

## DIETARY SUPPLEMENT ADVERTISING CASES

1984 - July 15, 2003

Wellquest International, Inc., Eddie Mishan, Tony Hoffman Productions, Inc., Anthony Hoffman, and Mark J. Buchfuhrer, Defendants and Jeffrey Mishan, Steven Mishan, Al Mishan, Isaac Mishan, and Morris Mishan, Relief Defendants; Civ. Action No. CV 03-5002 PA(RNBx) (C.D. Cal.) (filed 7/15/03) Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief As To Wellquest, Mishan, THPI, and the Relief Defendants. Complaint alleged false and unsubstantiated claims for “Bloussant,” sold for breast enhancement; “EnerX,” sold for men’s virility, and “D-Snore,” sold to relieve snoring. Also alleged are misrepresentations and failure to disclose material terms in connection with third-party buying club memberships “upsold” to consumers who agreed to purchase Wellquest’s products. Settlement requires payment of \$3.2 Million in consumer redress.

Michael S. Levey; Gary Ballen; Bentley Myers International Co.; Publisher’s Data Services, Inc.; and Nutritional Life, Inc.; Civ. Action No. CV-03-4670 GAF (AJWx) (C.D. Cal.) (Filed 6/30/03) Complaint for Civil Penalties, Injunctive and Other Relief. Alleged false or unsubstantiated efficacy and safety claims for weight loss products containing ephedra, “Zymax” and “MillinexES,” or St. John’s wort, “Serotril,” and unsubstantiated arthritis cure and other claims for a dietary supplement product containing glucosamine and chondroitin, “CartazynDS.” Alleged violation by Michael S. Levey of 1993 FTC order in C-3459.

Health Laboratories of North America, et al., Civ. Action No. 03 1457, (D.D.C.) (Filed 07/01/03) Complaint and Stipulated Final Judgment and Order for a Permanent Injunction and Monetary Relief. Alleged false and unsubstantiated weight loss claims for “Berry Trim Plus” dietary supplement products containing Hydroxycitric Acid or “HCA” and ephedrine alkaloids from Ma Huang and unsubstantiated safety claims for “Berry Trim Plus.” Order requires payment of \$195,000 in consumer redress.

USA Pharmacal Sales, Inc., et al., Civ. Action No. 8:03-CV-1366-T-23EAJ. (M.D. Fla.) (Filed 07/01/03) Complaint and Stipulated Final Judgment and Order for a Permanent Injunction and Monetary Relief Alleged false and unsubstantiated efficacy and safety claims for weight loss products, “Fat Sponge in a Pill” and “Calotrol/MD”, one, “Meta-Biological” containing ephedra, and for a product for erectile dysfunction, “Virile V” containing androgen and yohimbe. Order required payment of \$175,000 in consumer redress.

Seasilver USA, Inc.; Americaloce, Inc.; Bela Berkes; Jason Berkes; Brett Rademacher, individually and dba Netmark International and Netmark Pro; and David R. Friedman, Civ. Action No. CV-S-03-0676-RLH-LRL, Complaint for Injunctive and Other Equitable Relief (filed June 12, 2003) (D. Nev.) Alleged false and unsubstantiated disease

treatment and cure claims and weight loss claims for “Seasilver” liquid supplement. Inventories of Seasilver seized by the Food and Drug Administration.

Unither Pharma, Inc., and United Therapeutics Corp., File No. 022 3036, (June 12, 2003) (Consent Agreement subject to final approval of the Commission following public comment period) Alleged deceptive claims that “HeartBar,” a food bar containing the amino acid L-Arginine, is effective against cardiovascular diseases.

Kevin Trudeau; Robert Barefoot, Shop America (USA), LLC, and Deonna Enterprises, Inc. Civ. Action No. 03 C 904 (June 9, 2003) (N.D. Ill.) (Complaint for Permanent Injunction and Other Equitable Relief) Alleged false and unsubstantiated claims that Coral Calcium Supreme can treat or cure cancer and other diseases, such as multiple sclerosis and heart disease, and is superior to other calcium supplements.

Kevin Trudeau, Civ. Action No. 98 C 0168 (June 9, 2003) (N.D. Ill.) (Contempt Action for Monetary Relief and Other Injunctive Relief) Alleged violation of 1998 FTC order (X980014) prohibiting unsubstantiated claims about the benefits, performance, or efficacy of any product. Order violations alleged involve claims for Coral Calcium Supreme and Biotape.

A. Glenn Braswell; JOL Management Co.; G.B. Data Systems, Inc., Gero Vita International, Inc., Theraceuticals, Inc.; and Ron Tepper; Civ. Action No. CV 03-3700 DT (PJWx) (C.D. Cal.) (filed May 27, 2003)(Complaint for Permanent Injunction and Other Equitable Relief) Alleged false and unsubstantiated advertising claims for numerous dietary supplements marketed under the Gero Vita and Theraceuticals brand names.

ValueVision International, Inc., Civ. Action No. 03-2890 District of Minnesota (entered April 17, 2003)(Consent Decree and \$215,000 Civil Penalty) (Agreement settles charges that company violated a previous 2001 FTC order [C-4022] by making unsubstantiated health claims for Physician’s RX, a dietary supplement containing a variety of vitamins, minerals, and antioxidants. In addition to paying the civil penalty, ValueVision will be enjoined from violating the FTC order.)

