

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

_____)	
In the Matter of)	
)	
VALUEVISION INTERNATIONAL, INC.,)	
a corporation.)	DOCKET NO. C-4022
_____)	

COMPLAINT

The Federal Trade Commission, having reason to believe that ValueVision International, Inc., a corporation (“respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent ValueVision International, Inc. (“ValueVision”) is a Minnesota corporation with its principal office or place of business at 6740 Shady Oak Road, Eden Prairie, Minnesota, 55344. ValueVision operates a cable shopping service and is principally engaged in the marketing of a variety of consumer products by means of live, customer-interactive, televised sales programs and through its Internet website (www.vvtv.com). ValueVision produces and disseminates advertising in the form of television programming that is disseminated through cable channels, broadcast stations and satellite dish receivers. This programming markets consumer products directly to viewers.

2. Respondent has advertised, offered for sale, sold and distributed products to the public, including WeightPerfect Fat Loss Accelerator Daytime, WeightPerfect Fat Loss Accelerator Nighttime, Fight the Fat, NutriFirm Perfect Body Solution, NutriFirm Internal Cleanser and NutriFirm Vitamin H Serum. These products are “foods,” “drugs” and/or “cosmetics” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

WeightPerfect Fat Loss Accelerators

4. Respondent has disseminated or has caused to be disseminated advertisements for WeightPerfect Fat Loss Accelerator Daytime and WeightPerfect Fat Loss Accelerator Nighttime (collectively “Weight Perfect Fat Loss Accelerators”), including but not necessarily limited to the attached Exhibits A through C. According to the product labels, WeightPerfect Fat Loss Accelerator Daytime contains, among other ingredients, pyruvate, citrus aurantium, guarana, St. John’s Wort, white willow bark, ginger root and 5HTP, and WeightPerfect Fat Loss Accelerator Nighttime contains, among other ingredients, pyruvate, melatonin, and various amino acids. The advertisements for the WeightPerfect Fat Loss Accelerators contain the following statements:

- A. ALAN NORTH: This is such an amazing product because it contains -- it contains special proteins amino acids. I'm not going to, you know -- you don't need to hear this but ornithine, arginine, glutamine. Those are natural protein amino acids.

But together in the right combination, what it does is it helps directly -- during sleep, directly stimulate the pituitary gland in the brain to release growth hormone. Why is that important? Because growth hormone which we all have peaks during the night.

And if you're not sleeping well enough, then you're not giving your body an opportunity to repair itself to the cells that have been damaged during the day. So, together with this combination and the melatonin, you're going to help induce sleep and raise the levels of growth hormone and that equals into greater fat mobilization. In other words, you're going to help lose body fat while you're sleeping because of the higher levels of growth hormone.

(Exhibit A, pp. 10-11) (Exhibit A is a transcript of a segment from the ValueVision television show that aired on July 17, 2000).

- B. PAULA (via telephone): Well, Alan mentioned something on his first time on the show about this molecule that's sleeping and some people have it and some people don't have it. Mine went to sleep for years. And this -- these pills I think woke it up.

ALAN NORTH: You know, it's interesting --

HOST: Hum.

ALAN NORTH: It's interesting that you should mention that Paula and a lot of times I'll talk about -- you're referring to the UCP molecule that's located in brown fat.

ON SCREEN:

WeightPerfect

V-11550

Fat Loss Accelerator

Night time formula helps you lose weight by:

Restoring healthy sleep patterns

Repairing and rejuvenating metabolic functions to better burn fat

Supplying body with important nutrients

1-800-788-2454

VALUEVISION

vvtv.com

PAULA: Yes.

ALAN NORTH: That's interesting because, you know, some people that they really -- if that molecule is sort of what I would call shut off -

PAULA: Uh-huh.

ALAN NORTH: -- then this could, of course, like it's done for you, it's reactivated your fat burning molecule --

ON SCREEN:

WeightPerfect

V-11550

Fat Loss Accelerator

Daytime formula helps you lose weight by:

Boosting your metabolism

Decreasing your appetite

Increasing energy

1-800-788-2454

VALUEVISION

vvtv.com

PAULA: Right.

ALAN NORTH: -- and simulated that thermogenic effect which is the production of heat within the body. And truly, for some people -- you know, and everyone responds differently but you're obviously someone that this was -- this product was perfect for. . . .

. . .

ALAN NORTH: A lot of people think 50 pounds is so much weight in three months but 50 pounds is not -- I mean, I have seen so many people lose 50 pounds --

PAULA: I know.

ALAN NORTH: -- in 12 weeks.

