



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

April 24, 2020
Via Electronic Mail

Zurvita, Inc.
c/o Jay Shafer and Mark Jarvis, CEOs
840 West Sam Houston Parkway North
Suite 300
Houston, Texas 77024

**Warning Regarding Health Claims Related to Coronavirus
Disease 2019 (COVID-19)**

Dear Mr. Shafer and Mr. Jarvis,

FTC staff has reviewed social media posts made by Zurvita, Inc. (“Zurvita”) business opportunity participants or representatives that unlawfully advertise that certain products treat or prevent Coronavirus Disease 2019 (COVID-19). This letter is to provide you with information about laws and regulations enforced by the Federal Trade Commission (“FTC”) that may bear upon your business activities, including the activities of your business opportunity participants and representatives.

Some examples of Coronavirus prevention or treatment claims made by your business opportunity participants or representatives include:

- “Want to join me in drinking Zeal to combat the Corona Virus? Contact me . . . to learn how to be your own Corona Virus Super Hero!”
- “Our immune system is constantly evolving and it’s super advanced yet, from time to time, it meets a new enemy that it has to learn to fight. That is the case with the COVID-19 pandemic. A lot of us are worried about getting the virus and since a vaccine has yet to be developed we’re going to have to rely on our good-old immune system to keep us healthy. In addition to a good diet, lots of water and regular exercise, one of the best ways to STRENGTHEN YOUR IMMUNE SYSTEM is to take the best broad-spectrum nutritional supplement you can find. I can’t find anything better than Zeal! It’s packed with immune supporting nutrients like Vitamins, Minerals, Whole Food Concentrates, Super Foods, Adaptogens, Herbs, Phytonutrients, Antioxidants and Anti-inflammatories.” The text accompanied an illustration of Coronavirus next to text reading “you can strengthen your immune system.”

It is unlawful under the FTC Act, 15 U.S.C. § 41 *et seq.*, to advertise that a product can prevent, treat, or cure human disease unless you possess competent and reliable scientific

evidence, including, when appropriate, well-controlled human clinical studies, substantiating that the claims are true at the time they are made. For COVID-19, no such study is currently known to exist for the product(s) identified above. Thus, any coronavirus-related prevention or treatment claims regarding such product(s) are not supported by competent and reliable scientific evidence. You must immediately cease making all such claims.

You are responsible for the claims of your business opportunity participants and representatives. As the FTC stated in the January 2019 [Business Guidance Concerning Multi-Level Marketing](#), the compensation structure of a Multi-Level Marketing entity (“MLM”) may create incentives for its participants to make certain representations to current or prospective participants. “As a consequence, an MLM should (i) direct its participants not to make false, misleading, or unsubstantiated representations and (ii) monitor its participants so they don’t make false, misleading, or unsubstantiated representations.”

You are advised to review all claims relating to your products and immediately cease, and require your business opportunity participants and representatives to cease, making claims that are not supported by the evidence or substantiation described above.

Within 48 hours, please send reply via email to COVID-19-Task-Force@ftc.gov describing the specific actions you have taken to address the FTC’s concerns. If you have any questions regarding compliance with the FTC Act, please contact us at COVID-19-Task-Force@ftc.gov.

Sincerely,

Federal Trade Commission Staff