

September 12, 2019

Chairman Joseph J. Simons  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chairman Simons:

We write to inform the Federal Trade Commission (FTC) that Relief Factor, a dietary supplement brand, is currently marketing its products in violation of FTC law through an online video advertisement in which Sebastian Gorka, a former White House assistant and television presenter, endorses the company's pain relief dietary supplements.<sup>1</sup> We urge the FTC to take immediate action to prevent further dissemination of this advertisement, which inappropriately capitalizes on Gorka's non-medical doctoral degree.

As we explain below, because viewers are likely to mistake Gorka for a medical doctor, the Relief Factor advertisement is deceptive under FTC rules. Onscreen text that appears at the beginning of the advertisement presents him as "Dr. Sebastian Gorka." Gorka's biography on his website and on LinkedIn both indicate that he indeed possesses a Ph.D. from Corvinus University in Budapest. But that Ph.D. was in political science and he wrote his dissertation on international terrorism.<sup>2</sup>

There is therefore no evidence that he is a medical doctor and he lacks apparent experience in medical fields or areas of research related to pain relief. Even that Ph.D. is suspect; some of Gorka's peers in academia have questioned its legitimacy.<sup>3</sup> In short, Gorka's credentials are questionable as well as wholly unrelated to the product he endorses.

FTC rules state that "whenever an advertisement represents, directly or by implication, that the endorser is an expert with respect to the endorsement message, then the endorser's qualifications must in fact give the endorser the expertise that he or she is represented as possessing with respect to the endorsement."<sup>4</sup> In guidance, the FTC offers an example of a doctor's endorsement that would be prohibited under the rule:

Example 2: An endorser of a hearing aid is simply referred to as "Doctor" during the course of an advertisement. The ad likely implies that the endorser is a medical doctor with substantial experience in the area of hearing. If the endorser is not a medical doctor with substantial experience in audiology, the endorsement would likely be deceptive.<sup>5</sup>

Such is clearly the case here, as viewers may be deceived into thinking that Gorka is drawing from medical qualifications in endorsing Relief Factor supplements. The FTC hearing aid example also indicates that "[a] non-medical 'doctor' (*e.g.*, an individual with a Ph.D. in exercise physiology) or a physician without substantial experience in the area of hearing can

endorse the product, but if the endorser is referred to as ‘doctor,’ the advertisement must make clear the nature and limits of the endorser’s expertise.” Here, Relief Factor violates FTC’s explicit requirement by failing to mention the nature and limits of his expertise.

Accordingly, CSPI urges FTC to take swift enforcement action against Relief Factor and to issue a cease and desist letter concerning the advertisement in question.

Sincerely,



Peter Lurie, M.D., M.P.H.  
President and Executive Director  
Center for Science in the Public Interest



Laura MacCleery  
Director, Regulatory Affairs  
Center for Science in the Public Interest

## Notes

<sup>1</sup> Caleb Ecarma, “Suffer From Debilitating Back Pain? So Does Seb Gorka, According to His New Gig as Spokesman For Fish Oil Pills” Sep. 4, 2019. <https://www.mediaite.com/online/suffer-from-debilitating-back-pain-so-does-seb-gorka-according-to-his-new-gig-as-spokesman-for-fish-oil-pills/>.

<sup>2</sup> Dr. Gorka’s biography on his website, as well as his LinkedIn profile, contain no mention of a medical education of any type. <https://www.linkedin.com/in/sebastian-gorka-ph-d-0a86a35> (LinkedIn); [https://www.sebgorka.com/about-dr-sebastian-gorka/\(Bio\)](https://www.sebgorka.com/about-dr-sebastian-gorka/(Bio)). See also Sebastian Gorka, “Content and End-State-based Alteration in the Practice of Political Violence since the End of the Cold War: the difference between the terrorism of the Cold War and the terrorism of al Qaeda: the rise of the ‘transcendental terrorist.’” Nov. 2007. [http://phd.lib.uni-corvinus.hu/314/1/gorka\\_sebestyen.pdf](http://phd.lib.uni-corvinus.hu/314/1/gorka_sebestyen.pdf).

<sup>3</sup> Andrew Reynolds, “Opinion: Stop Calling Him ‘Dr.’: The Academic Fraud of Sebastian Gorka, Trump’s Terrorism ‘Expert.’” Apr. 27, 2017. <https://www.haaretz.com/opinion/the-academic-fraud-of-trumps-terrorism-expert-1.5465216>

<sup>4</sup> 16 C.F.R. § 255.3(a).

<sup>5</sup> Guides Concerning the Use of Endorsements and Testimonials in Advertising. <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>