

**COMMERCIAL WEIGHT LOSS PRODUCTS AND PROGRAMS:
WHAT CONSUMERS STAND TO GAIN AND LOSE**

**A Public Conference on the Information Consumers Need
to Evaluate Weight Loss Products and Programs**

October 16-17, 1997

**Federal Trade Commission Building
Sixth Street & Pennsylvania Avenue, N.W.
Washington, D.C.**

Sponsored by:

Federal Trade Commission Bureau of Consumer Protection
The American Society of Clinical Nutrition
The National Institute of Diabetes and Digestive and Kidney Diseases
The Centers for Disease Control and Prevention

Agenda

THURSDAY, OCTOBER 16, 1997

8:30 am Introduction of Hosts:

Dean Graybill, J.D., Associate Director, Division of Service Industry Practices,
Bureau of Consumer Protection, Federal Trade Commission

8:35 am Welcoming Remarks:

Joan Z. Bernstein, Director, FTC/BCP

8:40 am Welcoming Remarks:

George Blackburn, M.D., Ph.D., President, ASCN

8:45 am Welcoming Remarks:

Van S. Hubbard, M.D., Ph.D., NIDDK

8:50 am Welcoming Remarks:

Laura Kettel Khan, Ph.D., CDC

8:55 am Introduction of Conference Committee:

- Dean Graybill, J.D.
- Richard Cleland, J.D., Assistant Director, Division of Service Industry Practices, Federal Trade Commission
- Van Hubbard, M.D., Ph.D., National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health
- Laura Kettel Khan, Ph.D., Centers for Disease Control and Prevention
- Judith S. Stern, D.Sc., Department of Nutrition and Internal Medicine, University of California, Davis
- Thomas A. Wadden, Ph.D., University of Pennsylvania, School of Medicine
- Roland Weinsier, M.D., Dr.P.H., University of Alabama-Birmingham; Coalition for Excess Weight Risk Education,
- Susan Yanovski, M.D., National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health

9:00 am Charge to the Conference:

Dean Graybill, J.D.

A summary of the significant events since 1990 and the scope and purpose of the conference

9:15 am Panel: Consumer Issues--Needs and Expectations

Issues:

What do we know about motivating factors that lead people to attempt to lose weight?

What are the characteristics of dieters that make them responsive to marketing messages?

How do consumers perceive advertising claims for weight loss products/programs?

What expectations regarding weight loss and weight-loss maintenance does advertising create in the minds of consumers?

What preconceptions do consumers have about weight loss/weight loss maintenance?

How are overweight consumers' needs and expectations affected by perceptions of obesity in the general population?

What consumer research has been done in the weight loss area? What more needs to be done? Who should do it? What additional information do consumers need to evaluate products/programs? How should this information be structured to be understandable and useful?

What should consumers' responsibilities be in shopping for weight loss products/programs? How can consumers be better educated to seek/demand the information that will be useful in evaluating programs? Is it possible for consumer education to serve as an adequate substitute for provider information? If so, how?

Moderator: Thomas A. Wadden, Ph.D.

Panelists:

- Leslie Byrne, Director, U.S. Office of Consumer Affairs
- Morgan Downey, J.D., Executive Director, American Obesity Association
- Leila Farzan, J.D., Center for Science in the Public Interest
- Linda Golodner, President, National Consumers League
- Alan Heaton, Ph.D., U. S. Food and Drug Administration, Division of Market Studies
- Idamarie Laquatra, Ph.D., Shape Up America
- Lynn McAfee, Council on Size and Weight Discrimination
- Nancy Pappas, Consumers Union
- David Schlundt, Ph.D., Associate Professor, Psychology, Vanderbilt University
- Carolyn S. Shanoff, Assistant Director, Office Consumer and Business Education, Federal Trade Commission
- Megan O'Neill, Assistant Attorney General, State of Connecticut (from government panel)
- Gail Montgomery, Diet Workshop, Inc., (from provider panel)

10:50 am Break

11:00 am Panel: Weight Loss Products and Services Providers--Responding to Consumer Needs

Issues:

How have weight loss providers responded to the recommendations contained in IOM's Weighing the Options? What are the barriers to collecting information about programs and outcomes and disseminating it to consumers?

What outcome data do programs routinely collect already? What information is readily available but disseminated only upon request?

How can consumers effectively evaluate competing products/programs without access to outcome data? Would generic outcome and risk data (e.g., data descriptive of type of product or program that is already in the public domain) serve as a reasonable substitute in the absence of provider-specific data?

What steps are providers taking to assure responsible use of prescription drugs?

How can consumers' needs for information be responsibly met? What alternatives would providers be willing to consider? Who should participate in developing alternative strategies?
Moderator: Roland Weinsier, M.D., Dr. P.H.

Panelists:

- Denise Bruner, M.D., American Society of Bariatric Physicians
- Sue Drawert, M.Ed., R.D., Manager, Sales and Marketing, Novartis Nutrition
- Harry Green, M.D., Slim Fast Foods Co.
- C. William Klausman, Senior Vice President, General Counsel and Secretary, Diet Center Worldwide, Inc.
- Karen Miller-Kovach, MBA, MS, RD, Weight Watchers International, Inc.
- Gail Montgomery, President, Diet Workshop, Inc.
- Lawrence Stifler, Ph.D., President, Health Management Resources, Inc.
- Robert Reyna, J.D., Assistant Attorney General, State of Texas (from government panel)
- Nancy Pappas, Consumers Union (from consumer panel)

1:00 pm Break for Lunch

2:00 pm Panel: "The State of the Art"--What Do We Know About Various Types of Weight Loss, What Else Is Needed and How Do We Get It?

