

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. ~~04-WM-~~ 0775 (CBS)

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

HERITAGE HEALTH PRODUCTS COMPANY,
a Colorado corporation,

Defendant.

STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION

Plaintiff, the Federal Trade Commission ("FTC" or "Commission") having filed a complaint for a permanent injunction and other relief against Heritage Health Products Company pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), alleging violations of Section 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the marketing and sale of the dietary supplements Heritage Shark Cartilage (known in Spanish as *cartilago de tiburón*) and Heritage Cat's Claw (known in Spanish as *Uña de Gato*); the parties having been represented by the attorneys whose names appear hereafter; and the parties having agreed to settlement of this action upon the following terms and conditions, without adjudication of any issue of fact or law and without defendant admitting liability for any of the matters alleged in the Complaint;

NOW, THEREFORE, the Commission and defendant having requested this Court to

enter this Order, IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

FINDINGS

1. This Court has jurisdiction of the subject matter of this case and jurisdiction over all parties. Venue in the District of Colorado is proper.

2. The Complaint states a claim upon which relief may be granted against the defendant, and the Commission has authority to seek the relief which is stipulated to in this Order.

3. The activities of defendant as alleged in the Commission's Complaint were or are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

4. Defendant waives all rights to seek judicial review of, or otherwise challenge or contest the validity of the Order. Defendant also waives any claim that it may have held under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of this Order.

5. Each party shall bear its own costs and attorneys' fees.

6. Entry of this Order is in the public interest.

7. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are binding upon defendant, and its officers, agents, servants, employees and attorneys, and all other persons or entities in active concert or participation with it, who receive actual notice of this Order by personal service or otherwise.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. Unless otherwise specified, “defendant” shall mean Heritage Health Products Company, a corporation, its successors and assigns, officers, agents, representatives, and employees.
2. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
4. “Product label” shall mean any label or other written, printed, or graphic matter upon any product or accompanying any product, including package labels, bottle labels, and package inserts.
5. “Purchaser for resale” shall mean any purchaser of any of defendant’s shark cartilage (known in Spanish as *cartilago de tiburón*) or Cat’s Claw (known in Spanish as *Uña de Gato*) product who orders: (a) five (5) or more units of any such product(s) at any one time; or (b) twenty (20) or more units of any such product(s) in any three (3) month period.
6. “Food,” “drug,” and “device” shall mean as “food,” “drug,” and “device” are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.
7. “Covered product or service” shall mean any service, program, dietary supplement, food, drug, cosmetic or device.
8. “Shark cartilage” shall mean Heritage Shark Cartilage/*cartilago de tiburón* or any

other covered product or service for which the term “shark cartilage” or “*cartilago de tiburón*” appears on the covered product or service label or in any advertising or promotion, and any covered product or service containing shark cartilage.

9. “Cat’s Claw” shall mean Heritage Cat’s Claw/*Uña de Gato* or any other covered product or service for which the term “Cat’s Claw” or “*Uña de Gato*” appears on the covered product or service label or any advertising or promotion, and any covered product or service containing Cat’s Claw.

10. A requirement that defendant “notify the Commission,” “file with the Commission,” or “deliver to the Commission” shall mean that the defendant shall send the necessary information via first-class mail, costs prepaid, to: Regional Director, Federal Trade Commission, Northeast Region, One Bowling Green, Suite 318, New York, NY 10004. Re: FTC v. Heritage Health Products Company, Civil Action No. _____ (D.C. Colo.).

11. “Person” shall mean a natural person, organization, or other legal entity, including a partnership, corporation, proprietorship, association, cooperative, or any other group acting together as an entity.

12. The terms “and” and “or” in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable sentence or phrase inclusive rather than exclusive.

13. The term “including” shall mean “including without limitation.”

CONDUCT PROHIBITIONS

I.

