

United Soybean Board

Marketing and Communications Guidelines

January 2025



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These Guidelines supersede all previous versions of the Guidelines.

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1. **Preapproval of Contractor/Subcontractor Marketing Communications**

All marketing communications prepared by a contractor or subcontractor on behalf of USB must comply with [USDA's Marketing Communication Guidelines](#) for Program Advertising, Promotional Material, Research, Social Media and Other Publications, regardless of when created, and must be approved by USB and USDA prior to release. United Soybean Board defines “on behalf of” as the following:

- **Marketing communications deliverables that are fully or partially funded by United Soybean Board**
- **Pitched by USB staff or contractor (to media or target audience)**, e.g. if USB actively participates in tactical outreach, that would be considered “on behalf of.”
- **Executed in collaboration with USB staff or contractors**, e.g. if USB plays an active role in contractor or subcontractor activity.

Dependent on communications type, those materials must be submitted to USB 3-5 business days prior to the date such materials or information is to be released to the public (unless otherwise agreed upon by the contractor/subcontractor and USB).

Rush (immediate) and expedited (24-hour) approvals may apply for items with timely deadlines from external parties and reactive issues that arise such as media interviews, stakeholder urgent requests and issues/crisis management. Quick turnarounds from contractors and subcontractors due to inadequate planning **do not** constitute for rush or expedited approvals. Some exceptions may apply, such as delayed approvals from subject matter experts, urgent requests from USB/USSEC leadership under short deadlines, and quick turnarounds on advertising placements.

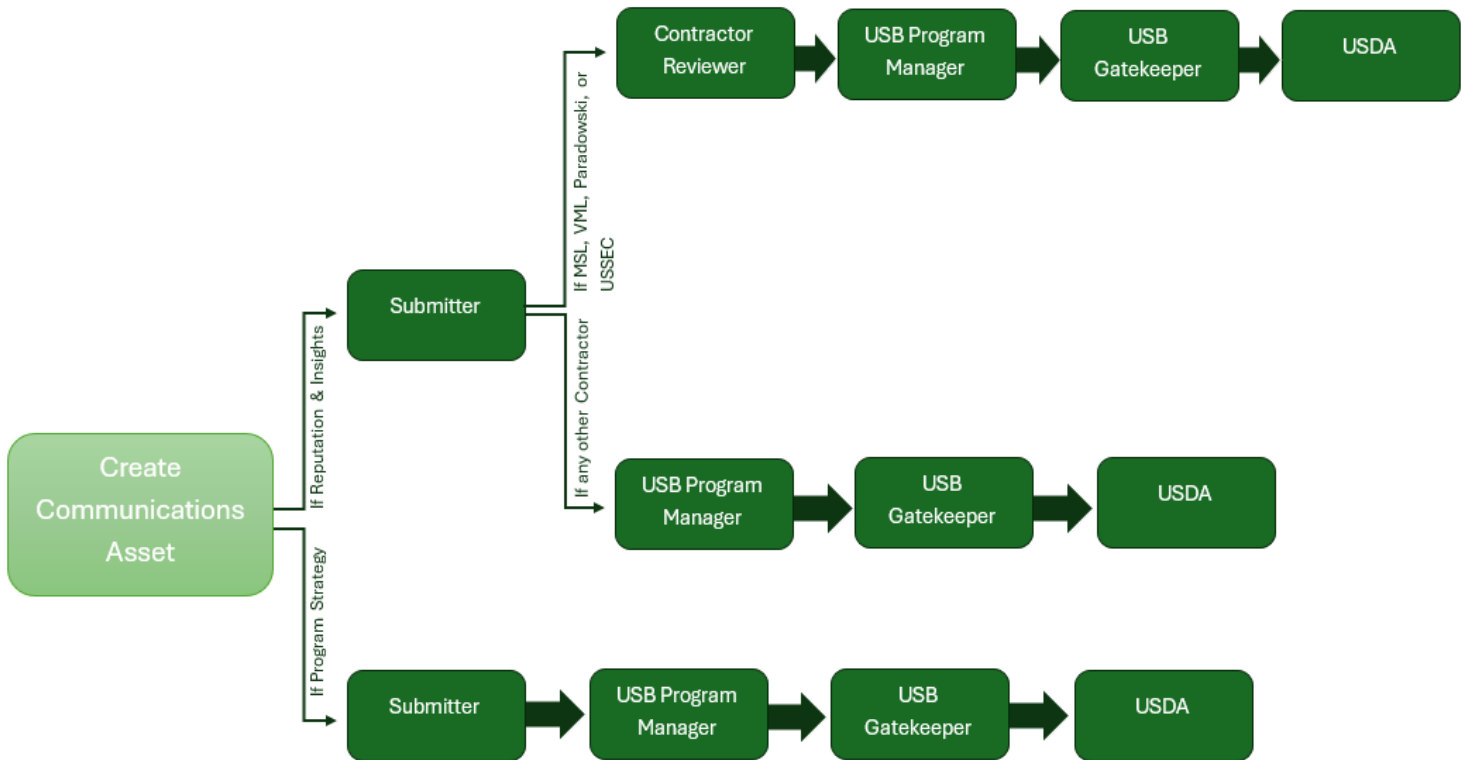
Contractors and subcontractors are responsible for maintaining a copy of the USDA preapproval for all marketing communication activities for a period of five (5) years beyond the fiscal period of their applicability. USB will not reimburse contractors or subcontractors for any hours and/or out-of-pocket expenses spent on creating marketing communications on behalf of USB that have not been approved by USB and USDA prior to release. This also applies for USDA-approved material that does not incorporate USDA feedback or is altered after publishing.