Issues:

What can consumers reasonably expect to achieve from various types of weight loss regimens? What outcome data is currently available about these regimens, and where are the gaps? What is the most critical research that needs to be done?

What are the risks that consumers need to know about these regimens?

Who should be treated with drug therapy? Are there limitations on duration of safe therapy? Has advertising and press coverage of drug therapies created false impressions about efficacy, safety, duration, long-term maintenance?

What other information is essential, as opposed to helpful, to consumers entering weight loss programs? How should this information be gathered and disseminated to the best effect?

Moderator: Van Hubbard, M.D., Ph.D.

Panelists:

- Richard Atkinson, M.D., Professor of Medicine and Nutritional Sciences, School of Medicine, University of Wisconsin

- Robert Kushner, M.D., Associate Professor of Clinical Medicine, Pritzker School of Medicine, University of Chicago
- Walter Pories, M.D., Professor of Surgery and Biochemistry, East Carolina University School of Medicine
- Rebecca Reeves, Dr. P.H., R.D., Assistant Professor, Baylor College of Medicine, American Dietetic Association
- Peter Vash, M.D., private practice, Assistant Clinical Professor of Medicine, UCLA Medical Center
- Idamarie Laquatra, Ph.D., Shape Up America (from consumer panel)
- Myron Winnick, M.D., Weight Watchers International (from provider panel)
- Also (from the permanent panel): Thomas A. Wadden, Ph.D., Roland Weinsier, M.D., Dr. P.H.

3:45 pm Break

4:00 pm Models for Providing Information

Presenter: Judith S. Stern, D.Sc.

A description of some models, proposed or adopted, for providing information about weight loss programs and products to consumers.

4:15 pm Open Forum

Moderator: Dean Graybill, J.D.

Five minute presentations from interested parties.

5:30 pm Adjourn for the Day

FRIDAY, OCTOBER 17, 1997

8:30 am Panel: Government's Role in the Weight Loss Marketplace

Issues:

What is the current state of weight loss advertising? What factors appear to be driving current marketing of weight loss products/programs?

What lessons have we learned from the phen/fen experience? Does advertising of the off-label use of prescription drugs raise special consumer disclosure issues? Should FDA approval of a

prescription drug permit providers to advertise it as safe and effective for intended uses without disclosing (if such is the case) that there are significant side effects and risks?

What has been the result of recent efforts (post-1990) to address deception in the weight loss marketplace? What law enforcement actions have been undertaken to address the deception? What has been the effect of these transactions on the market place?

What problem areas remain that need addressing and what should be done? What are the most effective ways of addressing these problem areas?

Are there non-regulatory alternatives (e.g., industry guidelines) to encourage the dissemination of more and better information? Who should do them?

Moderator: Susan Yanovski, M.D.

Panelists:

- Joel Aronson, Team Leader, Non-Traditional Drug Team, Administration
- George L. Blackburn, M.D., Ph.D., President, Nutrition, American Society of Clinical Chairman, Massachusetts Medical Society Committee on Nutrition
- Justin Dingfelder, J.D., Assistant Director, Division of Enforcement, Federal Trade Commission
- Norman Drezien, J.D., Deputy Director, and Division of Drug Marketing, Advertising Communications, U.S. Food and Drug Administration
- Richard Kelly, J.D., Federal Trade Commission, Division of Advertising Practices
- Laura Koss, J.D., Federal Trade Commission, Division of Enforcement
- Robert Moore, Senior Regulatory Scientist, and Office of Special Nutrition, U.S. Food Drug Administration
- Megan O'Neill, J.D., Assistant Attorney General, Office of the Attorney General, Connecticut
- Russ Porter, Ph.D., Federal Trade Commission, Bureau of Economics
- Robert Reyna, J.D., Assistant Attorney General, Texas Office of the Attorney General
- Also (from the permanent panel): Laura Kettel Khan, Ph.D. (CDC), Richard Cleland, J.D. (FTC)
- Leila Farzan, J.D., Center for Science in the Public Interest (from consumers panel)
- C. William Klausman, of Diet Center Worldwide, Inc., Physicians Weight Loss Centers America, Inc, Form You 3, Inc (from providers panel) U.S. Food and Drug

10:00 am Break

10:15 am Round Table Discussion: Meeting Consumer Needs--An Agenda for the Future

Moderator: Richard Cleland, J.D.

Presentation of an outline for a "white paper" summarizing conference panel presentations and proposing three or four discrete undertakings to advance the goal of getting consumers the information they require, followed by:

An open panel discussion between committee members and representatives from industry, consumers, scientific community and government to explore possibilities for forming partnerships to develop voluntary industry and professional guidelines, consumer and professional education projects, and "state of the art" outcome and risk data, and means for financing these activities.

12:30 pm Adjourn