



FDA Warning Letters Target Internet Testimonials

JANUARY 2016

Truth in advertising is important in all media, old (e.g., television and magazines) and new (e.g., blogs or social media). Whether they are in the form of a company statement or a consumer opinion, all statements that appear in company-sponsored advertisements must be true and not likely to deceive the reasonable consumer. If you have reason to believe that a testimonial is not true, do not use it—no matter how flattering it is.

To avoid regulatory scrutiny, companies should diligently monitor and scrub their websites and social media accounts to ensure that consumer reviews and testimonials do not convert their over-the-counter (OTC) cosmetics or dietary supplements into drugs in the eyes of the Food and Drug Administration (FDA). Warning Letters issued by FDA, including one issued earlier this month, illustrate the type of consumer testimonials FDA believes convert products from OTC into non-approved drugs.

To learn more, read the [Client Alert](#).

This Client Alert has been prepared by Tucker Ellis LLP for the use of our clients. Although prepared by professionals, it should not be used as a substitute for legal counseling in specific situations. Readers should not act upon the information contained herein without professional guidance.

© 2025 Tucker Ellis LLP, All rights reserved.