PAULA: I still have another 50 to go, Alan.

ALAN NORTH: That's very realistic. It's very realistic. Paula --

HOST: It's exciting.

. . .

ALAN NORTH: . . . And see, with Paula, she's now using it. Of course, she's also eating good and she's making better choices. But occasionally, as she mentioned, it's not -- I mean, it's not -- it's not brutal. She's having occasional popcorn. This isn't about deprivation. . . .

(Exhibit A, pp. 18-22) (Exhibit A is a transcript of a segment from the ValueVision television show that aired on July 17, 2000).

- C. **ON SCREEN:**
before after (printed above before-and-after photographs that show dramatic contrasts in body fat composition)
Individual results may vary (printed below photographs in extremely small, poorly-contrasting type obscured by background graphics)

ALAN NORTH: Check this out. This is -- this guy is so awesome. This guy is Johnny. He is somebody that I work with. The funniest guy you can imagine. But 50 pounds overweight and just -- I mean, two knee replacements, had trouble exercising. I mean, he could barely ride a bike for five -- for five minutes and he had trouble exercising.

HOST: Well, look at that difference.

ALAN NORTH: Look at the difference. And, again, that is only 12 weeks, and just like Paula, he also lost 50 pounds.

HOST: Excellent.

ALAN NORTH: Fifty pounds, 12 weeks --

HOST: Incredible.

ALAN NORTH: -- gone.

HOST: Incredible.

(Exhibit A, p. 24) (Exhibit A is a transcript of a segment from the ValueVision television show that aired on July 17, 2000).

- D. **ON SCREEN:**
before after (printed above before-and-after photographs that show dramatic contrasts in body fat composition)
Individual results may vary (printed below photographs in extremely small, poorly-contrasting type obscured by background graphics)

ALAN NORTH: . . . This is Elda, another interesting story. Elda lost 38 pounds in 12 weeks. Elda's weight wouldn't budge because she had back problems, was pretty much immobile. Immobile. She had back problems. Her husband calls me every week still to thank me. She's -- she's lost --

HOST: Her husband calls you.

ALAN NORTH: Her husband calls me. She --

HOST: Because she feels good. Her -- and she's happy and she's alive.

ALAN NORTH: I've got to get an updated after [photograph]. That's a 38 pound difference. She's already lost 60. She has lost 60 --

HOST: Oh.

ALAN NORTH: I can't keep up with all the afters. We've got one more, I think. Juanita, again, I can't keep up with the after photos. She's lost 75 pounds. Her weight loss is up to 115. One hundred and fifteen.

HOST: Congratulations to all of these people because you know what, they were probably feeling helpless, too, until they met you.

ALAN NORTH: Now -- now, this is an interesting story, too, because now -- now, Hal is somebody that did the Weight Perfect Nutritional Program, got excellent results, had heart problems, was in -- he was actually in the hospital when

I met him. Now, he got -- he just -- again, he also plateaued. The Accelerator helped him get to his goal lean weight.

HOST: And Alan is not telling you to go and buy all these special foods. He's saying sit down and eat with your family --

ALAN NORTH: Yes.

HOST: -- and just use some good old-fashioned common sense.

ALAN NORTH: Absolutely.

(Exhibit A, pp. 25-26) (Exhibit A is a transcript of a segment from the ValueVision television show that aired on July 17, 2000).

- E. **ON SCREEN:**
before after (printed above before-and-after photographs that show dramatic contrasts in body fat composition)
Individual results may vary (printed below photographs in extremely small, poorly-contrasting type obscured by background graphics)

ALAN NORTH: . . . This is an individual that had two knee replacements. He couldn't hardly walk let alone exercise.

HOST: That is so dramatic.

ALAN NORTH: Fifty pounds. Fifty pounds, 12 weeks. I'm going to show how to use the program it's so easy. Fifty pounds in 12 weeks. Look at that. Protected his lean muscle tissue, lost the body fat that was stored, trapped, had nowhere to go.

HOST: That's the deal guys. It has to be easy, too. I mean, there is not a single program that could be easier. I've used it. I know.

(Exhibit B, p. 6) (Exhibit B is a transcript of a segment from the ValueVision television show that aired on July 19, 2000)

- F. **ON SCREEN:**
before after (printed above before-and-after photographs that show dramatic contrasts in body fat composition)
Individual results may vary (printed below photographs in extremely small, poorly-contrasting type obscured by background graphics)

ALAN NORTH: . . . This is Elda. Elda had chronic back pain. Again, like Johnny who you saw earlier who lost fifty pounds in 12 weeks, she couldn't work out either as she was in constant pain. And you can imagine -- I mean, you know, the food that she ate just went to fat. It went straight to fat. Even -- you know, again, if you're totally immobile and you can't move, even if you're making good food choices, a lot of it could go to fat if you're not active.

