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United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

April 1, 2021

WARNING LETTER

VIA EMAIL TO info@physicianschoice.com

JB7, LLC
6990 West 38th Ave., Suite 304
Wheat Ridge, CO 80033

Re: Unsubstantiated claims for Coronavirus prevention and treatment

To Whom It May Concern:

This is to advise you that FTC staff has reviewed your website at <https://physicianschoice.com/> in March 2021. We have determined that you are unlawfully advertising that Physician's Choice probiotic supplements treat or prevent Coronavirus Disease 2019 (COVID-19).

Some examples of Coronavirus prevention or cure claims on your website include:

- In a February 4, 2021 blog post on your website at <https://physicianschoice.com/blogs/blog/covid-19-and-gut-health>, you state:

“What We Know About Covid-19 and Gut Health

Over the past year, a novel virus dubbed Covid-19 has plagued the world, leaving devastating impacts on global healthcare and economic systems in its wake. Nations have been ravaged by this virus, and we're still suffering from its effects. Covid-19 cases continue to rise, infecting millions worldwide....

COVID-19 AND YOUR GUT'S IMMUNE RESPONSE...

In the study, researchers uncovered a correlation between the gut microbiota of patients experiencing severe Covid-19 symptoms and the plasma levels of cytokines and inflammatory markers. These findings indicate the composition of bacteria in your intestines may influence the severity and outcome of the disease.

The study also revealed that those with severe Covid-19 infections had several bacterial species missing in their samples, inferring that these microorganisms may prevent aggressive inflammation in the event of infection. In general, bacteria such as *B. adolescentis*, *F. prausnitzii*, *E. rectale*, *R. (Blautia) obeum*, and *D. formicigenerans* were linked to lower inflammation.

COVID-19 AND GUT MICROBIOTA

Microorganisms in the gut may help identify who is at risk of complications from Covid-19, including severe illness and inflammation. What's striking is that even after recovery, gut microbiota can remain altered and patients can continue showing symptoms like fatigue, dyspnea, and joint pain....

In other words: A leaky gut triggered by an unbalanced gut microbiome allows the virus to leak into the circulatory system, making it easy to spread across organs....

KEY TAKEAWAYS

Several studies are revealing a link between Covid-19 complications and imbalanced gut microbiota. The healthier your gut, the less likely you may be to develop severe complications from the virus.

To strengthen your microbiome, prioritize high-fiber foods in your diet like whole grains, vegetables, and fruits. Prebiotic-rich foods like garlic, onions, and bananas provide nourishment for the probiotic bacteria already in your gut. Finally, fermented foods like yogurt and kimchi help introduce new bacteria to the gut, boosting its diversity.

If you're struggling to get these foods into your diet on their own, you might consider a prebiotic and probiotic supplement.”

- In a July 21, 2020 blog post on your website at <https://physicianschoice.com/blogs/blog/can-probiotics-help-support-the-immune-system>, you state:

“Can Probiotics Help Support The Immune System?”

Immunity has been a hot topic this year, and for good reason. With the Covid-19 pandemic, staying healthy and boosting the immune system has perhaps never been on people's minds more....

There are many methods and beliefs about strengthening the immune system. Among them is the topic of gut health, and it's [sic] role in immunity. More specifically, the

method by which probiotics may help support the immune system has also been highly researched....

Patients with respiratory infections (and thus a weakened immune system) generally have gut dysfunction. This implies that the gut-immune relationship can go both ways, with an imbalanced gut both potentially being a cause of illness as well as an effect of it.

WHAT ROLE CAN PROBIOTICS PLAY IN SUPPORTING IMMUNITY?

With the rising awareness of the relationship between the gut microbiome and immune health, it is understandable to question what can be done about it.

There are many ways to support the balance of the microbiome, some of which include:...

- Increasing your intake of prebiotic and probiotic foods and/or supplements

Out of all of these possible interventions, probiotics have perhaps been most widely studied for their role in supporting both gastrointestinal health and the immune system. Probiotics are a type of live, beneficial bacteria that primarily reside in the digestive tract....

An abundance of research has shown that probiotics play an important part in immunity. Some of the ways they do this is by:...

- Promoting the production of natural antibodies which helps boost the immune system, even in those who are not currently sick.

Studies have demonstrated the potential effectiveness of probiotics — specifically *lactobacillus* and *bifidobacterium* strains — on reducing the incidence and duration of viral respiratory illnesses....

PROBIOTICS AND COVID-19

It is important to keep in mind that the function of probiotics in supporting the immune system extends far beyond respiratory infections. Probiotics have been shown to support overall immune health.... Preliminary evidence shows that COVID-19 may be at least partially related to an altered gut microbiota.

