



Companies Report on Q3 Challenges

Direct sellers announce growth strategies amidst slumping markets

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Navigating AI's New Era: FTC Focuses on Consumer Safety and Fair Competition



Commission addresses AI-related consumer concerns to ensure ethical use and market integrity

In the continuously evolving landscape of direct selling, 2023 witnessed the emergence of artificial intelligence (AI) and the tools it powered as a transformative force within the channel. As in other business sectors, direct selling companies have begun integrating this technology into their core operations, harnessing AI to enhance customer engagement, optimize supply chain management, and refine sales strategies with advanced analytics and predictive modeling.

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— PUBLISHER'S NOTE ►►

2023 — A Year of Resilience, Innovation and Victories for Direct Selling

Hello friends,

That's a wrap for 2023! I am happy to present our year-in-review issue — a look back at the stories and expert contributions that documented the dynamic state of social selling within the context of a rapidly evolving technological landscape countered by challenging economic realities.

The direct selling sector witnessed formidable challenges this year, from global inflationary trends to continued regulatory targeting. Yet, despite these hurdles, network marketers demonstrated remarkable adaptability and innovation.

Companies across the channel took risks and explored novel strategies — we saw collaboration amongst competitors, retail partnerships, and an embrace of rapidly evolving AI technologies to turbocharge marketing, tools for the field, and backoffice performance.

It was also a year for victories. 2023 saw some major financial moves that injected new life into struggling companies, strategic advances into new global markets, and continued progress towards sustainability and the use of green energy.

I also count as a victory every single person and community that was touched by the philanthropic giving of the direct selling channel. Companies demonstrated their generosity and dedication to helping others throughout the year. And rounding out the year was perhaps the channel's greatest victory — the triumph of Neora over the FTC.

I am very excited to see what 2024 has in store for direct sellers. In addition to bringing you the news that directly affects your business, we look forward to bringing you insights and advice from your fellow direct sellers as well as timely reporting on new marketing platforms

and advances in data analytics. We also want to share with you the continued innovation of unique and profitable partnerships that have become a hallmark of direct selling in recent years.

So, here's to a new year filled with even more achievements, breakthroughs, and success stories. I know that I speak on behalf of my entire staff when I say THANK YOU for you for your readership and for your invaluable contributions to this publication.

I wish each of you a truly special holiday season.

Warmly,



DAVID BLAND

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COVER STORY ▶▶

NAVIGATING AI'S NEW ERA, CONTINUED FROM 1

Regulators are also keeping a close eye on these technologies. As businesses across the country embrace these new tools, the Federal Trade Commission (FTC) has made it known that it is vigilantly monitoring the marketplace and company behavior on behalf of consumers. The Commission's Office of Technology is tasked with analyzing AI's trends and advancements as well as its risks to ensure that these emerging tech products are used by businesses in a manner that is both ethical and compliant with existing consumer protection laws.

FTC Addresses Consumer Concerns About AI

In an October 2023 blog post on [FTC.gov](https://www.ftc.gov), the FTC's Office of Technology addressed consumer concerns about AI. Through its Consumer Sentinel Network, the Commission has noted thousands of consumer submissions relating to potential AI-related harms.

Key concerns identified relate to AI's construction, particularly regarding data privacy and the consolidation of power through data aggregation. Issues of copyright infringement and the unauthorized use of biometric data were also highlighted.

Additionally, concerns about the operational aspects of AI, such as biases, inaccuracies and customer service challenges were received by the Commission, including reports of facial recognition biases and instances where AI interfaces provided misleading information. The Commission reports that limited human interaction in AI-driven customer service and appeals processes has also been a major concern.

The FTC is also scrutinizing the real-world application of AI, including its misuse in scams and frauds. The Office of Technology highlighted the difficulty in distinguishing AI from human interaction, which has led to sophisticated phishing attempts and voice cloning scams.

Commission Approves Compulsory Process for AI-related Products and Services

In November 2023, the Commission approved a resolution granting authority for the use of compulsory investigative measures in nonpublic probes involving AI products and services. This move, aimed at streamlining the process for issuing civil investigative demands (CIDs), will allow the FTC to proactively investigate potential AI-related consumer protection and competition issues while maintaining its authority over the

“AI, in particular generative AI, is still evolving rapidly, but it already has the potential to transform many industries and business practices. Notably, there is no AI exemption from the laws on the books.”

— Federal Trade Commission

issuance of CIDs. The Commission views CIDs as critical tools to gather documents, information and testimonies.

The resolution, effective for a decade into the future, addresses a broad spectrum of AI technologies, including generative AI that produces synthetic content like images, videos, and text seemingly created by humans. With the increasing use of AI and generative AI in products and services—alongside those claiming to detect AI-generated content—the FTC is vigilant about potential misuse.

Regulators believe that AI can be beneficial but that it also poses risks such as fraud, privacy infringement, deception, and other unfair practices that may breach the FTC Act and other regulations. The resolution also considers competition issues arising from AI, especially if a few companies monopolize essential AI inputs or technologies.

The Commission, in a unanimous 3-0 vote, sanctioned the omnibus resolution, reinforcing its commitment to monitoring AI's impact in the marketplace and upholding consumer and market fairness.

FTC Releases Comments on AI to the U.S. Copyright Office

In a Nov. 7, 2023, statement to the press, the FTC released its comment to the U.S. Copyright Office in which it highlighted numerous challenges associated with the advancement and implementation of AI that affect both competition and consumer protection policies.

“AI, in particular generative AI, is still evolving rapidly, but it already has the potential to transform many industries and business practices. Notably, there is no AI exemption from the laws on the books. Accordingly, the FTC will vigorously use the full range of its

authorities to protect Americans from deceptive and unfair conduct and maintain open, fair, and competitive markets,” the comment concludes.

Regulators to Keep a Close Eye on AI in the Coming Years

As 2023 comes to a close, it is evident that the integration of artificial intelligence in direct selling is a game-changer, offering both opportunities and challenges to nearly all aspects of companies' business plans. The FTC will continue to play a pivotal role in this transition to ensure that the deployment of these technologies aligns with ethical standards and consumer protection laws.

In a May 2023 Op-Ed to *The New York Times* by FTC Chair Lina Khan titled, “We Must Regulate AI. Here's How,” Khan states that the rapid advancement of generative AI is reminiscent of the impact of Web 2.0 technologies such as Facebook and Google on privacy and security. She says that the FTC must draw lessons from past technological disruptions and foster open competition and innovation without compromising privacy or market fairness.

“We once again find ourselves at a key decision point,” Khan says. “Can we continue to be the home of world-leading technology without accepting race-to-the-bottom business models and monopolistic control that locks out higher quality products or the next big idea? Yes — if we make the right policy choices.”

SSN



David Bland is the publisher of *Social Selling News*.

Companies Manage Market Challenges in Q3

Strategic shifts and new product lines mark the channel’s response to economic uncertainties

By Dave Rauf



Herbalife

Herbalife’s third-quarter profit fell roughly 48% as sales in the U.S. and China continue to slump.

The direct selling giant reported a profit of \$42.8 million for the quarter on total sales of \$1.3 billion. Herbalife’s revenue for the third-quarter was flat compared to the same time a year ago. Total sales declined 1.5% from last year when calculated on a constant currency basis.

Moving forward, Herbalife CEO Michael Johnson said returning to growth in the U.S. and China — two of the company’s most important markets — will be “our primary focus.”

An Herbalife regional team is launching new initiatives to drive recruitment, stimulate engagement, improve productivity and support the company’s return to sales growth in the U.S.

Company officials told analysts during a recent earnings call that Herbalife is beginning to see positive signs in some key states across the U.S. as a result of the new initiatives.

“While our turnaround efforts are beginning to gain traction, it

will take time to see meaningful results,” Chief Financial Officer Alex Amezcua told analysts.

U.S. sales dipped 12% during the third quarter to \$277.8 million.

In China, Herbalife said sales totaled \$89.5 million, down 1% compared to the same period a year ago. That market is one that Herbalife is “laser focused on” after prolonged COVID-19 shutdowns have hurt sales in China over the past couple of years.

Johnson said the China market “is coming back slowly.”

“The opportunity there, I believe, is still immense,” he added.

Three regions saw growth during the third quarter, including Asia Pacific, the company’s largest, which was up 2.1% to \$441 million.

Herbalife did not provide a revenue forecast for the rest of the year, but company officials said the business is trending in the right direction and they are expecting net sales growth in the fourth quarter of 2023.

“We are in a transformational process that touches all parts of our business, and we’re seeing progress,” Johnson said. “We can confidently say we are seeing momentum building.”

