



**FTC Proposes Rule Banning Non-Competes**

Court challenges and pushback from industry lobbyists await if rule finalized

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# Facebook Marketshare Slows as User Demographics Fragment to Emerging Platforms

Marketers adjust to changing consumer social media habits



The media landscape is becoming more fragmented than ever thanks to the emergence of new social platforms. Audience engagement is dwindling, and where once there were defined audiences and well-defined consumer behavior, there are now splintered audiences and an increasing number of platforms—all competing for the same individual's time.

There are approximately 4.89 billion social media users around the world. By far, Facebook has always maintained the position of the most used social media platform to date with approximately 2.9 billion monthly active users globally as reported by research firm, Datareportal. However, data published in the company's third quarter 2022 investor earnings report showed that Facebook's monthly active users dropped slightly over previous months. The total number of people that

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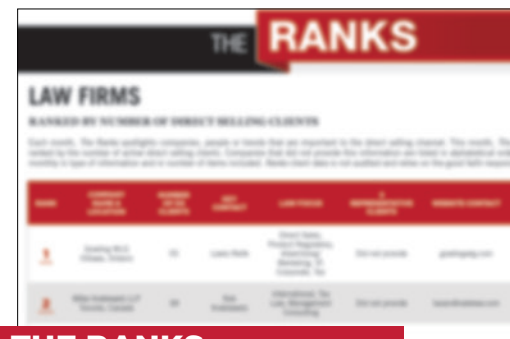
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## — PUBLISHER'S NOTE ►►

# Meeting Our Goals in 2023

## Insightful tips for sticking with our resolutions

Hello friends,

I hope that everyone is having a great start to 2023! How are we doing on our resolutions? This seems to be the time of year that our improved habits either begin to take hold or fall by the wayside. I have been thinking about my own resolutions lately, both personal and professional, and challenging myself to not only improve in certain areas but also think about the reasons why some improvements are easier to maintain than others.

I recently came across an interview in *Scientific American* with some fascinating insights into why we stick to some resolutions but not others. The author, a professor who studies behavioral change, interviewed a social psychologist about setting and meeting goals to make it to the "finish line," whether that be hitting goals or completing large projects.

The first tip that the psychologist offered seemed a bit counter-intuitive, but after thinking about it, I realize it is a brilliant concept; That is, give advice to someone who is struggling with

the same challenge as you. Psychologists have found that in the process of giving advice, we think about our own successful past behaviors, which reinforce our personal action plans for the future.

This reminded me of a tip from a college professor of mine – When trying to understand a complicated concept, try teaching that concept to someone else. I have found that this works incredibly well and I am looking forward to using this "brain hack" to help with this year's goals.

Another fascinating idea discussed in this interview was the concept of looking back vs looking forward – in other words, how we monitor our progress. The psychologist recommended that at the beginning of a new goal, we should look back at our completed actions to reinforce the commitment to the challenge.

Once we approach the midpoint, we should begin to look forward at the tasks that are yet to be completed – using the motivation we gained from looking back at our successful steps so far.

A final bit of advice shared by the psychologist is to keep it fun. By finding ways to maintain a positive and upbeat attitude about the challenging tasks ahead of us, we take advantage of the intrinsic appeal of immediate outcomes. It is easier to persist in something if we receive positive or enjoyable feedback as we go.

I am excited to see direct sellers – both in the C Suite and in the field – work towards their goals this year. Here's to looking back before looking forward, helping ourselves by helping others and, most importantly, keeping it fun!

Warmly,



DAVID BLAND

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## COVER STORY ▶▶

### FACEBOOK MARKETSHARE SLOWS, CONTINUED FROM 1

use Facebook each month decreased by roughly 2 million (-0.07%) in the three months leading up to July 2022.

Social media usage has changed, and it's becoming harder to forecast who's using which platforms, making strategy formulation, ROI measurement, and allocation of time and budget difficult for advertisers. Social media marketing is an ongoing challenge requiring brands to react to shifting audience behaviors and proactively adapt to trends that are in constant motion. The rate of change across social media apps sees no sign of slowing, forcing marketers to brace for what's in store for the foreseeable future.

#### Top 6 Social Platforms by the Numbers

There are no signs of social media usage dropping as a whole. It's projected that by 2025, approximately half of the global population will be using one or more platforms.

**1 Facebook (Meta) – Monthly Active Users: 2.91 billion**

Users enjoy accessing the platform to check in with friends and family; others use it to buy and sell goods, learn about events happening in their local area, or watch a live video interview with their favorite celebrity. Marketers can leverage both paid and organic options, with sponsored posts or ad campaigns and promotions on the paid side and groups, stories, and organic posts on the unpaid side.

**2 YouTube – Monthly Active Users: 2.6 billion**

Not far behind Facebook is the popular video sharing platform YouTube as the second most visited website on the Internet as of 2022. Consumers flock to video because it's quick and easy to digest. For marketers, it's an opportunity to engage them, show the human side of a brand, and provide entertainment with the most popular content providing value to users.

**3 WhatsApp – Monthly Active Users: 2 billion**

The No. 1 messaging app in more than 100 countries, WhatsApp, has started investing heavily in growing the marketing functions of the app. WhatsApp Business offers features for business owners that enable brands to personally connect with their customers, create catalogs of available products and services, and offer support staff to answer customer queries while they shop.

**4 Instagram – Monthly Active Users: 1.22 billion**

Acquired by Facebook in 2012, Instagram is the place for photo and story sharing. In addition to regular users, Instagram also plays host to brands, businesses, celebrities,

and influencers. Marketers choose from sponsored ads—which can take the form of photos, videos, carousels, and stories—as well as product teasers or influencer partners. Successful campaigns are those that tell stories and don't just push products.

**5 WeChat/Wexin – Monthly Active Users: 1.2 billion**

WeChat is a Chinese instant messaging social media and mobile payment app. It's known as China's app for everything and holds the title of the world's largest standalone mobile app since 2018. Unlike the U.S., marketing on WeChat and social media in China has a different reception. It's seen as a positive thing by Chinese users due to them embracing capitalism. Companies and brands marketing themselves aren't seen as nuisances.

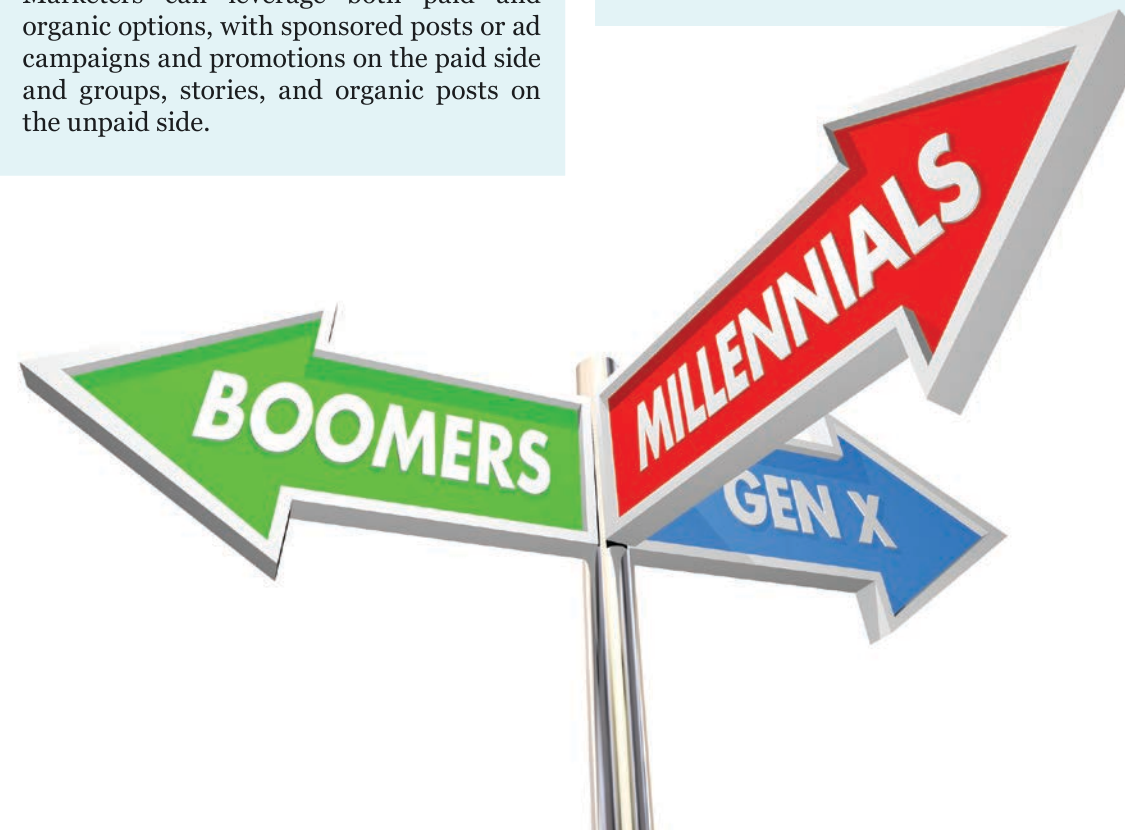
**6 TikTok – Monthly Active Users: 1 billion**

Describing itself as "the destination for short-form mobile videos," TikTok's engagement has grown the most among Gen X and baby boomers over the last year. Data shows that short-form content is more popular than long-form. Its popularity doesn't show any signs of slowing, and older consumers have a hand in this trend. TikTok offers an easy-to-use self-service advertising platform that makes it simple for marketers to create campaigns.

