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FEDERAL TRADE COMMISSION

[File No. 242 3093]

TruHeight; Analysis of Proposed Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write "TruHeight; File No. 242 3093" on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Ave. NW, Mail Stop H-144 (Annex T), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Robert Van Someren Greve (phone: 202-326-2523), Attorney, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR § 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and

desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions*.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. Write "TruHeight; File No. 242 3093" on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We encourage you to submit comments through the *https://www.regulations.gov* website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write "TruHeight; File No. 242 3093" on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H-144 (Annex T), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov*, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not

include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Website at *https://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a consent order from Vanilla Chip LLC, which does business as TruHeight ("TruHeight"), Eden Stelmach, and Justin Rapoport (collectively, "Respondents"). The proposed consent order ("proposed order") has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns TruHeight's marketing and sale of a line of dietary supplements (the "TruHeight Products"). The complaint alleges that Respondents deceptively advertised the TruHeight Products, in violation of sections 5 and 12 of the FTC Act and the Reviews and Testimonials Rule. It alleges that Respondents made unsubstantiated claims that TruHeight Products cause increased height and height growth in children and teenagers, and that clinical studies showed that TruHeight Products were effective. The complaint also alleges that Respondents used fake consumer reviews and fake social media profiles to market TruHeight Products and offered consumers incentives (including discounts and free products) in return for leaving positive reviews of TruHeight Products on Respondents' website and on third-party platforms.

The proposed order includes injunctive relief that prohibits these alleged violations and fences in similar and related conduct. The provisions of the order apply to any dietary supplement, food, or drug marketed or sold by Respondents.

Provision I prohibits representations about increased height and height growth unless they are non-misleading and substantiated by competent and reliable scientific evidence. Provision II prohibits representations about the health benefits, performance, efficacy, safety, or side effects of covered products other than those covered by Provision

I, unless they are non-misleading and supported by competent and reliable scientific evidence.

Provision III sets forth document preservation obligations regarding any competent and reliable scientific evidence proposed respondents would rely on to satisfy their obligations under Provisions I and II of the order. Provision IV contains a standard carve-out to Provisions I and II for FDA-approved claims.

Provision V prohibits misrepresentations about the existence of reviewers and testimonialists, and their experience with covered products. Provision VI prohibits providing compensation or other incentives to consumers in return for writing a consumer review conditioned on expressing a particular sentiment.

Provision VII requires Respondents to pay the Commission $750,000, to be paid in three installments. Upon making the required payment, the remainder of Respondents' liability will be suspended. Provision VIII sets out additional requirements related to the monetary relief. Provision IX requires the respondents to provide customer information to facilitate consumer redress.

Provisions X through XIII of the proposed order contain reporting and compliance provisions. Provision X mandates that Respondents acknowledge receipt of the order, distribute the order to principals, officers, and certain employees and agents, and obtain signed acknowledgments from them. Provision XI requires them to submit compliance reports to the Commission one year after the order's issuance and submit notifications when certain events occur. Under Provision XII, they must create certain records for ten years and retain them for five years. Provision XIII provides for the Commission's continued compliance monitoring of the respondents' activity during the order's effective dates.

Finally, Provision XIV provides the effective dates of the order, including that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

April J. Tabor,

Secretary.

Statement of Chairman Andrew N. Ferguson Joined by Commissioner Mark R. Meador

Today, the Commission approves the filing of an administrative complaint and proposed consent order for public comment[1] resolving allegations that respondents[2] violated section 5 of the Federal Trade Commission Act[3] and the Reviews and Testimonials Rule.[4] We applaud staff for their energetic resolution of this matter and write separately only to reinforce the importance of the Commission's enforcement efforts here.

Respondents TruHeight and the individual respondents[5] create, develop, and sell TruHeight Products,[6] which respondents have advertised to "cause increased height of, and increase height growth in, children and teenagers."[7] They sold, for example, a "'Max Height Kit' for $120 per bundle" that contains "one bottle of TruHeight Growth

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[1] The Commission proceeds through administrative proceedings by respondents' choice.