In addition, if the fiscal year ends, contractors and subcontractors must still uphold these guidelines even if a project is closed and there is no funding to withhold. If marketing communications about past, current or future USB projects are not routed for USDA approval, then that will be taken into consideration when the board decides on future USB-funded projects that these contractors or subcontractors propose. USDA may also take appropriate administrative action under the Act and Order against any contractor or subcontractor that does not follow this guidance.

2. **Communications with USDA**

All marketing communications for USB-funded projects shall be routed to USB and USDA for approval via the [Smartsheet intake form](#). The USB internal team will initiate communications with USDA and function as lead on all correspondence.

The [Communications Approval Hub](#) provides a centralized view of all the items you have submitted. The flowchart below outlines the entire submissions process for your reference.



When submitting materials in the intake form, if file size is larger than 30MB, please contact Abby Schmidt (aschmidt@unitedsoybean.org) for further instruction. Assets will instead be uploaded to USDA’s [Cloudvault platform](#). Below is an example of the Cloudvault intake form to be used:

Steps for items larger than 30MB

**** If file size is larger than 30MB, please contact aschmidt@unitedsoybean.org for further instruction.**

For Smartsheet tracking purposes –

- 1) Please upload file to Cloudvault (see link below)
- 2) Attach this document to Smartsheet intake form, denoting file name below

Communications approval uploaded to Cloudvault

<https://new.cloudvault.usda.gov/index.php/s/Hq4p6PNwxGCiPTD>

*Please denote file name uploaded to Cloudvault: Ex. **Folder name** (if applicable) --> **Asset name***

If the AMS reviewer is unable to properly access the file within Cloudvault, the submitter will be asked to upload the asset to either Lion, Vimeo, or YouTube and a link will need to be forwarded to the AMS reviewer. It is imperative that when uploaded to one of these video sharing sites the asset is kept private by the submitter until AMS approval.

3. List of Marketing Communications

- Abstracts (*only if consumer facing*)
- Advertisement (TV, Print, Online)
- Advertorial
- Audio News Release (ANR)
- Blog
- Board Meeting Materials (*only if the media is present at board meeting*)
- Brochure
- Comment on Public Notice
- Direct Mail
- Display
- Editorial
- Educational Material
- Email
- E-Newsletter
- Fact Sheet
- Handout OR Flyer
- Infographic
- Investor Relations Materials
- Invitation
- Magazine Article
- MarCom Guidelines
- Media Alert
- Media Script
- Op-Ed
- Panel Script
- Photo
- Podcast OR Podcast Script
- Postcard
- Presentation
- Press Release
- Promotional Item
- Questionnaire (*only if external in nature and promoting a source*)
- Recipe
- Reference Letters (*cont. pg. 13*)
- Run of Show
- Signage
- Social Media
- Social Media Plan

- Speech OR Remarks
- Study/Research/Whitepaper
- Talking Points
- Tradeshow Premium
- U.S. Soy-branded materials
- Video OR Video Script (USB)
- Video OR Video Script (U.S. Soy)
- Web Story
- Website Content

4. **Disparagement¹ and Misleading Information**

USDA will not approve any advertising deemed disparaging to another agricultural commodity, competing product, soy from another origin or in violation of the prohibition against false and misleading advertising. Disparagement is defined as anything that depicts other commodities in a negative or unpleasant light via overt or subjective video, photography or statements. USDA allows comparative advertising, if the presentation of those facts is truthful, objective, not misleading and supported by a reasonable basis.

Examples of comparative and disparaging statements:

- Comparative: “Product X contains ____ g protein; product Y contains ____ g protein.”
 - This is a factual statement, and the information is verifiable. Any nutritional comparison must be in close proximity to any claims or disclosures.
- Comparative: “Product X costs \$____; product Y costs \$____.”
 - This is a factual statement, and the information is verifiable.
- Disparaging: “X tastes better than Y.”
 - The word “better” is subjective, and the claim provides no factual information or data.
- Disparaging: “Get into this century and buy X instead of Y!”
 - The claim provides no factual information or data.
- Additionally, avoid superlatives such as superior, the best, better choice, an advantage over and ranks first (which require data to back up claims), and use qualifiers when applicable, such as often, likely and potentially, instead of using absolutes like always or never.

USDA has established strict guidelines for using "healthy" claims, particularly in relation to "heart healthy" messaging. The attached Heart Healthy Appendix outlines the appropriate conditions and methods for incorporating this type of messaging.

5. **Attribution²**

All USB marketing communications must carry an attribution identifying USB, soy checkoff or assessment payers as the advertiser. It could be “USB,” “United Soybean Board,” “soy checkoff,” USB’s

¹ [USDA-AMS Guidelines](#) at pg. 60-61.

² [USDA-AMS Guidelines](#) at pg. 60-61.

logo, soy checkoff logo or wording such as “America’s soybean farmers” or similar language.

Separately, the U.S. Soy brand is intended for external communications – to consumers, purchasers of soy as a feedstock or ingredient, and any non-farmer facing stakeholders in a consumer or B2B context. The U.S. Soy logo can be standalone without checkoff attribution if to the above audiences. However, checkoff attribution must be included if the U.S. Soy brand is used for a farmer audience.