IT IS ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, and its officers, agents, servants, employees, and all persons and entities in active concert or participation with it who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any shark cartilage product, or any other covered product or service, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, that use of such product is, or may be, effective in the treatment of: lupus; herpes; ulcers; wound healing; phlebitis; hemorrhoids; fistulas; pruritis; varicose veins; acne; enteritis; colitis; eczema; psoriasis; rheumatoid arthritis; cancer; bacterial, fungal, or viral infections; chronic inflammatory conditions; secondary diabetic vascular, ocular, or other complications; hyperplastic cystic disorders; or tumor growth and metastasis; unless, at the time the representation is made, defendant possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

II.

IT IS FURTHER ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, and its officers, agents, servants, employees, and all persons and entities in active concert or participation with it who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Cat's Claw product, or any

other covered product or service, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, that use of such product is, or may be, effective in the treatment of: herpes; Crohn's Disease; diverticulitis; escape syndrome of the intestine; hemorrhoids; colitis; fistulas; gastritis; ulcers; parasites; disequilibrium of the intestinal flora; viral infections; dermatological disorders; pre-menstrual syndrome; AIDS or infections in patients with AIDS; osteo- or rheumatoid arthritis; allergic or immunological disorders; cancer; systemic candidiasis; bursitis; or for the secondary effects of radiation and chemotherapy associated with the treatment of cancer; unless, at the time the representation is made, defendant possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

III.

IT IS FURTHER ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, and its officers, agents, servants, employees, and all persons and entities in active concert or participation with it who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Cat's Claw product, or any other covered product or service, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, that use of such product reduces the visible size of any skin growths, tumors, or cysts; unless, at the time the representation is made, defendant possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

IV.

IT IS FURTHER ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, and its officers, agents, servants, employees, and all persons and entities in active concert or participation with it who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any shark cartilage product, Cat's Claw product, or any other covered product or service, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

V.

IT IS FURTHER ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, and its officers, agents, servants, employees, and all persons and entities in active concert or participation with it who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any shark cartilage product, Cat's Claw product, or any other covered product or service, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

- A. That such covered product or service is effective in the mitigation, treatment, prevention, or cure of any disease or illness; or
- B. About the health benefits, performance, safety, or efficacy of any such covered product or service;

unless, at the time the representation is made, defendant possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

DISCLOSURE OF INFORMATION

VI.

IT IS FURTHER ORDERED that defendant shall, within thirty (30) days after entry of this Order, send by first class mail, with postage prepaid, an exact copy of the notice attached hereto as Attachment A, showing the date of mailing, to each purchaser for resale who purchased defendant's shark cartilage and/or Cat's Claw products between January 1, 2001 and the date of entry of this Order. This mailing shall not include any other document or information.

FOOD AND DRUG REGULATIONS

VII.

Nothing in this Order shall prohibit defendant from making any representation for any drug that is permitted in labeling for such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any drug application approved by the Food and Drug Administration. Nor shall it prohibit defendant from making any representation for any product that is specifically permitted in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

SUSPENDED JUDGMENT

VIII.

IT IS FURTHER ORDERED that judgment is entered against defendant in the amount

of two hundred and nineteen thousand dollars (\$219,000), *provided, however*, that this judgment shall be suspended subject to the conditions set forth in Paragraph IX of this Order.

RIGHT TO REOPEN

IX.

IT IS FURTHER ORDERED that the Commission's agreement to this Order is expressly premised upon the truthfulness, accuracy, and completeness of defendant's financial condition as represented in the Financial Statements and information provided to the Commission, including the financial statements and records provided to the Commission on September 29, 2003, which contain material information and documents upon which the Commission relied in negotiating and agreeing to the terms of this Order.

A. If, upon motion by the Commission, this Court finds that defendant's financial statements failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from any financial statement, the Court shall enter judgment against defendant and in favor of the Commission in the amount of two hundred and nineteen thousand dollars (\$219,000), which will become immediately due and payable less any amounts previously paid. For purposes of this Paragraph and any subsequent proceedings to enforce payment, including but not limited to a non-dischargeability complaint filed in a bankruptcy case, defendant waives any right to contest any of the allegations in the Commission's complaint.

B. All funds paid pursuant to this Paragraph shall be deposited into a fund administered by the Commission or its agent, to be used for equitable relief, including

consumer redress and any attendant expenses for the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the defendant's practices alleged in the complaint. Any funds not used for such equitable relief shall be deposited to the Treasury as disgorgement.

