

Selling or Recommending Supplements? Know Your Risk

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SELLING OR RECOMMENDING SUPPLEMENTS? KNOW YOUR RISK

Many clubs, fitness facilities, fitness professionals and personal trainers have added the sale of products to their business plans – including vitamins, nutritional supplements, and sports drinks. The demand for these products has spun nutritional supplements into a 40 billion-dollar industry. Despite rising popularity, fitness professionals need to consider the potential liability associated with selling supplements.

Unlike prescription drugs, the sale of supplements is not regulated by any governmental agency. The supplement industry is largely self-regulated, which may result in the spread of inaccurate information about some supplements and the distribution of faulty products, or those which don't live up to their advertisements. Some products may even be harmful for some clients and negatively interact with other similar products or prescription medications.

From the Aerobics and Fitness Association of America (AFAA):

[T]hose recommending nutritional supplement products to consumers, and those actually involved in providing or selling such products to consumers, may well have increased ethical, professional, and legal duties and responsibilities to ensure that the products they recommend, sell, or provide are relatively safe for consumption and/or are beneficial to the user. This conclusion is due in part to the fact that such products are not “sanctioned” by any government agency and that there is often only limited information and research findings available from non-manufacturer sources as to the safety and efficacy of many of these products.

As a fitness professional, what can you do to avoid liability?

STAY INFORMED

A plaintiff in a product liability case must prove that the product that caused injury was defective, and that the defect made the product unreasonably dangerous. There are three types of defects that might cause injury and give rise to supplier liability:

1. [Design Defects](#) – Present in a product from the beginning, even before it is manufactured, in that something in the design of the product is inherently unsafe
2. [Manufacturing Defects](#) – Those that occur in the course of a product's manufacture or assembly
3. [Marketing Defects](#) – Flaws in the way a product is marketed, such as improper labeling, insufficient instructions, or inadequate safety warnings

STAY PROTECTED

Supplements are considered “products.” Professional liability with CPH Insurance allows you the opportunity to add commercial general liability.

Per the terms and conditions of the policy, professional liability combined with commercial general liability for wellness and fitness professionals helps defend against product liability claims from individual clients or patients to whom you directly render wellness or fitness services. This does not include defense against mass product sales to non-clients via in-person or online sales.

Simply put, general liability insurance is designed to protect you in the event you're held liable for bodily injury on the premises you provide services and in instances where there is injury caused by a product that you recommended or sold to one of your individual clients. **Click [here](#) to get a quote and apply online to protect your professional practice as a wellness or fitness individual or business entity.**

Footnotes

1. <https://injury.findlaw.com/product-liability/what-is-product-liability.html>
2. <https://www.cphins.com/personal-trainers-and-nutritional-supplements-sell-or-dont-sell/>