The sole exception to the requirement for direct attribution on assets pertains to virtual assets that are intended for posting on the social media feeds of a company or organization that acknowledges USB in the 'About' section of their platforms. In such cases, this attribution in the 'About' section will be deemed sufficient for asset attribution, provided that the asset is being shared on their platform and the associated website explicitly identifies USB as a funder or supporter.

If a peer-reviewed scientific journal article is a deliverable from a USB-funded project, please include USB attribution in the acknowledgements section and/or funding section. These journals **do not** require USDA-AMS approval but the marketing deliverables arising from these studies would need USDA-AMS approval and attribution.

6. Partnering with External Brands

Under Section 1220.230(c) of the Soybean Order, no preference shall be given to any brand or trade name of any soybean product without the approval of USB and USDA. USB may authorize contractors to conduct promotional campaigns with companies in the soybean industry as long as there is no intentional preference given to a branded or trade-named soybean product or company.

Coupons provided by brands, e.g. 15% off Goodyear tires, are acceptable as long as the intended audience is all U.S. soybean farmers, instead of targeted solely to USB and/or QSSB farmer-directors. In addition, the coupon should not include any mention of United Soybean Board or the soy checkoff.

7. Trademark Registration and Licensing Procedures

All trademarks paid for exclusively with USB funds are owned and controlled by USB. If the trademark is partially funded by USB, then ownership rights may be negotiated by the parties. The following steps must be followed prior to the use of any proposed USB trademark:

- 1) The USB staff member creating or responsible for overseeing the creation of the proposed trademark, which includes proposed names, taglines and designs, must conduct a search of existing trademarks to determine if there is a substantial likelihood that the proposed trademark infringes on any existing trademarks. If there is a substantial likelihood of infringement, the trademark must be redesigned and may not be used in any manner. If there is no substantial likelihood of infringement, the proposed trademark and the results of the search must be sent to trademark counsel for review.
- 2) Trademark counsel will then conduct a more thorough search of existing trademarks to

determine if there is a substantial likelihood that the proposed trademark infringes on any existing trademarks. If there is a substantial likelihood of infringement, the trademark must be redesigned and may not be used in any manner. If there is no substantial likelihood of infringement, trademark counsel will submit an application for the proposed trademark to the United States Patent and Trademark Office for registration.

- 3) A licensing agreement must be drafted and executed if the proposed trademark is to be used by any entity other than USB. Please contact Abby Schmidt (aschmidt@unitedsoybean.org) for an appropriate license agreement. The licensing agreement must be executed prior to the entity's use of the trademark and may be entered into while the trademark registration is pending.

All notices regarding USB's alleged infringement of any trademark must be immediately forwarded to Abby Schmidt (aschmidt@unitedsoybean.org).

8. Government Speech³

USB speech is government speech. Therefore, USB speech should be consistent with USDA policies in all areas.

All statements and depictions must be appropriate for all audiences and be appropriate for the Secretary of Agriculture and all other USDA employees to make. Audience appropriateness in this case does not refer to understanding. A piece targeting health practitioners, for example, would not need to be easily understood by the larger public. If USB materials refer to a specific office holder or individual, USDA will verify the materials are consistent with that individual's positions and will verify approval for that usage.

For example, USB guidance related to foodborne illness outbreaks should agree with the guidance issued by USDA and other federal agencies and may not contradict any guidance provided by USDA and other government agencies. Another example would be USB wanting to quote the Secretary of Agriculture. In that case, USDA should ensure that the quote is consistent with the secretary's guidance and verify it is used appropriately. Yet another example would be USB quoting a person such as the First Lady or using her image. USDA will first verify approval for that usage. Please note that obtaining approval for scenarios such as this may require additional review time.

Linkages to Other Websites: Boards cannot point readers to a specific blog or post not consistent with government speech because those linkages imply endorsement. Examples would be a farmer's or individual's blog post commenting on pending legislation or a website that gives opinions about policy (even if both sides are presented). Linkages to websites or blogs should be addressed in USB's social media policy, and all linkages will be reviewed on a case-by-case basis by USDA.

9. Lobbying

USB funds shall **not** be used to influence legislation or governmental policy or action. This prohibition applies equally to any trade/producer organizations funded wholly or in part by USB.

³ [USDA-AMS Guidelines](#) at p. 62.

However, this prohibition does not affect trade/producer organizations' ability to influence legislation or governmental policy or action with non-checkoff funds. Likewise, there are no restrictions on individual board members, except when acting in their official capacity for USB. "Influencing legislation" is defined as: (a) any attempt to affect the opinions of the general public or any segment thereof concerning current or proposed legislation; or (b) any attempt to influence legislation through communication with any member or employee of a legislative body or with any government officials who may participate in the formulation of legislation.

Communications with Government Officials: USB may communicate with government officials about information relating to the conduct, implementation or results of promotion, research, consumer information and industry information if: (a) prior approval is obtained from USDA for the information to be provided to ensure that it does not influence legislation or government policy or action (previously approved materials do not require reapproval); and (b) a disclaimer is provided during discussions or on materials that outlines what USB can and cannot do (such as "Information is provided for educational purposes and is not intended to influence legislation or government policy or action.").

For recurring or standalone educational sessions with government officials, meeting arrangements should be reviewed in advance with USDA. In exceptional cases, USDA may also consider factors such as the location and timing of the meeting as part of its review process.