[2] Respondents are Vanilla Chip or TruHeight, a Nevada limited liability company, and individual respondents Eden Stelmach and Justin Rapoport, who are both co-founders, co-owners, and co-Chief Executive Officers of TruHeight. Compl. ¶¶ 1–3 (alleging that Stelmach and Rapoport have each "formulated, directed, controlled, had the authority to control, or participated in the acts and practices … described in the complaint").

[3] *Id.* ¶¶ 25–31.

[4] *Id.* ¶¶ 32–39.

[5] *Supra* n.2.

[6] TruHeight Products are sold in bottles or containers of TruHeight Growth Capsules, TruHeight Growth Gummies, TruHeight Sleep Gummies, TruHeight Protein Shake, TruHeight Plant Protein Shake, TruHeight Kids Brain Gummies, TruHeight Kids Bone Gummies, TruHeight Appetite Booster Gummies, TruHeight Prebiotic Gummies, TruHeight Sleep Tincture, and TruHeight Toddler Advanced Formula+, which cost consumers between $25 to $45 per bottle or container. Compl. ¶ 6.

[7] *Id.* ¶ 9.

Gummies, one bottle of TruHeight Sleep Gummies, and one container of TruHeight Protein Shake."[8] To induce consumers to purchase those products, respondents made several representations, including that their products "[h]elp your child grow taller," produce "Real Results," and are "clinically" or "scientifically proven to help height growth."[9] Respondents' website also contained positive reviews and testimonials from children or teenage users of TruHeight's Products (or parents of those users) who claimed those products helped children grow as much as six inches in just one year.[10]

Under section 5, all advertising claims must have a reasonable basis before being disseminated.[11] Health claims are no different. Claims about products' health benefits must be substantiated by competent and reliable scientific evidence, as has been routinely expected by the Commission in past enforcement actions and investigations.[12] This is particularly true when those health claims involve children's health, as they do here.[13] As

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[8] *Id.* ¶ 6.

[9] *Id.* ¶ 10 & Exhibits 1–3.

[10] *Id.* ¶ 10 & Exhibits 4–6; see also *id.* ¶¶ 17, 20, 22–25 (alleging that respondents also farmed fake social media comments and interaction by fake Facebook and Instagram profiles for their social media pages).

[11] FTC Policy Statement Regarding Advertising Substantiation, 104 F.T.C. 839 (Nov. 23, 1984) (appended to *Thompson Med. Co.*, 104 F.T.C. 648 (1984)).

[12] See, e.g., *Pom Wonderful LLC v. FTC*, 777 F.3d 478, 504–05 (D.C. Cir. 2015) (affirming Commission holding that competent and reliable scientific evidence consisting of RCTs is needed for disease-related claims); *FTC v. COORGA Nutraceuticals Corp.*, 201 F. Supp. 3d 1300 (D. Wyo. 2016) (final judgment and order requiring human clinical testing for claims that product reverses or prevents formation of gray hair); *FTC v. Nat'l Urological Grp.,* 645 F. Supp. 2d 1167, 1202–03 (N.D. Ga. 2008) (accepting undisputed expert testimony that erectile dysfunction claims require well-designed, placebo-controlled, randomized, double-blind clinical trials for substantiation); *FTC v. Direct Mktg. Concepts, Inc.*, 569 F. Supp. 2d 185, 303 (D. Mass. 2008) ("[I]t seems well-accepted that double-blind, placebo-controlled studies are necessary to substantiate health-related efficacy claims."); *Removatron Int'l Corp.*, 111 F.T.C. 206 (1988), *aff'd*, 884 F.2d 1489, 1498 (1st Cir. 1989) (requiring "adequate and well-controlled clinical testing" to substantiate claims about hair removal product); *Thompson Med. Co.*, 104 F.T.C. at 826 (requiring well-controlled clinical studies to substantiate certain analgesic drug claims).

[13] Specifically, in this matter, respondents' claims about their products' ability to cause increased height of and increase height growth in children and teens are claims related to pediatric endocrinology, the medical specialization that typically treats growth issues in children and teenagers. E.g., What is a Pediatric Endocrinologist?, Pediatric Endocrine Society (last visited Apr. 8, 2026), *https://pedsendo.org/patient-resources/what-is-a-pediatric-endocrinologist/*.

