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February 4, 2026

Chris Mufarrige
Director, Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chris Mufarrige:

I am writing to urge the Bureau of Consumer Protection to investigate whether Dr. Casey Means has violated Federal Trade Commission (FTC) policy on undisclosed endorsements and product advertisements (“influencer marketing”) and take appropriate action.

As you know, a longstanding, core principle of fair advertising law in the United States is that people have a right to know when they are being advertised to. With that knowledge, consumers can hopefully apply the appropriate emotional and intellectual filters to advertisements, discounting puffery and claims of authenticity. By contrast, disguised advertisements are inherently deceptive, because consumers do not know to apply appropriate screens. The issue is acute with disguised ads featuring paid endorsements, where deceived consumers believe admired celebrities are making genuine, self-directed and enthusiastic endorsements of brands, not realizing that those celebrities are instead paid and may not even use the touted brand.

Public Citizen has long been concerned about the issue of undisclosed product advertisements, particularly in the era of social media and influencer marketing, where everyone from neighbors to celebrities may be paid to promote products and services in their social media feeds. In 2016, with colleague organizations, we [highlighted dozens](#) of cases of undisclosed influencer marketing, leading to more than [90 notices](#) from the FTC to [influencers](#).

The FTC has elucidated clear standards for endorsement disclosure in its [endorsement guidelines](#). The guidelines are clear that endorsement disclosures must be made in every promotion, not just generically. Specifically, if a person is using their social media account to promote a product or service in exchange for compensation, they must note the paid relationship in social media post, not just in their biography. From [example 9\(i\)](#) of the endorsement guidelines:

An influencer who is paid to endorse a vitamin product in their social media posts discloses their connection to the product’s manufacturer only on the profile pages of their social media

accounts. The disclosure is not clear and conspicuous because people seeing their paid posts could easily miss the disclosure.

The logic of this rule is clear: Because most people will miss the disclosure in the profile page, that disclosure does not adequately inform consumers and enable them to contextualize the advertisement they are seeing as an advertisement.

The agency's "[Disclosures 101 for Social Media Influencers](#)" – a plain language presentation of the guidelines — makes the rules and rationales very clear:

- The disclosure should be placed with the endorsement message itself.
- Disclosures are likely to be missed if they appear only on an ABOUT ME or profile page, at the end of posts or videos, or anywhere that requires a person to click MORE.
- Don't mix your disclosure into a group of hashtags or links.
- If your endorsement is in a *picture* on a platform like Snapchat and Instagram Stories, superimpose the disclosure over the picture and make sure viewers have enough time to notice and read it.
- If making an endorsement in a *video*, the disclosure should be in the video and not just in the description uploaded with the video. Viewers are more likely to notice disclosures made in both audio and video. Some viewers may watch without sound and others may not notice superimposed words.

Dr. Casey Means is a wellness influencer and entrepreneur. She is President Trump's [nominee](#) for Surgeon General.

Dr. Means founded and is the chief medical officer of [Levels](#), a membership-based continuous glucose monitoring technology company, and is co-author of *New York Times* best-selling book *Good Energy*.

Dr. Means also maintains a [website](#), weekly [newsletter](#), and robust social media presence where she posts about wellness and promotes wellness products. She has 200,000 [newsletter subscribers](#), 852,000 followers on [Instagram](#), 86,300 followers on [TikTok](#), and 230,200 followers on [X/Twitter](#).

In required ethics and financial filings to the U.S. Office of Government Ethics (OGE), Dr. Means has disclosed receiving hundreds of thousands of dollars in sponsorship and affiliate fees from product sales generated through her newsletter and social media platforms, including from companies in which Dr. Means is also an investor and/or advisor.¹

In her TikTok and Instagram profiles, Dr. Means notes her affiliation with Levels and her book. The "About" section on her website also references her book and affiliation with Levels.

However, Public Citizen's review of Dr. Means' website, newsletter, and social media feeds found that for the almost two dozen companies from which Dr. Means reported receiving affiliate fees, Dr. Means disclosed her financial relationship inconsistently and ambiguously. **In total,**

¹ Means OGE form 278E.

she failed to disclose her financial relationship 79 out of 140 (56%) times she promoted affiliated products.

Our analysis is based on posts made on Dr. Means' website, newsletter, Instagram, and TikTok during the period between January 1, 2024 to August 8, 2025. This is the same period covered by Dr. Means' OGE financial filings. However, it is not possible to know exact timing of her affiliate marketing arrangements vis-à-vis her posts based on the information that is publicly available. Public Citizen identified the first instance in which Means publicly disclosed a financial relationship between herself and the company and calculated total product mentions beginning at that date.

For example, Dr. Means disclosed that Momentous supplements was a sponsor for the first time on November 12, 2024 in her newsletter.² She had promoted Momentous products on her platforms six times before that, but we excluded those instances from our tally because they occurred prior to the initial disclosure. This methodology means that our estimated rate of failed disclosure is likely conservative.

Other instances of failed disclosures include her promotion of lab testing platform Function Health. Dr. Means is an investor in lab testing platform Function Health and has also collected \$59,847 in newsletter sponsorship and partnership fees from the company. Despite this, she disclosed her sponsorship agreement with Function less than a third of the times she promoted the company on her website and social media platforms (4 out of 13 times).³

Genova Diagnostics, a home testing company, paid Dr. Means a total of \$20,000 for book tour and sponsorship fees.⁴ Of the nine times Dr. Means promoted Genova testing products on her platforms, she disclosed the company's sponsorship only twice.⁵

Dr. Means also took \$12,000 from meal kit company Daily Harvest, Inc. Of the 14 times Dr. Means promoted Daily Harvest on her platforms, she mentioned her paid partnership only three times.⁶

Dr. Means also reported taking \$832 in partnership fees from WeNatal Inc.⁷ In a [blog post](#) dated September 24, 2024 she noted that she has "no financial relationship to the company, just a big fan." In another [blog post](#) dated October 29, 2024 she promoted WeNatal under a header that says "not sponsored, just love these products." However, as early as March 2024 Dr. Means was using affiliate links to WeNatal in her [newsletter](#) and posting [TikTok videos](#) tagged as paid partnerships.

Most egregious is her promotion of Zen Basil edible basil seeds, which paid her a combined

² See here: <https://www.caseymeans.com/learn/newsletter-37>

³ [Appendix](#): Public Citizen analysis of fees disclosed in OGE 278E filing as well as website, newsletter, and social media posts.

⁴ Means OGE 278E, pg. 11 and 13.

⁵ See [Appendix](#).

⁶ See [Appendix](#).

⁷ WeNatal is listed twice in table 2 ("Filer's Employment Assets & Income and Retirement Accounts") of Dr. Means 278E filing: \$536 and \$296 in partnership fees. See pg. 12 and 14.

\$22,104 for newsletter sponsorship and partnership fees.⁸ Dr. Means disclosed the sponsorship only two out of 13 times she promoted Zen Basil on her platforms.⁹

These are just a few of the companies that Dr. Means promoted on her platforms with inconsistent disclosures. It is thus essential that the FTC investigate Dr. Means' potential violations of influencer marketing policies, especially given that Dr. Means could soon have substantial influence over the healthcare market in which she and many of her financial partners operate.

We have included a table in an appendix to this letter which lists the companies named in Dr. Means' OGE filings and provides links to instances where she failed to disclose a paid partnership with those companies.

Thank you for your consideration of this issue.

Sincerely,

A handwritten signature in cursive script that reads "Eileen O'Grady".

Eileen O'Grady

Public Citizen

⁸ See page 12 and 14 of Means OGE form 278E.

⁹ See [Appendix](#).