Data from research firm Freedom Lab states that the average internet user has 10 logins to social platforms that they're active on regularly. While the fragmentation not only takes power away from Facebook, it creates challenges for marketers. Rising popularity of TikTok may be taking a lot of time away from Facebook and other platforms, but Facebook still has the best performing ad platform and still reaches more people in the U.S.

#### General Usage by the Demographics

Research from marketing data insights firm DemandSage points out that globally, social media users spend an average of 2 hours and 27



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FACEBOOK MARKETSHARE SLOWS, CONTINUED FROM 7

minutes on any given platform per day. While the numbers vary by platform and by country, generally there are more men than women who make up global social media users as of 2023. The group that spends the most overall time on social media is females between the ages of 16 and 24 with an average of three hours and 13 minutes spent daily.

The Pew Research Center studied social media use by generation, and according to the research, 84% of U.S. adults between the ages of 18 and 29 are active social media users. For those aged 30 to 49, the number drops to 81%. For those aged 50 to 64, nearly 73% are active social media users. Those aged over 65 years use social media the least.



General demographics of each social platform:

**Facebook** – Forty-one percent of all Facebook users are ages 45 and older with 31% of all Facebook users ages 25 to 34. While 56.6% of Facebook users identify as male, and 43.4% identify as female. And male users ages 25 to 34 continue to make up the biggest demographic of Facebook users, according to Statista.

**YouTube** – Of Internet users in the U.S. ages 15 to 25, 65.77% use YouTube. In the United States, 46.1% of Youtube users identify as female, and 53.9% identify as male, according to Statista. YouTubers are most likely to be in the U.S., followed by India, then China. Notably, Youtube's ad reach is largest in the Netherlands (95% potential reach) then South Korea (94%), then New Zealand (93.9%).

**WhatsApp** – WhatsApp's worldwide user base consists of 46.1% females and 53.9% males. The largest percentage of users are between the ages of 26 and 35 at 27%, according to Statista. One-hundred billion messages are exchanged on WhatsApp every day. WhatsApp is the most popular app in more than 100 nations. India has the most WhatsApp users, with the U.S. having 79.6 million WhatsApp users.

**Instagram** – According to Statista, 49% of all Instagram users worldwide are female, and more than half of its global users are under the age of 35. Instagram is notably

popular among younger users: It's the most-used social media platform among American teenagers.

**WeChat** – According to The Verge, 25% of WeChat users are between 25 and 30 years old, and 19% of users are over 41 years old. There are also about 19 million people located in the U.S. who use this social media networking platform. They account for 7% of downloads outside of China.

**General TikTok demographics** – In one online minute, 167 million TikToks are watched globally. According to Statista, 57% of all TikTok users globally identify as female, and 43% identify as male. In the U.S., 25% of TikTok users are ages 10 to 19. And 22% are ages 20 to 29. Of Americans 65 years old or more, 4% use the platform.

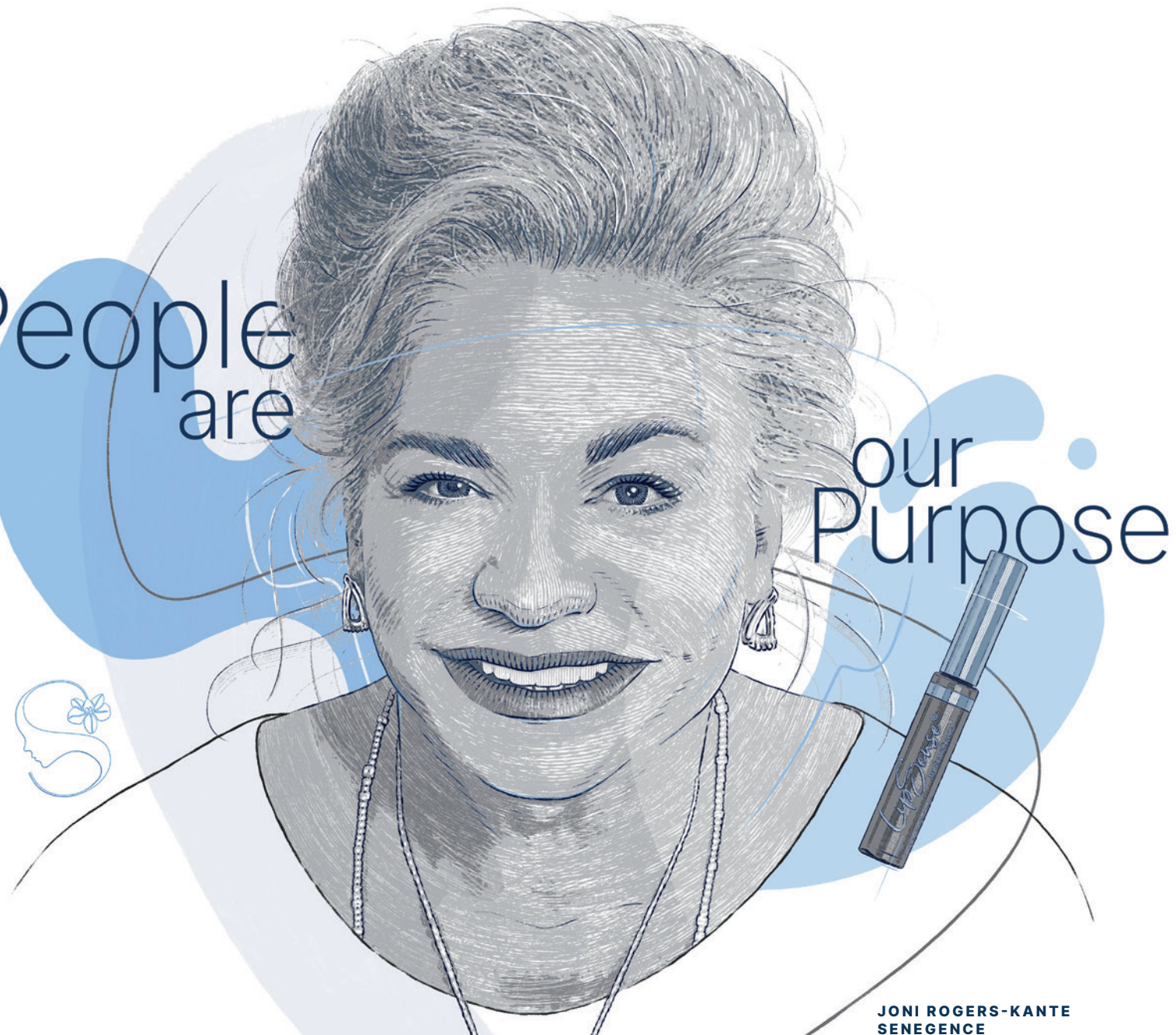
Social Media Advertising Statistics

In 2023, the total social media advertising spending by U.S. companies is expected to reach just over \$94.4 billion. This represents a 17% increase from 2022 and a deceleration in its growth rate from the previous year. All signs point to further—albeit slower—growth in social media ad spend in the coming years. Advertising spend is projected to hit the \$100-billion mark in 2024 before further rising to \$114 billion by 2025. By 2026, it's projected to hit \$122.2 billion, and is set to continue to increase to \$130.5 billion in 2027.

Marketers will need to understand that they have to target the right platforms to capture the desired consumer's attention. The ability to anticipate and acknowledge the fluid nature of how platforms evolve will be a driving factor in ensuring a greater level of future success.