In fact, China's National Health Commission and National Administration of Traditional Chinese Medicine both recommended that probiotics be used to support and maintain the balance of intestinal bacteria in the treatment of patients with COVID-19 infection....

IN SUMMARY

There is much evidence that supports the use of probiotics in supporting the immune system. Probiotics can provide a beneficial impact both on healthy individuals as well as those with an active illness. While probiotics can be obtained from food sources such as fermented foods, the use of supplements may provide even greater benefits due to their more targeted approach and significantly larger amounts of bacteria that are more likely to survive in the intestinal tract and do their intended job. As with all supplements, though, quality is key. Be sure to look for those that contain multiple billions of colony-forming units (CFU's) and a variety of different strains.”

- In a March 27, 2020 blog post on your website at <https://physicianschoice.com/blogs/blog/control-over-your-health-and-wellbeing-in-2020-immune-support>, you state:

“Control Over Your Health and Wellbeing in 2020: Immune Support

[depiction of a coronavirus]

Continuing our series on ways to stay healthy during the coronavirus crisis, this article discusses natural ways to boost your immune system. While lifestyle choices and incremental changes over time will make the most difference in the long run, there are things you can do right now to help stimulate your body's immune response....

Your microbiome contains **80% of the immune cells** that are present in your body, so it makes sense that taking care of your gut biome is essential to immune system function. If your digestive tract is full of good, beneficial, immune-boosting organisms, there's less room for invaders....

Certain probiotic strains have also been shown to reduce the severity of respiratory infections and increase the **production of immune system cells**. By taking probiotic supplements, you're helping to repopulate your gut with beneficial organisms that help the immune system and prevent harmful antigens from entering the digestive tract.

Lactobacillus probiotics specifically **have a direct effect on cytokines**. Cytokines are proteins in the body that help regulate the immune system and inflammatory response....

CONCLUSION

As people scramble to look for ways to boost their immune systems at the peak of the novel coronavirus pandemic, it's important to be armed with information and CDC

recommendations to help sort fact from fiction. While there is no vaccine yet for COVID-19, there are several things you can do to keep your immune system healthy during cold and flu season now and in the future.

Moderate exercise, restful sleep and a diverse, healthy microbiome are scientifically backed ways to ensure your immune system is functioning at peak capacity. By making healthy choices year-round, you can help your body fight off infections and viruses more efficiently...”

- In a March 25, 2020 blog post on your website at <https://physicianschoice.com/blogs/blog/control-over-your-health-and-wellbeing-in-2020>, you state:

“Control Over Your Health and Wellbeing in 2020

So much has been written and said about the coronavirus pandemic that it has become very hard for the average person to know the difference between fact and fiction. Over the course of the next few articles, we will talk about—with as much certainty and unbiased scientific research possible—what’s going on in the world, and what you can do to have as much control as possible over your own health....

HELPING YOUR IMMUNE SYSTEM DO ITS JOB...

Promote a healthy microbiome

The foods we eat and the lifestyle we live has an **impact on our body’s microbiome**, and our microbiome has a large impact on our body’s immune system...

Probiotic organisms from food and supplements may also help boost your immune system. By helping beneficial bacteria colonize your gut, probiotic organisms **can help prevent bad bacteria** from entering. Depending on the probiotic strain, probiotics have also been shown to reduce the severity of respiratory infections and increase the **production of immune system cells**...

We don’t have a lot of control over the flu, colds or pandemics, but we do have a lot of control over our own health. Living a healthy lifestyle will make you less likely to get sick year-round, and can help reduce the severity of some illnesses when you do catch them. There’s no way to cure COVID-19, but there are ways to help prep your immune system so that it can do what it’s intended to do: fight off disease and keep us going.”

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 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 products identified above. Thus, any coronavirus-related prevention or treatment claims regarding such products are not supported by competent and reliable scientific evidence. You must immediately cease making all such claims.

You are also advised to review all other claims for your products and immediately cease making claims that are not supported by competent and reliable scientific evidence.

Violations of the FTC Act may result in legal action seeking a Federal District Court injunction and an order may require that you pay back money to consumers. In addition, pursuant to the COVID-19 Consumer Protection Act, Section 1401, Division FF, of the Consolidated Appropriations Act, 2021, P.L. 116-260, marketers who make deceptive claims about the treatment, cure, prevention, or mitigation of COVID-19 are subject to a civil penalty of up to \$43,792 per violation.

Within 48 hours, please send a message to Richard Cleland via electronic mail at rcleland@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 Mr. Cleland at 202-326-3088.

Very truly yours,

Serena Viswanathan
Associate Director

cc: *Shopify via email*
gov-inquiries@shopify.com