

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Andrew N. Ferguson, Chairman**
 Mark R. Meador

In the Matter of

**VANILLA CHIP LLC, a limited liability company,
also d/b/a TRUHEIGHT;**

**EDEN STELMACH, individually and as an
officer of VANILLA CHIP LLC; and**

**JUSTIN RAPOPORT, individually and as an
officer of VANILLA CHIP LLC,**

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that Vanilla Chip LLC, a limited liability company, and Eden Stelmach and Justin Rapoport, individually and officers of Vanilla Chip LLC (collectively, “Respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Vanilla Chip LLC (“Vanilla Chip”), also doing business as TruHeight, is a Nevada limited liability company with its principal place of business at 5573 San Florentine Avenue, Las Vegas, NV 89141.
2. Respondent Eden Stelmach (“Stelmach”) is the co-founder, co-owner, and co-Chief Executive Officer of Vanilla Chip. At all times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Vanilla Chip described in this Complaint. Respondent Stelmach’s responsibilities at Vanilla Chip include creating and developing TruHeight Products, developing and executing advertising and sales strategies for TruHeight Products, and developing, researching, and evaluating substantiation for TruHeight’s advertising claims. His principal office or place of business is the same as that of Vanilla Chip.
3. Respondent Justin Rapoport (“Rapoport”) is the co-founder, co-owner, and co-Chief Executive Officer of Vanilla Chip. At all times relevant to this Complaint, acting alone or in

concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Vanilla Chip described in this Complaint. Respondent Rapoport's responsibilities at Vanilla Chip include creating and developing TruHeight Products, developing and executing advertising and sales strategies for TruHeight Products, and developing, researching, and evaluating substantiation for TruHeight's advertising claims.

4. Respondents have advertised, offered for sale, sold, and distributed to consumers a line of dietary supplement products under the TruHeight brand name that purportedly boost height growth in children and teenagers, including TruHeight-branded gummies, capsules, and protein shakes (the "TruHeight Products"). TruHeight Products are food" and/or "drugs," within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

5. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

Respondents' Course of Conduct

6. Respondents have sold TruHeight Products since at least 2020, primarily through their website, <http://www.truheightvitamins.com> (the "TruHeight Website"). Respondents have charged consumers \$45 per bottle of TruHeight Growth Capsules; \$45 per bottle of TruHeight Growth Gummies; \$30 per bottle of TruHeight Sleep Gummies; \$45 per container of TruHeight Protein Shake; \$45 per container of TruHeight Plant Protein Shake; \$25 per bottle of TruHeight Kids Brain Gummies; \$25 per bottle of TruHeight Kids Bone Gummies; \$25 per bottle of TruHeight Appetite Booster Gummies; \$25 per bottle of TruHeight Prebiotic Gummies; \$25 per bottle of TruHeight Sleep Tincture; and \$35 per container of TruHeight Toddler Advanced Formula+. Respondents have sold a bundle containing one bottle of TruHeight Growth Gummies, one bottle of TruHeight Sleep Gummies, and one container of TruHeight Protein Shake under the name "Max Height Kit" for \$120 per bundle.

7. Respondents have advertised the TruHeight Products through ads on social media, search engine ads, email campaigns, and the TruHeight Website.

8. Since 2020, Respondents have generated millions of dollars in revenue through the sale of TruHeight Products.

A. Respondents' False or Misleading Efficacy Claims

9. In numerous instances, in connection with the advertising, promotion, or offering for sale of the TruHeight Products, Respondents have represented, directly or indirectly, expressly or by implication, that TruHeight Products cause increased height of, and increased height growth in, children and teenagers; and that clinical tests prove that TruHeight products cause increased height of, and height growth in, children and teenagers.

10. To induce consumers to purchase the TruHeight Products, Respondents have disseminated or caused to be disseminated advertisements, including attached Exhibits 1-7. These advertisements contain the following statements and depictions, among others:

a. Advertisement disseminated through Meta Ads platform, captured Nov. 7, 2024 (Exhibit 1)



truheightvitamins
Sponsored



Help your child grow taller!

Pure Ingredients, Real Results.




[Shop now](#)



- b. Excerpt of Advertisement disseminated through Meta Ads platform, captured Nov. 7, 2024 (Exhibit 2)



TruHeight

Join our growing community 

- c. Excerpt of Advertisement disseminated through Meta Ads platform, captured Nov. 7, 2024 (Exhibit 3)



truheightvitamins
Sponsored



TruHeight®

**THE ONLY
SUPPLEMENT
SCIENTIFICALLY
PROVEN TO
HELP**

**HEIGHT
GROWTH**



Shop now



- d. Advertisement disseminated through Meta Ads platform, captured Apr. 16, 2025 (Exhibit 4)

 **TruHeight Vitamins**
Sponsored
Library ID: 1193238699136135

With determination and proper nutrition, TruHeight Vitamins can make a difference! Subscribe now!