3Q Numbers

- **Total Profit:** \$42.8 million, down 48%

- **Total Sales:** \$1.3 billion, down 1%
- **Asia Pacific Sales:** \$441 million, up 2%
- **North America Sales:** \$277.8 million, down 12%
- **Europe and the Middle East Sales:** \$261 million, up 5%
- **Latin America Sales:** \$212 million, up 13%
- **China Sales:** \$89.5 million, down 1%

Vegan Product Line Surpasses Initial Expectations

Earlier this year, Herbalife launched its first vegan line of supplements for the U.S. market, Herbalife V.

So far, the vegan products have been “met with resounding enthusiasm and opened the door to a new group of customers and distributors.” They’re also providing an opportunity for existing distributors to expand their business, Johnson said. He added that sales have surpassed expectations, and the company has sold out of four of the five plant-based products.

During the call with analysts, Johnson said the line includes protein shakes, a greens booster, and a digestive support and immune support product.

“I can attest, they all taste great,” he added.

The company already has a vegan line of products in Europe and in parts of the Middle East, Johnson



We listen in on the public company earnings calls and read the transcripts so you don’t have to. Check back each quarter for our review with insights and takeaways for your own business.

said. He added: “We’ve got an incredible product line here that we’re just super proud of.”

Herbalife also recently launched a sleep supplement called Night Mode in select markets in Europe during the third quarter, and rolled out a new powdered-drink product tailored for adults over 40 in Brazil.

In Mexico, Herbalife introduced into the market for the first time so-called “beverage enhancers,” which are also powdered drink mixes, Johnson said. And in October, the company launched a turmeric-based drink to support muscle recovery in its Latin American market. The product is available in Bolivia, Ecuador and Colombia.

“These product launches,” Johnson said, “are a testament to our commitment to quality and innovation.”



Nature’s Sunshine

Driven by a strong uptick in e-commerce sales, Nature’s Sunshine reported solid third-quarter earnings that included revenue increases in its two largest markets.

CEO Terrence Moorehead said the company is continuing to outperform the market, with sales growth tied to strategic investments in digital, field activation and brand building.

The nutritional and personal-care products maker posted revenue of \$111.2 million in the period, up 6% from a year ago.

“Our third quarter results exemplify the strong underlying fundamentals of our business and we’re very pleased with our performance,” Moorehead told analysts during a recent earnings call.

Sales in two of four geographic regions were up in the third quarter, including North America with revenue of \$34.8 million and Asia Pacific with revenue of \$52.2 million.

The company posted another strong quarter of double-digit sales growth in Asia Pacific, and what Moorehead called a “breakout quarter” for its North American business unit. Both regions reported sales increases of 10%.

Nature’s Sunshine expects full-year revenue in the range of \$443 million to \$451 million.

3Q Numbers

- **Total Profit:** \$2.8 million
- **Total Sales:** \$111.2 million, up 6%

- **Asia Sales:** \$52.2 million, up 10%
- **Europe Sales:** \$18.7 million, down 3%
- **North America Sales:** \$34.8 million, up 10%

E-Commerce on the Rise

During the call with analysts, Moorehead highlighted several times how the company’s digital business is exploding.

Case in point: Digital sales increased in the quarter by 68%.

In the U.S., just over 25% of all sales are now stemming from e-commerce.

And Moorehead praised a digital live stream model in China as being key for the company’s overall 38% sales increase in that market during the quarter.

To build on that momentum, Moorehead said Nature’s Sunshine plans to further expand its digital footprint.

But the company will do so selectively, he said.

Asked why Nature’s Sunshine hasn’t taken an aggressive digital strategy to other key markets, including some that are struggling to achieve growth, Moorehead responded that there was no need at the moment to invest heavy digital resources in other markets.

“Some of the markets don’t necessarily need it right now. We do have a rollout plan to expand digital globally,” he said. “So a lot of this also is we have to build the capabilities kind of globally as well. We don’t want to get ahead of our skis on this one.”

Moorehead added: “The opportunities are there and we’ll be pursuing them where it makes sense.”



Primerica

The Georgia-based financial firm reported almost double-digit profit growth during the third-quarter, buoyed by strong sales of its primary product: term life insurance.

During the most recent three-month period, the company reported \$152 million in profit on \$710.9 million in revenue. Profit for the quarter jumped 9% compared to a year ago, and sales increased by 6% in the same period.

Primerica sells term insurance policies and annuities, along with other financial services.

Sales of term life insurance policies are up from a year ago. Primerica said it issued 88,589 new life insurance policies during the quarter, an increase of 9% from the same period last year.

CEO Glenn Williams said the company’s third-quarter results “reflect the solid financial performance underlying our business.”

“Our third quarter results underscore the fundamental strength of our distribution capabilities, and the value of our complementary insurance and investment businesses,” Williams told analysts during a recent earnings call.

Meanwhile, the company’s investment and savings segment reported sales of \$2.2 billion, which is largely unchanged from the same period a year ago.

Primerica’s senior health business remains a work in progress.

During the quarter, the senior health segment reported a “modest loss,” Williams said, as the company positions for the start of the annual enrollment period. The loss was partially due to elevated contract acquisition costs.

About 10,000 senior health policies were approved during the quarter, and the company hired new agents but experienced higher-than-expected attrition. Williams said hiring delays also resulted in fewer agents working the phones and a higher mix of less experienced agents than in the year prior.

“We remain committed to our senior health business,” Williams said, “and believe there is room for more improvement.”

3Q Numbers

- **Total Profit:** \$152.1 million, up 9%
- **Total Sales:** \$710.9 million, up 6%
- **Total Term Life Insurance Policies:** 88,589, up 9%
- **Total Recruits:** 92,269, down 28%

CFO Succession Process

Primerica announced in September that Chief Financial Officer Alison Rand is retiring effective April 1, 2024 after nearly 23 years in the position.

Tracy Tan, a finance business leader who came to Primerica from a fintech enterprise consulting firm, will become Primerica’s next CFO when Rand retires.

Williams told analysts during the call that the CFO succession process is on schedule, saying the depth and breadth of Tan’s “experience and business acumen will enable her to guide Primerica to continued growth.”

CONTINUED ON 10

COMPANIES MANAGE CHALLENGES, CONTINUED FROM 9

Growing Sales Force

One of the big bright spots for Primerica during the earnings call was the 4% growth of its sales team over the last year.

That gives Primerica a life licensed sales force of roughly 139,000 representatives. During the third quarter, the company added more than 92,000 individuals as new recruits and 12,311 new life licenses.

Primerica said it is confident it can expand the size of its sales force by about 3% year-over-year growth in the fourth quarter. In previous quarters the company had projected quarterly sales force growth in the range of 5% to 7%.

Williams said that the company wasn't able to control how it grew its sales force during the third quarter because more experienced salespeople than the company had projected left their positions.

"We're just anticipating that we'll see that again in the fourth quarter and lead to a loss in the fourth quarter, a small loss in the fourth quarter rather than a small gain," he said.



Nu Skin

The Utah-based seller of skin-care and nutritional products reported a \$37 million loss during the third quarter, as turbulent economic conditions led to softer-than-expected sales in several key markets.

Nu Skin also reported revenue of roughly \$499 million for the quarter, down 7% year over year, and adjusted its guidance to anticipate for foreign currency

headwinds and a restructuring charge of up to \$25 million. The third-quarter also included a \$65.7 million inventory write off.

CEO Ryan Napierski said the disappointing third-quarter earnings are due to persistent macro-economic challenges in several key markets, particularly in mainland China and in the company's Americas regions. Napierski also said foreign currency headwinds played a part.

"Our third quarter performance was mixed with notable progress on strategic initiatives overshadowed by escalating pressures in key markets of our Nu Skin core business, particularly evident during the last half of this past quarter," Napierski told analysts during a recent earnings call.

In China, the company's second-largest market, sales declined by 7% to \$70 million. That country's performance was the primary factor leading to Nu Skin's third-quarter underperformance, Napierski said.

Nu Skin had projected growth for China in the second half of this year based on improving trends. But a significant slowdown in consumer spending across the broader economy reversed those trends, Napierski said.

And in the Americas, which includes markets in North America and Latin America, prolonged inflation has constrained consumer spending and led to a "more cautious and price-sensitive" customer. Sales were down 30% in Nu Skin's Americas region.

Some of that was offset by growth in other regions. Japan, Hong Kong, Taiwan and Europe all reported growth during the quarter, Napierski said. In Europe, Middle East and Africa sales grew by 11% during the most recent three-month period.

Napierski added the company is focused on managing "macro environmental uncertainties" as it heads into 2024.

"The continued headwinds around the globe remain exceedingly dynamic and visibility is constrained as conditions can evolve swiftly," he said. "At the same time, we have ambitious plans in place for 2024 to accelerate growth in our Nu Skin core business as well as the enterprise including the introduction of an entirely new mental wellness category, which will incorporate several strategic investments made over the past few years."