USB cannot communicate what other non-checkoff entities are doing (especially trade associations). Educating producers about the impact of a policy is okay, such as outlining what the policy is and why producers should understand it. However, this should include no commentary on the policy itself and only include facts.

USB is not required to request advance approval from USDA when responding to a direct and immediate request for information (such as a phone call or email) but should remind the inquirer of their role. For example, if USB receives a phone call from a State Congressman's office asking for information about a particular research program funded by USB, USB should provide the information directly with appropriate disclaimers.

If USB staff or a Board member are featured in a public article or photographed in a manner that could create the impression of lobbying or involvement in policy matters, the following disclaimer, or a suitable variation thereof, must be included whenever feasible:

DISCLAIMER: Individuals name, who's a state's name farmer (or staff member) and United Soybean Board Director, participated in the discussion to share details about USB's research and promotion efforts. United Soybean Board has strict guidelines that information is provided for educational purposes and is not intended to influence legislation or government policy or action.

10. Internal Board Communications

"Internal board communications" are not required to be sent to USDA for review and approval prior to being distributed. Internal is defined as "of, or relating to, occurring on the inside of an

organized structure (such as a club, company or state).⁴ Therefore, communications to board members, USB staff, and USB contractors are not required to be sent to USDA for review and approval because those parties are either part of USB’s organizational structure as established by the Act and Order (i.e., board members and USB staff) or agents acting on behalf of USB (i.e., contractors). In contrast, QSSBs are not “internal” to USB because they are not part of USB’s organizational structure and USB does not control QSSB marketing activities, among other things.⁵ However, it’s important to note that nonmarketing communications may apply to QSSBs. *See section 11 on Nonmarketing Communications.*

11. Nonmarketing Communications

Only marketing communications must be sent to USDA for review and approval — not all communications. Marketing is defined as “[t]he process or technique of promotion, selling and distribution of a product or service.”⁶ Therefore, communications that do not involve “marketing” do not need to be submitted to USDA for review and approval prior to being distributed (i.e., board leadership development/governance/compliance information, USB compliance presentations to QSSB staff and survey instruments). In addition, information sharing to QSSBs, ASA and other stakeholder organizations about USB promotional activities (when those soy partner organizations are not the target audience of USB’s promotional activities) is considered nonmarketing communications. However, for newsletters and updates, such as the State Weekly Email to QSSBs, it’s intended for internal-use only by these stakeholder organizations. If USB provides public-facing materials to stakeholders for them to distribute externally, those assets must be USDA-approved.

Specific to the USSEC, [member-facing](#) nonmarketing communications materials such as Annual Reports, Country Snapshots, Soy Usage or Country Content bundles – which are fact-based information on supply-demand for members only and not intended for international customers – do not require USDA approval. Members include USSEC’s Allied Class and Exporter Class which spans state soybean boards, farm bureaus, agribusinesses and exporters of U.S. soybeans.

12. International Marketing Communications

Marketing communications materials intended for international audiences, and not for domestic audiences, do not require approval by USDA Agricultural Marketing Service. International marketing communications falls under the purview of USDA Foreign Agricultural Service for review and approval.

13. Reviewers of Marketing Communications

Marketing communications are not required to be sent to USDA for review and approval prior

⁴ Merriam-Webster.

⁵ Section 1220.228(c) of the Soybean Promotion and Research Order states: “[N]otwithstanding any other provisions of this subpart, and provided that activities of a [QSSB] are authorized under the Act and this subpart, the Board shall not have the authority to: (1) [e]stablish guidelines, regulations, or rules which would restrict or infringe upon a [QSSB’s] authority to determine administrative or program expenditure allocations or administrative or program implementation; and (2) [d]irect [QSSBs] to participate or not participate in program activities or implementation.”

⁶ Merriam-Webster.

to being sent to reviewers that are not the target audience (i.e., USB marketing communications sent to QSSBs' communication staff solely for review and comment when the target audience is consumers, farmers, industry, etc.). Reviewers must agree in writing not to disclose the marketing communications to any third parties – for example, an email would be a sufficient written agreement.

14. Previously Approved Marketing Communications

USDA review and approval are not required for marketing communications that have been previously approved by USDA for distribution, even if the same materials are being distributed to a different audience at a different time. However, any changes to USDA-approved marketing communications must be resubmitted to USDA for review and approval.

If material was previously approved but has since become outdated (e.g., the source has changed or statistics are no longer accurate), USDA-AMS will not approve its reuse. This ensures adherence to the principle of providing information that is "truthful and not misleading." All the information disseminated must be up to date.

15. Research Communications⁷

Marketing communications⁸ about USB-funded research made "on behalf of"⁹ USB require AMS approval. According to the [AMS Guidelines](#) (pg. 79), all board communications pertaining to research findings are limited to peer-reviewed published research. Communications should include a statement attributing the Board with funding the research, when applicable.

What **does not** need USDA approval?

- Abstracts (unless consumer facing)
- Peer-reviewed scientific journal articles
- Research tools or surveys¹⁰
- Presentations of research findings to peers or other researchers in a private meeting (with no intent to market the benefits of soy)
- Internal reports and communications

Presenting checkoff-funded preliminary research results (e.g., engagement with researchers via conference presentations, plenary sessions, breakout sessions and/or poster presentations) to peers is acceptable when:

- The audience is researchers **NOT** a broader external audience, e.g. farmers, consumers, food

⁷ See the AMS Guidelines at [Appendix C](#) (pg. 78-85) for AMS's detailed research communications guidelines.