Snore Formula, Inc., et al., File No. 022 3247 (April 15, 2003) (Consent agreement pending final approval following public comment period) Alleged unsubstantiated claims that “Dr. Harris’ Original Snore Formula” herbal supplement tablets were effective in preventing sleep apnea in adults and children and significantly reduced snoring. Alleged failure to disclose material information, specifically, the importance of seeing a physician for people with symptoms of sleep apnea because the condition may be fatal.

Rexall Sundown, Inc., Civ. Action No. 00-7016-CIV-Martinez, (S.D. Fla.) Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief (March 31, 2003) Alleged false and unsubstantiated claims that its dietary supplement, Cellasene™, would reduce or eliminate cellulite.

Slim Down Solution, LLC, et al., and Maderia Management, Inc., et al., Civ. Action No. 03-80051-CIV-PAINE (S.D. Fla.), Complaint for Permanent Injunction and Other Equitable Relief and Stipulated Order for Preliminary Injunction (01/21/03) Alleged false and unsubstantiated claims for a purported weight-loss product containing D-glucosamine.

Dr. Clark Research Association, et al., d/b/a Dr. Clark Zentrum, Civ. Action No. 1:03CV0054, (N.D. Ohio) Complaint for Permanent Injunction and Other Equitable Relief (filed 01/08/03) Alleged unsubstantiated AIDS, terminal cancer, and other disease cure claims for dietary supplements and devices.

J. Michael Ernest, Ph.D., Civil Action No. 03-437RSWL(SHSx), U.S. District Court, Central District of California, Western Division (Complaint for Permanent Injunction and Other Equitable Relief and Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief)(Entered January 17, 2003) Respondent is the developer of "The Isis System" breast enhancement dietary supplement and topical cream marketed by Vital Dynamics, Inc., (see below) Complaint alleges unsubstantiated safety and efficacy claims in Ernest's endorsements of The Isis System in advertisements.

Vital Dynamics, Inc., d/b/a ISIS, et al., Civ. Action No. 029816fmc(rnbx), U.S. District Court Central District of California, Western Division. (Complaint for Permanent Injunction and Other Equitable Relief, and Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief filed December 26, 2002) Alleged unsubstantiated safety and efficacy claims for "The Isis System" breast enhancement dietary supplement and topical cream and alleged false claims of no reported side effects and that full refunds could easily be obtained by dissatisfied customers. Individual respondents required by the settlement to pay a total of \$50,000 in redress.

Mark Nutritionals, Inc., Harry Siskind, and Edward G. D'Alessandro, Jr., Civ. Action No. SA02CA1151EP, U.S. District Court, Western District of Texas, San Antonio Division, (Complaint for Permanent Injunction and Other Equitable Relief and Stipulated Order for Preliminary Injunction Between Mark Nutritionals, Inc., and FTC filed December 5, 2002)(Stipulated Order for Preliminary Injunction with asset freezes entered against individual respondents on December 23, 2002) Alleged false and unsubstantiated claims for "Body Solutions Evening Weight Loss Formula" in English and Spanish radio ads and website.

Dr. Robert M. Currier, File No. C-4067 (December 13, 2002) Consent Order. Alleged false or unsubstantiated claims in infomercials for a purported anti-snoring product, SNORenz.(See also FTC actions against Med Gen, Inc., and Tru-Vantage International, LLC)

David L. Walker, dba DLW Consulting, Inc., File No. X020041, Civ. Action No. C02-5169 RJB, (filed October 28, 2002) U.S. District Court for the Western District of Washington at Seattle, Stipulated Final Judgment and Order, (Complaint alleging unsubstantiated claims

on web site and in seminars regarding the efficacy of Walker's purported cancer cure, the "CWAT - Treatment: BioResonance Therapy and Molecular Enhancer." was filed in March, 2002.)

No. 9068-8425 Quebec, Inc. a/b/a Bio Lab, Cellu-Fight, and Quick Slim, and Jean-Francois Brochu, Civ. Action No. 1:02:CV-1128, U.S. District Court, Northern District of NY (September 3, 2002)(Complaint for Permanent Injunction and Other Equitable Relief) Alleged false weight-loss and cellulite-treatment claims by Canadian company marketing dietary supplements to U.S. consumers using mainstream U.S. media.

Enforma Natural Products, Inc. and Twenty-Four Seven(24/7) et al., Civ. Action No. CV-00-04376-JSL (CWx)Civil Contempt action seeking Temporary Restraining Order and Preliminary Injunction and redress or disgorgement (Filed 07/23/02)(U.S. District Court for the Central District of California)Defendants allegedly violated a May 2000 order prohibiting unsubstantiated claims for weight loss products. The products involved in this action are Chitozyme and Acceleron, advertised in infomercials and on the Internet

Interstate Bakeries Corp., File No. 012 3182 (March 6, 2002) Consent Agreement subject to final FTC approval following public comment period. Alleged unsubstantiated claims that its Wonder Bread containing added calcium could improve children's brain function and memory.

Campbell Mithun LLC (Advertising agency for Interstate Bakeries Corp.[IBC]), File No. 012 3182 (March 6, 2002) Consent Agreement subject to final FTC approval following public comment period. Alleged unsubstantiated claims in advertisements developed for IBC that Wonder Bread containing added calcium could improve children's brain function and memory.