Nu Skin said it expects revenue in the range of \$440 million to \$480 million for the fourth quarter, and for full-year revenue to range from \$1.92 billion to \$1.96 billion.

3Q Numbers

- **Total Sales:** \$498.8 million, down 16%
- **Total Profit:** \$37 million loss
- **Americas/Pacific Sales:** \$91.6 million, down 30%
- **Europe and Middle East Sales:** \$50 million, up 11%
- **China Sales:** \$70.2 million, down 7%

Smart Beauty Devices Segment Growing

Nu Skin launched its first IoT-connected beauty device last 2022, and the company announced that it had big ambitions for the segment. Now that effort is starting to bear fruit.

The smart device segment is a key part of Nu Skin's product personalization strategy, offering customized treatment options, intelligent coaching, and skincare routine tracking.

The devices are intended to be coupled with the company's consumer-facing app that offers product personalization, providing

Nu Skin with valuable customer data about product usage.

Nu Skin officials had said the company would make "a big push" in 2023 with its line of smart beauty devices. That included plans to grow sales of its line of IOT-connected beauty products—dubbed "iO devices"—to about 15% of the company's total revenue in 2023.

Napierski said Nu Skin is close to meeting that goal: Its connected devices accounted for 14% of revenue during the third quarter.

"This aligns with our near-term goal of 15 percent and our long-term target of 30 percent by 2025," he said. "To date, we have logged more than 9 million connected device treatments and collected over 100 million unique data insights, which will play an increasingly meaningful role as we lean further into our personalization, beauty, and wellness journey."



Dave Rauf is a Social Selling News Contributor.

INDUSTRY BUZZ

Verb's Direct Selling Division Receives Major Investment from Scaleworks

VerbCRM, the leading sales enablement platform in the direct selling industry, received a major investment from Scaleworks, a SaaS focused equity firm based out of San Antonio, Texas that is now the majority shareholder. This is exciting news for VerbCRM and its customers, as Scaleworks recently raised **\$110 million** to deploy across its portfolio of companies, including VerbCRM.

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2023—A Year in *Social Selling News*

Independent contractor disputes, court cases and fragmenting demographics make headlines this year

By SSN Staff

January Headlines

US Labor Department Proposes New Independent Contractor Rule

President Biden's Department of Labor (DOL) is finalizing a new rule under the Fair Labor Standards Act to redefine independent contractor classification, aiming for completion in the second half of 2023. This follows extensive public feedback, including over 55,000 comments since October 2022. The proposal revisits the Economic Realities Test, introduced by the previous administration, to determine employee versus contractor status. The DOL seeks a more holistic approach, in contrast to the 2021 rule's focus on key factors. Groups like the Direct Selling Association and the U.S. Chamber of Commerce, as well as Republican legislators, have raised concerns, citing potential confusion and impact on small businesses and independent workers.

FTC Issues Revised Compliance Guidance for Health Products

On Dec. 20, 2022, the FTC's Bureau of Consumer Protection updated its health products business guidance, the first revision in 25 years. The new Health Products Compliance Guidance broadens its scope beyond dietary supplements to encompass all health-related claims. It integrates lessons from enforcement actions since 1998, including updates on testimonials, endorsements, and homeopathic drug marketing. The FTC aims to dispel industry misconceptions about the previous guide. This guidance serves as a tool for interpreting the FTC Act and case law, covering a wider range of products and detailing standards for clear advertising, claim substantiation, and testing methodology. It also clarifies the FTC's authority and coordination with the FDA, highlighting differences in their approaches to health product marketing. The guidance emphasizes the FTC's rigorous requirements for truthful, non-misleading advertising and substantiation of health claims.

February Headlines

Facebook Marketshare Slows as User Demographics Fragment

The media landscape is increasingly fragmented due to new social platforms, causing audience engagement to drop and complicating audience targeting for advertisers. There are 4.89 billion social media users globally, with Facebook leading at 2.9 billion monthly users, despite a slight decrease in active users. Social media usage patterns are evolving, making it difficult for advertisers to predict platform use and measure ROI. By 2025, about half of the global population is expected to use social media. The top platforms include Facebook, YouTube, WhatsApp, Instagram, WeChat, and TikTok, each with unique user demographics and advertising opportunities. U.S. social media ad spending is forecasted to reach over \$94.4 billion in 2023, indicating continued growth but at a slower rate. Marketers need to adapt to shifting trends and choose the right platforms to effectively reach their target audience.

FTC Proposes New Rule to Ban Non-Compete Contracts Nationwide

On Jan. 5, the FTC proposed a rule to ban all non-compete contracts, following President Biden's July 2021 Executive Order. The rule, considered under Section 5 of the FTC Act, marks a significant shift in addressing worker mobility and competition. It enters a 60-day public comment period, receiving widespread support and significant opposition. Labor groups, such as the AFL-CIO and EPI, support the ban, citing its potential to empower workers. The FTC argues the rule will boost earnings and innovation, while reducing wage gaps. However, the U.S. Chamber of Commerce plans to challenge the rule, viewing it as unlawful and overreaching FTC's authority. There's modest bipartisan support in Congress for the ban, but legal challenges are anticipated, particularly under the "major questions doctrine." The rule's impact on direct selling and non-solicitation clauses remains unclear.

CONTINUED ON 14



PROTECT YOUR CASTLE FROM ALL SIDES.

Regulators are marching and direct selling is coming under attack. Direct Sales companies can no longer ignore the regulatory challenges on the horizon. With the increased scrutiny of regulators, consumer advocates and industry foes, improper income and product claims are an existential threat to your business.

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- Andrew Smith, Federal Trade Commission

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March Headlines

FTC Commissioner Wilson Announces Plans to Resign in Fiery Rebuke to Chairwoman Khan’s Leadership

FTC Commissioner Christine Wilson, appointed in 2018 by President Trump, announced her resignation in a *Wall Street Journal* op-ed on Feb. 14. She criticized Chair Lina Khan for power consolidation and undermining the FTC’s bipartisan nature, citing unethical practices and a decline in staff confidence. Wilson’s resignation is a protest against Khan’s alleged “lawlessness.” The U.S. Chamber of Commerce has urged Congress to oversee the FTC’s activities.

April Headlines

Distributors Targeted as FTC Refers COVID-19 Claims to DOJ

On March 3, the DOJ and FTC issued permanent injunctions and penalties against three doTERRA distributors for making deceptive COVID-19 claims. These claims included prevention and cure assertions, violating the COVID-19 Protection Act under the FTC Act. The distributors must pay \$15,000 each and stop making unsubstantiated health claims. This action follows a 2020 FTC warning to doTERRA about distributor claims and a 2021 DSSRC inquiry. Legal advisors and the Direct Selling Association stress the importance of compliance with FTC guidelines to avoid deceptive marketing practices.

May-June Headlines

FTC Wins Anti-Pyramid Case Against James Noland’s ‘Success By Health’

A federal court in Arizona ruled in favor of the FTC, shutting down Success By Health (SBH) for operating as an illegal pyramid scheme. The court found that SBH, along with VOZ Travel, made misleading earnings claims and violated a 2002 FTC settlement agreement. SBH took over \$7 million from consumers, with less than 2% earning more than their costs. The court awarded minimal damages for rule violations but imposed a \$7.3 million sanction on Noland for contempt. This ruling is significant in the FTC’s ongoing efforts against direct selling companies prioritizing recruitment over customer sales.

July Headlines

Beachbody PAGA Lawsuit Spotlights Continued Independent Contractor Challenges in California

The Beachbody Co. is facing a dual individual and class-action lawsuit under California’s Private Attorneys General Act (PAGA) for allegedly misclassifying its distributors as independent contractors. Filed by former distributor Jessica Lyons, the lawsuit accuses Beachbody of violating California Labor Code provisions, including failure to pay minimum wage, provide breaks, keep records, reimburse expenses, and pay wages upon separation. Lyons challenges Beachbody’s exemption from California’s Assembly Bill 5 (AB5), which uses the ABC Test to determine worker classification.

Tupperware’s SEC Troubles Are Mounting

Tupperware is facing the risk of delisting from the New York Stock Exchange due to noncompliance related to financial struggles. The company’s market capitalization and stockholders’ equity fell below required levels. The SEC has given Tupperware 45 days to submit a business plan to address its low market capitalization, and six months to improve its stock price, which has been trading below \$1.00. Tupperware’s ongoing financial issues include potential bankruptcy, delayed financial reporting, and the need for additional funding. The company has appointed a chief restructuring officer to address its capital and liquidity position amid a lawsuit alleging internal control issues and financial misstatements.

