activist.h...) #fitskinforlife

Expand

← Reply ↻ Retweet ★ Favorite \*\*\* More

**Resvology**  
August 20, 2013

## RESVOLOGY

The results are in and women are raving!

Real consumers. real clinicals.

100%	Agree fine lines and wrinkles are minimized
100%	Agree eye area is firm
100%	Agree eye area is hydrated
100%	Experienced smoother skin texture
98%	Agree eye cream increases skin elasticity

# Claims Support in POS Displays



# Claims Support in Print Advertising

WANT YOUNGER, HEALTHIER LOOKING SKIN?

*NEW*

## SKINSORIALS™ SKINCARE

An exquisite beauty ritual filled with what your skin craves: gorgeous textures, naturally derived scents and effective ingredients.



**1/PURIFY**

**bareMinerals**  
Cleansers

deliver exceptionally pure and revitalized skin.\*

**2/EMPOWER**

**SKINLONGEVITY™**  
VITAL POWER INFUSION

is clinically proven to improve skin's overall appearance.\*\*

**3/MOISTURIZE**

**bareMinerals**  
Moisturizers

100% of women experienced an immediate improvement in skin hydration.\*\*\*

\*Based on 1-week independent US consumer studies of 100 to 110 women  
 \*\*Based on an 8-week independent US clinical study of 63 women  
 \*\*\*Based on 4-week independent US clinical studies of 37 to 42 women

**BE ORIGINAL. BE NATURAL. BE GOOD.**

Come in for a personalized consultation and discover how **NEW SKINSORIALS** unleashes your skin's most vibrantly healthy looking glow.

**bareMinerals**  
authorized retailer



## VIBRANCY

ARGAN OIL SKINCARE FOUNDATION FLUID

FRESH SQUEEZED FOUNDATION  
VIBRANT, JUICY, GLOWING SKIN

Medium-to-full coverage / Radiant, dimensional finish  
Clinically proven to hydrate, soothe, and smooth even the most sensitive skin

**BETTER FIRMNESS**  
**BETTER HYDRATION**

**THE NEW RESURGENCE AGE-DIFFUSING FIRING MASK**

- TIGHTENS AND LIFTS TO RESTORE NATURAL CONTOURS
- PUMPS TO EASE LINES AND WRINKLES

FirmQ! Dr. Murad's latest youth building innovation, tightens and lifts while skin-pumping Brazilian Fruit Extracts promote collagen production.



**BETTER EVERY DAY**

## Murad.

FREE Renewing Eye Cream (0.34 OZ.) and Regenerating Lift for Neck and Décolleté (0.52 OZ.) with Age-Diffusing Firming Mask purchase.  
 Visit Murad.com/SPL or call 800.837.6226 to claim your reward. Special offer expires 9/30/12.\*

Available at Sephora USA, Massage Envy Spa, Fine Scent and Satine & Murad.com or by calling 800.837.6226.

# Claims Support in Marketing Materials

EXCLUSIVELY ON STRIVECTIN.COM

NO MORE DARK CIRCLES

**StriVectin**  
POWERED BY NIA-114\* TECHNOLOGY

New! Get Even  
Dark Circle Corrector

\$99 add to bag †

Fades all dark circles. Brightens the eye area.

New Get Even Dark Circle Corrector has a lightweight, non-greasy texture that's instantly absorbed by delicate skin in the eye area to brighten complexion and reduce the look of under-eye dark circles. Within 4 weeks, sun and dark spots visibly fade.

Waken a refreshed, renewed look.

Get Even Dark Circle Corrector renews, rehydrates and soothes as it deeply nourishes skin. Under-eye area looks less puffy, more radiant and translucent so you start the day fresh and youthful looking.



REDUCES ALL DARK CIRCLES

90% of women see visibly lighter dark circle in only two weeks.

- Targets dark circles caused by excess pigmentation, aging or thinning skin
- Fades dark spots and brightens under-eye area
- Helps rebuild skin's moisture barrier and fight off the key visible signs of aging with our patented, scientifically-proven NIA-114™ molecule

What makes our new dark circle corrector so different?

- Breakthrough formula features proprietary NIA-114\* molecule that boosts the efficacy of Vitamin C Actives\*\* to brighten the skin
- Specially developed to target all types of under-eye circles that result from aging, hereditary factors or broken capillaries
- Improves overall health of skin around the eyes to prevent and correct all visible signs of aging

% of women reported dark circles appeared visibly lighter



**The eye-thority.**  
Three eye-conic age fighters for ageless skin.

**LIFTS & TIGHTENS**  
73% had improved elasticity<sup>1</sup>

**SMOOTHES LINES**  
79% saw a reduction in fine lines and wrinkles<sup>2</sup>

**REDUCES DARK CIRCLES**  
90% saw visibly lighter dark circles<sup>3</sup>

\*NIA-114: N-Acetyl Hexanamide  
\*\*Vitamin C: Ascorbyl Glucoside

<sup>1</sup> Based on consumer evaluation at 4 weeks  
<sup>2</sup> Based on consumer evaluation at 8 weeks  
<sup>3</sup> Based on consumer evaluation at 2 weeks

## Genius Ultimate Anti-Aging Cream Consumer Study Results

Results obtained following a consumer use study of 100 women using the product twice daily.

