

## EUROPE PHARMANEX® BIOPHOTONIC SCANNER MARKETING GUIDELINES

The Scanner is a marvellous tool intended to help you with your Pharmanex® business when used properly. The Pharmanex® BioPhotonic Scanner is intended to show consumers that either, LifePak®+, JVi, Beauty Focus Collagen+ or Beauty Focus MultiBeauty can provide the body with an adequate amount of carotenoids.

The BioPhotonic Scanner is not a medical device, and cannot be used for the diagnosis, mitigation, treatment or claims related to any disease or medical condition. *Use of the Scanner is limited to the promotion of healthy diet and lifestyle habits in any location, and then, only in connection with the sale of Pharmanex® nutritional and dietary supplements.*

Therefore, you will find below a general summary of what can and cannot be said about the Scanner.

### DO

- Emphasise that the Scanner is intended to show that the Skin Carotenoid Score certified products help provide the body with an adequate amount of carotenoids. The higher the concentration of carotenoids in the skin, the higher the Scanner score will be.
- Emphasise that the Scanner is a powerful tool for consumers to test and optimize their carotenoids status. Tell customers that knowing such level is a source of motivation to apply a dietary habit with a high consumption of carotenoid-rich fruits and vegetables or supplementation.
- The Scanner can be compared to a generic scale. Like the generic scale, the Scanner only gives you a number, which permits you to see if you are achieving the level you want. The Scanner can help you determine whether you are consuming an adequate amount of carotenoids. Limit any health-related claims to the ones involving a healthy dietary lifestyle linked to the products LifePak®+, Jvi, Beauty Focus Collagen+ or Beauty Focus MultiBeauty.
- If customers have incorrect ideas about what the Scanner can do, immediately make it clear to those who believe that the Scanner can diagnose, prevent or cure any disease, that the Scanner does not diagnose any disease or precondition of any disease.
- Refer customers to their doctors for questions regarding the use of Pharmanex® products with specific medical conditions.
- Use only information that has been approved by the company.
- Refer media questions to our Marketing department.
- Be passionate and share your enthusiasm for the products, the business and the opportunity linked to the use of the Scanner.

### DO NOT

- Do not claim that the Scanner measures the level of antioxidants in the skin. Say that the Scanner measures the level of carotenoids in the skin.
- Do not make any explicit or implied health claims about the Scanner and carotenoids. The communication on the Scanner should contain claims that relate only a consumption of carotenoids and increasing the score value without a direct health benefit. You can communicate about health benefits that are linked only to the

ingredients composing LifePak®+, Jvi, Beauty Focus Collagen+ or Beauty Focus MultiBeauty which are released by Nu Skin and which are compliant with the Nutrition and Health Claims Regulation.

- Do not make any explicit or implied health associated claims to consumers concerning their carotenoid levels. Everyone is different with a different metabolism. You can say that their Skin Carotenoid Score is in the low, average or high range without judging them. Do not claim that the Scanner can, by itself, contribute to good health or prevent poor health. Do not promise specific Skin Carotenoid Scores.
- Do not tell customers that because of their scores, they should seek the advice of their healthcare professionals.
- Do not make claims that the Scanner will diagnose or prevent any disease of any kind.
- Do not make claims suggesting any medical use.
- Do not claim that the Scanner will have an effect on the structure or function of the body, or it shows if somebody is healthy or unhealthy.
- Do not compare the Scanner to other measurement or testing equipment such as cholesterol tests, pregnancy home test kits, or diabetic testing strips or devices. These are all medical devices, the Scanner is not.
- Do not perform scans without a Scan Card number.
- Do not open the Scanner or modify any part of the Scanner.
- Measuring the skin carotenoid level of people under 18 years of age using the BioPhotonic scanner is not recommended. Nu Skin's main focus is targeting healthy adult consumers.
- Do not persuade customers to leave purchasing relationships with other Brand Affiliates.

**FAILURE TO COMPLY WITH ANY OF THESE GUIDELINES CAN RESULT IN SANCTIONS OR THE LOSS OF YOUR SCANNER.**

It is not an exhaustive list of all permissible and prohibited claims. If you have a question about what statements can be made about the Scanner, please contact your Brand Affiliate representative.

## LEGAL AND REGULATORY GUIDELINES REGARDING THE USE OF THE PHARMANEX® BIOPHOTONIC SCANNER IN MEDICAL, CLINICAL OR HEALTH CARE SETTINGS IN EUROPE

With regards to physicians and other health care professionals, the following additional guidelines are provided. Please note that in some markets, the placement of the Scanner in a medical, clinical or other health care setting may be prohibited by local regulation. Nu Skin has not undertaken an exhaustive review of specific requirements for every market or regulatory environment—each Brand Affiliate is responsible for compliance.

(a) **Separate from Health Care Practice.** Physicians and other health care professionals can lease a Scanner just like any other Brand Affiliate. Furthermore, physicians or health care professional can use a scanner as a private citizen may take advantage of his personal and professional contacts that may also be patients, but we recommend a physician or health care professional should not use the Scanner when practicing medicine on his patients or include it as a part of his medical practice.

(b) **Not a Medical Device.** Physicians and other health care professionals must make it clear that the scanner is not an approved medical device for any medical purpose. The correlation between carotenoids status and a scan score is only one indication of health (it's not a total health meter or any indication of disease or risk for disease).

(c) **When in Doubt.** Obtain A Legal Opinion for your Practice. For any specific questions, physicians or other health care professionals must obtain their own legal counsel as to whether the use of the Scanner complies with applicable laws governing the practice of medicine and health care ethics, and if they are required to make certain disclosures, including interest in Scanner revenue/royalty and commissions on products sold (i.e., disclosure that you are a Nu Skin Brand Affiliate). Physicians and other health care professionals are responsible for compliance with any federal, provincial, state, or local laws, administrative rules, regulations, or licensing boards, if applicable, in connection with their use of the Scanner and promotion of Pharmanex products. The company does not represent or warrant that it has any legal advice for specific circumstances and has not undertaken any legal analysis on your situation to ensure that your use is in compliance with such laws.

(d) **Cannot Use to Diagnose, Treat or Cure any Disease or Medical Condition.** Physicians and other health care professionals cannot use the Scanner to diagnose, treat or cure any disease or medical condition, or "prescribe" nutritional supplements to treat any disease or medical condition.

(e) **Pharmanex Products are Not Drugs.** Physicians or any other health care professional may not (i) state or imply that the Pharmanex products are drugs, and (ii) compare products to drugs, or make drug or medical claims.

(f) **Compliance with Privacy and Data Laws.** Physicians and other health care professionals are responsible for compliance with health care privacy requirements, if applicable, in connection with their use of the Scanner and (i) should follow all patient privacy and data laws, and (ii) separate any scanner business from his health care practice and records. For example, Scanner results, documentation, and nutritional advice related to the promotion of Pharmanex products must be maintained and reported separately and apart from any medical reports, diagnostic charts and other medical records generated by physicians or other health care professionals in connection with their medical or health care practice.

## **PHARMANEX® BIOPHOTONIC SCANNER USE IN RETAIL ENVIRONMENTS**

The company believes that it is best to limit the use of the Scanner in accordance with the company's longstanding policy on retail stores as described in the Nu Skin® Policies and Procedures. Please contact your Customer Support Representative if you have specific questions about the appropriate use of the Scanner.

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