Kris A. Pletschke, d/b/a Raw Health, File No. C-4040, (February 22, 2002) Consent Order. (Alleged unsubstantiated claims on "rawhealth.net" web site that its colloidal silver product could treat or cure 650 different diseases, eliminate all pathogens in the body , and was medically proven to kill every destructive bacterial, viral, or fungal organism in the body, including anthrax, Ebola, and flesh-eating bacteria. Consumer refunds must be offered under terms of the order.)

TechnoBrands, Inc., et al., File No. 992 3034 (February 19,2002) Consent Agreement subject to final FTC approval following public comment period. Alleged false and unsubstantiated claims concerning weight-loss products, pain-relief magnets, air cleaners, and hair-growth stimulants. (\$200,000 in consumer redress required by the Consent Agreement) In a separate action, filed in federal district court, TechnoBrands agreed to pay more than \$200,000 in consumer redress for its role in the deceptive telemarketing of a buyer's club service after completing the sale of its own products. (Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief, Civ. Action No.: 3:02-CV-86, Eastern District of Virginia, Richmond)

Natural Organics, Inc., et al. D. 9294 (September 6, 2001)(Consent Order)(Alleged unsubstantiated claims that company's dietary supplement, "Pedi-Active A.D.D.," treats or mitigates Attention Deficit Hyperactivity Disorder and improves attention span and scholastic performance of children who have difficulty focusing on their schoolwork.)

ValueVision International, Inc., File No. C-4022 (August 22, 2001)(Consent Order)(Complaint alleges that the company, a "home shopping" network, made unsubstantiated claims for a variety of weight loss, cellulite treatment, and anti-hair loss products on television and over the Internet. Order requires ValueVision to offer credit or refunds to purchasers of the covered products.)

Liverite Products, Inc., et al., Civil Action No.: SA 01-778 AHS (ANx)(August 20, 2001) (Complaint and proposed Stipulated Final Order filed in U.S. District Court for the Central District of California, Southern Division)(Alleged unsubstantiated claims on Internet, radio, and print ads about the ability of "Liverite" dietary supplement products to treat or prevent a wide range of liver diseases or disorders, including cirrhosis and hepatitis. (\$60,000 in redress required)

Panda Herbal International, Inc., et al, File No. C-4018(Consent Order)(July 30, 2001)(Alleged unsubstantiated efficacy claims for "Herbal Outlook," a dietary supplement containing St. John's Wort, and for "HerbVeil 8," a topical ointment; alleged false claim that Herbal Outlook has no known contraindications or drug interactions. Order requires Panda to pay full refunds upon request to consumers who purchased HerbalVeil 8 during a specified time period.)

ForMor, Inc., et al., File No. C-4021 (Consent Order)(July 30, 2001)(Alleged false and unsubstantiated safety and efficacy claims for dietary supplement products containing St. John's Wort, colloidal silver, and shark cartilage. Order requires ForMor to pay refunds upon request to consumers who purchased colloidal silver and "Ultimate II Shark Cartilage Concentrate" during a specified time period.)

MaxCell BioScience, Inc., et al., doing business as Oasis Wellness Network, File No. C-4017 (Consent Order)(July 30, 2001)(Alleged false and unsubstantiated anti-aging claims for "Longevity Signal Formula," a dietary supplement product containing the hormone DHEA, and for an at-home urine test, "Anabolic/Catabolic Index™2," to gauge overall health and youthfulness. Order requires payment of \$150,000 in consumer redress.)

Robert C. and Lisa M. Spencer, doing business as Aaron Company, File No. C-4019 (Consent Order)(July 30, 2001)(Alleged false and unsubstantiated safety and efficacy claims for dietary supplement products, Colloidal Silver, and Chitosan with Vitamin C; and unsubstantiated claims that "Ultimate Energizer," a product containing ephedra (ma huang), is safe and has no side effects. Order requires warning labels on products containing ephedra sold by respondents in the future.)

Michael Forrest, doing business as Jaguar Enterprises of Santa Ana, also known as Jaguar Enterprises, File No. C-4020 (Consent Order)(July 30, 2001)(Alleged unsubstantiated claims that their electronic therapy devices known as, among others, the “Black Box,” Magnetic Pulser,” “Beck-Rife unit,” and “Portable Rife Frequency Generator,” would cure or prevent cancer and other serious diseases; and false and unsubstantiated efficacy and safety claims for “Miracle Herbs,” an herbal product promoted as a treatment for all types of cancer, AIDS, bacterial and viral infections. Order requires respondent to offer refunds to purchasers of the challenged products.)

Western Botanicals, Inc., et al., Civ. Action No. CIV.S-01-1332 DFL GGH, (July 13, 2001)(Complaint and Stipulated Final Order)(Alleged unsubstantiated claims that dietary supplement products containing comfrey were beneficial in the treatment of a variety of serious diseases and health conditions and false claims that the products were safe. A judgment of \$50,800 was suspended, but could be reinstated if the court finds defendants made misrepresentations or omissions on their financial statements)

Christopher Enterprises, Inc., et al., Civ. Action No. 2:01 CV-0505 ST, District of Utah, Central Division(Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief filed November 29, 2001) The order would prohibit the defendants from marketing any comfrey product for ingestion, for use as a suppository, or for external use on open wounds, unless they have evidence that the product is free of pyrrolizidine alkaloids and that it is safe. The defendants would also be required to place a warning disclosure in any ad, promotional material or product label for any comfrey products intended for topical use. The specific claims challenged in the complaint would also be prohibited by the order. (Complaint for Permanent Injunction and Other Equitable Relief and Stipulated Order for Preliminary Injunction filed July 3, 2001)(Alleged false safety claims and unsubstantiated efficacy claims for products containing the herbal ingredient comfrey.)

