

18 Mar 2024 | News

Demi Moore's Wonderbelly Antacids Investment Lands Supporting Role In Her Promotional Posts

Separate NAD Review Rejects Dakota Nutrition's Ingredient Tests, Again

by [Malcolm Spicer](#)

Wonderbelly Antacids "free from" ad claims work but failing to disclose Demi Moore is an investor in her promotions doesn't, NAD says. Dakota Nutrition fails again on NAD's test of its testing for elderberry in its supplements.

Ginger Health Co. can use ad claims about what's missing from its Wonderbelly Antacids but shouldn't hide that actress Demi Moore is an investor when she promotes the product and should remove a "not an ad" statement in her posts, an industry self-regulation group determined.

In a separate recent decision by BBB National Programs Inc.'s National Advertising Division, a firm marketing dietary supplements failed in its second attempt to support ad claims that its product contains elderberry the firm had already stopped using (*see box*).

Ginger Health voluntarily modified claims that Wonderbelly (calcium carbonate) chewable tablets, available under a US OTC monograph, are comprised of "clean ingredients" and provide the "same effectiveness (with clean ingredients)" by removing "clean" references following a NAD review on a challenge by Tums marketer [Haleon plc](#), according to a report published 14 March.

The Austin, TX, firm also was challenged on failing to disclose material connections with Moore and other influencers posting promotions on social media platforms for Wonderbelly, a product developed after the founder of the firm launched in 2021 learned about a human carcinogen

found in common OTC and Rx drug ingredient ranitidine, which led him to learning about talc's use in topical formulations potentially linked to cancers, the report states. (Also see "[US Health Market In 2019: Unfinished Business Leaves Lasting Impression](#)" - HBW Insight, 8 Jan, 2020.)

Some Tums formulations marketed by Haleon use talc as an inactive ingredient; calcium carbonate is the only active ingredient in all but one of the line's products, a chewy tablet containing simethicone and also indicated for gas relief, according to National Library of Medicine records.

Ginger Health, also markets a single-ingredient simethicone tablet for gas relief, "will modify its advertising (particularly in connection with the retelling of its origin story) to avoid conveying the message that either Tums or talc causes cancer or are otherwise harmful," the report states.

Among the implied claims Ginger Health will stop using is that individuals reviewing and promoting Wonderbelly "on social media do not have a material connection to Wonderbelly and are attesting to their own opinions regarding the products," NAD attorneys wrote in the report.

Haleon "argued that the lack of material connection disclosures and the failure to conspicuously place other disclosures was particularly problematic when Wonderbelly reposts influencer posts because any disclosures that were present in the original post are not carried over to the re-post," NAD attorneys stated.

Haleon, which launched in 2022 with

'Raw Material Testing Unreliable'

Dakota Nutrition Inc. asked the NAD to reconsider its decision from a 2022 review after it had stopped using the challenged claims, which NAD attorneys again found weren't supported and should be pulled.

In a report published 6 March, the attorneys stated the Scottsdale, AZ, firm petitioned the NAD to re-open the review on a challenge by Nature's Way Brands LLC because it would present "a new expert report as well as new testing on the raw material used in Dakota's Elderberry Supplements."

Dakota argued testing on the final products is not necessary to confirm the presence of elderberry in the amounts stated on the product's label; NAD's conclusion that its post-manufacturing test didn't confirm the presence of elderberry was scientifically flawed; and no scientifically valid method is known to test the precise levels of elderberry present in its supplements post-manufacturing.

However, as they did in the 2022 review, NAD attorneys concluded the additional report and different testing the firm submitted as evidence "did not provide a reasonable basis to support Dakota's advertising that its Elderberry Supplements contain European

Tums and consumer health products previously marketed in a joint venture by [GSK plc](#) and [Pfizer Inc.](#), included as evidence in its challenge documents downloaded from the internet showing Moore's investment in Ginger Health. (Also see "[Haleon Starts Standalone Life By Raising Sales Expectations](#)" - HBW Insight, 29 Jul, 2022.)

Ginger Health indicated it would modify influencer posts with material connection disclosures with #ad #WonderbellyPartner to the start of each post; it also will discontinue the "not an ad" text posted in Moore's posts and on-screen her promotional videos.

The firm had argued that its re-posts of influencers material don't require a material connection disclosure. NAD attorneys pointed out, however, that the Federal Trade Commission indicates in its endorsement guides that "an advertiser must clearly and conspicuously disclose its relationship to" influencers in re-posts.