⁸ For marketing communication on behalf of USB (see section 1), it's important to keep in mind that, although these bullets can help serve as a guide, each submission is reviewed on a case-by-case scenario with many factors coming into play that affect the overall approval or denial of the submission. If there's any ambiguity on whether it's compliant, USB's AMS specialist can provide further clarity.

⁹ See "on behalf of" definition in Section 1. Preapproval of Contractor/Subcontractor Marketing Communications

¹⁰ Surveys are different from studies, and do not require publication or peer review. Per AMS, for all survey results communications, messaging should be "survey" instead of "study." This will expedite the review process.

industry, etc.

- Format is in-person and **NOT** published externally, e.g. website, newsletter, social media, livestreamed, webinar, etc.
- Disclaimer is included on the poster presentation: *This is interim findings from the research and has not received formal peer review or been published.*

The guidance applies to marketing communications including, but not limited to, press releases, articles, website content, and blogs that are generally intended for a broad array of audiences, including health professionals, industry, food service, trade, consumers, and media. Communications of other types of research, such as production, environmental or other scientific studies typically intended for an agricultural audience **are not** subject to this guidance.

For additional training materials, see Research Communications Appendix on pg. 15.

16. Handout Request Procedure

All handouts and/or materials provided to directors at USB meetings by a contractor or any subcontractor must be submitted to USB for preapproval at least five (5) business days (unless otherwise agreed upon by contractor/subcontractor and USB) prior to the date such handouts and/or materials are to be distributed. If the request is approved, USB staff will distribute the handouts and/or materials at an appropriate time during the meeting. Handouts at board meetings only need to be reviewed/approved by USDA if media is attending. USB's handout request also applies to booth exhibits, apparel distribution (e.g., shirts, jackets, shoes) and any marketing communications materials. Contact Heather Vorhees (hvorhees@unitedsoybean.org) or Abby Schmidt (aschmidt@unitedsoybean.org) with any questions regarding these materials.

17. Social Media Guidelines

Social media is defined as any form of electronic communication through a specialized platform or website used to communicate content directly to individuals and/or communities. Social media content may include information, graphics, ideas, messages, videos and/or other material. All marketing communications made on behalf of USB through social media must comply with USDA's Marketing Communication Guidelines and must be approved by USB and USDA prior to release.

Prohibited Conduct: USB and USDA will not approve marketing communications made on behalf of USB through social media that: (a) use vulgar or abusive language, personal attacks of any kind, offensive terms targeting individuals or groups, or disparaging statements directed toward other commodities or organizations; (b) endorse political parties, candidates or groups; (c) attempt to influence legislative or governmental policy or action; and/or (d) discuss topics unrelated to USB's mission.

Transition Screens and Disclaimer Statements: All USB websites and social media that contain links to other websites or information not overseen by USB must include transition screens and/or disclaimer statements that alert viewers that they are leaving a USB-funded website and explain that USB is not responsible for the content and/or claims made by websites not overseen by USB.

Social Media Plan: USB shall submit a social media plan annually to USDA (September timing before fiscal year kicks off) for approval pursuant to the Marketing Communication Guidelines.

Commenting / Sharing / Liking: Adding comments on social media posts or sharing/retweeting social media posts require USDA-AMS approval. In addition, liking posts or tweets on external pages or liking comments on USB-owned social media channels require USDA-AMS approval (since liking implies endorsement).

- However, if a social media post was already USDA-AMS approved, e.g. for USB, U.S. Soy, USSEC, another checkoff organization, etc., then that post can be shared/retweeted or liked without USDA-AMS approval. Keep in mind though that comments on these posts still need to be routed for USDA-AMS review (unless they have already been through the approval process and are being repurposed).

18. Sponsorships

All USB-funded event sponsorships must contain attribution identifying USB, soy checkoff, U.S. Soy or assessment payers as funding the activity and/or event. Attribution may include USB/soy checkoff/U.S. Soy name, logo, wording such as “America’s soybean farmers” or similar language.

USDA approval only applies to USB-funded marketing communications deliverables that are part of the sponsorship, such as USB remarks at dinner or reception, facilitating panel discussion, eblast promoting USB session, digital ads on the website, etc..

A USB sponsorship agreement must be included with purchase orders and vendor agreements. To obtain the sponsorship agreement template, which includes applicable AMS guidelines, e.g. anti-lobbying clause, please contact Abby Schmidt (aschmidt@unitedsoybean.org).

19. Reference Letters

If the reference letter pertains to an individual pursuing an award or position that is non-political in nature—specifically, not related to influencing governmental policy or regulatory matters, USB may serve as the official drafter of the letter. This would require USDA-AMS approval.

If the reference letter pertains to garnering funds for a project. A disclaimer, specifically for funding commitment, should be included, an example is illustrated below, to clarify that USB is not focused on policy matters. This would require USDA-AMS approval.

DISCLAIMER: *A letter of reference from the United Soybean Board addresses commitment of resources (e.g., funding, in-kind contributions) to a specific project or organization if a government or non-governmental grant is awarded. It does not influence a decision or course of action related to federal funding. The letter of commitment is informative in nature and simply states that USB will commit financial or in-kind services, dependent on the proposed grant decision, or it may outline past projects USB has partnered with the individual mentioned*

in the letter and the outcomes of those projects.

