

Reebok Agrees to Pay \$25 Million to Settle Charges of Unsubstantiated Advertising for Toning Shoes

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Today the Federal Trade Commission (“FTC”) [announced](#) that Reebok International, Inc. has agreed to pay \$25 million to settle charges that the company engaged in deceptive advertising for its EasyTone and RunTone toning shoes. The settlement prohibits Reebok from making certain claims about footwear and apparel that purports to improve or increase muscle tone, strength, or activation, unless the company has sufficient substantiation. The required substantiation will depend upon the type of claim. The \$25 million will be used for equitable relief, including consumer redress.

Reebok marketed the toning shoes as having “micro instability” that tones and strengthens muscles as a consumer walks or runs. The FTC complaint states that beginning in 2009, Reebok made false claims that the toning shoes were proven to strengthen hamstrings and calves by up to 11 percent, and that they tone the buttocks up to 28 percent more than regular sneakers. The FTC alleged that the false claims constituted deceptive acts or practices and false advertising in violation of Sections 5(a) and 12 of the FTC Act.

The Reebok order tracks specific substantiation requirements articulated in recent FTC settlements involving health-related advertising. Under the order, Reebok must have at least one “adequate and well controlled human clinical study” to substantiate certain claims. Such a study is defined in the order as “a clinical study that is randomized, controlled, blinded to the maximum extent practicable, of at least six-weeks duration, uses an appropriate measurement tool or tools (e.g., a dynamometer if measuring strength), and is conducted by persons qualified by training and experience to conduct and measure compliance with such a study.” Companies should consider the FTC’s standard for substantiating claims of improved fitness or health benefits when reviewing advertising for health-related products.