95%

Dull skin is brighter in 10 days

91%

Fragile skin texture appears reinforced within 10 days

95%

Skin appears firmer and more resilient, and bounce and suppleness appears restored within 28 days

87%

Forehead wrinkles, creases and lines are visibly minimized within 28 days

## ALGENIST

### 7 out of 10 Women Said Lashes Appeared Fuller.\*

Wouldn't you like to be able to say that? Here's what else women told us after using Mary Kay® Lash & Brow Building Serum® once a day for one month during an independent study:

80%	said it helped reduce lash loss. <sup>1</sup>
77%	said it reduced lash brittleness and breakage.
76%	said the look of thin, sparse lashes was improved.
65%	said the look of thin, sparse brows was improved.

MARY KAY®





# Claims Support in Top Media

**DAILYCANDY** FASHION BEAUTY ENTERTAINMENT FOOD & DRINK HOME JOBS

DEDICATED EMAIL

Every skin cream promises to work magic. Only one actually comes with a wand.



## LOOK LIKE A MILLION BUCKS

Save face with JeNu's genius trio



100% of women saw a decrease in appearance of eye wrinkles

see the results >

JeNu

## MASK

**Murad Resurgence Age-Diffusing Firming Mask** (\$68; murad.com)

Unmask plumper, smoother, and tighter skin in just 10 minutes with this creamy cocktail of Brazilian fruit extracts, golden seaweed, and shea butter.



## SHAPE



## Soften the Mouth

Blame dehydration for those puckers in the top lip. An antioxidant, like grape-seed oil, can puff it up. Jenu's Active-Youth Skincare System comes with an ultrasound wand that helps the serum penetrate 70 percent deeper than cream alone, according to company studies. Your part: Every night for one week, prime lips, then circle the device over the mouth for one minute. (\$249, jenu.com)



allure

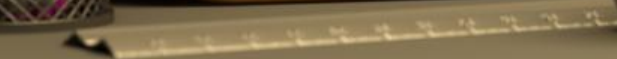
COSMOPOLITAN

NEW BEAUTY MAGAZINE

WWD.COM

VOGUE

TIME FOR  
CASE STUDY



# FTC Warning Letters

What the FTC is looking for:

- False advertising
- Misleading claims
- Failure to disclose paid endorsements
- Mislabeling
- Drug claims
- Implied claims
- CBD Claims

Recent FTC warning letters:

- Review of websites
- Review of retailing sites
- Review of social media hosted by brand
- Labeling
- Reviews posted on brand's website



# Example

dōTERRA International, LLC  
Attn: David Stirling  
389 South 1300 West  
Pleasant Grove, Utah 84062

***“...are promoted for conditions that cause them to be drugs. The therapeutic claims establish that these products are drugs because they are intended for the use in a cure, mitigation or prevention of a disease.”***

Dear Mr. Stirling:

Athlete’s foot \* Herpes Simplex \* Infection \* Viral Infections \* Measles

This is to advise you that the U.S. Food and Drug Administration (FDA) reviewed websites and social media accounts (e.g. [www.anytimeessentials.com](http://www.anytimeessentials.com), Facebook, Twitter, Pinterest, YouTube) used to promote your dōTERRA Essential Oil products in August 2014. Based on our review, FDA has determined that several of your dōTERRA Essential Oil products including, but not limited to, “Melaleuca,” “Oregano,” “On Guard,” “Clove,” “Eucalyptus,” “Frankincense,” “Geranium,” “Lavender,” “Lemongrass,” “Myrrh,” “Peppermint,” “Rosemary,” “Wintergreen,” “Clary Sage,” and “Vetiver” are promoted for conditions that cause them to be drugs under section 201(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act (the Act) [21 U.S.C. § 321(g)(1)(B)]. The therapeutic claims establish that these products are drugs because they are intended for use in the cure, mitigation, treatment, or prevention of disease. The intended use of a product may be determined by, among other things, its labeling, advertising, and the circumstances surrounding its distribution, 21 C.F.R. § 201.128. As described below, the marketing of your dōTERRA Essential Oil products with drug claims and without FDA approved-applications is in violation the Act.

