UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Office of the Chairman

Concurring Statement of Chairman Andrew N. Ferguson
Joined by Commissioner Mark R. Meador
TruHeight
Matter No. 2423093

April 13, 2026

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 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]

---

[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.
[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).

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 "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,"

---

[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/.

[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 Fed. Reg. 58499, 58499 (Dec. 11, 2025).

[16] Compl. ¶ 12. While here the Commission alleges that 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),

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 that 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 "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.

---

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.

[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).