Defendant shall have no right to challenge the Commission's choice of remedies under this Paragraph. No portion of this Judgment for equitable monetary relief shall be deemed a fine, penalty or punitive assessment, or forfeiture. The Commission shall have full and sole discretion to:

1. Determine the criteria for participation by individual claimants in any consumer redress program implemented pursuant to this Order;
2. Determine the manner and timing of any notices to be given to consumers regarding the existence and terms of such programs; and
3. Delegate any and all tasks connected with such redress program to any individuals, partnerships, or corporations; and pay reasonable fees, salaries, and expenses incurred thereby from the payments made pursuant to this Order;

C. Defendant expressly waives its rights to litigate the issue of disgorgement.

Defendant acknowledges and agrees that all money paid pursuant to this Order is irrevocably paid to the Commission for purposes of settlement between plaintiff and

defendant;

D. Defendant shall also furnish to the Commission, in accordance with 31 U.S.C. § 7701, its taxpayer identification number(s), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of defendant's relationship with the government.

MONITORING OF ADVERTISING AND MARKETING

X.

IT IS FURTHER ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, shall in accordance with applicable laws:

A. Take reasonable steps sufficient to monitor and ensure that all employees and agents engaged in sales, Order verification, or other customer service functions comply with Paragraphs I through V of this Order. Such steps shall include adequate monitoring of all advertisements, promotions, sales presentations, and other oral and written communications with customers regarding such products. Defendant, at a minimum, shall:

1. Conduct periodic monitoring of representations concerning shark cartilage and Cat's Claw products, and any other covered product or service, made by persons engaged in sales or other customer service functions, including representations made orally or through electronic communications on behalf of defendant;
2. Conduct periodic monitoring of representations made about shark cartilage

and Cat's Claw products, and any other covered product or service, on all Internet websites operated and maintained by defendant or its agents; and

3. Establish a procedure for receiving, maintaining, and responding to consumer complaints.

B. Terminate any employee or agent who knowingly engages in any conduct prohibited by Paragraphs I through V of this Order once defendant knows or should know that such person is or has been engaging in such conduct.

XI.

IT IS FURTHER ORDERED that defendant, directly or through any corporation, subsidiary, division, trade name, or other device, shall:

A. For a period of three (3) years following the entry of this Order, send a copy of the notice attached hereto as Attachment A by first class certified mail, return receipt requested, to each purchaser for resale of any shark cartilage or Cat's Claw product, *provided, however*, that the requirements of this Paragraph XI shall not apply to any purchasers for resale who received a copy of the notice attached hereto as Attachment A pursuant to the requirements of Paragraph VI of this Order.

B. Institute a reasonable program of surveillance adequate to reveal whether any of Defendant's purchasers for resale are disseminating advertisements or promotional materials that contain any representation about any shark cartilage or Cat's Claw product or any other covered product or service manufactured by or purchased from defendant, that is prohibited by Paragraphs I through V of this Order.

C. Terminate all sales of shark cartilage or Cat's Claw products and any other covered product or service, to any purchaser for resale who is disseminating advertisements or promotional materials that contain any representation about any shark cartilage or Cat's Claw product or any other covered product or service manufactured by or purchased from defendant, that is prohibited by Paragraphs I through V of this Order once defendant knows or should know that the purchaser for resale is or has been engaging in such conduct.

COMPLIANCE MONITORING

XII.

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order:

A. Within fifteen (15) days of receipt of written notice from a representative of the Commission, defendant, its successors and assigns, shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in defendant's possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to monitor compliance with this Order by all other lawful means, including the following:

1. obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
2. posing as consumers and suppliers to defendant, and its successors and

assigns, or any other entity managed or controlled in whole or in part by defendant Heritage Health Products Company, and its successors and assigns, without the necessity of identification or prior notice;

Provided, that, nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

C. Defendant, and its successors and assigns, shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

COMPLIANCE REPORTING

XIII.