In addition to removing "clean" from some claims, Ginger Health agreed to stop making the explicit claim "Doctors advise against pregnant women taking Tums." The claim, however, didn't emerge from the firm.

It told NAD attorneys that the claim originated from "an erroneous statement made" in an article about the firm published in a fashion and style magazine. Ginger Health "voluntarily agreed to remove all references on its website to the article," according to the NAD report.

The firm also agreed to stop making implied claims in its advertising which could convince consumers that ingredients in "traditional antacids, including Tums, are unclear and should not be ingested" and "contain questionable ingredients that are harmful to consumers' health." Additional implied claims Ginger Health will stop making are Tums "contains harmful levels of talc and the "talc used in Tums causes cancer."

Haleon's support for its challenge also included a declaration by its associate director of toxicology regarding talc used in Tums; Food and Drug Administration regulations on the use of

elderberry." (Also see "[Labs' High-Performance Chromatography Results Don't Help Dakota Nutrition's Elderberry Claims](#)" - HBW Insight, 5 Jul, 2022.)

The report also states that Dakota argued that under FDA's good manufacturing practices regulation, its supplements "qualify for an exemption from finished product testing because there is no scientifically valid method to testing for the botanical extract elderberry in finished products."

While Nature's Way disagreed, saying "there is indeed a method to test the final product," the attorneys didn't address the question "since NAD found the raw material testing unreliable."

Drug Facts	
Active ingredient (per tablet)	Purpose
Calcium Carbonate USP 1000 mg.....	Antacid
Uses relieves	
• heartburn • acid indigestion • sour stomach • upset stomach due to these symptoms	
Warnings	
Ask a doctor or pharmacist before use if you are presently taking a prescription drug. Antacids may interact with certain prescription drugs.	
When using this product do not take the maximum dosage for more than 2 weeks, except under the advice and supervision of a doctor.	
Keep out of reach of children. If pregnant or breastfeeding, ask a health professional before use.	
Directions	
• Adults and children 12 years of age and older: Chew 2-3 tablets as symptoms occur, or as directed by a doctor. Chew or crush tablets completely before swallowing. • Do not take more than 7 tablets in a 24-hour period. • Do not take for symptoms that persist for more than 2 weeks unless advised by a doctor.	
Other information	
• Each tablet contains: elemental calcium 400 mg • Store at room temperature and keep container tightly closed.	
Inactive ingredients	
corn starch, natural flavors, sucrose, vegetable cellulose, vegetable magnesium stearate	

WONDERBELLY ANTACID LABELING, ABOVE, LISTS CALCIUM CARBONATE AS THE ACTIVE INGREDIENT, LIKE MOST OTHER ANTACID FORMULATIONS AVAILABLE UNDER AN FDA OTC MONOGRAPH, BUT FEWER INACTIVE INGREDIENTS. IT'S AVAILABLE IN MULTIPLE FLAVORS INCLUDING WATERMELON MINT, BELOW,

different topical product),” the report states.

NAD attorneys didn't agree, however, with Haleon's challenge to these explicit Wonderbelly ad claims:

- “Free from talc, dyes, artificial sweeteners, parabens and genetically modified ingredients”;
- “Wonderbelly is committed to happy bellies,” is “belly quelling,” ensures “no more bad belly,” and pictures of a stomach.



Source: Source: National Library of Medicine

talc; articles regarding antacids use during pregnancy; and a description of a survey of OB/GYN doctors about Tums use during pregnancy.

The UK firm also noted that Tums is the antacid most

recommended by doctor for pregnant women while arguing that concerns about talc are related to its topical use, particularly in powders Johnson & Johnson has removed from the market.

Haleon's evidence explained “why the talc used in its products are not health risks and different from that used by Johnson & Johnson (which involved a very

NAD attorneys concluded that by discontinuing implied claims disparaging traditional antacids, the “free from” claim “by itself does not reasonably convey a false disparaging message” because an advertiser is entitled to tout the competitive advantages of its product, including that the product omits certain ingredients.”

The “happy bellies” claims didn’t imply that, as Haleon argued, Wonderbelly would provide “relief to the stomach and treat most, if not all, common stomach issues,” the attorneys wrote.

The accuracy of the claim, they added, also established in an animated stomach on the brand’s website featuring “a pill labeled ‘W’ sliding down the esophagus, landing in a belly full of fire and dispersing the flames.”

“Although product instructions call for the pill to be chewed, it enters the stomach before taking action. Further, although the product technically takes effect on the esophageal sphincter, the product is indicated to treat symptoms that relate to the stomach – acid indigestion, sour stomach and upset stomach,” the report states.