Before I took TruHeight®


2023
✗ 5'9

After I took TruHeight®

2024
✓ 6'1

*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease. Individual results may vary and are not guaranteed. Testimonials are based on individual experiences and do not reflect typical results. This product is not a substitute for professional medical advice, diagnosis, or treatment.

e. Excerpts from TruHeight Website, captured Sept. 3, 2024 (Exhibits 5, 6)



★★★★★
Really works!



"Here are before and after photos from my 12-year-old. 1 year apart. He has grown over 6 inches. Now he is starting to go through puberty but he's excited to keep growing taller."
-Jennifer Ahern

TAKING GROWTH GUMMIES FOR 1 YEAR

★★★★★

"As a 6th grader playing varsity high school AAU, I want to be the best basketball player on the court and TruHeight® makes it possible by boosting my height a few extra inches."
-Liv Harness

TAKING MAXHEIGHT KIT FOR 3 MONTHS



★★★★★

"TruHeight® has been a serious game-changer for me. I've been grinding on the court, trying to work on my dunks and looked for something that would help me grow fast. I was skeptical at first but TruHeight® came through and helped me grow a few inches in just a couple of months."
-Khristos

TAKING GROWTH GUMMIES FOR 3 MONTHS

★★★★★
 "I was 4'10 before I started taking TruHeight®, after using the Max Height Kit and i'm 5'10 now."
 -Aaron

TAKING MAXHEIGHT KIT FOR 6 MONTHS



We put our growth innovations to the test.

Many supplements are never clinically tested for efficacy. Are you ok with that? Neither are we.



TruHeight®
 Want to know how tall you will be?
 Discover your Height Potential!
 TAKE THE QUIZ
 (only takes 2 mins to finish)

Clinical studies show that TruHeight® works.



Children's Growth Pattern Study

After a 6-month clinical pilot trial, children taking TruHeight® daily were reported, by the evaluating clinicians, to have statistically significant increase in height compared to those in the control group.

86.66%

SAW AN INCREASE IN HEIGHT GROWTH.

32.63%

MORE GROWTH IN TREATMENT GROUP THAN CONTROL GROUP.

43.91%

INCREASE IN CONCENTRATIONS OF COLLAGEN X.

- f. Excerpts from TruHeight promotional video disseminated through YouTube, captured Oct. 9, 2024 (Exhibit 7)



TESTIMONIALIST #1: "The past four months, I've grown 2.5 inches"



TESTIMONIALIST #2: "I've grown a staggering whole inch. That's pretty crazy."

11. To substantiate their claims that TruHeight Products increase the height of, and height growth in, children and teenagers, Respondents primarily rely on a single, company-sponsored study. The study relied upon by Respondents, which measured height growth of 32 participants over a six-month period, has substantial flaws. Among other things, the study is of insufficient size and duration, lacked proper randomization, failed to control for participants' sleep and nutritional intake, and only evaluated a single TruHeight product. Respondents therefore lacked competent and reliable scientific evidence to substantiate the efficacy claims made, expressly or by implication, in their advertising for TruHeight Products.

B. Respondents' Incentivized Positive Consumer Reviews

12. To further induce consumers to purchase the TruHeight Products, Respondents generated positive reviews of those products by providing incentives to consumers in exchange for 5-star reviews of TruHeight Products.

13. In 2021 and 2022, Respondents operated a "Free Next Order" program. On numerous occasions, under the "Free Next Order" program, consumers who purchased a TruHeight Product through Amazon were offered a free TruHeight Product in return for leaving a 5-star review of their purchase and sending Respondents a screenshot of their review.

14. In April 2023, Respondent Rapoport personally solicited Amazon reviews from two individuals, and offered to reimburse these individuals for the TruHeight Products they had purchased after they told Respondent Rapoport that they had left the requested 5-star reviews.

15. From at least December 2023 through November 2024, including on numerous occasions after October 21, 2024, Respondents continued to offer incentives for consumer reviews expressing a positive sentiment, by offering consumers who purchased a TruHeight Product a 10 percent discount on their next order, provided those consumers would "take a moment to leave a 5-star review and upload at least one picture" of their purchase on the TruHeight Website.