HOST: Yes.

ALAN NORTH: This is Juanita, 70 pound difference. Look at the difference. You can visually see a big difference. That is, again, in the realm -- this was somewhere between 12 and 14 weeks. Seventy pounds between 12 at 14 weeks. I think it was somewhere --

HOST: Gosh.

ALAN NORTH: I don't know exactly. It was between 12 and 14 weeks. Seventy pounds. She's already lost 115. I've got to get another picture of her. We have another individual I think. Look at this.

HOST: That -- that is the most dramatic one.

ALAN NORTH: Hal, is somebody that did do the Weight Perfect Nutrition but kind of plateaued toward the end. Wanted to get rid of -- they wanted to get rid of their last bit of weight. Put them on the Accelerator, two capsules in the morning, two in the afternoon, a tablespoon of the Nighttime right before they go to sleep. Look at the remarkable difference in 10 weeks.

HOST: You can't even tell this is the same person.

ALAN NORTH: I know.

HOST: Literally can take --

ALAN NORTH: Look at the face.

HOST: He looks 20 years younger.

ALAN NORTH: Look at the chin area, the face area --

HOST: Um-hum.

ALAN NORTH: -- and, of course, the stomach and the arms. Look at the definition. And, again, you can't hold that in. You can't hold that in.

(Exhibit B, pp.7-8) (Exhibit B is a transcript of a segment from the ValueVision television show that aired on July 19, 2000)

G. ALAN NORTH: I'll tell you about the great work. It's funny, Michelle. I had a call -- this was two days ago as a matter of fact --

HOST: Still thick, yes.

ALAN NORTH: -- and it was from a guy -- his name was Tony in New Jersey. And he said Alan, I've been watching and I've ordered the product, I want to just ask you a question. He goes does it work for everybody. I'm like, well, there's a host of factors involved. I mean, you know, it's hard to answer doesn't work for everybody because I don't know what everybody does.

But does it work for everybody? There are certain -- there are certain people that could take this product, the daytime and nighttime, and really be on a very poor nutritional program, be very sedentary, and may not see a difference. He goes well let me tell you something, I have been -- I've tried all the diets that around there, the popular no carb diets and this is the only thing that's worked. I have lost 25 pounds in a matter of two months.

So, again, he really responded to the 24-hour fat loss Accelerator. But, you know, I always recommend -- you don't hear me talking about hey, take these two products and eat whatever you want.

HOST: No.

ALAN NORTH: Nutrition is very, very important.

HOST: Um-hum.

ON SCREEN:

before after (printed above before-and-after photographs that show dramatic contrasts in body fat composition)

Individual results may vary (printed below photographs in extremely small, poorly-contrasting type obscured by background graphics)

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ALAN NORTH: But a lot of times -- I've heard a lot of feedback. I talk to a lot of the people that order this as you well know and they call the office and they'll

ask me questions and they'll talk about their success stories. And so many people have lost a tremendous amount of weight by taking the Accelerator and/or the nutritional system.

But it's interesting. The people that I get that call that say well, I'm having trouble with the eating part of it so I've ordered the Accelerator and I'm on a poor eating program but I wanted to see if this would work. Sometimes they'll say well, gosh, I haven't noticed a lot of difference in weight loss but I've noticed my clothes fitting looser or --

At any rate, see -- and most times -- and, Michelle, you know this, either you all are -- if you have a tendency to put on weight, you're either gaining weight or you're losing weight.

And most people don't really maintain because people with slow metabolic rates tend to accumulate body fat almost on a weekly basis. And I've noticed that even with the people that don't say they've lost a lot of weight with the Accelerator, it's at least preventing a lot of the people from gaining weight.

(Exhibit C, pp. 15-17) (Exhibit C is a transcript of a segment from the ValueVision television show that aired on July 17, 2000).

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that:
 - A. The WeightPerfect Fat Loss Accelerators cause substantial loss in body weight or body fat in one to twelve weeks, without exercise or restricting caloric intake.
 - B. The WeightPerfect Fat Loss Accelerators prevent weight gain, regardless of exercise or caloric intake.
 - C. The WeightPerfect Fat Loss Accelerators increase the body's metabolic rate and burn calories.
 - D. The WeightPerfect Fat Loss Accelerator Daytime suppresses the appetite.
 - E. The WeightPerfect Fat Loss Accelerator Nighttime causes substantial loss in body weight or body fat while sleeping.