August Headlines

Unveiling the Shifting Landscape of the Gig Economy

A survey by PayQuicker and the Ultimate Gig Research Project, led by researchers Dr. Robert Peterson and John T. Fleming, highlights the dynamic growth of the U.S. gig economy, now exceeding \$1 trillion annually. Conducted in July 2020 and April 2023, the study observes that the gig economy is expanding four times faster than the traditional economy, with an expected involvement of nearly 100 million gig workers by 2027. Peterson and Fleming’s research emphasizes the diversity and changing motivations of gig workers, noting the rise in multiple gig engagements and a shift toward delivery services as the most popular gig activity in 2023. The pandemic’s influence on gig work types and earnings expectations is also evident. This comprehensive study, providing valuable insights for business and policy, underscores the gig economy’s increasing significance in the job market.

FTC Proposes New Rule and Revamps Endorsement Guides

In response to growing concerns about deceptive online endorsements, the Federal Trade Commission (FTC) has updated its Endorsement Guides and proposed a rule to ban fake reviews and testimonials. This follows the FTC’s October 2022 ANPR seeking public input on new regulations. The proposed rule aims to deter fraudulent practices and provide monetary redress to affected consumers. It includes provisions to prohibit fake reviews, repurposing consumer reviews for different products, buying positive or negative reviews, and other deceptive practices. This initiative is part of the FTC’s broader efforts to protect consumers from misleading marketing in the digital age.

September Headlines

Canada’s Cost Recovery Proposal Sparks Unease

Health Canada’s proposal to levy fees on natural health product (NHP) manufacturers and distributors aims to enhance oversight and ensure product safety. However, the Direct Sellers Association of Canada (DSA) has raised concerns that this could burden small and medium-sized businesses, potentially leading to higher retail prices and reduced product variety. The DSA’s formal response outlines several issues, including the impact on consumer choice, economic consequences, stifling innovation, and the proposed fee structure’s challenges. The plan might prompt increased orders of non-compliant NHPs from outside Canada, impacting direct selling in the country. Health Canada’s initiative, set for implementation in April 2025, has sparked debate over its potential effects on the accessibility and cost of NHPs in Canada.

Tupperware Emerges from Brink with Debt Restructuring, Shares Rebound

Tupperware, recently facing potential bankruptcy, has rebounded after finalizing a debt restructuring deal with its lenders in August. This agreement reduces the company’s debt, extends repayment deadlines, and secures new financing. Earlier in the year, Tupperware struggled with slumping sales and mounting debt, raising doubts about its viability. The restructuring has positively impacted investor confidence, evidenced by a significant rise in Tupperware’s stock prices. The company now aims to continue its turnaround efforts and long-term strategy to enhance its financial stability and rejuvenate its global brand presence.

October Headlines

EU’s Supply Chain Law to Revolutionize Corporate Accountability

The EU is set to enforce the Corporate Sustainability Due Diligence Directive (CSDD), a law designed to ensure companies are accountable for their impact on human rights and the environment across their supply and value chains. This law applies to large companies and those in high-impact sectors. It requires them to identify, prevent, and mitigate potential adverse impacts, integrate due diligence into policies, and publicly communicate their due diligence actions. The CSDD, which includes fines and sanctions for non-compliance, aims to align companies with the Paris Agreement’s climate goals and will significantly impact businesses with operations in the EU, including direct selling companies.

DSSRC’s Government Referrals Highlight Commitment to Direct Selling Compliance

The Direct Selling Self-Regulatory Council (DSSRC) has referred several direct selling companies to the FTC in 2023 for non-compliance with advertising standards. These referrals include Perfectly Posh for unsubstantiated income claims, Karatbars International for promises of “Financial Freedom” and “Generational Wealth,” Wayal Health Sciences USA for product claims related to serious health conditions, iCoinPro for misleading earnings claims, and Tori Belle Cosmetics for failure to substantiate earnings claims.

November Headlines

Neora Triumphs over FTC in Landmark Case

In a pivotal ruling, Dallas, Texas-based direct sales firm Neora prevailed against the Federal Trade Commission (FTC) in a multi-year legal battle. The U.S. District Court for the Northern District of Texas, Dallas Division, announced on Sept. 28, 2023, that the FTC failed to substantiate its claims that Neora operated as a pyramid scheme. This decision marks a significant win for Neora and the direct selling industry, affirming the legality of the company’s business model. Judge Barbara Lynn denied every FTC claim against Neora and its CEO, Jeffrey Olson, including allegations of operating as an illegal pyramid scheme and making deceptive income and product claims. This represents the first instance of a direct selling company successfully defending itself against such allegations in court.

Tech Trends in Social Selling: Year in Review

Highlights from tech experts' *Social Tech Update* columns of 2023

Over the past year, our contributors covered a number of social selling tech strategies making inroads in the channel. For our year-end roundup, we've selected their most important takeaways to help direct sellers have an even stronger 2024. Please visit [SocialSellingNews.com](https://socialsellingnews.com) for the complete articles.

How to Fight the Amazon Beast

January 2023 Issue By Travis Wilson

With the massive increase in participation from everyday people in online marketplaces such as Amazon and Walmart, direct sellers are scrambling to prevent the erosion of their brands, lowering of price expectations, and reputational risk that comes from the unauthorized sale of their products online. Companies are facing billions of dollars in losses as marketplaces continue to profit from the enablement of gray market sales.

Direct sales companies are feeling the pinch across all categories, and are scrambling to stop these sellers and remove listings. Unauthorized sellers battle with companies for consumer dollars, and customers look for the least expensive way to get the product they want on their doorstep with free two-day shipping. This severely impacts a direct seller's bottom line and hurts the field, as they often cannot compete with the cut-rate prices found online.

Service firms over the past five years have attempted to create solutions to try to contain the threat from online sellers. One early solution centered on legal remedies, including the identification of sellers, tracing product sales, and ultimately sending legal demands to sellers to discourage them from reselling the company's products.

Another solution threatened an unauthorized seller's online store—by using Amazon's policies against them, including intellectual property and other brand protection mechanisms, while using an escalating series of threats to press them to drop the offending listings.

A more recent approach that has stopped these sales is an attempt to “out-Amazon” Amazon



itself. Build an official corporate store, advertise it heavily, and get the official site ranked on Amazon so you capture most of the sales. While all of the above can be helpful, the problem is these solutions cannot remove all listings that compete with the brand (typically fewer than 75% of listings and sellers can be removed this way).

Sophisticated online sellers know the game and have plenty of resources, workarounds,

and legal defenses to protect their golden geese. Just one under-priced listing will compete with your field; therefore all competitive listings must be completely removed from the marketplace.

Since companies can't trust entities such as Amazon to remove unauthorized listings, self-advocacy is the most valuable tool.

Reshaping the Customer Experience with Technology

May-June 2023 Issue By Terrel Transtrum

Over the past few years, customer needs and expectations have dramatically changed. Digital technology has become a significant part of the customer experience (CX), forcing organizations to adapt quickly. However, technology alone is insufficient; understanding the customer is crucial for creating engaging digital experiences that contribute to the overall CX.

Many organizations prioritize technology over customer empathy, focusing on understanding customers later in the process. Operational efficiency often prioritizes automation over empathy. This approach might explain why some leaders view customer service teams as “mop-and-bucket” crews.

However, with customer understanding guiding technology, it's possible to create digital experiences that enhance CX. Brands aligning their customer journeys with their brand experience (BX) drive satisfaction, loyalty, and retention, meeting customer expectations.

By prioritizing customer and employee understanding and creating engaging digital experiences, brands can enhance reputation, increase revenue, improve



margins, and create long-term loyalty.

A brand is a name, image, or symbol that identifies an organization or its products and services. The BX is the sum of all sensations, emotions, thoughts, and perceptions associated with a brand, while CX refers to customers' perceptions of interactions with a brand. If BX is about making promises, then CX is about keeping them.

When BX and CX are aligned, they foster customer loyalty and positive word of mouth, driving revenue growth and retention. Achieving this harmony requires strategic experience planning and execution.

The digital experience (DX) is an essential component of CX. Alignment and simplification of BX and CX require creating a structure and implementing practices that facilitate their interplay. Harmony

demands strategic, operational, and organizational elements.

Marketing focuses on delivering messages about the brand proposition, while customer service and operations focus on delivering the CX primarily through service. These strategies are often developed in isolation and are frequently siloed.

Deploying digital strategies to deliver the customer brand experience must reflect a sincere understanding of the customer by balancing empathy and technology.

Leaders seek advice on improving customer experiences through technology and organizational structure. A holistic approach considers both customer and employee experiences:

1. Clarify Your Brand Promise (BX).
2. Start with your organization's core belief system and translate it into personality attributes, emotional benefits, and your clear brand promise.
3. Understand What Your Customers Crave (EX).

CONTINUED ON 18

Companies must:

1. Try to fulfill those sales of customers who will buy products on Amazon but do so without driving additional sales to Amazon. There will always be a small segment of customers who will choose the platform.
2. Remove all unauthorized sellers from the platform.

3. Ensure all listings are at Minimum Advertised Price (MAP) or above.

4. Be transparent with your field about your efforts to reduce unauthorized sales and push sales back to them.

5. Engage experts with a proven track record of helping companies with these issues.

Unauthorized sellers can destroy a company's field success, perception of quality, and even its overall reputation. Selling on Amazon in the U.S. does require users to meet some basic guidelines and provide information such as Tax ID and State Tax ID. However, Amazon does not generally prioritize filtering unauthorized sellers out of the equation. It's somewhat of a free-for-all, which is the perfect way for these sellers to make a payday off of your product.

TECH TRENDS IN SOCIAL SELLING, CONTINUED FROM 17

4. A better digital experience should enable customers to reflect on their choices and deepen their understanding of how to accomplish their goals with your products.

5. Technology powers research and innovation, propelling organizations with customer growth and retention. Customer understanding informs design and galvanizes the DX, essential for designing and delivering engaging CX.

understanding and empathy and total experience to avoid “robotic insincerity.”

Understanding customers is more convenient and powerful than ever before. Tools like voice of the customer (VOC) and online media monitoring help cultivate a deeper understanding of the customer for adapting to their needs.

A simple, powerful example is Mary Kay’s Mirror Me™ virtual makeover tool, a customer-centric digital experience that focuses on enhancing the customer’s sense of self. The AI-powered tool allows customers to try on products virtually.

goals. Measuring needs and expectations should be at the center of measuring CX. Metrics that align with key roles empower the organization with actionable views of customer behaviors and perceptions.

Here are five metrics essential to measuring CX:

1. Customer Satisfaction (CSAT): The oldest and most widely used CX metric.
2. Customer Effort Score (CES): A precise way to measure if you are truly easy to do business with.
3. Net Promoter Score (NPS): The barometer of

the state of the customer relationship.

4. Customer Sentiment (CS): A key indicator of three engagement and retention behaviors.

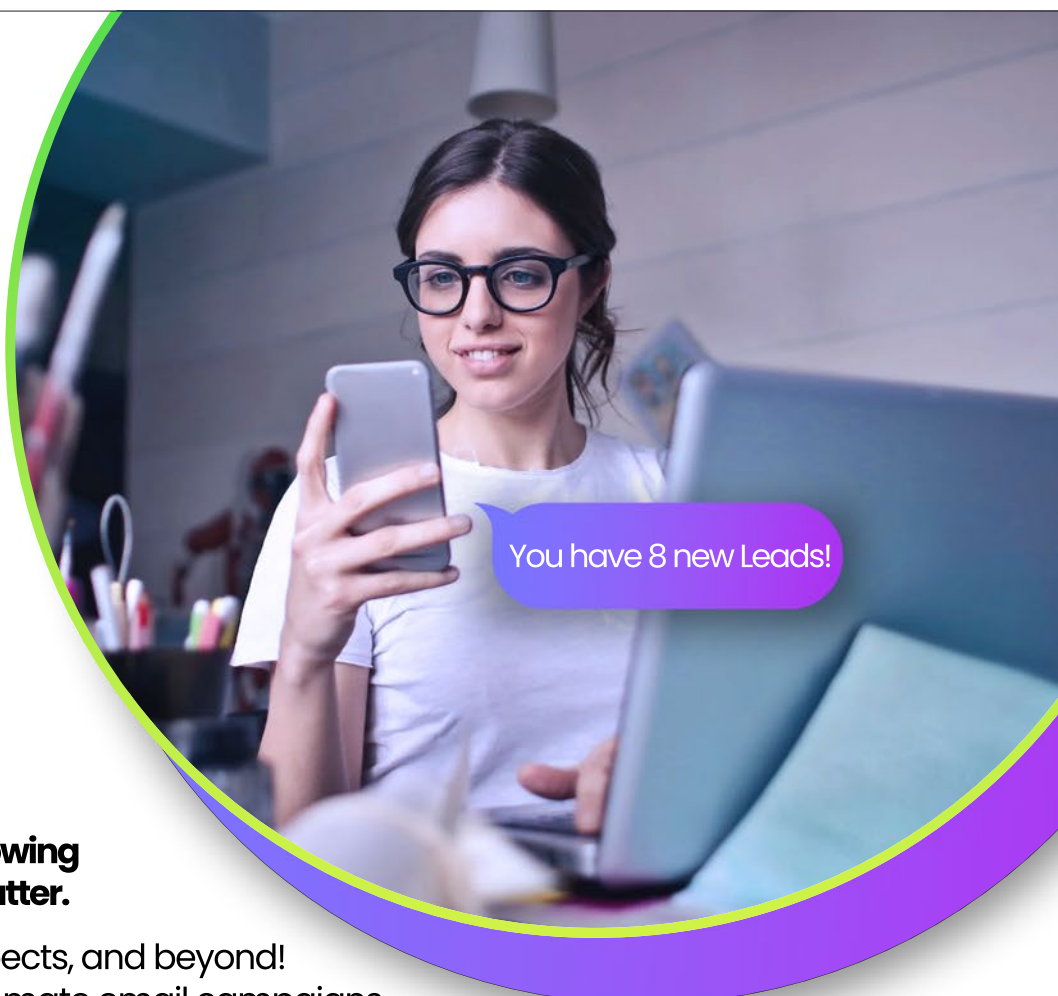
5. Employee Engagement: The role of employees in customer service.

Gathering and understanding the right signals from customers along their journey allows for deeper connection. Consistently challenging beliefs about what customers and employees want in an experience can deliver meaningful and profitable consistency through technology and DX. Exceptional CX is about context, not technology.

Organize CX initiatives and DX systems around customer Reshaping CX requires metrics reflecting company and customer



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Risks to the Channel—Year in Review

Highlights from the *Risk Roundup* Columns of 2023

The dynamics of a direct selling business model present unique obstacles and a wide array of risks for company leaders to address and overcome. The Risk Roundup contributors of 2023 provided expert advice on overcoming these challenges. We have selected key insights from these thought leaders for this year in review. Please visit SocialSellingNews.com for the complete articles.

Is Your Website a Potential Liability?

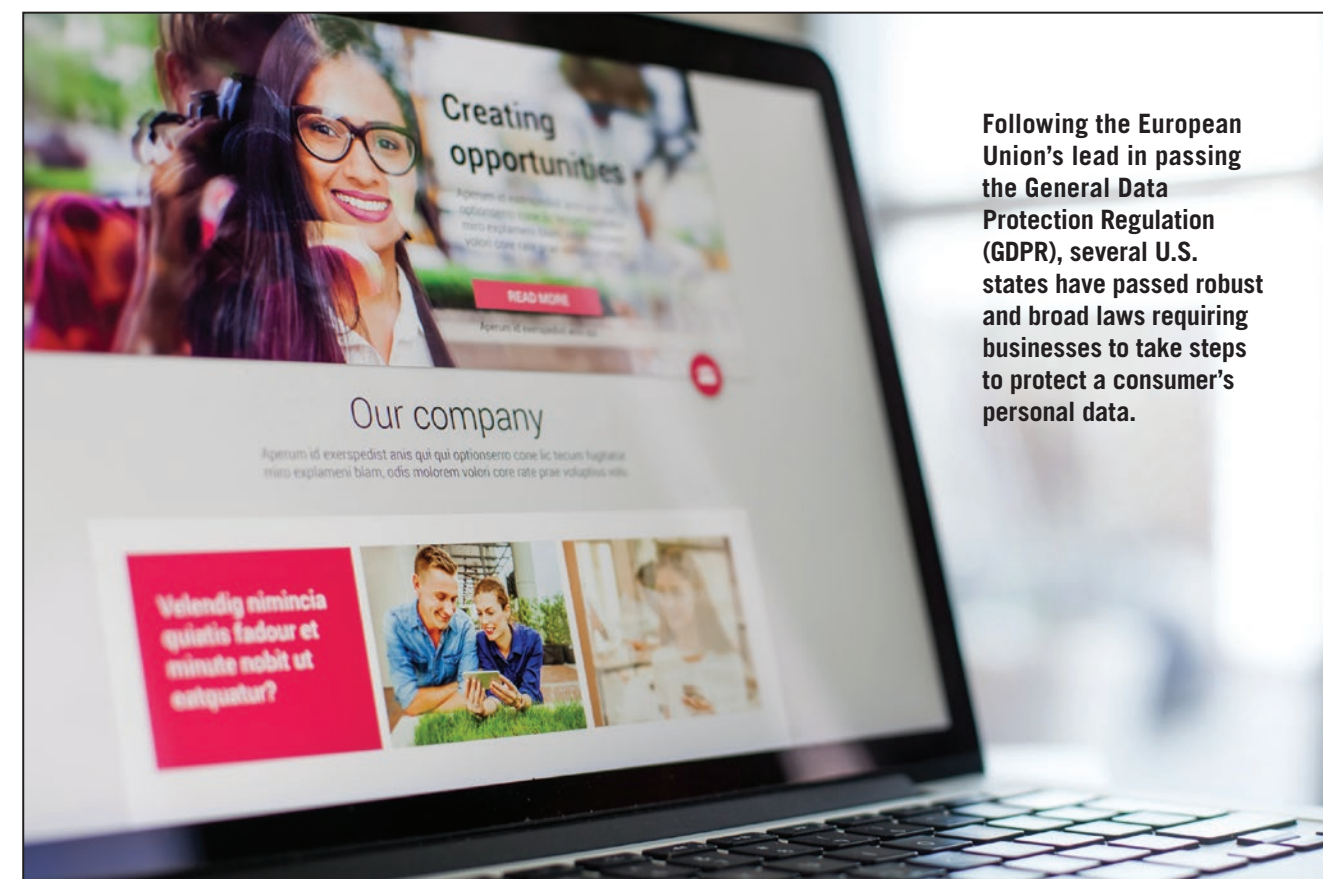
April 2023 Issue By William M. Miller

In this digitally dependent world, the first contact many consumers have with a company is through its website. As a result, more than ever, it is essential to have a website that complies with both United States and foreign laws, not only to safeguard potential and existing customers but also to avoid costly lawsuits that may result from non-compliance.

With a few exceptions, it is well established that any retail website doing business in the United States must be accessible to individuals with disabilities (particularly those that also do business through brick-and-mortar stores). As a practical matter, what this means is that the website must be coded to allow it to interface with screen reading software that enables a person that is blind or has low vision to access the website.

While there are no federal or state standards describing what needs to be done in order for a website to be accessible, the de facto standard is the Web Content Accessibility Guidelines (WCAG) 2.1. The WCAG 2.1 Guidelines set technical standards that a website needs to meet to ensure that a screen reader will be able to interact with the website and allow a disabled person access.

Ensuring that a website is accessible is particularly important as compliance, or lack thereof, is frequently



Following the European Union’s lead in passing the General Data Protection Regulation (GDPR), several U.S. states have passed robust and broad laws requiring businesses to take steps to protect a consumer’s personal data.

the subject of litigation. These lawsuits can be difficult to defend if a business is not vigilant, as it is easy for a website to slip out of compliance. Lawsuits regarding website compliance have recently faced increased scrutiny, particularly where there is no nexus to a particular physical location. Last summer, the California Court of Appeal took the more conservative approach,

ruling that a website must have a nexus to a physical location in order for it to be considered a “place of public accommodation.”

Consumer privacy has become a critical issue over the past several years. Following the European Union’s lead in passing the General Data Protection Regulation (GDPR), several U.S. states have

passed robust and broad laws requiring businesses to take steps to protect a consumer’s personal data. California’s law applies to any business that interacts with California residents. Since the California Consumer Privacy Act (CCPA) was originally passed in 2018, it has been amended twice, with the most

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**RISKS TO THE CHANNEL,
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recent changes becoming mandatory on Jan. 1 (although enforcement will not begin until July).

The federal government—through the Restore Online Shoppers Confidence Act (ROSCA)—as well as numerous states have laws on their books regulating how companies must disclose subscription-based services, including auto-shipping of products. California’s Auto Renewal Law (ARL), which has been on the books since 2010 (the same year that ROSCA was enacted), and which was most recently updated in July 2022, is one of the most robust laws in the country. The ARL requires a variety of very specific disclosures to be made at the point of sale for any subscription, along with the requirement that an email and other follow-up be provided to ensure that the consumer knows how they can cancel the subscription.

Each of the areas discussed above can become the basis for individual and collective liability, both directly and potentially through various consumer and disabled persons protection statutes. As a result, if the answer to any of these questions is “no,” those issues should be promptly addressed in order to avoid potential liability.



It is a sound strategy and a good investment for businesses to periodically evaluate their website compliance, particularly if they have retail or physical locations, and ensure that they are accessible as required by law.

Stricter Texting Regulations Pose Challenges for Network Marketing Companies and Distributors

May-June 2023 Issue By Noah Westerlund

Over the past 18 months, federal lawmakers have intensified pressure on the Federal Communications Commission (FCC) to do something about the ever-growing issue of unsolicited marketing texts. This regulatory push has significant implications for network marketing companies and their distributors. Essentially the FCC and FTC decided to broaden the net cast by the Telephone Consumer Protection Act of 1991 (TCPA Act) and the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act).

In September 2022, the FCC filed a proposal that brought texting under the purview of existing regulations. The proposal required mobile wireless providers to block texts from invalid, unallocated, or unused numbers, as well as numbers on a Do-Not-Originate (DNO) list. The FCC’s intention is to enhance consumer protection and combat the rising menace of text message scams and spam. Under pressure from regulatory bodies, carriers have introduced new requirements for what they classify as “commercial texts.”

Initially, carriers approached the new requirements with leniency. However, in recent months, carriers have strengthened their enforcement measures to ensure compliance. Verizon has taken the lead in implementing strict filtering practices, and other carriers are expected to follow suit. The filtering process targets unregistered traffic that carriers identify as illicit or commercially related but not properly registered. There is an example of a soccer coach who can no longer communicate with his team via text message as he was sending several group messages a week that often included links to schedules and registration sites.

In addition, carriers have been reluctant to disclose specific filtering requirements. This lack of transparency has left network marketing companies and distributors frustrated and uncertain how to comply fully. To underscore the seriousness of the regulatory measures, the FCC shut down Global UC, a small carrier based in Germany that operated in the U.S. However, Global UC did not take the warning seriously, and one of its executives made a flippant comment publicly. Consequently, in December, the FCC took the unprecedented step of shutting down Global UC’s operations in the U.S.



While many companies haven’t noticed these effects, that doesn’t mean they aren’t there. When a text is blocked there is no message back, there is no warning—the text message is simply never delivered. The only way a distributor or company can determine if the message did or did not go through is to contact the receiver to verify that the message was received.

Moreover, the lack of transparency regarding filtering requirements adds further complexity. There are several things that companies can do to improve the deliverability of text messages. First, companies need to make sure that the texting service they use to communicate with their distributor base has provided them with a registered number. When selecting a service provider, companies should be sure that the company is open to working with network marketing companies. Second, when sharing videos and other collateral materials that are hosted on company sites, make sure those sites have been registered and properly classified by a security company such as Trendmicro.

The FCC and FTC’s intensified regulations on texting practices have significantly impacted network marketing companies and their distributors. Navigating these regulatory changes requires a proactive approach and a commitment to compliance to ensure effective communication and maintain consumer trust in the network marketing industry. By staying informed and implementing appropriate measures, network marketing companies and distributors can adapt to the evolving regulatory landscape while maintaining their communication effectiveness and business operations.

Assessing Risks and Concerns Associated With Canadian Product Regulatory Proposal

October 2023 Issue By Peter Maddox and Lewis Retik

The September issue of *SSN* discussed Health Canada’s cost-recovery proposal for natural health products (NHPs). The article did a great job of presenting issues with the proposal and the concerns of DSA Canada, including: the excessive amount of the proposed costs; proposed fees that far exceed actual costs, likely in violation of trade agreements and tax law; and ongoing flaws with the current regulatory framework and service standard levels.



Health Canada’s policy “Bringing health products into Canada for personal use” (GUI-0116) (“Policy”) allows consumers to import product for their personal use without the required licence. However, when used by direct sales companies, it is typically not done compliantly with the Policy and other applicable laws, raising significant concerns about its legality and efficacy.

The basic rules around NFR are as follows:

- Residents of Canada are permitted to bring into Canada a personal use quantity (a 90-day supply or single course of treatment) of many NHP-type products, without requiring specific licenses for the import.

- Personal use means that a person is bringing a health product into Canada for their own use, or the use of a person who is under their care.
- The Canadian resident importing the product must be the importer of record.
- However, a person is considered a commercial importer and cannot use the personal use exemption if: They bring a health product into Canada to sell or give it to someone else that is not under their care; Products are marketed, advertised, or commercialized in Canada, or create commission revenue for sales consultants who promote the sale of the products in Canada; Importation exceeds the personal

importation limit of 90 days or there are multiple shipments that exceed a 90-day supply over a 90-day period.

Operating a direct sales company in Canada and taking the position that the product sales are NFR puts a company’s Canadian independent sales consultants at significant legal risk. Each province has direct sales requirements, with a number requiring specific licences. It is recommended that companies entering the Canadian market with NHPs harness the knowledge and assistance of local legal and regulatory specialists.

DSA Canada and the broader NHP industry is pushing back against the proposal by pointing out that the fee calculation methodology is inconsistent with Canada’s trade agreement commitments. DSA Canada has raised this issue in meetings with officials from Canada’s Department of International Trade, starting a conversation on the topic and highlighting broader concerns around trade issues that could negatively impact the integrated North American marketplace.

Based on the issues raised in its submission and the specific and

real concerns of DSA Canada’s member companies, the following recommendations were made to Health Canada, on behalf of industry:

- That the process to implement this proposal is paused, so that further consultation, research, and development can be carried out to inform program improvements.
- That detailed economic modelling is completed to measure all the impacts on industry and the Canadian economy resulting from this proposal.
- That Health Canada creates a road map clearly setting out how and when — prior to any cost recovery program being introduced — service levels will be substantially improved and other aspects of the Self-Care Framework, such as labeling and product category simplification, will be completed.
- That industry and all NHP stakeholders are an integral part of the consultation development process for the cost recovery program and for other changes in NHP regulation.

Q&A with Ed Burbach, Neora’s Lead Counsel in FTC Lawsuit

November 2023 Issue By David Bland

SSN: What triggered the lawsuit?

EB: Connecticut-based Truth in Advertising (TINA) is a self-proclaimed tax exempt “consumer advocacy group,” which also sometimes refers

to itself as “journalists.” TINA consists of merely seven people. TINA is funded by Hyatt Hotel heiress Karen Pritzker. In 2016 TINA learned that Neora (at that time known as Nerium) had won an award from the Direct Selling Association (DSA) so it decided to “investigate” Neora.

TINA had no consumer complaints about Neora (at that time known as Nerium). Nevertheless, TINA submitted its own complaint about Neora’s advertising to the FTC. TINA proclaimed that Neora and its

CONTINUED ON PAGE 22



Ed Burbach, Co-Chair of Foley and Lardner’s State Attorneys General and FTC Consumer Practices

Q&A, CONTINUED FROM 21

Brand Partners were violating the FTC Act by making income and product claims.

TINA requested that the FTC open an investigation of Neora. On June 21, 2016, the FTC issued a 28-page Civil Investigative Demand (CID) (a type of civil subpoena) to Neora.

SSN: What surprised you the most about the FTC's strategy in this case?

EB: That it pursued a pyramid scheme claim when it long had Neora's actual data. Instead, the FTC avoided using the "primarily generated from" Koscot analysis (the very test which the FTC had long recognized—including in at least 20 federal court pleadings—until Neora). Instead, it favored an amorphous "over emphasis on recruiting" test.

But at trial, even the FTC's own expert, behavioral economist from Hamline University Stacie Bosley, admitted that it has "no metric." Judge Lynn's opinion describes it and her analysis as consisting of "rigid theoretical assumptions" not "born out of reality," "unsupported by the evidence," and "slavish."

I was surprised the FTC went forward with its income and product claims when it knew it could not call any alleged injured person at trial. Instead, in its closing argument, the FTC referred to an injured rep. named "Maria."

I was also surprised that the FTC had its expert neurologist and neurosurgeon sign sworn expert reports regarding Neora's EHT product.

SSN: Does this case get us any closer to a federal statute defining a legal MLM?

EB: Most states have laws defining a legal MLM. Until Congress adopts a federal standard (or the FTC does so through formal rulemaking), Judge Lynn's thorough opinion sets the standard.

Judge Lynn started off by rejecting the FTC's attempts to avoid the "primarily generated from" test, the very test which the FTC had long recognized (at least until Neora). She then clarified that in the 5th Circuit, the Torres "exclusively" test sets forth an even higher burden for the FTC.

With regard to earnings claims, Judge Lynn said it best when she addressed the confusion in the industry: "Defendants aspire to abide by the law regarding permissible income claims, and in the absence of clear guidelines on what the law is, have revisited and revised their practices over time."

SSN: Why did this case take so many years to complete?

EB: The short answer is the FTC.

The FTC spent the first three and a half years investigating Neora, requiring production of millions of documents, emails, and data at great expense to Neora.

Negotiations were had before and after the suit, but unfortunately, the FTC's "overemphasis on recruiting" belief that no one should be paid any compensation other than the person making the sale (or perhaps up one level) ensured that a settlement could not be reached if Neora (and the industry) wanted to continue operating as a multilevel-marketing company.



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Women CEOs in the Channel

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- Kendra Brassfield, NeoLife International
- Janine Belmont, Yanbal
- Érika Herrero Bettarel, Belcorp
- Asma Ishaq, Modere
- Mary Young, Young Living
- Jill Blashack Strahan, Tastefully Simple
- Angela Loehr Chrysler, Team National
- Amelia Warren, Epicure
- Malou Caluza, QNet
- Joni Rogers-Kante, SeneGence
- Nancy Bogart, Jordan Essentials
- Sharron Walsh, Isagenix International
- Camelle Kent, Thirty-One Gifts
- Heidi Thompson, Scentsy
- Patty Percy, SimplyFun
- Britney Vickery, Initials Inc
- Jessica Herrin, Stella & Dot
- Chrissy Weems, Think Goodness Brand Collective
- Deborah K. Heisz, Neora

- Kristin Hubbard, Younique
- Cara Brook, Seint
- Michele Gay, LimeLife
- Gina Smith & Karen Green, Style Dots
- Jesse Reese McKinney, Red Aspen
- Sarah Shadonix, Scout & Cellar
- Melissa Thompson, Bellame
- Lori Bush, Solvasa
- Laura Hunter, tori belle cosmetics
- Meredith Bilbro, Bella Grace Global

Companies That Provide Apps

- Verb Technology
- Rallyware
- Krato
- NOW Tech
- Penny AI
- FieldCheck (Momentum Factor)
- Cheddar Up
- Bloo Kanoo

Executive Search Companies

- Direct Sales Experts Inc.
- Serendipity Executive Search
- Hanna Shea Executive Search
- C3 Executive Search
- Driggs Search International
- Pam Anthony Recruitment

Product Manufacturing Companies

- Factory6 Inc.
- Cosmo International Fragrances
- Intermountain Nutrition
- Concept Laboratories
- Gemini Pharmaceuticals
- MANA Products
- Progressive Laboratories
- Valentine Enterprises, Inc.
- Wixon Inc.

Law Firms

- Gowling WLG | Ottawa, Ontario
- Millar Kreklewetz LLP
- Scheef & Stone LLP
- Buchalter
- Winston & Strawn
- Foley & Lardner LLP
- Kelly Drye & Warren LLP
- Reese Richards
- Thompson Burton

Commission Payment Companies

- Payquicker
- i-payout
- KyckGlobal
- Global Payroll Gateway
- Hyperwallet
- Propay

Merchant Processing Companies

- Nexio
- Metrics Global
- ACI Worldwide
- Checkout.com
- Global Payroll Gateway
- MassPay
- Nuvei
- Paymenture
- Propay

Production and Event Companies

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- Bartha
- Display Group
- Gettings Productions
- Katapult Events
- Maritz Global Events
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People on the Move



BRYON ELLINGTON, EXP REALTY
Exp Realty has hired **Bryon Ellington** as chief learning officer. Ellington brings more than 20 years' experience in real estate and coaching to the role and will develop agent-driven training and coaching. Previous executive roles include chief operating officer and chief development officer at Century 21 as well as positions at Keller Williams.



SAM LEE, SUNRIDER
Sunrider Intl. has appointed **Sam Lee** as general manager of **Sunrider China**. Lee has over 20 years of experience within direct selling (**Herbalife, Shaklee**) and government relations in China. Lee will oversee Sunrider China's operations, sales, marketing, training and finance teams and coordinate product inventory and launches.



GREG GITTENS, MODERE
Modere has appointed **Greg Gittens** as chief financial officer. Gittens is a seasoned finance executive with more than 25 years of experience in financial strategy and operations management. Prior to joining Modere, Gittens was a partner at Emil Capital Partners and held roles at Stila Cosmetics, Estee Lauder, and others.



STUART BURNETT, TELECOM PLUS
Andrew Lindsay, co-CEO of **Telecom Plus PLC**, trading as **Utility Warehouse (UW)**, will step down as Co-CEO and from the board after 16 years with the company. **Stuart Burnett**, co-CEO with Lindsay since 2021, will become sole CEO in 2024. Burnett has been with UW for nearly eight years, previously serving as COO.