C. Respondents' Fake Consumer Reviews

16. To further induce consumers to purchase the TruHeight Products, Respondents also published or caused to be published fake positive reviews of TruHeight Products.

17. Until at least November 2024, the TruHeight Website provided consumers with the opportunity to leave reviews of TruHeight Products, and represented, expressly or by implication, that the reviews published on the TruHeight Website were written by actual, existing consumers, based on consumers' use of or experience with TruHeight Products.

18. Until at least November 2024, the TruHeight website contained several thousand 5-star reviews of TruHeight Products that were purportedly written or created by actual, existing consumers. Numerous seemingly legitimate 5-star reviews of TruHeight Products that Respondents published, or caused to be published, on the TruHeight Website were not written or created by actual, existing consumers, but instead by Vanilla Chip employees. Employee-written reviews were not based on employees' use of TruHeight Products.

19. Fake consumer reviews for TruHeight Products published on the TruHeight Website included, without limitation, the following:

- “*Excited to See Results*: It was exciting to hear my daughter who is 13 come in and show me that she was taller. I didn’t believe it, but we checked, and yep, she’s an inch taller!”;
- “*Better Bone Growth*: I got these for my daughter because the doctor said her bone growth was stagnating. I was surprised that she enjoyed them, and since then, she grew about three inches in the last four months! Her doctor also mentioned her bone health was better than before”; and
- “*works well*: I m [sic] surprised that this works. Noticeable and measurable difference.”

20. Respondents represented in December 2024, after receipt of the Commission’s Civil Investigative Demand, that they had removed all consumer reviews from the TruHeight Website.

D. Respondents’ Fake Social Media Profiles

21. To further induce consumers to purchase the TruHeight Products, Respondents purchased approximately 176 Facebook and Instagram profiles that, while masquerading as accounts belonging to real, existing users, were in fact software-automated bots. The automated social media profiles purchased by Respondents posted fake, software-generated comments on Respondents’ Facebook and Instagram pages.

22. In May 2023, Respondents engaged a third-party contractor to operate software-automated profiles that would respond to Respondents’ social media posts and to other users who had engaged with Respondents’ Facebook and Instagram pages. Respondents sought to ensure that the fake profiles, which were operated in violation of Facebook and Instagram policies, escaped detection by the platforms. Respondent Stelmach, copying Respondent Rapoport, instructed the contractor to “make sure to use VPN’s and different IP addresses to avoid facebook [sic] detection,” which the contractor agreed to do.

23. Respondents sought to ensure that the fake profiles they had purchased appeared to belong to actual users. In October 2023, Respondent Stelmach, copying Respondent Rapoport, informed the contractor via email that “[w]e had almost 50 of the bots suspended last week and the bots are not sounding or looking like real people, they are being flagged by people as bots.” The contractor responded to Respondents Stelmach and Rapoport, stating that:

My understanding is that we purchased 156 accounts from the vendor and made around 20 in-house. Out of the purchased accounts, 85 are working and from the in-house created accounts, 12 accounts are still working. This ratio is well in-line with what we were expecting. As we had highlighted in the proposal as well as initial discussions before kicking off the project, these platforms employ cutting-edge tools as well as user-generated flags to fight the bots.

Secondly, comments are being generated through ChatGPT. Which is the most cutting-edge natural language model out there. We can control the output through good prompts but there's an upper limit to it. The ratio of comments generated which look like human responses is quite good; flagging only 15 comments out of 100.

24. In November 2023, the contractor provided Respondents Stelmach and Rapoport with a list with the names of all fake accounts that the contractor had created for Respondents, along with sample comments and detailed information on the volume of the fake accounts' interactions with Respondents' Facebook and Instagram pages. The sample comments provided included statements that purported to describe consumers' experience with TruHeight Products.

Violations of the FTC Act

Count I

False or Unsubstantiated Efficacy Claims

25. In numerous instances, in connection with the advertising, promotion, offering for sale, sale, or distribution of the TruHeight Products, including in the ways described in Paragraph 10, Respondents have represented, directly or indirectly, expressly or by implication, that:

- a. TruHeight Products cause increased height of children and teenagers; and
- b. TruHeight Products cause increased height growth in children and teenagers.

26. Respondents' representations, as described in Paragraph 25, were false or misleading, or were not substantiated at the time the representations were made. Respondents did not have competent and reliable scientific evidence showing that TruHeight Products cause increased height of or height growth in children or teenagers, and therefore lacked a reasonable basis for these representations.