6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.

7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made. Among other reasons, the studies relied upon by ValueVision involved subjects who were on restricted calorie diets, and/or exercise programs, and the studies did not involve the specific formulation of the WeightPerfect Fat Loss Accelerators. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

Fight the Fat

8. Respondent has disseminated or has caused to be disseminated advertisements for Fight the Fat, including but not necessarily limited to the attached Exhibits D and E. According to the product label and product materials, Fight the Fat contains, among other ingredients, a liquid form of chitosan derived from glucosamine. Advertisements for Fight the Fat contain the following statements:

- A. You may have lost the battle, but with “Fight the Fat,” you can win the war. . . . A remarkable 12 to 14 drops absorbs 15 grams of dietary fat. . . . Just add drops to a cold, non-dairy drink, and it helps to reduce caloric intake. . . . You can lose up to five pounds in one month without changing your diet.

(Exhibit D) (Exhibit D appeared on ValueVision’s home page on the Internet, <http://www.vvtv.com>).

- B. FEMALE HOST: Those ten pounds have crept up and you just cannot maintain. Maybe you go on a fad diet, you lose the five pounds, you lose the ten pounds and you can't maintain it. No matter what your age, no matter what your lifestyle, no matter what your eating habits are, this system will help you lose weight. It will quite literally melt the pounds off you. I want to introduce FTF. . .

. . .

FEMALE HOST: All right. Who's addicted? Chocolate --

MALE HOST: Chocolate, me.

FEMALE HOST: -- butter, salt, chips. These are foods you can continue to eat, continue to enjoy on July 4th, on your birthday parties, every single day if you want to because this product will take the fat components, from what I understand --

MALE HOST: Right.

FEMALE HOST: -- in whatever food you're eating --

MALE HOST: In whatever you're eating.

FEMALE HOST: -- and just escort it right out of your body.

MALE HOST: Before it can stick to your chin, to your jowls, to your belly, to your buttocks. It is an amazing product. . . .

(Exhibit E, pp. 1-2) (Exhibit E is a transcript of a segment from the ValueVision television show that aired on June 6, 2000).

- C. MALE HOST: One of the things that we do know, that the way to lose weight is exercise. We do encourage you to exercise because if you exercise, just a simple walk around the block every day, is going to help you lose fat even faster when you use FTF. The other item is that you need to reduce your fat caloric intake.

FEMALE HOST: Um-hum.

MALE HOST: FTF does that

. . .

FEMALE HOST: I love meat. I'm just one of those people that I crave having beef. Take a look at what's going to happen if you eat your one hamburger. 31 grams of fat, right?

**ON SCREEN: Value Vision Showcase
One Hamburger Has 31 Grams of Fat
2 Squirts of FTF will absorb 24 Grams of Fat versus 24 capsules of Chitosan
1-800-788-2454**

MALE HOST: That's right.

FEMALE HOST: All you need are less than two squirts, is that about the 14 drops?

MALE HOST: About 14 to 20 drops of FTF.

FEMALE HOST: Okay.

MALE HOST: And I'm going to show you how easy it is to use because you just -- I mean, we're talking drops.

FEMALE HOST: Let's take a look at it.

...

MALE HOST: -- and we're going to just drop -- I'm going to take -- I had a steak for dinner tonight.

**ON SCREEN: Value Vision Showcase
Pizza Has 20 Grams of Fat
Just 14 drops of FTF will absorb the Fat
Versus 12 capsules of Chitosan
1-800-788-2454**

FEMALE HOST: What do I drop this into safely?

MALE HOST: So, one, two, three, four, five, six. You can take this into any kind of fruit juice, grape juice is my personal favorite.

FEMALE HOST: Um-hum.

...

MALE HOST: I just -- I am just taking out the fat right now from the filet mignon that I had at dinnertime.

FEMALE HOST: That's amazing.

MALE HOST: It is absolutely amazing, and it works, folks. The thing is that it is just that easy. What, ten seconds it took me? Ten seconds and I'm going to lose the fat from the steak that I had at dinnertime. It is an amazing product and you need to order it right now.

(Exhibit E, pp. 4-7) (Exhibit E is a transcript of a segment from the ValueVision television show that aired on June 6, 2000).

D. **ON SCREEN: Value Vision Showcase
Fried Chicken has 21 Grams of Fat
Just 14 drops of FTF will absorb the Fat
Versus 12 capsules of Chitosan
1-800-788-2454**

MALE HOST: It's a real big thing in this country and I'm going to tell you it is all fat. Well, I'm going to tell you also, fried chicken, a great staple of the Southern

part of this country, it's popular throughout the country. FTF will remove the fat in that chicken before it sticks to your thunder thighs, your big derriere or your chin.

FEMALE HOST: Um-hum, wherever, wherever.

(Exhibit E, p. 22) (Exhibit E is a transcript of a segment from the ValueVision television show that aired on June 6, 2000).

E. MALE HOST: It is hard to lose weight when you have to be controlled, if you will, okay?

FEMALE HOST: Oh, forget about it.

MALE HOST: But with FTF, you've got two times -- two times a day. Can you afford to give us ten seconds twice a day? Twenty seconds a day, the pounds are going to start dropping off. Six to 12 drops in your drink and I am telling you, you're going to feel better because you're going to look better.

FEMALE HOST: Um-hum.

MALE HOST: Get up and walk around the house a little bit. Get up and walk around the block. Start a little bit of an exercise routine, it's going to help.

FEMALE HOST: Um-hum.

MALE HOST: You're going to drop weight because you're going to be reducing your fat calorie intake because the fat is now bio-unavailable. Give us a call now. Order the product. It's going to change your life, I guarantee it.

...

FEMALE HOST: All right. What happens to that fat after the product takes hold of it and escorts it out of your body? Well, the only way I know of it escorting out of your body is in waste. Does it come out in your waste?

MALE HOST: That's it. Yeah, you --

FEMALE HOST: You don't sweat it out, right?

MALE HOST: No, you don't sweat it out. You kind of poop it out.

FEMALE HOST: You poop it out.

MALE HOST: You poop it out.

FEMALE HOST: It's as simple as that.

MALE HOST: But it's not a big ton and it's not going to -- it doesn't -- no, I mean, you know, you're asking the question, I'm going to tell you.

FEMALE HOST: Yeah.

MALE HOST: You know, you're not going to get diarrhea from this, you won't get the runs. It's not going to happen all of a sudden. It just -- it flows. Trust me, folks, it's easy. It's very, very easy.

(Exhibit E, pp. 26-28) (Exhibit E is a transcript of a segment from the ValueVision television show that aired on June 6, 2000).

9. Through the means described in Paragraph 8, respondent has represented, expressly or by implication, that:

- A. Fight the Fat enables consumers to lose substantial weight without the need for a change in diet or exercise.
- B. Fight the Fat enables consumers to lose substantial weight even if consumers eat substantial amounts of foods that are high in fat, including steaks, pizza, hamburgers, butter, fried chicken and chocolate.
- C. Fight the Fat prevents the human body from absorbing substantial amounts of fat consumed.

10. Through the means described in Paragraph 8, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 9, at the time the representations were made.

11. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 9, at the time the representations were made. Among other reasons, the studies relied upon by ValueVision involved subjects who were on restricted calorie diets, and the studies did not involve the specific formulation of Fight the Fat. Therefore, the representation set forth in Paragraph 10 was, and is, false or misleading.

NutriFirm Perfect Body Solution

12. Respondent has disseminated or has caused to be disseminated advertisements for NutriFirm Perfect Body Solution, including but not necessarily limited to the attached Exhibits F through H. According to the product label, NutriFirm Perfect Body Solution contains, among

other ingredients, coco-caprylate/caprato, and a variety of extracts, including barley, ivy, ladies thistle, mushroom, sweet clover, aloe vera, butchers broom and ginkgo. Advertisements for NutriFirm Perfect Body Solution contain the following statements and depictions:

- A. Soften the look of cellulite on your body. This skin firming product targets the cellulite in your skin by using your own body's natural chemistry. This process tightens and tones the skin while also eliminating sponginess and the orange peel look.

* * *

The "Nutri-Firm Perfect Body" uses the liposomes in your body to move herbs to "target" areas of your skin. Then these herbs release trapped elements in your skin that can cause cellulite.

(Exhibit F) (Exhibit F appeared on ValueVision's home page on the Internet, <http://www.vvtv.com>).

- B. HOST: I love this demonstration. It's every woman's nightmare seeing this.

MANUELLA: Cellulite?

HOST: Yes, cellulite. Cellulite.

MANUELLA: Cellulite was my -- cellulite was my big problem. And the reason I -- I think I had it was because I was in really, really good shape. I was not overweight.

...

MANUELLA: So, I went to Darius who -- we were in university at the time and I said listen, come up -- make something for me. So, he did. He started working with all these plant extracts and he created the Perfect Body Solution.

ON SCREEN:

NutriFirm 3rd Anniversary Body Kit

C-17392

Includes:

(2) Perfect Body Solution \$29.99 each

(3) Stimulating Body Wash \$ 9.50 each

Total Retail Value \$88.48

You Save \$43.53

HOST: Oh, my gosh.

MANUELLA: He goes I've got that answer for you. I started using it and I tell you, the results I got so quickly. We started giving it to other people because I said, you know, I can't believe it.

And that's how Isomer's Laboratories was created by this Perfect Body Solution. What we've done to it now to make it even better is instead of seven plant extracts in a liposome formulation, it has more than 10 plant extracts now. We've added the red and brown algae.

(Exhibit G, pp. 1-3) (Exhibit G is a transcript of a segment from the ValueVision television show that aired on August 10, 2000).

C. HOST: This is the demo. I love this.

MANUELLA: [holding jar containing red gelatinous substance] This is the stuff underneath the skin. This is sticky. It doesn't work very well. This is lab created problem. The reason is we don't do animal testing so we have to create a synthetic model of what the problem is.

We wanted something to break this down. Now, people say if you have cellulite, if you have cottage cheese loss of elasticity on the skin, they say drink water or --

HOST: Right.

MANUELLA:-- exercise. Well, you know what? We're exercising. [stirs jar] Does it break it down? No. Doesn't break it down. And you know what? This didn't break it down either. I've tried.

HOST: You can spin that for an hour and it wouldn't change.

MANUELLA: It wouldn't change.

HOST: It would just be that thick goop.

MANUELLA: Then they say drink water. [pours water in jar] Believe me, I have drunk swimming pools full of water to get rid of it. What happened? Actually, it absorbs it. Look, it absorbs all the water.

HOST: Oh, my gosh. It gets thicker.

MANUELLA: It gets thicker.

HOST: Ooh.

MANUELLA: And that's why some days your clothes are even tighter or you feel hotter in that area because it's absorbing and it's bloating up. What we did -- this is the plant extracts. This is in the Perfect Body Solution. [pours solution into jar]

You go in, you rub it in on that area, and what you find -- look. It breaks it down.

HOST: Wow.

MANUELLA: It liquefies it.

HOST: Fun.

MANUELLA: Now, when you drink water, now if you exercise, what happens? You can literally get rid of the problem. You can actually smooth your skin --

HOST: Oh, my gosh.

MANUELLA: -- and this is what we want to do. With the Perfect Body Solution, we are going to address the needs of your body. Is it slimming? Is it toning? Is it lifting? Is it firming? This system will do it for you.

The reason is the plant extracts in that liposome formulation. It's got the red and brown algae to give you that instant lift. It is very, very nourishing, very, very moisturizing.

I tell you as a women and as a scientist, this is the best body cream for you. And I'll tell you why. Nutritionally it is complete for the body. Structurally it is the molecular size the pores need, not to be clogged, but to be moisturized.

(Exhibit G, pp. 5-7) (Exhibit G is a transcript of a segment from the ValueVision television show that aired on August 10, 2000).

- D. HOST: Not on your life. I love capri pants. I can tell you that. But it's -- but it's very true. When you look in the mirror and you don't like what you see, the first thing that you do is try to hide it. Let's try to correct it. And there's a difference.

So, now if you help to correct the problem, if you help to minimize the appearance of the cellulite and you actually break that up underneath the skin so it's all smooth and wonderful, you have a whole new way of looking at yourself in the mirror.

Cellulite has nothing to do with weight, does it?

MANUELLA: It has nothing to do with weight.

HOST: No. No.

(Exhibit H, pp. 5-6) (Exhibit G is a transcript of a segment from the ValueVision television show that aired on August 11, 2000).

- E. MANUELLA: What I did is I went to my husband, I said you've got to come up with something, you've got to create something for me and he did. He went to the laboratory, came up with all the plant extracts, butcher's broom, ladies' thistle, mushroom, all things that are known to help with that problem.

What I'm going to do now is I'm going to show you how this product actually works. This is a lab-created sample of the problem. This is the guck that is underneath our skin that creates that cottage cheese look.

HOST: Can you imagine? Yikes.

MANUELLA: Right. And what you can see is that -- it's not --

HOST: It's very goopy and sticky.

MANUELLA: It's very goopy, sticky, and you can't massage it away. They say, you know, massage and exercise. You'll get rid of it. Take a look at female marathon runners. They're in excellent shape and they have cellulite because it has nothing to do with exercise.

Drink water. Well, I'm adding water and massaging. What happens? It absorbs all the water.

HOST: Um-hum.

MANUELLA: Why? Because this is -- it loves water. It needs to expand. It's going to grow. That's why when you wear certain outfits, they are snug on you sometimes because of the fact that the cellulite is actually growing, you're becoming bloated.

What you want is the eight plant extracts in the liposome formulation. You just take it, rub it in, and what you're going to find, it's going to decongest. Look at that. It breaks it down.

Why is this important? Now, this is underneath your skin. You don't have that cottage cheese look. It is soft. It is smooth. It is much better underneath the skin to give you that streamline, that contoured look that you want.

(Exhibit H, pp. 6-7) (Exhibit H is a transcript of a segment from the ValueVision television show that aired on August 11, 2000).

- F. HOST: All the time. Because I just think women get very distressed about seeing cellulite on their bodies. Other people get distressed about seeing cellulite. You know what? And it seems like they look at the cellulite. They don't see anything else.

MANUELLA: Um-hum.

HOST: They don't see anything else about you. They see the cellulite. It's like a little magnet that just draws the eye to that area to that imperfection. Well, you have a way to help with that problem and it is called Perfect Body.

We do have it available for you here at Value Vision. And if you get it in the anniversary kit, you're going to save \$43.53. The total retail value -- here at Value Vision the retail value is \$88.48.

...

HOST: You have an alternative and your alternative is Isomers. Your alternative is Manuella and Darius because they're scientists. So, we're getting this directly from them. There are no middlemen. There are no big huge department stores that you have to pay overhead for. That's the beauty of this product.

So, we hope that you can dial through and take advantage of it, and as we like to say, just say no to cellulite. Just say no to cellulite. That's what's so important. This is a lot of fun.

(Exhibit H, pp. 26-28) (Exhibit H is a transcript of a segment from the ValueVision television show that aired on August 11, 2000).

13. Through the means described in Paragraph 12, respondent has represented, expressly or by implication, that NutriFirm Perfect Body Solution substantially reduces or eliminates cellulite.

14. Through the means described in Paragraph 12, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 13, at the time the representations were made.

15. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 13, at the time the representations were made. Therefore, the representation set forth in Paragraph 14 was, and is, false or misleading.

NutriFirm Internal Cleanser

16. Respondent has disseminated or has caused to be disseminated advertisements for NutriFirm Internal Cleanser, including but not necessarily limited to the attached Exhibits I and J. According to the product labels for NutriFirm Internal Cleanser, the first part of the system, "Detox," contains, among other ingredients, psyllium husk powder, alfalfa leaf powder and dandelion root powder; the second part of the system, "Restore," contains, among other ingredients, lactobacillus acidophilus and bifidobacterium longum. Advertisements for NutriFirm Internal Cleanser contain the following statements:

- A. Internal Cleanser feeds the cells and removes pollutants, aiding those who suffer from constipation, colds, flu, headaches, allergies, weight problems, impaired memory, stress, back and muscle ache, breath and body odors and skin problems. . . . The greatest benefits of this detoxification program is [sic] for those who are very busy and are exposed to processed foods, stress and environmental pollutants. It also helps those who suffer from headaches, allergies, fatigue, digestive problems, skin problems, smoke, drink or cravings.

(Exhibit I) (Exhibit I appeared on ValueVision's home page on the Internet, <http://www.vvtv.com>).

- B. MANUELLA: If you suffer from a lot of headaches, a lot of times you'll notice that they will -- they will pass. If you have a lot of allergies, you'll notice that they'll subside. So, you'll see a lot of changes in your body once you detoxify.

(Exhibit J, p. 5) (Exhibit J is a transcript of a segment from the ValueVision television show that aired on August 11, 2000).

- C. **ON SCREEN:**

NutriFirm Detox and Restore Capsules - 2 bottle set

C-17395

An Internal Cleansing Program may help those who suffer from:

...

Colds

Flu

Headaches

Allergies

...

Impaired memory

HOST: Okay. Colds, flu -- well, you know, if you've got a lot of bacteria hanging around in your body, of course -- I mean, really. If you've got a lot of stuff that isn't supposed to be there, bacteria, it's going to wreak havoc. It's going to be in a big play ground. Oh, let's have a good time.

MANUELLA: Um-hum.

HOST: We're just going to do whatever we want to right now.

MANUELLA: Um-hum.

HOST: So, it is very important that we get rid of it.

(Exhibit J, p. 7) (Exhibit J is a transcript of a segment from the ValueVision television show that aired on August 11, 2000).

