

Nutritional Outlook Quotes Partner John E. Villafranco on Scientific Evidence for Health- Related Advertising Claims

December 15, 2011

Partner John E. Villafranco was quoted in the Nutritional Outlook article, "Law Firm Discusses How FTC Now Defines 'Competent and Reliable' Scientific Evidence for Health Claims." The article discusses the evolution of how the FTC views scientific evidence as substantiation required for health-related advertising claims. Mr. Villafranco gave pointers on how companies can determine whether they have "competent and reliable" science and also covered the specific types of claims that have been included in recent FTC consent orders and the types of substantiation required.

"For decades previously, most orders on health-related advertising had included the traditional 'competent and reliable scientific evidence' standard...You can see that it's a very flexible, very broad standard. What it came down to is that the orders required future claims to be backed by good, objective science, and the kind of science wasn't specified...But last year, that all started to change."

Mr. Villafranco added, "The standards are not static; things are constantly evolving. Depending on who is the bureau director, who is the chair of the FTC, that will usually be a good predictor of how active the FTC is going to be. What's it going to be like in 2012? It's hard to say...I expect what we're going to continue to see is a very active FTC Bureau of Consumer Protection in the area of health-related claims."

For more on this issue, see the Kelley Drye webinar, ["How 'Competent and Reliable' Is Your Scientific Evidence?"](#)