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Takeaways:

1. Health-related advertising claims must be supported by competent and reliable scientific evidence, generally consisting of human clinical trials that are methodologically sound and statistically significant to the 95% confidence level.
2. Advertising claims must be clearly expressed as ingredient claims if the substantiation addresses only the efficacy of the ingredients in the product, not the product itself.

This week, the National Advertising Division (NAD), a self-regulatory body, recommended that VH Nutrition, LLC, discontinue certain advertising claims for the company's TriDrive dietary supplement, a product promoted to triathletes via the internet. As part of an initiative with the Council for Responsible Nutrition, NAD asked that VH Nutrition provide substantiation for its claims, among others, that "TriDrive is a triathlon supplement that helps to give a Vo2 Max boost" and "uses a complex formula of adaptogen supplements that help boost endurance, improve circulation, and support the respiratory system." NAD explained that because the claims at issue are health related, they must be supported by competent and reliable scientific evidence, generally consisting of "human clinical trials that are methodologically sound and statistically significant to the 95% confidence level with results that translate into meaningful benefits for consumers that relate directly to the performance attributes promised by advertising." Because VH Nutrition submitted evidence merely on the efficacy of the ingredients in TriDrive, rather than testing on the product itself, the substantiation did not support the product claims. And although a company may make qualified claims based on ingredients in their supplements, "those ingredients must be present in their products in the same amount, formulation and route of administration as the underlying ingredient studies." Here, the studies presented did not reflect the formulation of TriDrive. VH Nutrition said that although it stands by its product and disagrees with some of NAD's determinations, it no longer sells TriDrive but will comply with NAD's recommendation should it restore the product to the market. See NAD's [press release](#) for more information about these and other claims about TriDrive.

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