Streamline International, Inc., et al., Civil Action No. 01-6885-CIV-Ferguson (Complaint filed in U.S. District Court for the Southern District of Florida)(June 20, 2001) (Alleged false and deceptive earnings claims by operators of fraudulent business opportunity pyramid marketing scheme purportedly distributing a line of dietary supplements and health-care products. Complaint also alleges false and misleading claims that the company sells only dietary supplement products containing ingredients that appear on the FDA’s list of ingredients generally recognized as safe. In fact, a number of products contain the herbal ingredient comfrey, which is not on that list and is known to pose a significant risk to humans, including liver damage, when used internally or externally on open wounds.

Western Dietary Products Co., et al. Civ. Action No. CO1-0818R, (U.S. District Court for the Western District of Washington, in Seattle)(Stipulated Final Judgment and Order filed with the court on December 26, 2001)(Complaint filed June 4, 2001, alleged unsubstantiated claims that their products, “Black Walnut Tincture,” “Wormwood

Tincture,” and “Cloves Tincture,” and an electrical unit called the “Zapper,” were effective in the treatment and cure of cancer, Alzheimer’s, diabetes, arthritis, and HIV/AIDS; and that their herbal products would make surgery and chemotherapy unnecessary for persons with cancer.)

Med Gen, Inc., et al, File No. C-4053, (Consent Order)(July 12, 2002)(Alleged unsubstantiated claims that its “Snorenz” throat spray is an effective treatment for snoring as well as sleep apnea.)

Tru-Vantage International, File No. 002 3210, (Consent agreement subject to final Commission approval following public comment period)(March 29, 2001)(Alleged unsubstantiated efficacy claims in infomercials it produced for Med Gen Inc.’s “Snorenz” throat spray.)

Weider Nutrition International, Inc. (File No. C-3983)(Consent Order)(November 15, 2000)(Alleged unsubstantiated efficacy and safety claims in ads for weight loss dietary supplement products called “PhenCal” and “PhenCal 106.” \$400,000 in consumer redress required by the consent order.)

Garvey, Steven Patrick; Garvey Management Group, Inc.; Lark Kendall; Mark Levine; David Richmond; and Modern Interactive Technology, Inc., (Civ. Action No. 00-09358-AHM (AIJx)) (August 31, 2000-Complaint for Permanent Injunction and Other Equitable Relief)(November 15, 2000-Stipulated Final Order and Settlement of Claims for Monetary Relief as to Defendant Lark Kendall a/k/a Kendall Carson). On (08/31/01, court granted summary judgment in favor of Modern Interactive and its principals, dismissing the case against them.) (Summary judgment was denied with respect to the Garvey defendants, however, and the case went to trial. After a trial on the merits, the court ruled in Garvey’s favor. On 01/23/03, FTC filed its notice of appeal)(Civ. No. CV 00-9358-GAF) Complaint alleged deceptive weight-loss claims made by Garvey and Kendall, appearing as co-hosts in infomercials for Enforma Natural Products [see April 25, 2000, complaint and order against Enforma]. Levine, Richmond and Modern Interactive Technology were allegedly instrumental in creating and producing the deceptive Enforma infomercials. Settlement as to Kendall requires that she assign to the FTC for consumer redress, her right to collect money she is owed for her appearance in the first Enforma infomercial.

Lane Labs-USA, et al. (Civ. Action No. CV-00-3174(WGB),U.S. District Court, District of New Jersey)(Stipulated Final Order for Permanent Injunction as to Cartilage Consultants, Inc., and I. William Lane entered July 6, 2000)(Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief as to Lane Labs-USA, Inc., and Andrew J. Lane)(Entered by the court on September 26, 2000)(\$1 Million judgement: \$550,000 for redress or disgorgement; and the remaining \$450,000 to be used to pay for shark cartilage and a placebo in a clinical study of shark cartilage sponsored by the

National Cancer Institute and Lane Labs.)(Alleged unsubstantiated claims about the efficacy of “BeneFin,” a shark cartilage product, and “SkinAnswer,” a skin cream, in the prevention, treatment and cure of cancer. Lane Labs was the manufacturer and distributor of these products.)

Cartilage Consultants, Inc., et al., (Civ. Action No. CV-00-3174(WGB),U.S. District Court, District of New Jersey)(Entered by the court on July 6, 2000)(Stipulated Final Order for Permanent Injunction)(Complaint alleged that working in conjunction with Lane Labs-USA, Cartilage Consultants, Inc., supplied consumers with information on how to use BeneFin and SkinAnswer to treat cancer)

QVC, Inc., File No. C-3955(June 14, 2000)(Consent order)(Unsubstantiated claims on its “home shopping” network that Cold-Eezer or Cold-Eeze brand zinc lozenges can prevent colds and alleviate allergy symptoms.)

Michael D. Miller, d/b/a Natural Heritage Enterprises, File No. C-3941 (May 16, 2000)(Consent Order and \$17,500 in consumer redress)(Alleged unsubstantiated claims on Internet sites that Essiac Tea is effective in curing a number of diseases, such as cancer, diabetes, AIDS/HIV and feline leukemia.)

CMO Distribution Centers of America, File No. C-3942 (May 16, 2000)(Consent order; company must offer refunds to consumers who purchased the product for personal use or that of their families.) (Alleged unsubstantiated claims that CMO™ (cetylmyristoleate) capsules would regulate and normalize the immune system, cure arthritis and reverse the effects of the disease, and be effective in treating other conditions such as asthma and cancer. Complaint also alleged that certain claims about scientific studies were false.)

EHP Products, File No. C-3940 (May 16, 2000)(Consent order; company must offer refunds to consumers who purchased the product for personal use or that of their families.)(Alleged unsubstantiated efficacy claims for its CMO product, Myristin®, including claims that the product provides long term relief from arthritis symptoms and may prevent rheumatoid arthritis and osteoarthritis, and misrepresentations that scientific studies or the issuance of patents prove the effectiveness of Myristin®.)

Efamol Nutraceuticals, Inc., File No. C-3958 (June 22, 2000) (Consent Order)(Alleged unsubstantiated efficacy claims for the products Efalex and Efalex Focus, marketed and sold by the company for the mitigation or cure of the effects of Attention Deficit Disorder(ADD) or Attention Deficit Hyperactivity Disorder(ADHD)

J & R Research, Inc., File No. C-3961(July 19, 2000)(Consent Order)(Alleged unsubstantiated efficacy claims for the product Pycnogenol, marketed and sold by the company for the mitigation or cure of the effects of Attention Deficit Disorder(ADD) or Attention Deficit Hyperactivity Disorder(ADHD)



Rose Creek Health Products, Inc., File No. CS-99-0063-EFS,(May 4, 2000) (Consent decree issued in settlement of Complaint for Permanent Injunction and Other Equitable Relief filed March 1999 in U.S. District Court for the Eastern District of Washington; \$375,000 in consumer redress.)(False and unsubstantiated health claims in advertisements for a nutritional supplement called “Vitamin O”)

Enforma Natural Products, Inc., et al., Civ. Action No.: 04376JSL(CWx), U.S. District Court, Central District of California, (filed April 25, 2000) Complaint and Stipulated Final Order filed with the court; \$10 million in consumer redress ordered.( False and unsubstantiated weight loss claims alleged for “Fat Trapper” and “Exercise in a Bottle” containing the dietary supplements chitosan and pyruvate, respectively)

The Quigley Corp., (File No. C-3926)(February 10, 2000)(Consent order)(Allegedly unsubstantiated claims by Quigley that Cold-Eezer and Cold-Eeze brand zinc lozenges that it manufactures can prevent colds and alleviate allergy symptoms and that Kids-Eeze Bubble-Gum can reduce the severity of cold symptoms in children.)

AST Nutritional Concepts and Research, Inc., et al. (Civ. No. 99-WY-2197, U.S. District Court for the District of Colorado)(May 4, 2000)(Permanent Injunction)(Alleged unsubstantiated safety claims made for purported body-building supplements that contain androstenedione, “androgen,” and other steroid hormones, and in some cases, stimulants.

Met-RX USA, Inc., et al., (Civ. No. SACV99-1407 DOC(ANX), U.S. District Court for the Central District of California)(Nov. 24, 1999)(Stipulated Final Order For Permanent Injunction and Other Equitable Relief)Unsubstantiated safety claims made for purported body-building supplements that contain androstenedione,“androgen,” and other steroid hormones, and in some cases, stimulants.

Arthritis Pain Care Center (APCC), et al., File No. C-3896 (September7, 1999)(Consent order)(unsubstantiated health benefit claims regarding dietary supplements and false claims regarding scientific studies)

Body Systems Technology, Inc. (BST), File No. C-3895 (September7, 1999)(Consent order; company must offer refunds to purchasers)(unsubstantiated health benefit claims for shark cartilage capsules and products containing Cat’s Claw)

SlimAmerica, Inc., FTC v., No. 97-6072-Civ-Ferguson(S.D. Fla. June 30,1999) (Final Judgment for Permanent Injunction and Damages; \$8,374,586 in redress) (Deceptive claims that “Super-Formula” diet product can "blast" up to 49 pounds off user in only 29 days, "obliterate" 5 inches from waistlines, and "zap" 3 inches from thighs, without dieting or exercising)

American Urological Corp., et al., FTC vs., No. 1:98-CV-2199(JOF) (N.D. Ga. April 29,1999) (Final Order for Permanent Injunction and Settlement of Claims) (Settlement of complaint filed Aug. 3, 1998, alleging false and unsubstantiated claims for various supplement products, including “Vaegra” to treat impotence)

Home Shopping Network, Civil Action No. 99-897-CIV-T-25C (April 15, 1999) (Consent Decree; \$1.1 million civil penalty) (Allegations that claims made in ads for skin care, weight-loss and PMS/menopause products were unsubstantiated and violated a 1995 FTC order against the company.)

New Vision International, Inc., et al., File No. C-3856(March 3, 1999)(consent order) (unsubstantiated claims that dietary supplements called “God’s Recipe” would cure ADD/ADHD)

Max F. James, File No. C-3857(March 3, 1999) (consent order) (unsubstantiated claims for “God’s Recipe” by James, a high level distributor of the product; see New Vision International, Inc.)

Bogdana Corp., File No. C-3820 (July 28, 1998) (consent order) (Cholestaway calcium carbonate supplement to lower cholesterol, blood pressure, cause weight loss, treat heart disease; FloraSource powdered bacteria in rice starch to reduce risk of and treat chronic fatigue syndrome, AIDS and other diseases, advertised in infomercials)

Western Direct Marketing Group, Inc., C-3821 (July 28, 1998) (consent order) (ad agency for Bogdana Corp.)

