



January 28, 2022

VIA EMAIL

Samuel Levine, Director, Bureau of Consumer Protection
Lois Greisman, Associate Director, Division of Marketing Practices
Christine DeLorme, Attorney, Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave. N.W.
Washington, D.C. 20580



Re: doTerra's Ongoing COVID-19 Treatment and Prevention Claims

Dear Mr. Levine, Ms. Greisman, and Ms. DeLorme:

We write to sound the alarm that if the Federal Trade Commission does not take immediate action against doTerra International, LLC, the Utah-based multilevel marketing company that sells essential oils and supplements, its distributors will continue to use unsubstantiated claims that its products can prevent and treat COVID-19, among other things, to thousands of consumers in violation of the agency's COVID-19 Consumer Protection Act, Pub. L. No. 116-260, Title XIV, § 1401(b)(1), and Section 5 of the FTC Act, 15 U.S.C. § 45.

Despite the fact that the FTC admonished doTerra in April 2020 for unlawfully advertising that its products could treat or prevent COVID-19,¹ on January 12, 2022, four high-level doTerra distributors and medical professionals, Tina Wong, MD,² Lisa Ma, MD,³ (both licensed to practice medicine in the state of California), Eliza Bacot, ACNP,⁴ and host Lauren Busch, RN,⁵ participated in a Zoom presentation entitled "The Path Forward: Protocols for the Current Climate" in which they unabashedly promoted multiple doTerra products claiming they could prevent, treat and/or mitigate the symptoms of COVID-19.⁶ (On their websites, some of the presenters are also making deceptive income claims to promote the doTerra business opportunity despite the fact that doTerra received a penalty offense letter from the FTC in October 2021.⁷)

Similar presentations aired on Zoom on January 19 and January 26, 2022 – with speakers Lauren Busch, Eliza Bacot,⁸ and Kelly Couch, a retired physician assistant (PA)⁹ – also promoting doTerra products for COVID-19.¹⁰ And an additional related presentation is scheduled for February 16, 2022.¹¹

Below are some illustrative screenshots and excerpts from the presentations.

Screenshots from Jan. 12 doTerra Presentation¹²



Quotes from Jan. 12 doTerra Presentation¹³

[Dr. Tina Wong:] “...Everybody please find your favorite immune oil that you have around and use it, use it frequently. ... My favorites are On Guard and Oregano ... and I will put a drop of each into a little shot glass of water if I have any sore throat and I will gargle and I swallow and that takes care of so much of the beginning of a sore throat. ... In addition to that you have Frankincense, which is highly anti-inflammatory and so good for your immune system. ...”

[Dr. Lisa Ma:] “...So just to let you know I have treated in the thousands of patients with COVID, not only as outpatients, I’ve seen the whole gamut ... I’ve seen them on the vent

... and then post COVID ... I've implemented a lot of these supplements and I've seen the drastic difference between one who is prepared with great vitamin D levels and are supplemented prior to getting infected versus those who have never taken a supplement and are low in their D and their E and everything in between. ... So this is one of the many COVID protocols ... doTerra style, it's LLV...once you get COVID, you want to go a little above, beyond the regular dosage which is two tablets twice a day of the LLV. You can add some black pepper as well. ... And then to take it to the next level, there's the DDR Prime and the Turmeric capsules ... and you can load heavily on it, two to four capsules actually within the first two hours of onset of symptoms or right when you test positive, you want to start loading up on it..."

[Dr. Lisa Ma:] *"A lot of these things that we use in doTerra do both, they will kill the virus, stop viral replication as well as decrease inflammation..."*

[Eliza Bacot:] *"...when you have long haul ... continue On Guard soft gels, two of those, very important ... [the ingredients] have had some great studies behind them as far as helping with COVID, post inflammatory response, and viral replication."*

[Dr. Tina Wong:] *"Peppermint is a great oil for reducing fever."*

Quotes from Jan. 19 doTerra Presentation

[Lauren Busch:] *"Melissa, also known as lemon balm, 100% effectiveness ... against the flu. Now we're dealing with a different virus but also highly antiviral, highly recommend it."*

[Kelly Couch:] *"Did you know that studies were done to show that there's gentle immune markers, immune modulation that happens with those new On Guard chewables from hour one to five? So that means if you pop a few in your mouth before you go to the grocery store or an airplane or church, your immune system's going to kick into gear just a little bit more. Prepare your body to fight off what might be coming your way. These are smart things to do, don't you guys think?"*

[Lauren Busch:] *"These little things that Kelly and I sharing with you right now, they can save lives."*

[Kelly Couch] *"I assume it's COVID until it's proven not and I treat it, and I treat it like this: I treat it with Ivermectin, I treat it with vitamin D, vitamin C, quercetin, zinc, all those things you're already doing, all those supplements, you're just going to increase the dose."*

Quotes from Jan. 26 doTERRA Presentation¹⁴

[Kelly Couch]: *"It's keeping people out of the hospital and that's what we're here to do. We really are here to help save lives, to keep people out of the hospital, and we're going to give you all the tools that we've used here. ...All of us here are doTerra wellness*

advocates...I really believe that this is a pandemic of nothing more than the untreated... There are proven and effective outpatient treatments and we're going to share those with you."