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

A. For a period of three (3) years from the date of entry of this Order, defendant, and its successors and assigns, shall notify the Commission of any changes in corporate structure that may affect compliance obligations arising under this Order, including a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate

that engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided that*, with respect to any proposed change in the corporation about which the defendant learns less than thirty (30) days prior to the date such action is to take place, defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. One hundred eighty (180) days after the date of entry of this Order, and at such other times as the Federal Trade Commission may require, defendant, and its successors and assigns, shall provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner and form in which it has complied and is complying with this Order. This report shall include, but not be limited to:

1. Any changes required to be reported pursuant to Subparagraph (A) above;
2. A copy of each acknowledgment of receipt of this Order obtained by defendant pursuant to Paragraph XV;

C. For the purposes of this Order, defendant shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Regional Director
Federal Trade Commission, Northeast Region
1 Bowling Green, Suite 318, New York, NY 10004
Re: FTC v. Heritage Health Products Company,
Civil Action No. _____ (D.C. Colo).

D. For purposes of the compliance reporting required by this Paragraph, the

Commission is authorized to communicate directly with defendant, and its successors and assigns.

RECORDS RETENTION

XIV.

IT IS FURTHER ORDERED that, for a period of six (6) years from the date of entry of this Order, defendant and its agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with it who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

- A. All advertisements and promotional materials containing representation(s) relating to a covered product or service;
- B. All materials that were relied upon in disseminating representation(s) relating to a covered product or service;
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in defendant's possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations;
- D. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- E. Personnel records accurately reflecting: the name, address, and telephone number

of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;

F. Customer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;

G. Complaints and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or requests; and

H. Copies of all sales scripts, training materials, advertisements, or other marketing materials.

DISTRIBUTION OF ORDER

XV.

IT IS FURTHER ORDERED that, for a period of three (3) years from the date of entry of this Order, defendant shall deliver a copy of this Order to all principals, officers, directors, managers, employees, agents, and representatives having responsibilities with respect to the subject matter of this Order, and shall secure from each such person a signed and dated statement acknowledging receipt of the Order. Defendant shall deliver this Order to current personnel within thirty (30) days after the date of service of this Order, and to new personnel within thirty (30) days after the person assumes such position or responsibilities.

ACKNOWLEDGMENT OF RECEIPT OF ORDER

XVI.

IT IS FURTHER ORDERED that defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

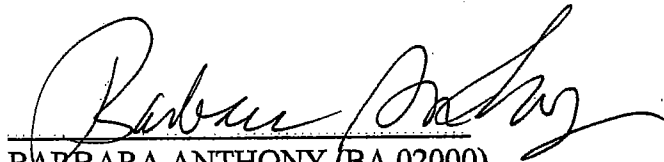
RETENTION OF JURISDICTION

XVII.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this order.

SO STIPULATED:

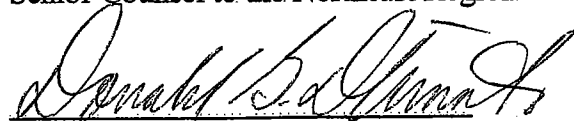
PLAINTIFF



BARBARA ANTHONY (BA 02000)
Regional Director, Federal Trade Commission, Northeast Region

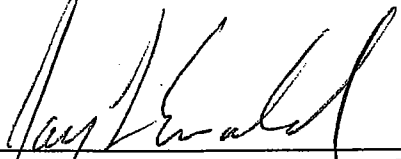


MICHAEL J. BLOOM (MB 7732)
Senior Counsel to the Northeast Region

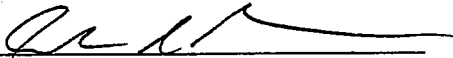


DONALD G. D'AMATO (DD 3008)
Assistant Regional Director
Federal Trade Commission, Northeast Region
One Bowling Green, Suite 318, New York, NY 10004
(212) 607-2801 or -2802 (voice)
(212) 607-2822 (fax)

DEFENDANT



HERITAGE HEALTH PRODUCTS COMPANY
By: Jay L. Ewald, as President and CEO
of the corporation.