Nutrivida, Inc., File No. C-3826 (September 10, 1998) (consent)(unsubstantiated health claims in Spanish-language infomercials for “Cartilet,” a dietary supplement comprised of shark cartilage)

Herbal Worldwide Holdings, Inc., File No. C-3827 (September 16, 1998) (consent order) (unsubstantiated weight loss claims for “Fattache,” a purported dietary product, in advertisements run on Spanish-language television stations)

TrendMark International, Inc., File No. C-3829 (September 23, 1998) (consent order) (unsubstantiated claims for “THIN-THIN” diet program, consisting of Neuro-Thin weight loss supplement made primarily of amino acids and Lipo-Thin weight loss product made of “chitin,” a natural fiber made from the ground-up hydrolyzed exoskeletons of shellfish)

Venegas Inc., C-3781 (Jan. 23, 1998) (consent) (health claims for dietary supplement Alen, including delaying aging process, eliminating anemia, controlling addiction to excess fats and sweets, and helping diabetics to naturally produce insulin - Spanish language)

Mega Systems International, Inc., File No.C-3811 (June 8, 1998) (consent order and \$500,000 in consumer redress) (Eden's Secret Nature's Purifying Product to clean and purify body's blood supply and to cure PMS and other illnesses, and to cause significant weight loss, advertised in infomercials) ANDCiv. Action No. 98C 8009 (Dec. 15, 1998) (Complaint for Injunctive and Other Relief filed in U.S. District Court for failure to pay \$500,000 in consumer redress)(Jan. 4, 2002)(Commission authorized filing of a stipulated judgment in a bankruptcy court action to resolve the Complaint for Injunctive and Other Relief. Under terms of the settlement, the FTC will receive \$30,000 now and share in any distribution of assets at the conclusion of the bankruptcy case.

Metagenics, Inc., D. 9267 (Oct. 23, 1997) (consent) (OTC calcium supplement to restore lost bone, eliminate pain)

Global World Media Corp., C-3772 (Oct. 9, 1997) (consent) (explicit safety and no side effects claims for Ecstasy supplement advertised to produce a natural "high," in media with large youth audiences, and without disclosing health and safety risks)

Kave Elahie/M.E.K. International, C-3770 (Sept. 19, 1997) (consent) (NutraTrim Bio-Active Cellulite Control Cream and Weight Loss Tablets with aminophylline - Spanish language)

Rogério Monteiro and Eliana Crema (Leeka Products), C-3767 (Sept. 12, 1997) (consent) (Super Formula Reductora supplement with chromium picolinate for weight control by regulating metabolism, reducing appetite, burning or dissolving fat - Spanish language)

Efficient Labs, Inc., C-3768 (Sept. 12, 1997) (consent) (Venoflash dietary supplement with vitamins and plant derivatives to remove dangerous clogs in circulatory system and treat symptoms of varicose veins and hemorrhoids - Spanish language)

Nu Skin International, Inc., United States v., No. 2:97-CV-0626G (D. Utah Aug. 6, 1997) (stipulated permanent injunction and \$1.5 million civil penalty for violation of 1994 order) (fat loss, muscle maintenance, and other claims for dietary supplements, Metabotrim, OverDrive, GlycoBar, Appeal Lite, and Breakbar, containing chromium picolinate and L-carnitine)

Nutrition 21, C-3758 (Jul. 11, 1997) (consent) (weight loss and health benefit claims for chromium picolinate)

Mountain Springs L.L.C., FTC v., 97-4649 SVW (C.D.Cal. Jun. 25, 1997) (stipulated permanent injunction) (Manaxx Una de Gato (cat's claw) for treatment or prevention of various diseases by strengthening the immune system; effectively treats inflammation; reduces the abnormal irritation of body tissue; cures acne; and is void of any toxic effects - Spanish language)

Amerfit, Inc., C-3747 (Jun. 16, 1997) (consent and \$100,000 in disgorgement) (Fat Burners System for weight loss, with tablet and drink)

KCD Inc., C-3752 (Jun. 16, 1997) (consent and \$150,000 in consumer redress) (SeQuester OTC cellulose-bile weight loss product)

Interactive Medical Technologies, Ltd./Effective Health, Inc., C-3751; William Pelzer, Jr., C-3750; and William E. Shell, M.D., C-3749 (Jun. 16, 1997) (consents and \$55,000 in consumer redress) (Lipotrol cellulose-bile weight loss product and SeQuester)

Dean Distributors, Inc., C-3755 (Jun. 16, 1997) (consent) (Food for Life Weight Management System and Cambridge Diet low calorie and very low calorie weight loss programs, with formula drinks)

Abbott Laboratories, C-3745 (May 30, 1997) (consent) (many doctors recommend Ensure nutritional beverages as a meal supplement and replacement for healthy adults)

Universal Merchants, Inc., C-3707 (Jan. 23, 1997) (consent) (weight loss and health benefit claims for chromium picolinate)

Victoria Bie/Body Gold, C-3708 (Jan. 22, 1997) (consent) (weight loss and health benefit claims for chromium picolinate)