KATHERINE ZANOTTI, MODERE
Katherine Zanotti has joined **Modere's** board of directors. Zanotti is a senior consultant to the company and continues to support its product development, go-to-market strategy and customer engagement. She has spent over 40 years in leadership roles at Procter & Gamble and McDonald's, and then at **Arbonne** as CEO.



ROB HARRIS, TELECOM PLUS
Rob Harris has joined **Telecom Plus** as chief operating officer. In this role, Harris will focus on customer experience and managing operations from an experience and cost perspective. He has a background in both energy and finance, having led operations for British Gas, and before that spent 12 years at Barclays.



DAVID ORI, SUNRIDER
Sunrider Intl. has hired **David Ori** as regional executive director for Europe, Hungary, Israel, and Russia. Ori is an executive with almost 30 years' experience in global expansion and infrastructure for companies such as **LifeVantage** and **Mannatech**. He recently led expansion and was general manager for Asia Pacific at **Moringa**.



MARI LOLI SÁNCHEZ-CANO, JAFRA
Jafra has named **Mari Loli Sánchez-Cano** as South America expansion director. Sánchez-Cano had served as Jafra Mexico's managing director for the past 18 years and is a member of the Betterware board. She has been with the company over 30 years. She will now oversee expansion into South American markets.

MEET OUR PARTNERS

Below is a listing of all of the suppliers who placed display advertising in this month's issue. We are grateful for their participation and support in bringing news and information to the social selling channel.

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People on the Move

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VIRGINIA CERVANTES, JAFRA
Virginia Cervantes has been promoted to North America region director for **Jafra**, leading the markets of Mexico, the United States and later Canada. Previously, Cervantes was director of commercial planning for Mexico and the United States, since joining the company in July 2023. She previously worked with PepsiCo and **Avon**.



NAIME YALÇIN, HERBALIFE
Herbalife has appointed **Naime Yalçın** as general manager of **Herbalife Turkey**. Yalçın, who has worked over 17 years in many areas such as sales, marketing, planning, and strategy for the company, will lead its nutrition solutions and train new entrepreneurs. She will also serve as chairman of the Turkey DSA board.



PILAR SANCHEZ, JAFRA
Pilar Sanchez has been appointed as managing director of **Jafra Mexico**. Since July 2023, she has served as commercial director of Jafra Mexico. Sanchez has experience in sales, marketing, and innovation for multinational companies such as Cargill, PepsiCo and Mondelez International, and oversaw countries including Brazil and Argentina.



GUIDO BUCH, PM-INTERNATIONAL
PM-International has named **Guido Buch** as general manager of sales, Eastern Europe and the Middle East. Buch is a founding member of the company and has led sales for the perfume division as well as other early product areas. He also has built knowledge of the Eastern European and growing Middle Eastern markets.



TONY SOLIS, VOLLARA
Vollara has hired **Tony Solis** as senior vice president of strategy. Solis has over 20 years of direct selling experience in sales, marketing, and operations development. Starting at **Avon**, he moved on to **The Pampered Chef, Virid-ia**, and **Genesis Pure**. Now, Solis will focus on recruitment, customer acquisition, education, recognition and rewards.

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Young Living Offers Program to Support Ecuadorian Students on Giving Tuesday

On Giving Tuesday, Nov. 28, The **D. Gary Young, Young Living Foundation**, wished to share its focus on “compassion and human connection” by bringing attention to its Sponsor a Student program. By donating \$75 a month, sponsors can help children in areas of Ecuador receive education at the Young Living Academy located in the country. Besides quality education, the sponsorship also provides children and youth with school supplies, nutritious meals, uniforms, and other resources to help them succeed academically at the Academy. Offering this access contributes to “a higher income, improved health, and gender equality, and can prevent the cycle of poverty,” according to Young Living. Since 2009, The Young Living Academy has offered a quality education to 350 students who live in an underserved region where only approximately 20% of students graduate from high school. The Foundation’s curriculum offers ways to build confidence, teamwork, and leadership skills in all parts of the students’ lives.

Medifast Third-Quarter 2023 Results Show Revenue of \$235.9 Million

Medifast, the parent company of direct seller **OPTAVIA**, announced financial results for the third quarter ended Sept. 30, 2023, with revenue of \$235.9 million, a 39.6% decrease from the prior-year quarter. Since the third quarter of 2022, the total number of active earning OPTAVIA coaches was 47,100, a decline of 28.9% from 66,200 in 2022. The company believes this decline as well as the decrease in productivity per coach was the driver behind the quarter’s revenue reduction. Net income during the quarter was \$23.1 million, or \$2.12 per diluted share, compared to \$36.2 million. Gross profit was \$177.4 million, a drop of 37.3% from a gross profit of \$282.8 million in 2022. Medifast’s balance sheet showed cash, cash equivalents and investment securities of \$157.8 million with no interest-bearing debt. For the full-year 2023, the expected revenue range is to be \$1.05 billion-\$1.07 billion, with diluted EPS in the range of \$8.65-\$9.55.

Natura &Co to Sell The Body Shop to Aurelius for \$254 Million

Natura &Co, the parent company of **Natura Cosmetics**, **Avon International** and **The Body Shop**, has entered into a binding agreement to sell The Body Shop to Aurelius Group, a Munich-based private investor firm. Announced on Nov. 14, the deal is expected to have an enterprise value of \$254 million. This comes after Natura &Co sold its Aesop brand to cosmetics maker L’Oreal for \$2.5 billion in April. Responding to the news, shares jumped as high as 8% in Sao Paulo, Brazil, which put the company as one of the top performers on Brazil’s stock index Bovespa (.BVSP) that day. According to Fábio Barbosa, Group CEO of Natura &Co, this divestiture will result in the company being “refocused, deleveraged and leaner,” so Natura &Co can bring its attention back to direct selling in Latin America and building out its Avon business. The company shared that the agreement included a potential earn-out of \$114 million, with the sale price and the earn-out to be paid within five years of the close of the transaction.

In Memoriam: Regal Ware Chairman of the Board Jeffrey Reigle

Jeffrey Reigle, **Regal Ware**’s chairman of the board, passed away on Nov. 22, 2023. He was 72. Reigle was a third-generation descendant of Regal Ware Founder J.O. Reigle and had worked for the family business in a variety of roles over his 50-year career, including serving as president and CEO. He retired from that position in 2021 before becoming chairman. “He led the company with remarkable integrity, inspiring growth, fostering innovation, and championing continual reinvention,” according to Regal Ware. His son, Ryan Reigle, who succeeded him as president and CEO, remarked on his father’s legacy. “My father was not only a brilliant leader but also a loving husband and father. He set a high standard for us as a family and as a company.” Reigle was also an advocate for direct selling and a champion for diversity in the channel. He was inducted into the Direct Selling Association Hall of Fame in June 2018. He is survived by his wife, Jean, three sons: Matthew (Meghann), Ryan (Katie), and Scott (Ashley); and six grandchildren.

USANA Q3 Net Sales Down 9% to \$213 Million

USANA Health Sciences Inc. reported its third-quarter financial results for the quarter ended Sept. 30, 2023, with net sales down 9% to \$213 million, compared to \$233 million during 2022—this was a 10% decline sequentially. Diluted EPS was 59 cents, compared to 78 cents during the prior-year period. Asia-Pacific was the highest revenue-producing market for the company, with \$170 million in net sales, a 7% decline from 2022. The region was led by Greater China, which had \$107 million in net sales, down 3% from Q3 2022. The Americas and Europe showed net sales of \$43 million, a decline of 14% versus the prior-year period. The company generated \$22 million in operating cash flow for Q3 2023 and ended the quarter with \$307 million in cash and cash equivalents, remaining debt free. The fiscal-year 2023 outlook shows a consolidated net sales range of \$900 million-\$920 million with a diluted EPS between \$2.80-\$3.05.

Amway’s Global Report Reveals Increased Openness to Entrepreneurship

Amway participated in a recent roundtable discussion with U.S. Representatives from both Democratic and Republican parties and shared the results of its latest Global Entrepreneurship Report. U.S. Representatives John Moolenaar (R-Michigan) and Darren Soto (D-Florida) gathered with Amway leaders, small business owners and advocates, and academic researchers to talk about the evolution of entrepreneurship following the COVID-19 pandemic. Besides the impact of the pandemic on small businesses and how those businesses support the national economy, attendees also discussed the role of emerging technology in promoting entrepreneurship, and the economic landscape of the U.S. compared to foreign competitors. Highlighted findings from the Amway Global Entrepreneurship Report include: Nearly six in 10 people (58%) are interested in starting their own business; more people feel they have the necessary resources to start a business (39% compared to 35% in 2019); and emerging forms of commerce (such as social media) spark greater levels of acceptance (77%).



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