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Joni believes accomplishment is unique for everyone, and we are all here with our own important purpose. She says a fulfilling life

is made with the four E's: *Earn, Evaluate, Evolve, and Explore*. And when we value and respect each other, we will all move forward together.

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# FTC Proposes New Rule to Ban Non-Compete Contracts Nationwide

Extensive litigation awaits the Commission if rule is finalized

By David Bland

On Jan. 5 the Federal Trade Commission (FTC) proposed a new rule that would ban all non-compete contracts. The major move by the Commission comes on the heels of President Biden's July 2021 *Executive Order on Promoting Competition in the American Economy*, in which Biden directed the FTC to utilize its rulemaking authority to "curtail the unfair use of non-compete clauses...that may unfairly limit worker mobility," among other requests. The order did not change any existing laws but set into motion the FTC's move to consider non-compete clauses as "unfair methods of competition" under Section 5 of the FTC Act.

The proposed rule begins a 60-day public comment period that ends on March 20. Nearly 5,000 comments had been submitted at the time of this publishing with most of the comments strongly supporting the FTC's new rule.

## Labor's Petition Is Answered

The Notice of Proposed Rulemaking (NPRM) to ban non-compete clauses is being lauded by labor groups such as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Service Employees International Union (SEIU), Public Citizen, and the Economic Policy Institute (EPI), which, along with over 50 other signatories, petitioned the FTC in March 2019 to ban non-competes contracts nationwide.

**“Since the agency’s creation over 100 years ago, Congress has never delegated the FTC anything close to the authority it would need to promulgate such a competition rule. The Chamber is confident that this unlawful action will not stand.”**

— Sean Heather, SVP for International Regulatory Affairs and Antitrust, U.S. Chamber of Commerce

The petition states that approximately 30 million workers are currently bound by non-compete clauses, and this figure is also used in the Commission's NPRM. The signers argue that "Because most private-sector workers do not belong to a labor union and lack effective voice on the job, the threat of leaving for another job is often the only source of leverage for many workers. By restricting exit, non-competes rob workers of this power."

The petition also argues that non-compete clauses should be subject to laws against unfair methods of competition. This contention is also taken up in the NPRM.

"In recent decades, important research has shed light on how the use of non-compete clauses by employers affects competition," stated the Commission. "Changes

in state laws governing non-compete clauses have provided several natural experiments that have allowed researchers to study the impact of non-compete clauses on competition.

"This research has shown the use of non-compete clauses by employers has negatively affected competition in labor markets, resulting in reduced wages for workers across the labor force—including workers not bound by non-compete clauses. This research has also shown that, by suppressing labor mobility, non-compete clauses have negatively affected competition in product and service markets in several ways."

## FTC Suggests New Rule Would Increase Earnings

In a fact sheet released on the same day as the NPRM, the FTC provided background information

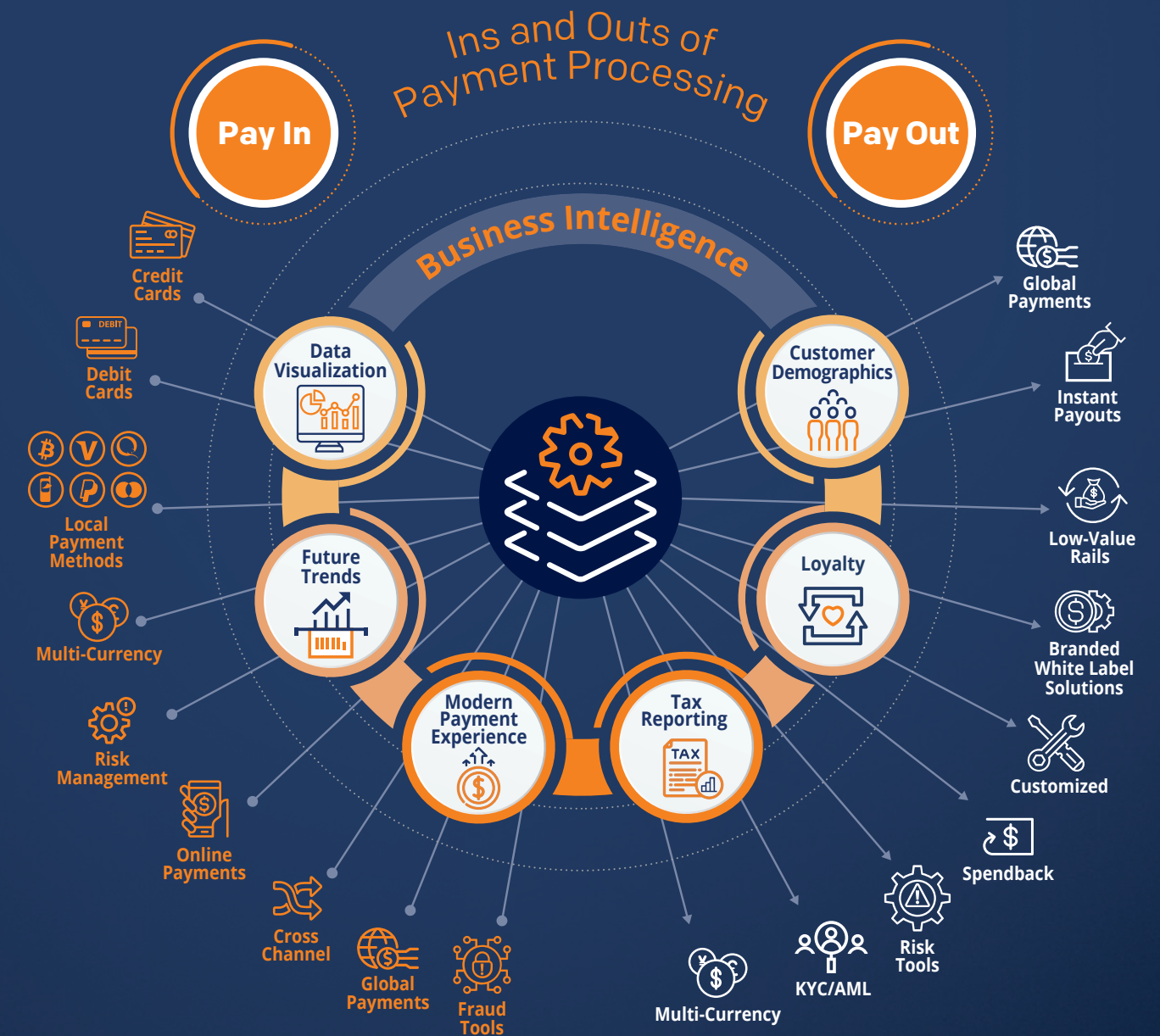
supporting its motivations for moving forward with the new non-compete rule proposal. The Commission listed the following reasons why it believes non-compete clauses should be outlawed.

- Non-compete clauses significantly reduce workers' wages.
- Non-compete clauses stifle new businesses and new ideas.
- Non-compete clauses can exploit workers and hinder economic liberty.
- Employers have other ways to protect trade secrets and other valuable investments that are significantly less harmful to workers and consumers.

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FTC ISSUES GUIDANCE, CONTINUED FROM 10

To address these issues, the FTC’s NPRM proposes to ban, without exception, non-compete clauses as an unfair method of competition. Employers would be required to rescind existing non-competes with workers, including independent contractors.

The Commission stated in its fact sheet that it believes enforcement of the proposed rule would increase workers’ earnings by up to \$300 billion per year and save \$148 billion annually on healthcare costs. The agency also believes that a ban on non-competes will reduce racial and gender wage gaps.

**US Chamber Pushes Back on New Rule, Threatens Lawsuit**

Representing some 3 million businesses, the U.S. Chamber of Commerce has signaled that it plans to sue the Federal Trade Commission if it continues to pursue the ban on non-competes. The Chamber carries considerable weight when dealing with lawmakers and is reported to have spent almost \$60 million lobbying Congress in 2022. According to cnbc.com, the Chamber has vowed to seek limits to FTC authority through the appropriations process.

In a Jan. 5 statement, Sean Heather, U.S. Chamber senior vice president for International Regulatory Affairs and Antitrust, stated the Chamber’s opinion that the FTC’s actions are unlawful.

“Today’s actions by the Federal Trade Commission to outright ban noncompete clauses in all employer contracts is blatantly unlawful,” Heather said. “Since the agency’s creation over 100 years ago, Congress has never delegated the FTC anything close to the authority it would need to promulgate such a competition rule. The Chamber is confident that this unlawful action will not stand.”

He continued, “Attempting to ban noncompete clauses in all

employment circumstances overturns well-established state laws, which have long governed their use and ignores the fact that, when appropriately used, noncompete agreements are an important tool in fostering innovation and preserving competition.”