[Eliza Bacot:] "Long haul...[is] typically symptoms six weeks out, right, but some people are dealing with this for months and months and months and months. So keep taking your LLV ... this is prolonged inflammation, your body basically gets stuck in the inflammatory phase, okay, so we need to help get it out of that inflammatory phase. ...Zendocrine and the Zendocrine capsules and the Zendocrine soft gels are super important for that."

It is clear that doTerra is continuing to capitalize on the pandemic and the resulting consumer fear to market its products as a way to prevent, treat and/or mitigate the symptoms of the virus that has infected more than 145 million and caused the deaths of close to one million people in the U.S.¹⁵ Such deceptive marketing tactics (especially by health care providers) can negatively impact consumers' economic well-being as they purchase snake oils in an attempt to protect and care for their friends and families as well as cause serious health consequences as consumers forego evidence-based medical care for doTerra products.

Given that warning letters and other similarly weak admonishments have done nothing to deter this company from violating the law, TINA.org strongly urges the FTC to take prompt enforcement action.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.



Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

Cc: Mark A. Wolfert, General Counsel, doTerra

Jason Humbert, Captain, U.S. Food and Drug Administration

California Food Drug and Medical Device Task Force

Medical Board of California

Daniel O'Bannon, Director, Division of Consumer Protection, Utah Attorney General's Office

¹ April 24, 2020 FTC Warning Letter to doTerra, https://www.ftc.gov/system/files/warning-letters/covid-19-letter_to_doterra_international_llc.pdf.

It is important to note that the FTC is not the only regulator to unsuccessfully admonish doTerra for its deceptive practices. On September 22, 2014, the FDA sent doTerra a warning letter for, among other things, marketing its products as unapproved drugs that could prevent, treat, and cure viruses. *See* Sept. 22, 2014 FDA Warning Letter to doTerra, <https://wayback.archive-it.org/7993/20191212082653/https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/doterra-international-llc-09222014>.

On April 7, 2020, the Direct Selling Self-Regulatory Council (DSSRC) issued a decision following an investigation prompted by a TINA.org complaint, stating that doTerra distributors had been making unsubstantiated health claims, as well as deceptive income representations, to sell products and promote the business opportunity. *See* Oct. 16, 2019 TINA.org Complaint, https://www.truthinadvertising.org/wp-content/uploads/2020/04/10_16_19-ltr-to-DSSRC-re-doTerra_Redacted.pdf; Apr. 7, 2020 DSSRC Decision, https://www.truthinadvertising.org/wp-content/uploads/2020/04/04_07_20-DSSRC-doTerra-Report.pdf.

On October 16, 2020, the National Advertising Division (NAD) determined that doTerra did not provide a reasonable basis for claims that its essential oils provide certain health benefits, including specific benefits for mood, emotions, and the mind. NAD also determined that the evidence in the record was not a good fit for the doTerra’s “Certified Pure Therapeutic Grade” claim, and recommended that the company discontinue the marketing claims at issue. The National Advertising Review Board affirmed the NAD’s determination and recommendations on January 15, 2021.

And on November 8, 2021, the DSSRC issued another decision stating that it had re-investigated doTerra and found that it was again using unsubstantiated health and earnings claims. *See* Case #51-2021, <https://bbbprograms.org/programs/all-programs/dssrc/cases-and-closures-details/case-51-2021-compliance-report-d%C5%8Dtterra-international-llc>.

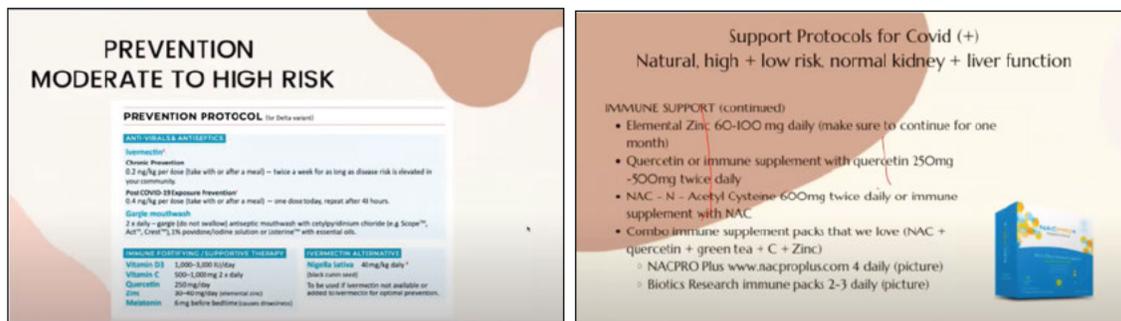
² Dr. Tina’s Health Essentials, Our Family, <https://www.drTinawong.com/our-family/>; Medical Board of California Licensing Details for Tina Wong, M.D., <https://search.dca.ca.gov/details/8002/A/71135/875c45f57c79cd0749fd4a8126048866>, doTerra Essential Leadership Magazine, <https://media.doterra.com/us/en/magazines/essential-leadership/edition-48b.pdf>.