Conversely, if the individual is seeking a position that involves any political engagement, the reference letter must not reference USB. Staff members are permitted to write letters for such individuals, but they must do so in their personal capacity, utilizing their own time, and non-USB letterhead. If this is the case, no USDA-AMS approval is required.

Research Communications Appendix

Guidelines for manuscript¹¹ attribution:

- If a peer-reviewed scientific journal article is a deliverable from a USB-funded project, please include USB attribution in the **acknowledgements** section and/or **funding section**.
- If the author's salary is partially paid for with USB funds, please disclose the conflict of interest.
- All marketing communications deliverables pertaining to research findings should include a statement attributing USB with funding the research.

Open access publications¹²: USB requires all publications be made open access. Researchers should plan to include these costs in future project proposal budgets. If not possible or if publication occurs outside the duration of an active contract, researchers may request that USB cover the cost of publication, with justification that other avenues (e.g., university support for open access) were exhausted. If open access is not an option, please provide an explanation.

Publications resulting from USB funded research: USB will provide its USDA-AMS specialist with a list of publications resulting from USB-funded research and will regularly update this database. Note: some publications may originate from USB-funded research projects supported by investments in previous fiscal years.

¹¹ A manuscript is defined as a paper being developed for publication in a peer-reviewed journal.

¹² Open access means the published article will be freely available for anyone to read (no journal subscription fees required).

Heart Healthy Messaging Appendix

“Truthful.... not misleading”

The Three Keys to Remember:

1. Advertising must be truthful and not misleading.¹³
2. Advertisers must have evidence to back up their claims.¹⁴
3. Advertisements cannot be unfair.¹⁵

Checklist for “Heart Healthy” claims:

- Check to make sure all messaging follows AMS guidelines.¹⁶
- If using the FDA (Food and Drug Administration) health claim, content must contain qualifying language, such as “may” or “might.” Ex.: Soy oil **may** reduce the risk of heart disease by lowering blood cholesterol levels.
 - Source: “Supportive, but not conclusive scientific evidence, suggests that eating about 1½ tablespoons daily of soybean oil, which contains unsaturated fat, **may** reduce the risk of coronary heart disease.”¹⁷
- If using another source, the content must match the source.
 - Ex.: Source says: “soy protein can lower LDL cholesterol”
 - Content says: “Research indicates soy protein can lower LDL cholesterol.
- Do you have a source attached? **Each and every** statement of fact must be supported by a source.

¹³ As explained in the FTC’s Deception Policy Statement, an ad is deceptive if it contains a statement — or omits information — that is likely to mislead consumers acting reasonably under the circumstances and is “material” or important to a consumer’s decision to buy or use the product. See FTC Policy Statement on Deception, appended to Cliffdale Associates, Inc., 103 F.T.C. 110, 174 (“Deception Policy Statement”), also available at www.ftc.gov/bcp/policystmt/ad-decept.htm. A statement also may be deceptive if the advertiser does not have a reasonable basis to support the claim. See FTC Policy Statement on Advertising Substantiation, appended to Thompson Medical Co., 104 F.T.C. 648, 839 (1984), aff’d, 791 F.2d 189 (D.C. Cir. 1986), also available at www.ftc.gov/bcp/guides/ad3subst.htm.

¹⁴ Before disseminating an ad, advertisers must have appropriate support for all express and implied objective claims that the ad conveys to reasonable consumers. When an ad lends itself to more than one reasonable interpretation, there must be substantiation for each interpretation. The type of evidence needed to substantiate a claim may depend on the product, the claims, and what experts in the relevant field believe is necessary. If an ad specifies a certain level of support for a claim — “tests show x” — the advertiser must have at least that level of support.

¹⁵ According to the FTC Act, 15 U.S.C. § 45(n), and the FTC’s Unfairness Policy Statement, an advertisement or business practice is unfair if it causes or is likely to cause substantial consumer injury that consumers could not reasonably avoid and that is not outweighed by the benefit to consumers or competition. See FTC Policy Statement on Unfairness, appended to International Harvester Co., 104 F.T.C. 949, 1070 (1984), also available at www.ftc.gov/bcp/policystmt/ad-unfair.htm.

¹⁶ chrome-

extension://efaidnbmnnnibpajpcgicfindmkaj/https://www.ams.usda.gov/sites/default/files/media/RPGUIDELINES092015.pdf

¹⁷ fda.gov/media/106649/download (pgs. 24-25).

- Is the source a credible journal or other relevant and peer-reviewed work? (Sources that have a PubMed Identifier (PMID) number associated with them are the most credible.)
 - PMID numbers can themselves be a source if the audience consists of health professionals
- The source should be the entire publication, not just the abstract. The abstract alone is not a sufficient source.
- **Heart Healthy Claim:** An analysis of the scientific literature concludes that soybean oil lowers risk of coronary heart disease.¹⁸
 - This source can be used to state that soybean **oil** is heart healthy
- The FDA will only issue Authorized or Qualified health claims, they **do not** issue “health claims.”
- Soybean oil= [Qualified health claim](#)
 - Soybean Oil Qualified Health Claim
 - “Supportive but not conclusive scientific evidence suggests that eating about 1½ tablespoons (20.5 grams) daily of soybean oil, which contains unsaturated fat, **may** reduce the risk of coronary heart disease.”¹⁹
- Soy protein= [Authorized health claim](#) (stronger than Qualified health claim)
 - Soy Protein Authorized Health Claim
 - “25 grams of soy protein a day, as part of a diet low in saturated fat and cholesterol, **may** reduce the risk of heart disease.”²⁰
- DO NOT use the term “FDA qualified HEART health claim.” The FDA claims are a “FDA qualified health claim” (for soybean oil) or an “FDA authorized health claim” (for soy protein).
- Review the conclusion in peer-reviewed research for guidance on health or nutrition statements that can be supported by that research.
- Do not use the term “healthy” as a descriptor unless it meets the requirements for “healthy” as defined by the FDA.²¹
- How many clicks does it take to get to the source?
 - The FTC requires that all sources must be one-click away and if a source is attached the link should take the reader directly to the article or data that is being sourced.²²
- Is there enough space on the medium for a disclaimer or sourcing?
 - FTC states that you do not need to include a disclaimer if there are space constraints. But if challenged, you need to produce documentation.
 - One way to do that is to include ¹ (in superscript) next to the heart-health claim, then include the source at the bottom of the document.