**Modest Bi-Partisan Support for New Rule in Congress**

While the FTC may see a significant challenge to a rule outlawing non-competes in the conservative-majority Supreme Court, there is limited bi-partisan support for the ban among congressional centrists. Last year, Republican Senators Todd Young (R-Indiana) and Kevin Cramer (R-N.D.) joined with Democrats Chris Murphy (D-Connecticut) and Tim Kaine (D-Virginia) to introduce a bill that would largely ban non-competes. The legislation has not been moved up at this point, but with the support of a Democratic Senate and President, the issue will likely remain high on the progressive policy wishlist.

Neil Bradley, executive vice president, chief policy officer and head of strategic advocacy for the U.S. Chamber, said that limiting the FTC’s authorities in Congress will be an “uphill challenge.”

“We’re going to work all angles, we’re not putting all of our eggs in the appropriations ... basket,” he said. “We’re already in litigation, and we’re going to be in future litigation against the FTC.”

**Commissioner Wilson Dissents**

Christine Wilson, the only remaining Republican Commissioner at the FTC, released a 14-page dissenting statement. Wilson argued that the Commission has engaged in a radical departure from the long history of legal precedent that is lacking in evidence to support the new rule.

“What little enforcement experience the agency has with employee

non-compete provisions is very recent (within the last week) and fails to demonstrate harm to consumers and competition,” Wilson said. “Lacking enforcement experience, the Commission turns to academic literature – but the current record shows that studies in this area are scant, contain mixed results, and provide insufficient support for the scope of the proposed rule.”

Wilson also submitted that the Commission’s engagement in “unfair methods of competition” rulemaking in the NPRM may be challenged in court. She suggested that a starting point for the legal challenges to the new non-compete rule will be to argue that the rulemaking power of the FTC is limited to consumer protection issues as “...Congress has not clearly authorized the FTC to make competition rules that may have significant political or economic consequences.” Wilson also contended that a recently established doctrine, known as the “major questions doctrine,” may be a basis for demonstrating that the FTC has overstepped its authority.

**The Major Questions Doctrine**

First applied in 2022 during the controversial Supreme Court case, *West Virginia v. EPA*, the major questions doctrine sets a new precedent for limiting the power of administrative agencies. Under this doctrine, the Court has rejected the authority of federal agencies when 1) the claim of authority is regarding an issue of “vast economic and political significance.” and when 2) Congress has not clearly delegated authority over the issue to the agency.

**Public Comments Will Be Critical for Opponents of the New Rule**

To conclude her dissenting letter, Commissioner Wilson strongly urged all interested stakeholders to submit comments to the Agency.

“This is likely the only opportunity for public input before the Commission issues a final rule. For this reason, it is important for commenters to address the proposed alternatives to the near-complete ban on non-compete provisions,” Wilson said.

**Will a Non-Compete Ban Affect Direct Sellers?**

While the NPRM explicitly includes independent contractors in its provisions, the impact of outlawing non-compete clauses in direct selling distributor contracts is not yet clear.

Kevin Thompson, founding partner at Thompson Burton PLLC, said he believes the impact to the channel would be negligible.

“Assuming if the FTC successfully pulls this off and bans non-competes, I do not think it will have much impact on our industry,” Thompson said. “Contrary to popular belief, companies do not typically rely exclusively on the non-compete clause when they go after distributors. The provision with teeth is the non-solicitation clause and it’s the one that’s generally enforceable throughout the entire country. While non-compete clauses might be on their way out, the non-solicitation clause is not going anywhere.”

The public may submit comments about the Non-Compete Clause Rule at [www.regulations.gov/document/FTC-2023-0007-0001](http://www.regulations.gov/document/FTC-2023-0007-0001).



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



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# EU REGULATORY CHALLENGES TOP PRIORITIES FOR SELDIA IN 2023

By Laure Alexandre, Guest Contributor

The EU (European Union) is on a constant regulatory cycle. As direct selling companies transitioned to being omnichannel, we now follow, inform and represent our members in more policy areas than ever before.

Seldia (The European Direct Selling Association) is currently active on proposals regarding employment status, consumer rights online and alternative dispute resolution (rules framing the robustness of our codes of ethics and consumer complaints).

Current sustainability proposals are also directly impacting all EU businesses supply chain, and new rules for VAT (value-added tax) in the digital age have just been published.

As in many other regions of the globe, the status of independent workers is challenged. The EU is working on it under the angle of “fair conditions for platform workers.” Platform workers and direct sellers share some common characteristics (flexible work facilitated by apps), but are fundamentally different as direct sellers do not work on demand.

## Independent Contractor Status in the EU

The European Commission put out a proposal last year with a definition and criteria that would avoid confusion for direct selling. However, the EU text is in constant flux. The European Parliament and the Council of the European Union (representing the EU Member States) are now negotiating their own position to amend the proposal.



Divergences and tensions are high in both institutions. The wording of the definitions being negotiated could end up capturing direct sellers, even unintentionally. If this happens, independent contractors may under certain conditions be reclassified as employees.

On 12 December, Members of the European Parliament (MEPs) of the Employment Committee voted on the report by S&D MEP Elisabetta Gualmini. They adopted many compromise amendments to our relief, but the current text is still not optimum.

Shedding light on divergences of views in the European

Parliament, the vote on the negotiating mandate itself was postponed to February.

Even if Parliament concludes to go ahead, trialogue negotiations won't start imminently: EU countries are still deadlocked on their position. Member State Ministers did not manage to agree on the final compromise text presented by the Czech Presidency on 8 December. As a result, it will be up to the Swedish Presidency of the Council, that took office on 1 January 2023, to try and reach an agreement among Member States.

At Seldia, we had constructively engaged with the European Commission in the drafting phase of

the proposal. In the negotiations phase, we dynamically reached out with Members of the European Parliament (MEPs) and Member States representations in Brussels, with satisfactory results for direct selling. But the risk of being caught in a net not aimed at us remains until the final text is adopted.

## How European Commission Protects Consumers

There is a constant dialogue, both structured and informal between the FTC (U.S. Federal Trade Commission) and the European Commission. They work together and influence each other. The Commission is reviewing rules

concerning consumer protection online, to adapt to post pandemic consumption habits. Two reviews are ongoing.

Firstly, The European Commission is looking into dark patterns (on which the FTC is working on too), the definition of vulnerable consumers, and influencer marketing under the “Digital fairness – Fitness Check.”

The Commission is considering clarifying the definition and the obligations of traders vis-à-vis consumers, with a direct impact of direct selling company duties and obligations.

Secondly, the Commission is starting to review the Omnibus Directive, regulating out-of-premises and door-to-door sales among others. While the directive was only just implemented by Member States, the European Commission is already preparing the next text.

Door-to-door is still substantial for direct selling in many EU countries. While we avoided an EU-wide door-step selling ban in 2019, the current Directive allows Member States to restrict door-to-door sales at national level, and mandated the Commission to carry out a review to identify if EU-wide restrictions are needed. The Commission is about to choose an external contractor to carry out this study in 2023.

The outcome of the two review processes is expected to be announced in spring 2024, but we will be active in 2023 to anticipate it.

## European Commission's View on Self-Regulation in Direct Selling

The European Commission positively recognises self- and co-regulation as complementary mechanisms to the law, but only under certain conditions of transparency and efficiency.

The Commission had put in place criteria in the Alternative Dispute Resolution Directive in 2013. They are now undertaking a substantial review of these benchmarks. It is fair to say that as of now, many direct selling self-regulatory systems in the EU do not meet the 2013 benchmark.

The European direct selling sector will have to work jointly to upgrade our collective complaints handling system if we want our self-regulatory offer to remain relevant. The Commission proposal is expected in Q2 of 2023.

## The EU's 'Twin Transition' to a Green and Digital Economy

The current European Commission will hold its mandate until spring 2024, when new European elections will be called. Any proposal that stands a chance to be adopted on time has to come out by the end of Q1 2023.

With the proposal for a Directive on corporate sustainability due diligence (*laying down rules for companies operating in the EU to respect human rights and environment in global value chains*) and the adopted Corporate Sustainability Reporting Directive which entered into force on 5 January (*modernising and strengthening ESG reporting rules*), the EU is taking global leadership.

A broader set of companies, approximately 50 000 including listed SMEs (small and medium-sized enterprises), will now be required to report on sustainability under an established methodology, the European Sustainability Reporting Standards (ESRS). The CSRD also makes it mandatory for companies to have an audit of the sustainability information that they report.

On 30 March 2022, the European Commission presented a proposal on “empowering consumers in the Green transition.” This initiative bans practices where traders make generic green claims, e.g.



“environmentally friendly,” “eco” or “green” when environmental performance cannot be demonstrated.

On 30 November 2022, the European Commission came forward with its long-awaited proposal on packaging and packaging waste. These proposals are currently being examined by the co-legislators.

By Spring 2023, we expect more measures such as a proposal on the right to repair, common substantiation methodology for environmental claims and reducing the impact of microplastic pollution—all relevant for direct selling companies.

## Recent Changes Regarding Tax and VAT

On 8 December 2022, the European Commission published a legislative proposal regarding VAT in the digital age. Currently, companies who want to take advantage of the Single Market have to grapple with up to 27 different national VAT systems, each with their own separate reporting obligations.

This fragmentation can incur a considerable administrative burden and financial costs for companies trying to dip their toes or grow in EU markets. The proposal aims to modernise VAT reporting

obligations and facilitate e-invoicing, moving towards one single VAT registration in the EU. It would be a significant improvement for businesses, including direct selling companies.

Traders who operate cross-border could opt to register in only one Member State for their sales to consumers across the EU, and for their transfers of goods for storage in other Member States.

After registration in one Member State, they will then be able to fulfill their VAT obligations via a single online portal and interact solely with the tax administration of that Member State in one language, even though their sales are EU-wide.

The proposal also makes it mandatory for online platforms to register for the Import One Stop Shop which will further improve VAT compliance. The provisional application is expected for early 2024.



Laure Alexandre is Executive Director of SELDIA, The European Direct Selling Association.

# Forthcoming Changes in 2023 Farm Bill May Have Lasting Effects on CBD Industry

Both sellers and consumers may benefit as bad actors are forced out

By Stephanie Ramirez

Every five years, Congress passes legislation that sets national agriculture, nutrition, conservation, and forestry policy, commonly referred to as the “Farm Bill.” The last Farm Bill, signed into law by then President Trump, expressly removed “hemp” from the definition of “marijuana” under the Controlled Substances Act (CSA), thereby legalizing industrial hemp and industrial hemp-derived compounds.

This move brought on a windfall of companies offering CBD products, including several direct sellers. However, since the 2018 Farm Bill was passed, the Federal Drug Administration (FDA) has repeatedly and explicitly stated that CBD may not be added to food and dietary supplements because under the Federal Food, Drug, and Cosmetic Act (FDCA), a food or dietary supplement may not contain ingredients that are also active ingredients in an FDA-approved drug product.

Epidiolex is a CBD isolate product formulated by GW pharmaceuticals and is a drug often used to treat epilepsy in children. The FDA has largely been silent on the enforcement of this and, instead, they have been focused on health claims.

The FDA has been sending warning letters to CBD companies for the past few years with a focus on unwarranted health claims.



However, in November 2022, the FDA’s newest round of warning letters target CBD food products and also involve entities selling products in states that have legalized CBD food products.

While the FDA has stated it can’t set any regulations for over-the-counter CBD products because it doesn’t have enough data to say they’re safe, some direct selling executives believe that this latest flurry of activity is the FDA’s way of signaling a shift in or expansion of its enforcement priorities. They say that expanded regulation may

actually help the industry and increase consumer confidence.

“Two years ago, when you looked at the CBD market there were thousands of brands out there, the vast majority of which were just white-labeling products,” says Sterling Cook, co-founder and CEO of social selling company **Green Compass**, which markets and sells organically grown, hemp-derived products from its base in North Carolina.

“At that time, 95% of all revenue in the CBD market, as a whole,

was from companies with under a million dollars in annual revenue, and most didn’t know where it was coming from. They really didn’t even know what they were selling. It was like the Wild West gold rush.”

Green Compass has been growing hemp since 2017, and in early 2019, just after the Farm Bill passed, it launched the direct selling business. The company provides full traceability from the field to the table.

Without a clear regulatory path to ensure the safety of a product,

many have speculated that the CBD industry had seen its glory days because some of the industry’s biggest suppliers such as GenCanna in Kentucky and Folium Biosciences in Colorado had filed bankruptcy, Cook says.

“There were just a few big distributor manufacturers that were just white labeling for everybody, and then COVID killed more than half of those 3,000 some odd brands because they were all based on retail or were little mom-and-pop shops,” adds Cook.

“And, lack of regulation has not been helpful to most companies either, because how do you sell a product you can’t say anything about?”

As consumers become more aware of the health benefits of CBD, Cook says consumers need to look for brands that have vertical integration, that offer full transparency and full traceability, because right now it’s an unregulated market.

“Lack of regulation has not been helpful to most companies either, because how do you sell a product you can’t say anything about?”  
— Sterling Cook, Co-founder and CEO, Green Compass

## Expected Changes in the 2023 Farm Bill

The U.S. Senate Committee on Agriculture, Nutrition, and Forestry formally kicked off its process for the 2023 Farm Bill with field hearings in both Michigan and Arkansas in 2022. Hearings continued in November and December, and will continue throughout the early parts of 2023.

Although addressing the agricultural industry as a whole, it is anticipated that the 2023 Farm Bill will have cannabis-specific changes that will be a game-changer for hemp growers, processors, wholesalers, and retailers.

Some of the key areas the Committee said it will address are:

- **The FDA’s position on CBD** – Lawmakers have been encouraged to incorporate

language into the 2023 Farm Bill regulating CBD and other non-intoxicating cannabinoids as dietary supplements. Regulation of hemp and hemp derivatives as a dietary supplement would force new and stringent FDA compliance requirements on a currently unregulated market.

- **Intoxicating Cannabinoids** – Currently, compliant hemp

CONTINUED ON PAGE 18



# Purpose-built payment and payout solutions for Direct Sellers

- **Take control of your commerce strategy**
- **Orchestrate payouts to your distributors**
- **Optimize your transactions to grow your revenue**

FORTHCOMING CHANGES IN 2023 FARM BILL, CONTINUED FROM 17

products contain no more than 0.3% THC. However, there have been proposals to raise the allowable percentage to 1.0%, which may bring the implementation of percentage limits on delta-8 THC and other intoxicating cannabinoids.

**• Revising banking and insurance regulations** – Without a mature regulatory framework for the industry, risk averse banks and insurance companies have been wary of doing business with hemp operations. Revising bank regulations will help hemp companies obtain the loans needed to build thriving businesses.

**• Removing DEA lab testing requirement** – The requirement that hemp can only be tested for THC content at DEA-registered facilities is limiting capacity, which is bottlenecking production, and some argue that non-registered labs are able to conduct testing just as effectively. The USDA has however delayed this requirement as of now until December 2023.

Cook says he welcomes the idea of regulating hemp-derived products as a dietary supplement. “We’ve

“**We have to continuously check in with them (sponsored banks) on their CBD regulations because from an underwriting standpoint, they have the final say as to whether or not a merchant account is approved or denied.**”

— Nikki Kuykendall, Director of Business Development, Nexio

been welcoming that for a few years now as it will force a lot of the bad actors out of business,” he adds. “I’m not one for pro-regulation, but in this case, I am. The industry needs it because the consumer needs clarity.”

Cook says many companies will not be able to weather the regulation that is coming. He says the barriers to entry are going to increase, and a lot of people are not going to be able to keep up with the regulation.

**Banking & Merchant Account Requirements**

Even with potential changes to

the Farm Bill as it relates to CBD, Cook speculates those changes will not necessarily cause banks or credit processing companies to be willing to work with just anyone offering CBD.

Nikki Kuykendall, director of business development for Nexio—a payment processor, AI platform, and payouts orchestration service for direct sellers—says there are a number of things banks and credit card processing companies consider before offering loans or creating merchant accounts.

“Nexio has some great relationships with the sponsored

banks that we work with, and we have to continuously check in with them on their CBD regulations because, from an underwriting standpoint, they have the final say as to whether or not a merchant account is approved or denied,” Kuykendall says.

“There has been some fluctuation as far as how banks view those types of accounts. With so many shifts in the industry, that’s probably going to continue for a little while until the market has a chance to stabilize.”

Kuykendall indicates there is no guarantee a bank will grant a merchant account to a company wanting to sell CBD, but prior experience in the CBD industry or having an already established business in a related space may help. Nexio offers its potential customers looking to enter this space a list of “must haves,” which can fluctuate as federal and state regulators evolve their positions based on law.

Things a direct selling organization may need to provide to gain a merchant account if they offer CBD products include:

**• Previous nutraceutical processing history** – Banks are more receptive to

applicants who have previous nutraceutical processing history. Ingestible and topical CBD are both considered a nutraceutical to sponsoring banks; while the rules vary, ingestible CBD products have more stringent guidelines because they are intended for human consumption.

Merchants are more likely to get approval for CBD products if they have been selling nutraceuticals in the past and can demonstrate the consumers are satisfied with the products and that the processing history was healthy.

**• Structure or function claims** – Nutraceutical, and especially CBD, accounts can face challenges with structure or function claims. Structure/function claims are any claims that a merchant makes, including testimonials on their website, marketing, packaging, social media or distributors’ social media about how the product can help consumers. Guidelines around what can be claimed are strict, particularly if there is a claim that a product will change the structure or function of a consumer’s body in some way. Any structure/function claims identified would likely need to be modified, removed, or substantiated with clinical studies that meet the FTC and FDA guidelines.

**• Product testing guidelines** – Every product batch will need to have a certificate of analysis (COA) from a reputable company to confirm THC levels. Each product must contain no more than 0.3% THC on a dry weight basis. Best practices for testing will include testing for residual heavy metals, solvents and hydrocarbon pesticides, among others.

**• Business practices** – Merchants need to demonstrate they understand and are in

compliance with federal and state laws as well as regulatory agencies. For example, shipping to states where CBD products are not permitted by law is strictly prohibited.

Kuykendall adds that there may be additional requirements as each case and company is different, but these are a few of the most important. She says she hopes that the industry has had some time at the state level to make a few mistakes and figure a few things out. That way, at the federal level they can take that information and implement laws and regulations that will be beneficial across the board.

**What’s Next for the CBD Industry?**

One company that’s been at the forefront of the CBD industry, and more specifically on the regulatory side is Texas-based **Zilis**. Founded in 2015, Zilis is a provider of hemp-based health products that has worked closely with the Hemp Round Table and with Senator Mitch McConnell’s office when the 2018 Farm Bill was being revised.

“As members still with the Hemp Round Table, who still continue to lead the interests of the CBD industry, [we believe] there is an expectation that the FDA will either have its hand forced, or at least take the next step toward clarifying CBD’s ability to be used in dietary supplements,” shares Gabriel Ettenson, senior innovation strategist for Zilis. “The belief is that they will permit it in dietary supplements.”

While the 2018 Farm Bill made CBD legal, Ettenson says the FDA has not enforced its position that it is not currently a dietary supplement, which is what has accelerated the growth of the industry.

CONTINUED ON PAGE 20



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FORTHCOMING CHANGES IN 2023 FARM BILL, CONTINUED FROM 19

He says this has resulted in a proliferation of synthetic cannabinoids such as THC (Delta 8) and THCO, both of which have greater psychoactive properties.

“It’s basically putting a lot of people at risk,” says Ettenson.

“It’s turned an industry that was focused on health and being a super food ingredient into a legal way to get high. The FDA does see that there is a problem here if they don’t put regulations in place. I think it’s going to be positive in that [new regulations] will allow CBD and other non-intoxicating cannabinoids to find their way into the nutritional market.”

He adds that there may still be state-to-state decisions around whether people can continue to sell synthetic cannabinoids, but for the most part, he feels that the FDA will probably knock that out of the equation.

**“The FDA does see that there is a problem here if they don’t put regulations in place. I think it’s going to be positive in that [new regulations] will allow CBD and other non-intoxicating cannabinoids to find their way into the nutritional market.”**

— Gabriel Ettenson, Senior Innovation Strategist, Zilis

“If the FDA does regulate, then companies will need to move through the traditional process of establishing their CBD as a new dietary ingredient,” says Ettenson.

“That’s a pretty expensive process. It could be several-hundred-thousand

dollars. I think what we’ll see on the other side of the regulatory framework is that 85% to 90% of the companies that are currently selling [CBD] products will be wiped out.”

While some of these shifts are a natural part of the process when

new products and ingredients are entering the market, Ettenson says he believes people are ready to start looking more seriously at plant medicine. Consumer confidence will grow as the regulatory framework is developed.



He adds that Zilis is already seeing growth into different demographics.

“I think in the beginning of the CBD industry it was being promoted as anti-inflammatory and neuroprotectant so the early consumers, a high number of them, were 50-plus,” Ettenson says. “What happened during COVID was interesting. There was all of a sudden a rise in Gen Z and millennials making up the majority of the customer demographics.”

In terms of how the new regulatory framework will play out across states, Ettenson believes that most states, if they don’t already have their own framework, will refer to the FDA’s framework to remain compliant.

“There’s very few states left that present any issues,” he adds. “The states have just slowly started taking it on themselves knowing that these products were going to be sold regardless of the FDA’s position.”

Ettenson says he is confident that CBD and other hemp-derived products will have their own

channel soon. He anticipates that it will be better regulated, offer better quality products than what’s on the market right now, and the companies that have been doing it right from the beginning will be the ones still standing as the regulatory framework is established.

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Stephanie Ramirez is a Social Selling News Contributor.



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# Game Changers: MAKING CBD MAINSTREAM

## How Banks and Government Regulation Impact CBD/Hemp Products Going to Market

Direct selling companies offering hemp and CBD products face challenges in getting bank sponsorship for both business loans as well as credit card processing due to the lack of mature regulation of the products on both state and federal levels. Because these products are considered nutraceuticals, risk-averse banks and insurance companies have been reluctant to partner with these companies.

### Current Suggestions for Getting Bank Acceptance

- ➔ Previous history of selling nutraceuticals
- ➔ Demonstrable history of customer satisfaction with nutraceuticals
- ➔ Healthy processing history
- ➔ Vigorous and stringent compliance with structure/function (medical) claims
- ➔ All claims substantiated with clinical studies that meet the FTC and FDA guidelines
- ➔ Quick and thorough removal of company or distributor's noncompliant claims
- ➔ Certificate of Analysis (COA) from a reputable company to confirm THC levels on each product batch
- ➔ Each product must contain approved amount of THC—currently no more than 0.30% on dry weight



Farm Bill's Proposed Change	Impact
Regulate CBD and other non-intoxicating cannabinoids as dietary supplement	Unregulated market will face new and stringent FDA compliance requirements
Raise the allowable percentage of intoxicating hemp products from .3% to 1.0% THC	May bring the implementation of percentage limits on delta-8 THC and other intoxicating cannabinoids
Revise bank and insurance regulations to create a more regulated framework	Will help hemp companies obtain the loans needed to build thriving businesses
Eliminate required product testing in DEA-registered labs <i>This requirement has been lifted through December 2023</i>	Will bring product batches to market faster as well as reduce lead time for product development

- ➔ Products tested for residual heavy metals, solvents, hydrocarbon pesticides, etc.
- ➔ Demonstrated understanding and compliance with laws Regulatory Agencies, Federal and State laws (i.e. not shipping to states where CBD product is not permitted by law)

### On the Horizon

U.S. Senate hearings began in November 2022 and will continue through the Q2 and possibly Q3 on the proposed Farm Bill that will impact hemp growers, processors, wholesalers, and retailers.

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# THE RANKS

## LAW FIRMS

### RANKED BY NUMBER OF DIRECT SELLING CLIENTS

Each month, *The Ranks* spotlights companies, people or trends that are important to the direct selling channel. This month, *The Ranks* lists law firms, ranked by the number of active direct selling clients. Companies that did not provide this information are listed in alphabetical order. *The Ranks* will vary monthly in type of information and in number of items included. *Ranks* client data is not audited and relies on the good faith responses of the participants.

RANK	COMPANY NAME & LOCATION	NUMBER OF DS CLIENTS	KEY CONTACT	LAW FOCUS	3 REPRESENTATIVE CLIENTS	WEBSITE CONTACT	CONTACT INFO
<u>1</u>	Gowling WLG Ottawa, Ontario	55	Lewis Retik	Direct Sales, Product Regulatory, Advertising/Marketing, IP, Corporate, Tax	Did not provide	gowlingwlg.com	613-783-8849 lewis.retik@gowlingwlg.com
<u>2</u>	Millar Kreklewetz LLP Toronto, Canada	38	Rob Kreklewetz	International, Tax Law, Management Consulting	Did not provide	taxandtradelaw.com	416-540-6204 rgk@taxandtradelaw.com
<u>3</u>	Scheef & Stone, LLP Dallas, TX	35	Brent Kugler	MLM Litigation, Regulatory Advice, Comp Plan Guidance, Field Compliance, Corporate Matters	Did not provide	solidcounsel.com	214-706-4211 brent.kugler@solidcounsel.com
<u>4</u>	Buchalter Los Angeles, CA Salt Lake City, UT	28	Larry Steinberg	Litigation, Field Compliance, Regulatory Compliance	Enagic, Total Life Changes, Young Living Essential Oils	buchalter.com/ industry-specialty/ mlm	213-891-0700 LSteinberg@buchalter.com
<u>4</u>	Winston & Strawn Dallas, TX	28	John Sanders & Katrina Eash	Litigation, Compliance, Regulatory Defense	USANA, Arbonne, LifeVantage	winston.com	214-453-6462 jsanders@winston.com; keash@winston.com
<u>5</u>	Foley & Lardner LLP Dallas, TX	23	Jane Fergason	Corporate, Supply Chain, Direct Selling, Franchising	Did not provide	foley.com	214-999-4835 jfergason@foley.com
*	Kelley Drye & Warren LLP Washington, D.C.	Did not provide	John Villafranco	Litigation, Advertising Law, Consumer Protection	Did not provide	kelleydrye.com	202-342-8423 jvillafranco@kelleydrye.com
*	Reese Richards Cottonwood Heights, UT	Did not provide	Spencer Reese	Corporate Law, Start-Up Consulting, Litigation	USANA, doTerra, Beachbody	mlmlaw.com	801-981-8281 sreese@rprlaw.net
*	Thompson Burton PLLC Nashville, TN	Did not provide	Kevin Thompson	Corporate Law, Start-up Consulting, Litigation	Did not provide	thompsonburton.com	615-465-6001 kevin@thompsonburton.com



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## WHAT'S NEW ▶▶

### FTC Revises Civil Penalty Amounts for 2023

The Federal Trade Commission (FTC) has revised the maximum civil penalty amounts for violations based on new 2023 inflation rates, as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The inflation adjustments are based on a prescribed formula. The maximum civil penalty amount has increased from \$46,517 to \$50,120 for violations of Sections 5(l), 5(m)(1)(A), and 5(m)(1)(B) of the FTC Act, Section 7A(g)(l) of the Clayton Act, and Section 525(b) of the Energy Policy and Conservation Act. It has increased from \$612 to \$659 for violations of Section 10 of the FTC Act. The maximum civil penalty amount has increased from \$1,323,791 to \$1,426,319 for violations of Section 814(a) of the Energy Independence and Security Act of 2007. The maximum civil penalty amounts for other law violations within the agency's jurisdiction are listed in the Federal Register notice.

### Usborne Books & More Changes Name to PaperPie

**Educational Development Corp. (EDC)**, a publicly traded company, has rebranded its home business/direct selling division, **Usborne Books & More**, as **PaperPie**. According to the company, the new name is a better fit for the culture and values of the division and its focus on children's literacy and learning. The segment also sells all types of products, not just books, making the name fitting for the evolution of offerings for customers. Growth within the past 10 years has already seen a jump from 6,000 consultants to a peak of 60,000 in 2021, with the division generating more than 85% of the company's overall sales. The rebranding process began in May 2022 with the engagement of field leadership, staff members and outside partners to reinforce the voice of the division. To kick off the rebranding launch of PaperPie, EDC made a visit to the NASDAQ Marketsite in Times Square on Dec. 28, 2022.

### DSA Hosts Social Media Day

The **Direct Selling Association** recently hosted a Social Media Day, presenting a quarterly workshop on content creation, community and influencers, in conjunction with Multibrain. Experts gathered to discuss the state of social media as well as its significant impact on the direct selling channel. The primary focus of the presentation was the launch of the *DSA Social Media Guidelines Handbook*, which provides support to companies and independent contractors selling online. The guidelines reinforce the need to establish social media etiquette standards and make sure the industry meets consumer protection requirements as well as regulatory compliance when doing business. The virtual event was moderated by Scott Kramer, CEO of Multibrain. Featured speakers were Erin King, an author and the founder of Get More Yes Media, and Samantha Hind, a social media speaker and trainer for direct sellers, founder and director of Auxanō Marketing, and host of the Direct Selling Accelerator podcast.

### David Gold: In Memoriam

**David Gold**, owner of **Ann Summers** and co-owner of soccer club West Ham United, died Jan. 4 at the age of 86. The club announced he had died "peacefully" in his sleep after a short illness. Gold grew up in poverty in east London with a lifelong love for soccer and West Ham as his neighborhood club. After business success, he later returned to purchase West Ham with longtime business partner David Sullivan in 2010. Gold remained a popular figure at West Ham throughout the years with many people describing him as "a kind and generous man," according to *The Guardian*. Among his many ventures, Gold and his brother, Ralph, founded Gold Group International, the parent company of Knickerbox and Ann Summers, a retail and direct selling brand. Gold went on to grow Ann Summers from a company with two stores and a £10,000 turnover, to one with 140 stores and a £109 million turnover. He is survived by his daughters Jacqueline and Vanessa and fiancée, Lesley Manning.

### Nu Skin Marks 800 Million Meals for Children

**Nu Skin Enterprises Inc.** hit a significant milestone in its Nourish the Children (NTC) initiative by providing 800 million meals for children since it launched in 2002. For over 20 years, Nu Skin has made it its mission to fight childhood hunger and malnutrition by bringing food to children in need in more than 65 countries around the world. As Nu Skin provides a nutrient-dense VitaMeal through one of NTC's third-party charitable partners, its sales leaders, customers and employees can purchase and donate bags of the meal. VitaMeal is unique in that Nu Skin scientists formulated it to meet the nutritional needs of malnourished children, so it goes beyond simple grains and empty calories. The result is a product that provides essential vitamins and minerals, with a balance of carbohydrates, protein, fat, and fiber.

### Farmasi Opens Business in Spain

**Farmasi** has announced its launch in the country of Spain. As the company officially opens operations in the new market, plans are in place for a number of inaugural events to support the launch throughout Spain, including in Madrid, Valencia, Seville, and Barcelona. The company is also premiering market-specific resources for its customers and representatives in the country, such as a dedicated website, Facebook, Instagram, and YouTube pages. As Farmasi continues its international development strategy, its focus is on capitalizing on the business opportunities found in serving major Spanish-speaking markets. Within its first 24 hours of launch in Spain, already over 3,000 Beauty Influencers from all around the country initiated a Farmasi account. Founded in 2003, the Turkish cosmetics company has a long pharmaceutical history, as Founder Omer Hakan Tuna's father, Dr. C. Tuna, used his medical experience to establish a pharmaceutical manufacturing company in the 1950s. Father and son then teamed up to launch their first cosmetics brand in 1998.

### New Manufacturing Facility Doubles 4Life's Capacity

**4Life Research** has completed the second phase of its manufacturing facility in Vineyard, Utah. Built on a lot adjacent to 4Life's existing manufacturing plant, the new facility's construction began in October 2021. It brings an additional 58,300 square feet to operations and creates 20 new jobs. According to Chief Global Supply Chain Officer Nate Buhler, the new facility and operations capacity allows for more control over 4Life's manufacturing process, and President and CEO Danny Lee added that it will reinforce the company's commitment to "excellence in manufacturing, quality, and customer satisfaction." New equipment added through the expansion includes a bulk powder fill line for NutraStart and Pro-TF, a 150-cubic-foot blender for 4Life Transfer Factor, and a production line that can count and load four variations of vitamin pills.

## WHAT'S NEW ▶▶

### Jeunesse Global Acquired by LACORE

An affiliate company of **LACORE**, a full-service global provider of turn-key solutions in sales and distribution, has acquired 100% ownership and managing interest of **Jeunesse Global**, a billion-dollar direct selling brand. This acquisition brings Jeunesse Global's skincare and wellness products to LACORE's network of companies, providing an opportunity for Jeunesse to further grow its presence in the international health and beauty market. The brand will be able to access LACORE's multiple services, from product development and testing to logistics and manufacturing to support its distributors and 34 offices in over 146 countries. LACORE CEO Terry LaCore began his career in sales and distribution as an independent distributor. Understanding the value of trust with retailers and customers, he has carried his more than 25 years of expertise over to developing a global ecosystem to meet the needs of the direct selling channel.

### DSSRC Recommends Ruby Ribbon Discontinue Certain Earnings Claims

The **Direct Selling Self-Regulatory Council (DSSRC)** of BBB National Programs has recommended that **Ruby Ribbon Inc.**, a women's apparel and accessories brand, discontinue specific earnings claims made by salesforce members on Facebook as well as by Ruby Ribbon on its website. Some earnings claims that prompted the inquiry include: "Unlimited income potential" and "Are you looking for financial freedom?? Check out my sponsor's testimony." When DSSRC initiated its inquiry and notified Ruby Ribbon of its belief that these types of earnings claims can be misleading, Ruby Ribbon did not contest DSSRC's concerns. Instead, the company took steps to have all of the salesforce member Facebook posts discontinued. Though Ruby Ribbon made efforts, the two claims identified by DSSRC on the Ruby Ribbon website remain available to the public. DSSRC will continue to monitor the remaining claims to ensure that all challenged posts are discontinued or modified according to DSSRC's recommendations.

### Touchstone Essentials Sends \$50,000 to World Central Kitchen

**Touchstone Essentials**, a direct seller of organic wellness and detox supplements, has donated more than \$50,000 to World Central Kitchen (WCK) to support its worldwide relief efforts. The amount exceeded the company's fundraising goal and was collected during the holiday season with Touchstone matching every dollar donated to benefit WCK. When first thinking of teaming up with a nonprofit, Touchstone had a vision to bring goodness to 5 million families, according to Founder and CEO Eddie Stone. WCK's values aligned with that mission. Already, the brand has been able to donate \$110,000 to support WCK over the past three years through fundraising efforts as well as the contributions of the Touchstone Essentials community. World Central Kitchen has brought the healing power of food to communities throughout the world, with more than 200 million chef-prepared meals. Led by Chef Jose Andres, the organization arrives in the wake of natural disasters, and even war, as it has done recently in Ukraine.

### GO Global Purchases Division of OmegaPro

Online education platform GO Global has acquired the network marketing division of **OmegaPro**. GO Global offers skill development training with customized resources such as fundamental tools, specialized materials, dedicated coaches and unique experiences. According to the company, GO Global seeks to develop future leaders by breaking down barriers through education. This acquisition will help GO Global strengthen its business connections and establish itself on a global level by utilizing OmegaPro's network marketing base as a resource. Former OmegaPro members will have the option to register on GO Global's education platform and participate in the company's various programs. In addition to its educational resources, GO Global also has a dedicated team of coaches and mentors who are available to guide users through their learning journey. These experienced professionals provide personalized support and advice, helping users stay on track to achieve their goals.

## THE SUPPORTERS ▶▶

## 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



**MICHAEL O. JOHNSON, HERBALIFE**  
Former **Herbalife** Chairman and CEO, **Michael O. Johnson**, who stepped back into the role on an interim basis in December 2022, has agreed to make it permanent for a salary of \$1. In addition, he will take part in an equity-based long-term incentive plan in the form of Stock Appreciation Rights and Restricted Stock Units.



**RAÚL MANRIQUE GONZÁLEZ, HERBALIFE**  
**Raúl Manrique González** has been promoted to vice president and general manager for Central and South America at **Herbalife**. González is currently vice president of finance and operations in Mexico. He has 14 years in direct selling, including with **Omnilife**. He joined **Herbalife** in 2020 as senior director for Ecuador and Central America.



**PETER STRYDOM, AMWAY**  
**Amway** has appointed **Peter Strydom** as chief marketing officer. Strydom will lead a global team in creating customized online, mobile and social consumer experiences. He joined **Amway** in 1997 and has worked in a variety of leadership roles within the company in four countries, most recently as managing director of **Amway Japan**.



**GLENN SANFORD, EXP REALTY**  
**Glenn Sanford**, **eXp World Holdings** founder, chairman and CEO, will return as **eXp Realty**'s CEO in addition to his current roles. Sanford will drive the next phase of growth for the company. He founded **eXp Realty** in 2009 after early success with internet start-ups and later a national real estate career with **Keller Williams**.



**JASON GESING, EXP WORLD HOLDINGS**  
**Jason Gesing** has been appointed chief industry relations officer of **eXp World Holdings**. Gesing joined the company in 2010 after nearly eight years practicing law in Massachusetts. As chief industry relations officer, Gesing will focus on industry relations, metaverse advisory and environment, social, governance (ESG) initiatives.



**GREGG RENFREW, BEAUTYCOUNTER**  
**Beautycounter** Founder **Gregg Renfrew** has resigned from her role as executive chair and chief brand officer. Renfrew launched the beauty brand in 2013 to make “clean” beauty accessible to the masses. While educating the public on the dangerous chemicals often found in personal care, she also sought legislation to ban such substances.



**EXECUTIVES, BEAUTYCOUNTER**  
New appointments: **Luana Bumachar**, with over 20 years in e-commerce and digital, is chief marketing officer. **Jennifer Lee** moves to chief impact officer. **Christina Hoffman**, with over 20 years in talent strategy, is named chief people officer. **Kara Trousdale**, formerly of Amazon's fashion division, will be chief commercial officer.



**AIDAN O'HARE, FOREVER LIVING**  
**Aidan O'Hare**, executive vice president of sales, has been named president of **Forever Living Products International**. Former president **Gregg Maughan** will continue as CEO. O'Hare has been at **Forever Living** for 26 years, most recently as the executive vice president of sales. Before that he was vice president of Europe.



**PRESTON RICHARDS, 4LIFE**  
**Preston Richards** has been promoted to senior vice president, global markets – Europe and the Americas at **4Life Research**. He will oversee growth and strategy in each region, collaborating with general managers and communicating with Affiliates. Richards has spent more than 27 years in direct selling. He joined **4Life** in 2010.



**ROBERT WHITE, IDLIFE**  
**IDLife** has hired **Robert White** as chief financial officer, with **Justin Sparks** transitioning to chief financial analyst. As CFO, White will lead financial activities including accounting, controllership, tax, treasury and investor relationships. He has over 30 years working in accounting capacities, including with **LivePURE**, **Zilis**, **AdvoCare** and **Genband**.



**MARTINE GIROTTO, NEWAGE**  
**Martine Girotto** has joined **NewAge Inc.** as general manager of Canada. Girotto has spent over 20 years in direct selling as a senior executive with companies such as **Jeunesse Global**, **Mary Kay**, and **Tocara Jewelry**. She has led sales, field development and market operations. Girotto was most recently president of **PPLSI**'s Canada business.



**KEITH HALLS, BYDZYNE**  
**Keith Halls** has joined **ByDzyne** as chairman of its Advisory Board. Halls, a seasoned network marketer, speaker, author, and trainer, has spent almost 40 years in the channel, both as an executive and in the field. Starting with **Nu Skin** for over 16 years, he went on to build large sales organizations for several companies.



**SANDIP “RANA” HALDER, BYDZYNE**  
Seasoned sales leader **Sandip “Rana” Halder** has been hired as managing director of **ByDzyne**'s India business, which is a new market for the company and the world's second most populous country. Rana, a former banker and financial analyst, has over 15 years' experience and has led sales teams for several companies in the region.



**YULIA FATEEVA, APLGO**  
**APLGO** has appointed **Yulia Fateeva** to vice president for Southeast Asia. Fateeva's background includes an MBA and more than 15 years of business experience with international companies. A seasoned leader, Fateeva has shown a talent for building strong teams, as well as excelled at crisis management and process development.



**ANTHONY VARVARO, INGROUP INTERNATIONAL**  
**inGroup International**, the parent company of direct selling organization **inCruises**, has named **Anthony Varvaro** as chief operating officer. Currently chief financial officer, he will also continue in this function. Varvaro joined **inGroup** in 2019 after founding his own company, **FlexCare**.

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## More States Strengthen Laws to Prosecute Bad Actors

Pennsylvania could be 26th state to pass tougher anti-pyramid law

On a unanimous vote on June 24, the Pennsylvania House of Representatives passed House Bill 1534— which updates the state's anti-pyramid law. The bill promises to provide tougher law enforcement to prosecute "bad actors" as well as provide better guidance for direct selling companies to apply best practices.

*Have team review Best Practices on Page 6...*

### INSIDE THIS ISSUE



**NEWS REPORT**  
**CLASS ACTION AWARD PENALIZES VISALUS FOR ILLEGAL ROBOCALLS**  
 Other companies at risk for judgements in TCPA cases.

*Ross to team*

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**SPECIAL REPORT**  
**DIRECT SELLERS EMBRACE INFLUENCER MARKETING**  
 Personal recommendations by influencers represent modern 'word-of-mouth' advertising.



**NEWS REPORT**  
**SSN LAUNCHES SISTER WEBSITE TO BOLSTER INDUSTRY REPUTATION**  
 Social Selling Stories will celebrate company achievements, social causes and good news.

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