- D. MANUELLA: -- two in the morning, and you're done. This is going to pass through your system. It's going to clean it up. It's going to wake in the system. You're going to find that the headaches subside. You feel better. You look better. You have energy because the body --you're taking rid of all of that sediment --

HOST: Um-hum.

MANUELLA: -- that's been hanging around. Think about this. You wash your dishes every day after each meal, right? If you didn't wash your dishes, what would happen after a week? If you kept eating off the same dish -- we do the same thing with our body.

(Exhibit J, p. 13) (Exhibit J is a transcript of a segment from the ValueVision television show that aired on August 11, 2000).

17. Through the means described in Paragraph 16, respondent has represented, expressly or by implication, that:

- A. NutriFirm Internal Cleanser alleviates backaches, muscle aches, and headaches.
- B. NutriFirm Internal Cleanser alleviates colds, influenza and allergies.
- C. NutriFirm Internal Cleanser improves impaired memory.

18. Through the means described in Paragraph 16, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 17, at the time the representations were made.

19. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 17, at the time the representations were made. Therefore, the representation set forth in Paragraph 18 was, and is, false or misleading.

NutriFirm Vitamin H Serum

20. Respondent has disseminated or has caused to be disseminated advertisements for NutriFirm Vitamin H Serum, including but not necessarily limited to the attached Exhibit K. According to the product label, NutriFirm Vitamin H Serum contains biotin and soy isoflavones. Advertisements for NutriFirm Vitamin H Serum contain the following statements:

A. MANUELLA: But this serum does many things. When you put it up or on it, apply it to the scalp, the works on strengthening the hair, on the - strengthening the shaft, on cleaning up the follicle, improving the circulation, and feeding your scalp the Vitamin H.

HOST: So if you're losing hair, balding -

MANUELLA: If you know when you -

HOST: - gray -

MANUELLA: Exactly. Exactly. When you shampoo your hair and you see all that hair fall out in the bathtub, you know, in the shower, and you -

HOST: Yes.

MANUELLA: - say, "Look at that," or it's in your brush, you will notice a remarkable difference when you start -

HOST: Oh, my gosh.

MANUELLA: -- using this product.

...

HOST: Women of all ages, and men, too.

MANUELLA: Especially women after pregnancy, when they give birth, they usually tend to lose their hair in clumps, that didn't happen to me because I'm using the serum. I got to keep my hair longer -

HOST: You're lucky.

MANUELLA: Which is what we want to do. We want to slow down the fall-out. And this is what Vitamin H serum is designed to do. It helps us with the scalp. It moisturizes. It nourishes. It softens. It strengthens the hair.

(Exhibit K, pp. 1-2) (Exhibit K is a transcript of a segment from the ValueVision television show that aired on February 29, 2000).

- B. MANUELLA: That's the thing. What happens is your hair starts to fall out. Remember your hair grows in three stages; okay? So when you were - when your hair is coming out of your head you - you want it so that the growth stage and the fall-out stage actually match each other so that it's not falling out faster than it's growing.

HOST: Very -

MANUELLA: With most people what happens is your fall-out happens faster than your growth, so you end up with splitting hair. You end up with bald patches. With this Vitamin H serum we have put amino acids and strengtheners in there that help allow the scalp to retain the hair. It actually helps keep it right in there.

So that what I noticed after pregnancy was that I was not like my girlfriends, who were losing clumps and clumps of hair. I wasn't losing. I was taking my shower and I'm looking down and there was nothing on the bathroom floor. There was nothing on the bathroom floor-

HOST: You're kidding me. Nothing?

MANUELLA: - nothing on the shower curtain.

(Exhibit K, pp. 8-9) (Exhibit K is a transcript of a segment from the ValueVision television show that aired on February 29, 2000).

- C. MANUELLA: - what we're doing with this product. We are reducing the rate that it falls out at, so - which is very important, so that you get to retain the hair.

HOST: Uh-huh.

MANUELLA: The hair stays fuller and it's thicker.

(Exhibit K, p. 11) (Exhibit K is a transcript of a segment from the ValueVision television show that aired on February 29, 2000).

21. Through the means described in Paragraph 20, respondent has represented, expressly or by implication, that NutriFirm Vitamin H Serum prevents or reduces hair-loss, including hair-loss in women after pregnancy.

22. Through the means described in Paragraph 20, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 21, at the time the representations were made.

23. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 21, at the time the representations were made. Therefore, the representation set forth in Paragraph 22 was, and is, false or misleading.

24. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this twenty-second day of August, 2001, has issued this complaint against respondent.

By the Commission, Chairman Muris not participating.

Donald S. Clark
Secretary

SEAL: