

FTC Continues to Target Health-Related Advertising; Settlement Reached with Maker of Vacuum Cleaner and Air Purifier

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Yesterday, the FTC announced a \$750,000 [settlement](#) with the makers of an air purifier and a vacuum cleaner that were intended to create a healthier household environment. The vacuum cleaner featured a HEPA filter and ultraviolet light, while the air purifier featured an electrostatic precipitator that was intended to attract and trap particles in the air. The FTC alleged that the company deceived consumers by advertising that the respective products, "through normal use," could "kill[] virtually all bacteria, viruses, germs, mold, and allergens" either "on carpets and other floor surfaces" or "in the air of an average-sized household room." The FTC further alleged that the company's advertising promoted the products for preventing or reducing the risk of flu, colds, asthma, allergy symptoms, and other ailments. The company had disseminated claims through "infomercials, traditional television ads, print ads, in-store displays, and ads [appearing] online." Additionally, according to the FTC, the company had provided its distributors the "means and instrumentalities" for deceiving consumers. Presumably, the company provided its distributors with marketing materials or sales scripts. In addition to requiring monetary redress, the resulting consent order bars the company from making or assisting others in making germ or disease-fighting claims or any other health benefit claims for any vacuum cleaner or air filter -- unless it possesses appropriate "competent and reliable scientific evidence."

This settlement is significant for at least two reasons. First, no matter the industry, if a company is making health-related claims, it should tread lightly and be sure its substantiation meets the FTC's competent and reliable scientific evidence standard. In recent years, the FTC has targeted health-related claims being made for foods, dietary supplements, and more exotic products, like "detox foot pads." This settlement shows that health-related claims for any type of product in the FTC's purview may become a target. Second, this settlement serves as a reminder that companies are ultimately responsible for the claims and marketing materials they send downstream. The companies in the best position are those with measures in place to ensure that compliance follows as products move through the stream of commerce and into the hands of consumers.