ANDREW R. SHOEMAKER, Esq. #26710
Hogan & Hartson, L.L.P.
1470 Walnut Street, Suite 200
Boulder, CO 80302
(720) 406-5300 (voice)
(720) 406-5301 (facsimile)
Attorney for Defendant

IT IS SO ORDERED, this _____ day of _____, 2004.

UNITED STATES DISTRICT JUDGE

APPENDIX A

GOVERNMENT-ORDERED DISCLOSURE

[same in Spanish plus direction to see reverse side for Spanish language instructions]

[Insert Date]

Dear Heritage Customer,

This letter is to inform you that Heritage Health Products Company recently settled a dispute with the Federal Trade Commission (“FTC”) regarding our advertising for shark cartilage (also known as *cartilago de tiburón*) and Cat’s Claw (also known as *Uña de Gato*) products. Heritage has sold these products to resellers. Among other things, the settlement requires us to instruct resellers to stop using advertising or promotional materials that make any of the representations prohibited by the settlement. We will terminate all sales to resellers that make any of those prohibited representations.

The FTC complaint alleges that Heritage engaged in deceptive advertising of its shark cartilage and Cat’s Claw products, and the FTC order imposes various requirements on Heritage in connection with its past and future advertising of these and other products.

- ***Shark Cartilage.***

The FTC complaint alleges, among other things, that our advertising materials claimed, expressly or by implication, that ingestion of Heritage Shark cartilage is an effective treatment for: 1. lupus, herpes, ulcers, wound healing, phlebitis, hemorrhoids, fistulas, pruitis, varicose veins, acne, enteritis, colitis, eczema, psoriasis, rheumatoid arthritis, and cancer; 2. bacterial, fungal, and viral infections; and 3. chronic inflammatory conditions, secondary diabetic vascular, ocular, and other complications, hyperplastic cystic disorders, and tumor growth and metastasis. The complaint alleges that the information on which we relied in making these claims was not competent and reliable scientific evidence, as required by law.

The FTC order prohibits us from making any claims similar to the challenged claims unless we have competent and reliable scientific evidence to support them.

- ***Cat’s Claw.***

The FTC complaint similarly alleges, among other things, that our advertising materials claimed, expressly or by implication, that Cat’s Claw: 1. is an effective treatment for Crohn’s Disease, diverticulitis, escape syndrome of the intestine, hemorrhoids, colitis, fistulas, gastritis, ulcers, parasites, disequilibrium of the intestinal flora, viral infections, dermatological disorders, pre-menstrual syndrome, AIDS and infections in patients with

AIDS, osteo- and rheumatoid arthritis, allergic and immunological disorders, cancer, and systemic candidiasis; 2. is or is likely to be an effective treatment for bursitis and for the secondary effects of radiation and chemotherapy associated with the treatment of cancer; and 3. reduces the visible size of some skin growths, tumors or cysts in two weeks. The complaint alleges that the information on which we relied in making these claims was not competent and reliable scientific evidence, as required by law.

The FTC order prohibits us from making claims similar to any of the challenged claims unless we have competent and reliable scientific evidence to support them.

All Foods, Drugs, Dietary Supplements, Devices, Programs, or Services.

In addition, the FTC order provides that we must not claim that any food, drug, dietary supplement, device, program, or service is effective in the mitigation, treatment, prevention, or cure of any disease or illness or make any claim about the health benefits, performance, safety, or efficacy of any such product or service unless we have competent and reliable scientific evidence to support them.

The FTC order also requires us to monitor resellers' advertisements and promotional materials and terminate all sales to resellers making prohibited claims, whether expressly or by implication, for our products.

Resellers should visit Heritage's website (www.heritagehealthproducts.com) for the most up-to-date promotional materials regarding shark cartilage and Cat's Claw.

If you have any questions, please contact [insert name and telephone number of a Heritage Attorney or Officer].....

Sincerely,

Jay L. Ewald, President & CEO
Heritage Health Products Company

copy: Regional Director
Federal Trade Commission
Northeast Region
One Bowling Green, Suite 318
New York, NY 10004