³ Dr. Tina’s Health Essentials, Meet the Leaders, <https://www.drTinawong.com/meet-the-leaders/>; Mosaic Family Care Medical Group, <https://mosaicfamilycares.com/los-angeles-ca/alternative-medicine/>; Medical Board of California Licensing Details for Lisa Ma, M.D., <https://search.dca.ca.gov/details/8002/A/70797/7c4193d0318f489c11d29169b73b2609>.

⁴ The Organic South, <https://www.theorganicsouth.com/>. Note that the Zoom presentation identifies Ms. Bacot as an acute care nurse practitioner (ACNP) while her website identifies her as a registered nurse (RN).

⁵ Holistic Essentials, <https://www.holisticessentials.org/about>. Ms. Busch indicates that she is now retired from being a registered nurse.

⁶ Jan. 12, 2022 “The Path Forward: Protocols for the Current Climate” video, <https://drive.google.com/file/d/1iv3zl2BOETbB2vzwCg3JrW1INsdxnFDD/view>. In addition to promoting doTerra products, the healthcare professionals in the Zoom presentation also promoted the controversial drug Ivermectin (which the FDA advises against using as a prevention or treatment for COVID-19) as part of the “Prevention Protocol,” as well as a drug that Dr. Ma invented with another physician, Dr. Jia-Yia Liu, called NacroPro+. *Id.* (“This is the product I created with Dr. Jia-Yia Liu ... It really has helped a lot of people come off their oxygen if they came back from the hospital or just not even need oxygen in the first place. ... And there’s a kids dosing as well;” “Definitely NacroPro+ has been so helpful for some of my long haul patients. Even like a year after long hauling, they just take a couple packets four times a day and they are feeling better within three or four days.”). *See also* Why NACPro+, <https://nacproplus.com/pages/why-nacpro>; FDA: Why You Should Not Use Ivermectin to Treat or Prevent COVID-19, <https://www.fda.gov/consumers/consumer-updates/why-you-should-not-use-ivermectin-treat-or-prevent-covid-19>.

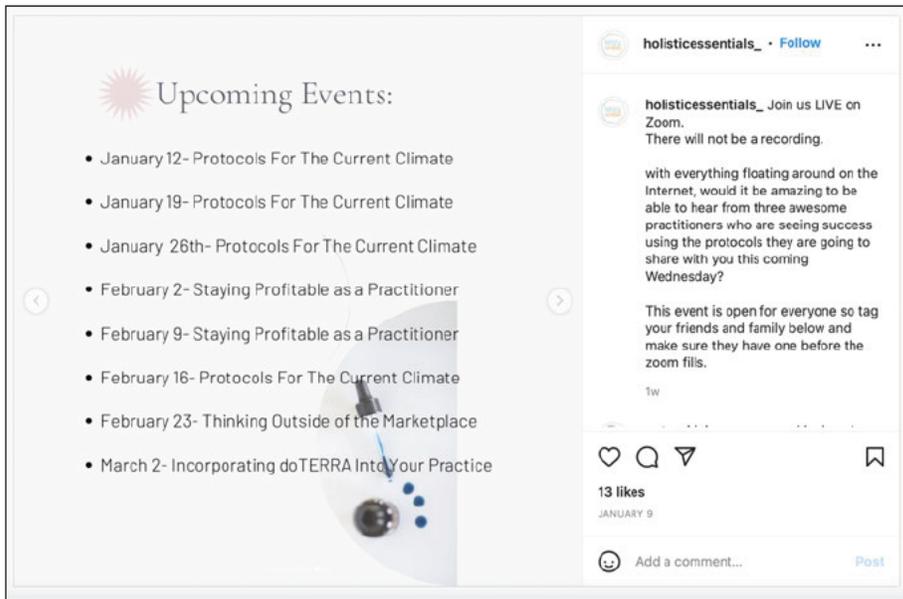


⁷ *See, e.g.*, Dr. Tina Wong’s Health Essentials website, <https://www.drtnawong.com/meet-the-leaders/> (“Dr. Linda Yang, Gold Leader, ‘I have been able to get my oils paid for, make an income to be generous to others and even complete building a medical clinic in Africa through doTerra’s compensation plan and generous Healing Hands Foundation.’”); Eliza Bacot’s The Organic South website, <https://www.theorganicsouth.com/> (“You will be mentored by our teams wellness professionals and by members who have built substantial residual incomes. This ongoing support is why our new team members have unparalleled success creating income and retaining clients. You’re A Perfect Fit If You Want To ... Create Income | Financial Freedom” (typos in original)). *See also* October 26, 2021 FTC Penalty Offense Letter to doTerra, <https://www.ftc.gov/system/files/attachments/penalty-offenses-concerning-money-making-opportunities/cover-letter-mmo.pdf>, https://www.ftc.gov/system/files/attachments/penalty-offenses-concerning-money-making-opportunities/list-recipients-mmo_notice_0.pdf.

⁸ Ms. Bacot did not participate in the January 19th Zoom call because she reportedly had COVID-19.

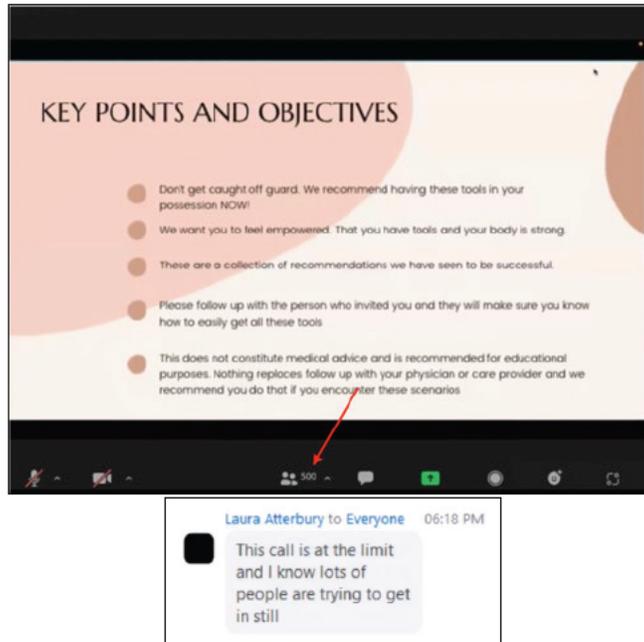
⁹ Drs. Wong and Ma were on both of these Zoom calls participating in the comments sections.

¹⁰ Jan. 19, 2022 presentation, https://drive.google.com/file/d/1wEWw_XIdgcFFSaIOtLZJx5B_M9fJqb1k3/view; Jan. 26, 2022 presentation, <https://drive.google.com/file/d/1a3DPKBnA8duNak7t2SJnvt0JIdFbtfbs/view>.



<https://www.instagram.com/p/CYhsN1qFKi1/>

Of note, the January 12th presentation was viewed by 500 people, the maximum number of allowable participants.



According to Lauren Busch, the presenters planned to increase the maximum number of allowable participants to 1,000 for the subsequent presentations.

Also of note, according to statements made by Dr. Lisa Ma in the video, while she's been using doTerra products for eight years and partnering up with Dr. Tina Wong to educate people about the products, they went into "super drive" to educate people when the pandemic hit.

¹² The Zoom presentation was accompanied by a PDF pamphlet, which contained the same images displayed in the video presentation. See <https://www.truthinadvertising.org/wp-content/uploads/2022/01/doTerra-The-Path-Forward-Presentation.pdf>.

Note that several of these slides were also used in the January 19 and January 26 presentations.

¹³ These physicians also make other treatment claims about doTerra products, including:

[Dr. Tina Wong:] *“I am a board-certified pediatrician ... When I came across doTerra, it was after I had my twins ...and I had a lot of body pain... and I was diagnosed with carpal tunnel and the doctor told me that I could basically keep taking Motrin or have surgery. And I said, I’m going to look for a natural solution, and that’s when I came across doTerra. ... and that really changed my life and then I started to realize that these oils could be used for so many other things. ... I’m so thankful for doTerra.”*

¹⁴ Those who registered for this presentation were presented with a “disclaimer” indicating that the presentation does not constitute medical advice and that attendees are not allowed to reproduce it, “including sharing screenshots and photographs on social media.” See <https://www.truthinadvertising.org/wp-content/uploads/2022/01/DoTerra-Webinar-Registration.png>. In addition, during the presentation, the presenters provided a link to a “Resources and Links for The Path Forward Series” document, which provides, among other things, information about doTerra products that can allegedly treat symptoms of COVID-19. See https://www.truthinadvertising.org/wp-content/uploads/2022/01/Patient-Client-Resources-from-1_26_22-presentation.pdf.

¹⁵ Centers for Disease Control and Prevention: Estimated COVID-19 Burden, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/burden.html#est-infections>.