Under the heading, “Fight Your Virus with Essential Oils”:

- **“Melaleuca:** Melaleuca (also known as tea tree oil) has been clinically shown to inhibit the replication of the influenza virus. Some of melaleuca’s primary uses include . . . athlete’s foot . . . canker sores, chicken pox, cold sore, colds, flu, fungal infections, Herpes simplex, MRSA, shingles, warts and viral infections.”
- **“Oregano:** Oregano is effective in inactivating MNV (non-enveloped murine norovirus) within 1 hour of exposure. Some of the primary uses for oregano include athlete’s foot, candida, canker sores, Ebola virus, intestinal parasites, MRSA, ringworm, staph infection, viral infections, warts, and whooping cough.”
- **“On Guard:** On Guard is a blend of dōTERRA oils and it has been lab tested to decrease symptoms of the flu. Some of the primary uses of On Guard include antiviral, cold sores, colds, flu . . . infection, lupus, MRSA, pneumonia . . . and warts.”
- **“Clove:** Clove has been investigated on Herpes simplex and hepatitis C viruses and was found to be antiviral. Some of the primary uses of clove essential oil include candida, herpes simplex, lupus . . . viral infections, and warts.”
- **“Eucalyptus:** Eucalyptus has demonstrated an ability to inhibit the Herpes simplex virus. Some of the primary uses for eucalyptus include Influenza, Measles, Neuralgia, Neuritis, Pneumonia, respiratory viruses rhinitis, shingles, sinusitis and tuberculosis.”

# Class Action



**August 2016:** A [class-action lawsuit](#) was filed against Derma E® for allegedly misleadingly marketing its skincare products – including lotions, scrubs, and cleansers

DERMA E is proud to be one of the most prestigious clean beauty brands, with a longstanding commitment to our high eco-ethical standards. Over the years we've introduced many extraordinary clean beauty products, each one rooted in our belief that skin health can be visibly improved through the right combination of potent vitamins, wholesome nutrients and exceptional ingredients. Today we've grown to become one of the largest **natural facial care brands** in the U.S.

- Sold as a premium brand
- Product sold as “all natural”
- Ingredients included synthetics

Purified Water, Glycolic Acid, Glycerin (Vegetable Derived), Caprylic/Capric Triglyceride (Plant Derived), Stearic Acid (Vegetable Derived), Cetyl Alcohol (Plant Derived), Organic Simmondsia Chinensis (Jojoba) Seed Oil\*, Glyceryl Stearate (Vegetable Derived), Glyceryl Stearate Citrate (Vegetable Derived), Polysorbate 60, Stearyl Alcohol (Plant Derived), Lactic Acid, Organic Camellia Sinensis (Green Tea) Leaf Extract\*, Sodium Ascorbyl Phosphate (Vitamin C, Stay-C® 50), Cetearyl Glucoside (Plant Derived), Xanthan Gum, Dimethicone, Potassium Sorbate, Phenoxyethanol, Ethylhexylglycerin.

# The Issue

**FDA** has not **defined** the term “**natural**” and has not established a regulatory **definition** for this term in **cosmetic** labeling. **FDA** also does not have regulations for the term "**organic**" for **cosmetics**.



Synthetic Ingredients
• Glycerin
• Cetyl Alcohol
• Glyceryl Stearate
• Tocopheryl Acetate
• Polysorbate 20
• Xanthan Gum
• Dimethicone
• Phenoxyethanol
• Ethylexylglycerin
• Potassium Sorbate
• Zinc Oxide
• Titanium Dioxide
• Glyceryl Stearate Citrate
• Glyceryl Stearate
• Stearyl Alcohol
• Cetearyl Alcohol
• Decyl Glucoside
• Coco-Glucoside
• Cocamidopropyl Betaine
• Sodium Benzoate
• Glycolic Acid

# Mitigating the Risk

We will elect to formulate with a **synthetic ingredient** if the natural alternative proves either unstable or animal-derived.

DERMA E products are designed to be completely effective, completely vegan and completely delightful. Our formulas are made with a high percentage of natural ingredients carefully selected and sourced from quality, conscientious origins. We will elect to formulate with a synthetic ingredient if the natural alternative proves either to be unstable or animal-derived. Additionally, to maintain product integrity, we formulate with mild stabilizing systems that may be synthetic in nature. DERMA E does use certified organic ingredients when possible.

Case dismissed as parties settled.

## CLEAN FORMULAS

Our 100% vegan, cruelty-free formulas also do not contain parabens, sodium lauryl sulfates, petrolatum, mineral oil or artificial colors.



## QUALITY INGREDIENTS

Part of our core ethos is being completely transparent about the ingredients we use. We are proud to state all of the ingredients included in our products on all of our packaging and individual product pages. We are also happy to provide a comprehensive list of all the ingredients we formulate with below.

# Class Action

**July 2017:** A [class-action lawsuit](#) was filed against Philosophy, Inc. regarding the marketing of its “Ultimate Miracle Worker” products



This Philosophy night cream comes in a 50ml glass jar, with a separate sachet of serum pearls. To activate the moisturiser, the pearls need to be combined with the cream until they have fully melted. The formula is designed to target all major signs of ageing, including lines, wrinkles, firmness and texture. With extracts of green tea, coffee beans, orange peel and angelica root, the ingredients work to improve skin regeneration, rebuild its natural collagen and rejuvenate the appearance of the skin.



# The Issue

2. The Products are **marketed as drugs**. Drugs are held to a higher standard than cosmetics, requiring pre-approval from the FDA and their represented benefits usually must be supported by randomized, placebo controlled, double-blind clinical trials. Further, the label claims, including represented product benefits, must be truthful and not misleading. .... On the front of each and every Ultimate Miracle Worker Product package, where consumers cannot miss it, Defendants represent that the Products are **"multi-rejuvenating"**. Defendants affirmatively represent on every Product package that the Products work **"from the inside out" to "help your skin rebuild its natural collagen" and help your skin "naturally rejuvenate itself"**. The ultimate miracle worker multi-rejuvenating cream and ultimate miracle worker multirejuvenating lightweight emulsion packages further represent that the products contain **"dermatologically proven skin rejuvenators."** And, the ultimate miracle worker night multi-rejuvenating nighttime serum-in-cream also represents it is proven to improve **"skin regeneration and epidermal repair while helping skin rebuild its natural collagen and rejuvenate its appearance layer by layer"** (collectively, the **"rejuvenation, regeneration, repair and collagen rebuilding representations"** or **"unlawful representations"**). The rejuvenation, regeneration, repair and collagen rebuilding representations are drug claims.

# Mitigating Risk

*Virtually erases the look of fine lines while you sleep*

*In 1 week, complexion looks brighter, healthier and more even*

*In 2 weeks, reduces the look of fine lines and smoothes out the appearance of wrinkles*

*Over time: Skin looks more and more youthful each morning*

\*8-week self-assessment study with 48 women aged 27-75, 1 x day usage

## WHAT IT DOES

our overnight cream helps virtually erase the look of fine lines as you sleep, while recharging skin and helping counteract the signs of stress on your skin. a powerhouse wrinkle-fighting complex of peptides, hyaluronic acid, indian gentian extract and potent forms of vitamin c an innovative complex of saponins and enhanced hyaluronic acid to help counteract stress-induced damage on skin.

in 1 week: complexion looks brighter, healthier and more even\* in 2 weeks: reduces the look of fine lines and smoothes out the appearance of wrinkles\* over time: skin looks more and more youthful each morning\*

\*8-week self-assessment study with 48 women aged 37-75, 1x per day usage

Parties reached a settlement. Case was dismissed.

# TBC Conducts Research For Top Brands

**ALGENIST**



bareMinerals®  
By BARE ESSENTIALS



HOLLYWOOD, CALIFORNIA  
**GLAMGLOW**



 JeNu



MARY KAY



Murad® | *m*

**RevitaLash®**

**KOPARI**

JOSIE MARAN  
Luxury with a Conscience.®

**ELEMIS**

**StriVectin®**

**PAULA'S CHOICE®**  
SKINCARE

**benefit**  
SAN FRANCISCO

**MADISON REED**



**NARS**

**EVER**



**GOLDEN DOOR®**

**SKININC®**

**BIOELEMENTS®**  
PROFESSIONAL SKIN CARE

**proactiv®**  
SOLUTION



**ghd**  
good hair day, every day

**Jergens®**

**mama mio**  
skincare



NEYDHARTING  
**MOOR™**  
SCIENCE & NATURE BECOME ART

**Perricone MD**

# TBC Conducts Research For Top Brands

**Panasonic**



**VOTRE VU**  
PARIS • FRANCE



PEACH & LILY patchology



**AQUIS**

**IN**STYLER

AMOREPACIFIC

JULEP glanbia

**SKIN CLINICAL**

EVE • PEARL  
BEAUTY BRANDS

**COTY**

blinc  
cosmetics

ESTÉE  
LAUDER  
COMPANIES

**ZO SKIN CENTRE**  
BY ZEIN OBAGI MD

NatureLab.  
NATURELIV • NATURELAB

AU Aubio Life Sciences

**Dr.Jart+**

pixi by  
petra

JUARA

**JOICO**

PURITY  
OF  
ELEMENTS™



**JOY LUX**  
INC.



**SCALISI**  
SKINCARE



**eva.nyc**

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theBenchmarkingCompany