¹⁸ pubmed.ncbi.nlm.nih.gov/34171740/.

¹⁹ <https://www.fda.gov/media/106649/download>

²⁰ <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=101.82>

²¹ <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=101.65>

²² <chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://www.ftc.gov/system/files/documents/plain-language/bus41-dot-com-disclosures-information-about-online-advertising.pdf> at pg. 13.

- Is the disclaimer near the message?
 - FTC states that the disclaimer should be as near to the messaging as possible.²³
 - Sources can also be included within footnotes or hyperlinks.
- Design advertisements so that “scrolling” is not necessary to find a disclosure. When scrolling is necessary, use text or visual cues to encourage the audience to scroll to view the disclosure.²⁴
- If a disclosure is necessary to prevent an advertisement from being deceptive, unfair, or otherwise violative of a Commission rule, and it is not possible to make the disclosure clearly and conspicuously, then that ad should not be disseminated. This means that if a particular platform does not provide an opportunity to make clear and conspicuous disclosures, then that platform should not be used to disseminate advertisements that require disclosures.²⁵

List of AMS approved language (if proper source attached):

- Soybean oil is heart healthy.²⁶
- Soy protein is heart healthy.²⁷
- Soybean oil lowers the circulating cholesterol levels.²⁸
- Soybean oil lowers the risk of coronary heart disease.²⁹
- Soybean oil has favorable effects on CVD risk.³⁰
- Dietary recommendations support soybean oil consumption as part of a healthy diet for general health and for CVD prevention and management.³¹
- Soybean oil carries the U.S. Food & Drug Administration’s (FDA) qualified health claim, confirming that it may reduce the risk of coronary heart disease.
 - “Supportive but not conclusive scientific evidence suggests that eating about 1½ tablespoons (20.5 grams) daily of soybean oil, which contains unsaturated fat, may reduce the risk of coronary heart disease.”
- Replacing saturated fats with monounsaturated and polyunsaturated fats – like soybean oil- is smart for your heart.³²

²³ <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.ftc.gov/system/files/documents/plain-language/bus41-dot-com-disclosures-information-about-online-advertising.pdf> at pg. 6.

²⁴ <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.ftc.gov/system/files/documents/plain-language/bus41-dot-com-disclosures-information-about-online-advertising.pdf> at pg. ii

²⁵ <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.ftc.gov/system/files/documents/plain-language/bus41-dot-com-disclosures-information-about-online-advertising.pdf> at pg. iii

²⁶ <https://pubmed.ncbi.nlm.nih.gov/34171740/>

²⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6893684/>

²⁸ <https://www.sciencedirect.com/science/article/pii/S0899900721002057?via%3Dihub>

²⁹ <https://pubmed.ncbi.nlm.nih.gov/34171740/#:~:text=inflammation%20and%20oxidation-,Soybean%20oil%20lowers%20circulating%20cholesterol%20levels%20and%20coronary%20heart%20disease,2021%20Sep%3A89%3A111343.>

³⁰ <https://www.sciencedirect.com/science/article/pii/S0899900721002057?via%3Dihub>

³¹ <https://www.sciencedirect.com/science/article/pii/S0899900721002057?via%3Dihub>

³² <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/healthy-cooking-oils>

- Soybean oil mostly consists of polyunsaturated fatty acids, which are a heart-healthy type of fat that is associated with several benefits.³³
- Soy foods may reduce the risk of heart disease in two ways: They provide high-quality protein that lowers blood cholesterol levels, and they contain lower levels of saturated fat than other common protein sources.³⁴
- Soybean oil can provide cardiovascular benefits.³⁵
- American Heart Association recommends soybean oil as:
 - A healthy cooking oil³⁶
 - “Good” fat (monounsaturated and polyunsaturated) which is smart for your heart³⁷
 - Common cooking oil that contains more of the “better-for-you” fats and less saturated fat³⁸
 - Soybean oil is listed as part of a “healthy dietary pattern”³⁹
- Soy is the only plant protein that carries the U.S. Food and Drug Administration’s (FDA) authorized health claim suggesting it may be able to reduce the risk of heart disease.⁴⁰
- Soybean oil, which is typically labeled as “vegetable oil,” carries an FDA qualified health claim confirming it may be able to reduce the risk of coronary heart disease.⁴¹
- Soy protein has a modest yet clinically relevant, cholesterol-lowering effect.⁴²
- Soy protein can reduce LDL cholesterol.⁴³
- Soy protein may lower the risk of heart disease.⁴⁴
- Soybean oil may reduce the risk of heart disease.⁴⁵
- Soy protein (which is found in tofu, edamame, tempeh, and soymilk) may be heart healthy as approved by/according to the U.S. Food and Drug Administration.⁴⁶ It says, “25 grams of soy protein a day, as part of a diet low in saturated fat and cholesterol, may reduce the risk of heart disease.”⁴⁷

³³ <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/polyunsaturated-fats>

³⁴ <https://www.ahajournals.org/doi/full/10.1161/01.cir.102.20.2555>

³⁵ pubmed.ncbi.nlm.nih.gov/34171740/.

³⁶ <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/healthy-cooking-oils>

³⁷ <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/healthy-cooking-oils>

³⁸ <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/healthy-cooking-oils>

³⁹ <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/fats/healthy-cooking-oils>

⁴⁰ [fda.gov/media/106649/download](https://www.fda.gov/media/106649/download) (pgs. 24-25).

⁴¹ [fda.gov/media/106649/download](https://www.fda.gov/media/106649/download) (pgs. 24-25).

⁴² <https://www.frontiersin.org/journals/nutrition/articles/10.3389/fnut.2022.970364/full>

⁴³ <https://www.frontiersin.org/journals/nutrition/articles/10.3389/fnut.2022.970364/full>

⁴⁴ <https://www.ahajournals.org/doi/full/10.1161/01.cir.102.20.2555>

⁴⁵ <https://pubmed.ncbi.nlm.nih.gov/34171740/>

⁴⁶ <https://www.ucsfhealth.org/education/soy-protein-content-of-foods#:~:text=The%20U.S.%20Food%20and%20Drug,usual%20soy%20protein%20content%20range.>

⁴⁷ [fda.gov/media/106649/download](https://www.fda.gov/media/106649/download) (pgs. 24-25).

- Consuming modest amounts of soy foods – about one serving per day – is associated with lower risk of death and a decreased risk of total cardiovascular events, like stroke and heart attack.⁴⁸
- Soybean oil and soy protein are celebrated for their ability to reduce cholesterol⁴⁹, and they have been recognized by the FDA because they may contribute to heart health.⁵⁰
 - This statement would require separate sourcing for each separate claim.
- Both soy protein and soybean oil carry FDA approved health claims and have potential to lower blood cholesterol.⁵¹
- The American Heart Association recommends including soy protein foods in a diet low in saturated fat and cholesterol to promote heart health.⁵²
- Soy has also been shown to protect against heart disease and lower LDL cholesterol.⁵³ LDL is considered the “bad” type of cholesterol, and higher levels of LDL can increase your risk for heart attack and stroke.⁵⁴
- Populations that consume more soy show a lower incidence of heart disease.⁵⁵
- Soybean oil, high oleic soybean oil, and soy protein all carry FDA health claims related to heart health.⁵⁶
- Soy protein may reduce the risk of heart disease by lowering blood cholesterol levels.⁵⁷
- Soy protein intake leads to a modest yet clinically relevant reduction in cholesterol.⁵⁸

⁴⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9410752/>

⁴⁹ <https://pubmed.ncbi.nlm.nih.gov/31006811/>, <https://pubmed.ncbi.nlm.nih.gov/34171740/>

⁵⁰ [fda.gov/media/106649/download](https://www.fda.gov/media/106649/download) (pgs. 24-25).

⁵¹ <https://pubmed.ncbi.nlm.nih.gov/31006811/>

<https://sciencedirect.com/science/article/pii/S0899900721002057?via%3DiHub>

⁵² <https://www.ahajournals.org/doi/full/10.1161/01.cir.102.20.2555>

⁵³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6470817/>

⁵⁴ https://www.cdc.gov/cholesterol/about/lhdl-and-hdl-cholesterol-and-triglycerides.html?CDC_AAref_Val=https://www.cdc.gov/cholesterol/lhdl_hdl.htm

⁵⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6470817/>

⁵⁶ <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=101.82>

<https://www.fda.gov/media/106649/download>

<https://www.fda.gov/food/cfsan-constituent-updates/fda-completes-review-qualified-health-claim-petition-oleic-acid-and-risk-coronary-heart-disease>

⁵⁷ <https://pubmed.ncbi.nlm.nih.gov/31006811/>

⁵⁸ <https://pubmed.ncbi.nlm.nih.gov/31006811/>

- The cholesterol-lowering effect of soy protein is well established,⁵⁹ but there is also intriguing evidence that independent of cholesterol, soy favorably affects coronary heart disease (CHD) risk factors.⁶⁰
- Scientific evidence demonstrates that diets low in saturated fat and cholesterol may reduce the risk of coronary heart disease (CHD). Other evidence demonstrates that the addition of soy protein to a diet that is low in saturated fat and cholesterol may also help to reduce the risk of CHD.⁶¹

⁵⁹ Jenkins DJ, Mirrahimi A, Srichaikul K, Berryman CE, Wang L, Carleton A, Abdunour S, Sievenpiper JL, Kendall CW, Kris-Etherton PM. Soy protein reduces serum cholesterol by both intrinsic and food displacement mechanisms. *J Nutr* 2010;140:2302S-11S. <https://pubmed.ncbi.nlm.nih.gov/20943954/>

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⁶⁰ <https://sniglobal.org/soy-may-favorably-affect-risk-factors-for-chd-the-leading-cause-of-death-in-america/>

⁶¹ <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=101.82>

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