Zygon International, Inc., C-3686 (Sept.24,1996) (consent and up to \$195,000 in consumer redress for all products) (SuperBrain Nutrient Program to improve intelligence and memory, and to enhance the intelligence of the children of pregnant women; Fat Burner pills for weight loss; and Day and Night Eyes pills to improve day vision and night blindness, among others)

Home Shopping Network, Inc., D. 9272 (Sept. 26,1996) (consent) (health-related claims for three vitamin sprays, including prevention of the common cold and reduction of the risk of infectious diseases; and efficacy claims for a stop-smoking spray, including elimination of the anxiety and weight gain associated with quitting smoking - advertised on Home Shopping Network)

Third Option Laboratories, Inc., C-3628 (Nov. 29, 1995) (consent and \$480,000 in consumer redress) (Jogging in a Jug apple juice, grape juice, and vinegar beverage for heart disease, arthritis, dysentery, constipation, lowering serum cholesterol and triglycerides, cancer, leukemia, viral disease, blood sugar levels, and other ailments)

National Dietary Research, Inc., D. 9263 (Nov. 7, 1995) (consent and \$100,000 in disgorgement) (Food Source 1 weight loss product and Vancol 5000 cholesterol reducing product)

Live-Lee Productions, Inc./Ruta Lee, C-3620 (Oct. 10, 1995) (consent) (health related claims made by television personality Ruta Lee on Home Shopping Network for three vitamin sprays and a stop-smoking spray) (See Home Shopping Network)

Body Wise International, Inc., C-3617 (Sept. 25, 1995) (consent) (dietary supplements for weight loss and cholesterol reduction; failure to disclose that healthcare professionals and others who gave testimonials for the products had a financial interest in promoting them)

Nature's Bounty, Inc., C-3593 (Jul. 21, 1995) (consent and \$250,000 in consumer redress) (health related claims for 26 nutrient supplements, including Sleeper's Diet for weight loss during sleep; L' Arginine and L-Ornithine to increase muscle mass while decreasing body fat; L-Cysteine to promote hair growth; Octacosanol to improve reaction time, reduce cholesterol levels, and strengthen muscles; New Zealand Green Lipped Mussel Extract to prevent arthritis and relieve its symptoms; Eye-Vites to reduce the risk of developing cataracts; and Ginsana to improve physical endurance and mental alertness)

Taleigh Corp.(Choice Diet Products, Inc.), 119 F.T.C. 835 (1995) (consent agreement, with the requirement that the owner post a \$300,000 performance bond to be used for consumer redress should he engage in deceptive practices when marketing weight loss or stop-smoking products in the future) (FormulaTrim 3000, MegaLoss 1000, and MiracleTrim pills for weight loss without diet or exercise, and without nervous jitters, insomnia, or any other side effects; deceptive consumer endorsements and failure to disclose that certain consumer endorsers had been compensated)

HealthComm Inc., United States v., No. C95-5024 RJB (W.D. Wash. Jan. 19, 1995) stipulated permanent injunction and \$45,000 civil penalty for violation of Nu-Day order, below) (Nu-Day Meal Replacement Formula, UltraMeal, and other weight-loss products and programs; and UltraClear and UltraClear Sustain nutritional supplements for "metabolic clearing" and nutritional support of persons suffering from various ailments)

Bee-Sweet, Inc., 119 F.T.C. 57 (1995) (consent) (bee pollen products for anemia, back pain, allergies, arthritis, fatigue, and other ailments)

RN Nutrition, 119 F.T.C. 25 (1995) (consent) (BoneRestore calcium product to build bone better than estrogen, slow or stop bone loss, prevent and heal osteoporosis, and restore lost bone)

Schering Corp., 118 F.T.C. 1030 (1994) (consent) (weight loss claims for Fibre Trim supplement, as well as claims that the product provides the health benefits associated with a fiber-rich diet)

L&S Research Corp., 118 F.T.C. 896 (1994) (consent and \$1.45 million in disgorgement) (Cybergenics Total Body Building System and Cybergenics for HardGainers for more

muscle mass and to lose body fat rapidly; and Cybertrim, QuickTrim, and Mega-Fat Burner Tablet for weight loss)

Redhead, FTC v., No. 93-1232-JO (D. Ore. Sept. 9, 1994) (stipulated permanent injunction against defendants Demlow, Danek, Lifeline, Inc.) (Imuno-Plex algae-based supplement to cure or treat HIV disease, AIDS, and AIDS related complex)

Redhead, FTC v., No. 93-1232-JO (D. Ore. Jun. 20, 1994) (stipulated permanent injunction against defendants Redhead and Magno and \$9,430 in consumer redress) (Imuno-Plex algae-based food supplement to cure or treat HIV disease, AIDS, and AIDS related complex)

General Nutrition, Inc., United States v., No. 94-686 (W.D. Pa. Apr. 28, 1994) (permanent injunction and \$2.4 million civil penalty for violation of 1970 and 1989 orders) (Protabalase ME, Cybergenics Phase I, Hot Stuff, and others for faster muscle development, improvement of endurance, strength, and stamina; New Zealand Green Lipped Mussel Extract to cure, treat, prevent, or reduce the risk of developing any disease; Quick Shot Energy Pak and other vitamins to prevent, relieve, or treat listlessness; Fat Burners and other weight control and appetite suppressant products)

Nutrition Research & Marketing, Inc., FTC v., No. 93-2031-PHX-RCB (D. Ariz. Oct. 21, 1993) (stipulated permanent injunction and \$225,000 in consumer redress) (HFH-3X diet pill to promote weight loss by stimulating user's metabolism; deceptive consumer testimonials)

Nature's Cleanser, Inc., 116 F.T.C. 718 (1993) (consent) (Lady's Comfort herbal remedy to relieve menstrual pain, discomfort in menopause; and Nature's Cleanser herbal remedy for weight loss and weight control)

Sharper Image Corp., 116 F.T.C. 606 (1993) (consent) (Essential Factors with Oxy-Energizer nutritional supplement for fatigue and extra energy)

CC Pollen Co., 116 F.T.C. 206 (1993) (consent and \$200,000 in disgorgement) (bee pollen to help lose weight, alleviate allergy symptoms permanently, and reverse the aging process, and other health benefit claims; failure to disclose that the infomercial was a commercial, not an objective news or documentary program)

The Winning Combination, Inc., 115 F.T.C. 831 (1992) (consent) (Essential Factors with Oxy-Energizer nutritional supplement for fatigue and extra energy)

Nu-Day Enterprises, Inc., 115 F.T.C. 479 (1992) (consent and \$30,000 in consumer redress) (Nu-Day diet program with Nu-Day Meal Replacement Formula, and Nu-Day Herbulk, a dietary fiber supplement, for weight loss without exercising; failure to disclose that the infomercial was a commercial, not an independent consumer news program)

Amerdream Corp., FTC v., No. 91-0505 PHX RCB (D. Ariz. Nov. 5, 1991) (permanent injunctions and \$50,000 in consumer redress) (Ultimate Solution Diet Program and Night-Trim Diet Tablets for significant weight loss and for reducing cholesterol and blood pressure levels)

International White Cross, Inc., FTC v., No. C-91-0377-TEH (N.D. Cal. Oct. 21, 1991) (stipulated permanent injunction) (Immune Plus nutritional supplement to cure patients with AIDS or AIDS-related complex or help them go into remission, eliminate or reduce AIDS or ARC symptoms, and cause an individual who had tested HIV-positive to become HIV-negative)

Miles, Inc., 114 F.T.C. 31 (1991) (consent) (One-A-Day multiple vitamins to renew essential minerals lost due to strenuous exercise and stress; and to protect lungs against adverse effects of air pollution)

Allied International Corp. (Fat Magnet), FTC v., No. 90-0120 CBM (Kx) (C.D. Cal. Nov. 14, 1990) (stipulated permanent injunction) (Fat Magnet diet pills for weight loss without dieting or exercise)

American Life Nutrition, Inc., 113 F.T.C. 906 (1990) (consent) (bee pollen, fish oil, royal jelly, vitamin, oyster shell, and calcium food supplements to prevent or treat diseases such as breast cancer, heart disease, diabetes, rubella, arthritis, colds, tuberculosis, asthma, kidney disease, high blood pressure, cerebral apoplexy, low sex drive, among others)

TV Inc., 113 F.T.C. 677 (1990) (consent) (bee-pollen products to prevent, alleviate, or cure allergy symptoms, the aging process, impotence and sexual dysfunction; to promote weight loss; and to relieve pain; failure to disclose that the infomercial was a commercial, not an independent and objective television program)

Nature's Way Products, Inc., 113 F.T.C. 293 (1990) (consent agreement and \$30,000 to National Institutes of Health for research in candidiasis) (Cantrol capsules to control yeast infections; Cantrol's diagnostic yeast test can demonstrate that a person is likely to have a yeast infection)

General Nutrition, Inc., 111 F.T.C. 387 (1989) (consent agreement and \$600,000 in nutrition, obesity, and physical fitness research) (dietary supplement for reducing the risk of some forms of cancer; six food supplements, including L-Arginine and L-Ornithine, to promote weight loss and muscle growth or retard aging)

Kingsbridge Media & Marketing, Inc., FTC v., No. CIV-88-0003 PHX EHC (D. Ariz. Jun. 8, 1988) (stipulated permanent injunction and \$1.1 million in consumer redress) (Dream Away weight reduction pills for weight loss while sleeping and without dieting or exercising)

Great Earth International, Inc., 110 F.T.C. 188 (1988) (consent) (Tri-Amino Plus P.M., L-Ornithine, and L-Arginine, for weight reduction while sleeping, muscle building, protection against mental and physical fatigue, promotion of healing, and strengthening of the immune system)

Viobin Corp., 108 F.T.C. 385 (1986) (consent) (wheat germ oil to improve physical fitness or performance)

Intra-Medic Formulations, Inc., FTC v., No. 85-2819-Civ-Nesbitt (S.D. Fla. Feb. 26, 1986) (permanent injunction) (weight control and baldness-cure products)

Weider Health and Fitness, Inc., 106 F.T.C. 584 (1985) (consent and \$400,000 in consumer redress) (Anabolic Mega-Pak and Dynamic Life Essence nutritional supplements for rapid and substantial muscular development and strength)

P. Leiner Nutritional Products Corp., 105 F.T.C. 291 (1985) (consent) (Octacol 4 wheat germ oil capsules to improve endurance, stamina, vigor, and overall athletic performance or physical fitness)

PharmTech Research, Inc., FTC v., 576 F. Supp. 294 (D.D.C. 1983) (preliminary injunction), 103 F.T.C. 448 (1984) (consent) (Daily Greens dehydrated vegetable tablet for reducing the risk of some forms of cancer; claimed support from National Academy of Sciences' report on diet and cancer)