Count II

False Proof Claims

27. In numerous instances, in connection with the advertising, promotion, offering for sale, sale, and distribution of the TruHeight Products, including in the ways described in Paragraph 10, Respondents have represented, directly or indirectly, expressly or by implication, that:

- a. Clinical tests prove that TruHeight products cause increased height of children and teenagers; and
- b. Clinical tests prove that TruHeight Products cause increased height growth in children and teenagers.

28. Respondents' representations, as described in Paragraph 27, were false. Respondents did not have clinical evidence proving that TruHeight products cause increased height of or height growth in children and teenagers.

Count III
Fake and Incentivized Positive Reviews

29. In numerous instances, both prior to and after October 21, 2024, in connection with the advertising, promotion, offering for sale, sale, and distribution of TruHeight Products, including through the means described in Paragraphs 12–15, 16–19, and 21–24, Respondents have represented, directly or indirectly, expressly or by implication, that reviews of TruHeight Products published on the TruHeight Website and on third-party websites reflected the opinions or experiences of actual, existing, and unbiased users of TruHeight Products.

30. In fact, these customer reviews did not reflect the opinions or experiences of actual, existing, unbiased users of TruHeight Products, but instead were written or created either by Respondents and their agents, or by individuals who were provided incentives in exchange for, or conditioned on, expressing a positive sentiment in their review.

31. Therefore, Respondents’ representations, as described in Paragraph 29, were false or misleading.

**Violations of the Trade Regulation Rule on the Use of
Consumer Reviews and Testimonials**

32. The Reviews and Testimonials Rule, promulgated by the Commission under Section 18 of the FTC Act, became effective on October 21, 2024. The final version of the Reviews and Testimonials Rule was announced via a Commission press release dated August 14, 2024, following an advance notice of proposed rulemaking and a notice of proposed rulemaking that were announced in November 2022 and June 2023, respectively. The Reviews and Testimonials Rule remains in full force and effect, and is codified at 16 C.F.R. Part 465.

33. Section 465.2(a) of the Reviews and Testimonials Rule prohibits businesses from, among other things, writing or creating any consumer review or testimonial that materially misrepresents, expressly or by implication, that the reviewer or testimonialist exists.

34. Section 465.4 of the Reviews and Testimonials Rule prohibits businesses from providing compensation or other incentives in exchange for, or conditioning, expressly or by implication, the writing or creation of consumer reviews expressing a particular sentiment, whether positive or negative, about the product, service, or business reviewed.

35. The Reviews and Testimonials Rule defines “business” as “an individual who sells products or services, a partnership that sells products or services, a corporation that sells products or services, or any other commercial entity that sells products or services.” The Reviews and Testimonials Rule defines “consumer review” as “a consumer’s evaluation, or a purported consumer’s evaluation, of a product, service, or business that is submitted by the consumer or purported consumer and that is published to a website or platform dedicated in whole or in part to receiving and displaying such evaluations.”

36. Pursuant to Section 18(d)(3) of the FTC Act, a violation of the Reviews and Testimonials Rule constitutes an unfair or deceptive act or practice in violation of Section 5(a) of the FTC Act.

Count IV
Misrepresentations that Reviewers Exist

37. In numerous instances after October 21, 2024, in connection with the advertising, promotion, offering for sale, sale, or distribution of TruHeight Products, including through the means described in Paragraphs 17–19, Respondents have represented, directly or indirectly, expressly or by implication, that certain consumer reviews of TruHeight Products were reviews written or created by actual, existing users of TruHeight Products.

38. In fact, in numerous instances in which Respondents have made the representations set forth in Paragraph 37 of this Complaint, the consumer reviews of TruHeight Products in question were not written or created by actual, existing users of the platform, but instead were written or created by Respondents or their agents, thereby violating Section 465.2(a) of the Reviews and Testimonials Rule.

Count V
Incentivized Reviews Expressing Particular Sentiment

39. In numerous instances after October 21, 2024, in connection with the advertising, promotion, offering for sale, sale, or distribution of TruHeight Products, including through the means described in Paragraph 15, Respondents provided incentives to consumers for writing or creating reviews of TruHeight Products. These incentives were provided in exchange for, or conditioned on, expressing a particular sentiment, thereby violating Section 465.4 of the Reviews and Testimonials Rule.

Violations of Sections 5 and 12

40. The acts and practices of Respondents as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this _____ day of _____, 20__, has issued this Complaint against Respondents.

By the Commission.

April J. Tabor
Secretary

SEAL: