

FTC WARNS COMPANIES AGAINST ADVERTISING CBD PRODUCTS AS TREATING OR CURING DISEASES

Sep 18, 2019

The U.S. Federal Trade Commission has announced that it sent warning letters to three companies that sell “oils, tinctures, capsules, ‘gummies,’ and creams containing cannabidiol (CBD),” a chemical compound derived from the cannabis plant. The letters warn the companies, which have not been identified, that “it is illegal to advertise that a product can prevent, treat, or cure human disease without competent and reliable scientific evidence to support such claims.”

The FTC states that each company marketed its CBD products as being able to “treat or cure serious disease and health conditions,” such as relieving “‘even the most agonizing pain’ better than prescription opioid painkillers,” or treating cancer, Alzheimer’s disease, multiple sclerosis (MS), fibromyalgia, cigarette addiction, colitis, schizophrenia, anxiety, depression, Lou Gehrig’s Disease (ALS), stroke, Parkinson’s disease, epilepsy, traumatic brain injuries, diabetes, Crohn’s disease, psoriasis, and AIDS.

In the letters, the FTC urges the companies to review all claims made for their products, including consumer testimonials, to ensure they are supported by competent and reliable scientific evidence. The letters also warn that selling CBD products without such substantiation could violate the FTC Act and may result in legal action that could result in an injunction and an order to return money to consumers. The letters instruct the companies to notify the FTC within 15 days of the specific actions they have taken to address the agency’s concerns.

In April 2019, the [FTC and the U.S. Food and Drug Administration](#) issued similar joint warning letters to three companies marketing products containing CBD to treat and cure a variety of serious diseases and conditions. These are the latest in a [series of warning letters issued by FDA](#) dating back to 2015 relating to CBD in food products. Some of those warning letters resulted from the fact that the FDA tested the chemical content of cannabinoid compounds in the products, and found that they did not contain the levels of CBD they claimed to contain.

Regardless of labeling claims, selling food and beverage products containing hemp CBD may be a risky proposition. At the federal level, FDA has asserted that “it’s unlawful under the [Federal Food Drug and Cosmetic Act] to introduce food containing added CBD... into interstate commerce...” In our next post on this issue, we examine more deeply the use of CBD in food and beverages.

For questions or more information, contact [Merrit Jones](#).

RELATED PRACTICE AREAS

- Food & Agribusiness

MEET THE TEAM



Merrit M. Jones

San Francisco

merrit.jones@bclplaw.com

[+1 415 675 3435](tel:+14156753435)