"the Trump Administration has made … clear," "the health and flourishing of our children is not a bargaining chip"[14] and we must "ensure that children are protected."[15]

The complaint alleges, however, that respondents failed adequately to substantiate their height-related claims. Instead, they "rel[ied] on a single, company-sponsored study … [with] substantial flaws" to substantiate their claims about TruHeight Products.[16] "Among other things," the Commission alleges, "the study is of insufficient size and duration, lacked proper randomization, [and] failed to control for [potentially confounding factors, such as] participants' sleep and nutritional intake."[17] While respondents relied on that single study for their representations as to all TruHeight Products, in reality that study "only evaluated a single TruHeight Product."[18]

What is more, the complaint alleges the consumer testimonials and reviews respondents placed on their website were fake or purchased without proper disclosure. Some "were not written or created by actual, existing consumers, but instead by Vanilla Chip employees."[19] While others may have come from actual consumers, at least some of those consumers received "incentives" to "le[ave] … requested 5-star reviews," such as

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[14] Cf. Keynote Speech of Chairman Andrew N. Ferguson at 4, The Attention Economy: How Big Tech Firms Exploit Children and Hurt Families (June 4, 2025), *https://www.ftc.gov/system/files/ftc_gov/pdf/andrew-n-ferguson-keynote-attention-economy-06-04-25.pdf*.

[15] Cf. Exec. Order No. 14365, Ensuring a National Policy Framework for Artificial Intelligence, 90 FR 58499 (Dec. 11, 2025).

[16] Compl. ¶ 12. While here the Commission alleges this single, company-sponsored study was insufficient to substantiate respondents' health claims, the Commission today takes no dispositive position on whether any single, company-sponsored study can ever provide the legally required substantiation. Nor should anyone read this statement as taking such a position. Even so, potential conflicts of interest and whether a study is replicable or has been successfully replicated are factors the Commission may consider when evaluating the sufficiency of a health claim's substantiation. See Conflicts of Interest, RCR, HHS (last visited Apr. 8, 2026), *https://ori.hhs.gov/education/products/columbia_wbt/rcr_conflicts/foundation/index.html* (explaining the issues with conflicts of interest, such as "a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity," when it comes to medical and health research); F. Alahab, et. al., Are these results trustworthy? A guide for reading the medical literature, NIH (Apr. 2017), *https://pmc.ncbi.nlm.nih.gov/articles/PMC5398002/* (explaining that certain health decisions "should be based on a body of evidence" but single studies can and should be evaluated for trustworthiness).

[17] Compl. ¶ 12.

[18] *Ibid.*

[19] *Id.* ¶ 19.

"reimburse[ments]" for TruHeight Products or "10 percent discount[s] on their next order," on third-party sites like Amazon.[20]

The Commission is deeply concerned about the use of unsubstantiated health claims used to induce consumers into paying hard-earned money in the hopes of obtaining health benefits for their children. Tricking parents and children to fall (and thus pay money) for unsubstantiated health claims about products that have no effect on children is bad enough. But it is even worse when the unsubstantiated health claims are for products, services, or treatments that harm children, either temporarily or permanently. In such cases, families suffer not only financial harm, as here, but also harm to their children's physical safety and development, mental well-being, and "health and flourishing."[21]

The proposed consent order announced today would obtain all the consumer redress that respondents are able to pay and forbid respondents from continuing their allegedly unlawful conduct. The Commission looks forward to hearing from the public about the proposed administrative order resolving those allegations.

[FR Doc. 2026-07333 Filed: 4/14/2026 8:45 am; Publication Date: 4/15/2026]

[20] *Id.* ¶¶ 13–16.

[21] Keynote Speech of Chairman Andrew N. Ferguson, *supra* n.14 at 4; see Chairman Andrew. N. Ferguson, Directive Regarding Healthcare Task Force (Mar. 20, 2026), *https://www.ftc.gov/system/files/ftc_gov/pdf/Memorandum-Ferguson-re-Healthcare-Task-Force.pdf* (explaining the importance of quality, access, and transparency in our healthcare markets to consumers).