

Weight Loss Claims for Green Coffee Bean Extract Were Deceptive

Lindsey Duncan, a purported expert on health foods and nutrition, who touted on the Dr. Oz Show a green coffee bean weight loss supplement, which he sold without credible studies supporting the claims, has agreed to pay a \$9 million fine.

The Federal Trade Commission (FTC) announced a consent decree with Duncan, Genesis Today, Inc., and Pure Health LLC because their claims were deceptive and Duncan failed to disclose that he had a financial interest in the company selling the product. Under the decree, Duncan and the companies are barred from making deceptive claims about the health benefits of green coffee bean dietary supplements and will pay the fine to the FTC.

In the complaint, the FTC said Duncan was asked to appear on the Dr. Oz Show to talk about the weight loss benefits of green coffee bean extract (GCBE). When he was asked to appear, he knew nothing about green coffee bean extract. However, he said he did. After the show was taped, but before it aired, Dr. Oz's staff asked him to recommend a GCBE product. Immediately, Duncan had one of his companies begin marketing a GCBE capsule under his Pure Health brand, telling his staff, "This is either a set up or manna from the heavens. . . Please get Green Coffee Bean up on our site immediately!!!"

In addition to appearing on the Dr. Oz show, Duncan continued to tout the product on The View as well as other local and regional television programs. During those appearances, he said he had over 28 years of clinical experience with health foods and nutrition.

Duncan made claims that the extract could cause substantial weight loss without consumers having to diet or exercise, the FTC complaint said. On the Dr. Oz show, Duncan said the extract caused users to lose 16 percent of their total body fat and 17 pounds with no side effects.

Following the show, his companies put on their websites the weight loss claims, citing to a study that "was structurally flawed and the results of the study are facially unreliable," the FTC said. "For example, the study reported that more than half of the weight loss (10.5 of the 17 pounds) occurred while participants were taking neither the GCBE nor the placebo. The study does not prove that GCBE causes substantial weight loss; nor does it substantiate Defendants' weight-loss claims."

The FTC said, and Duncan and his companies agreed, that the actions violated the Federal Trade Commission Act because the claims of substantial weight loss without diet or exercise were false and unsubstantiated, the clinical study that GCBE caused substantial weight loss did not exist, and Duncan failed to disclose when he touted GCBE that he was endorsing products sold by a company in which he had a financial interest.

Federal Trade Commission v. Genesis Today, Inc., Pure Health LLC, and Lindsey Duncan, W.D. Texas No. 15 cv 62, consent decree approved by FTC on January 26, 2015.

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