

EXHIBIT B

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)
)
)
DYNAMIC HEALTH OF FLORIDA, LLC,)
CHHABRA GROUP, LLC,) DOCKET NO. 9317
DBS LABORATORIES, LLC,)
VINEET K. CHHABRA, a/k/a VINCENT K. CHHABRA, and)
JONATHAN BARASH,)
Respondents.)

COMPLAINT COUNSEL'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

Pursuant to Rule 3.35 of the Federal Trade Commission's Rules of Practice, Complaint Counsel hereby requests that Respondents Dynamic Health of Florida, LLC, Chhabra Group, LLC, and Vineet K. Chhabra respond to these Interrogatories within 20 days and furnish the requested information to Complaint Counsel at the Federal Trade Commission, 601 New Jersey Ave., N.W., Suite 3213, Washington, D.C. 20001, or at such time and place as may be agreed upon by all counsel.

I. INTERROGATORIES¹

1. **Identify** all companies owned, managed, or controlled in whole or in part by Respondent Vineet K. Chhabra at any time after January 1, 2001, that played a role in the formulation, manufacture, advertising, promotion, labeling, offering for sale, sale, distribution, customer service, or fulfillment, relating to any dietary supplement (**including** Dynamic Health of Florida, LLC, Chhabra Group, LLC, DBS Laboratories, LLC, DBS Labs LLC, Chhabra International Ltd., Dynamic Health International, Kreating, LLC, Chhabra Internet Support Center, LLC, Chhabra Internet Fulfillment Services, LLC, Chhabra Management, LLC, Metability of Florida, LLC, CG Fulfillment, USA Prescription); for each such company, set forth Mr. Chhabra's title(s) and ownership interest, and describe the services provided by the company with regard to dietary supplements.

2. For each of the following individuals or entities: Hill Knowlton & Samcor, TransMedia Group, Nutrition Formulators, Highland Laboratories, Pharmachem Laboratories, Health Tek Laboratories, Executive Label, Inc., Vineet K. Chhabra, Dr. Alberto Guzman, Guy Regalado, Randi Swatt, Gil Herrera, **Arent Fox**, and Jonathan Barash, state:

¹ **Note: Read and comply with the Definitions and Instructions that follow.**

- a. what services the individual or entity provided in connection with the formulation, manufacture, advertising, promotion, labeling, offering for sale, sale, distribution, customer service, or fulfillment, relating to any dietary supplement offered for sale with a label bearing the name "DBS Labs" or "Dynamic Health"; and
 - b. how each individual or entity was compensated for their services; if compensation was in the form of monetary payments, describe the account(s) from which the payment was made (by providing the name and address of the financial institution, the name of the account holder, and the account number) and **identify** the individual(s) with authority to authorize payments from the account(s) at the time compensation was provided.
3. To the extent not set forth in response to Interrogatories 1 and 2, above, **identify** and provide a detailed description of the roles and responsibilities of all **persons (including consultants)** who participated in the creation, development, evaluation, approval, modification, and dissemination of **promotional materials**, media placement or dissemination, telemarketing services, or product pricing strategy for the **challenged products**.
4. **Identify** and provide a detailed description of **communications** between you and all **persons** consulted by you in an effort to evaluate the substantiation for any draft or final **promotional materials** for the **challenged products**.
5. **Identify** and provide a detailed description of **communications** between you and any print, television, or radio media, or any website designer, developer, manager, hoster, or any online service, **referring or relating to** any claims or representations in any proposed or disseminated **promotional materials** for the **challenged products**.
6. **Disclose** the total amount, in dollars, that was spent to advertise, market, or otherwise promote each of the **challenged products**, broken down by each medium used (*i.e.*, television, print, Internet, radio, or other means). (This request **includes**, but is not limited to, all expenditures attributable to the creation, development, evaluation, approval, modification, and dissemination of **promotional materials**.)
7. If you contend that **promotional materials** for the **challenged products** do not make the claims identified in paragraphs 9, 13 and 15 of the Complaint, state the basis for your contention, **including the identification** of any extrinsic evidence, **including market research**, that supports your contention.
8. **Identify** with specificity all dates since January 1, 2003 on which Respondent Vineet K. Chhabra attended an industry trade show **referring or relating to** dietary supplements.
9. State all facts that support each affirmative defense asserted in your Answer to the administrative Complaint issued by the Federal Trade Commission in the above-captioned

matter.

10. For each of the web sites identified in the **CID responses** dated December 12 2003, at Attachment 2, pp. 5-6, state the dates since January 1, 2002 when each web site was prepared, hosted, managed, or operated by any entity owned in whole or in part by Vineet K. Chhabra, directly or indirectly.

11. **Identify** any response in the **CID responses** that **Respondents** consider to be inaccurate or incomplete; for such response(s) provide an accurate or complete response(s).

12. With regard to each sale of dietary supplements identified in the **CID responses** dated February 3, 2004, Bates number DBS 1175, **identify** the entity to whom the purchaser made or was directed to make a payment, and any other entity to whom a payment was made as a result of that purchase.

13. Provide all addresses where any records of the entities request to be identified in response to Interrogatory #1 of Complaint Counsel's First Set of Interrogatories to Respondents are located; for each address, state on what date those records were searched in an effort to **identify** the existence or nonexistence of **documents** responsive to Complaint Counsel's First Request for Production of Documentary Materials and Tangible Things.

14. **Identify** the individual(s) or entity(s) who currently holds the legal right to market or sell any dietary supplement product that was previously marketed with a label bearing the name "DBS Labs" or "Dynamic Health," and state the terms under which those rights were transferred.

II. DEFINITIONS

1. "**And**" as well as "**or**" shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any Specification in this First Set of Interrogatories all information that otherwise might be construed to be outside the scope of the request.

2. "**Arent Fox**" means the law firm of Arent Fox Kintner Plotkin & Kahn, PLLC, its wholly or partially owned subsidiaries, parent companies, unincorporated divisions, joint ventures, partnerships, operation under assumed names, predecessors, affiliates, and all directors, officers, partners, employees, agents, attorneys, consultants, franchisees, independent distributors, and any other **person** or entity, working for or on behalf of the foregoing at any time, **including** but not limited to Brian P. Waldman and James A. Kaminski.

3. "**Challenged products**" shall mean the products identified as Pedia Loss and Fabulously Feminine in the administrative Complaint issued by the Federal Trade Commission in

the above-captioned matter, both individually and collectively.

4. **“CID responses”** shall mean the responses to the CIDs filed with the Federal Trade Commission on December 12, 2003, December 17, 2003, and February 3, 2004 by **Arent Fox** on behalf of DBS Laboratories, LLC.

3. **“Communication(s)”** shall mean any transmission or receipt of facts, information, opinions, or thought, whether conveyed in writing, orally, electronically, or by any other means, **including** written memorializations of oral communications.

4. **“Describe”** or **“disclose”** means to offer a comprehensive, complete, accurate and detailed description, explanation or listing of the matter into which the Interrogatory inquires.

5. **“Document”** means the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, taped, recorded, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, **including** but not limited to any advertisement, book, pamphlet, periodical, contract, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, package insert, sticker, web page, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, code book, data compilation, tests, reports, clinical studies, test reports, scientific literature, articles, expert opinions, handwritten notes, correspondence, **communications**, electronic mail, electronically stored data, computer (**including** handheld computer) material (**including** print-outs, cards, magnetic or electronic tapes, discs and such codes or instructions as will transform such computer materials into easily understandable form), and video and audio recordings.

6. **“Each”** and **“any”** include **“all,”** so as to have the broadest meaning whenever necessary to bring within the scope of any Specification all information and/or **documents** that might otherwise be construed to be outside its scope.

7. **“Identify”** or **“identification”** means:

(a) when **referring to** a natural **person**, state the full name, present business address and telephone number, or if a present business affiliation or business address is not known, by the last known business and home addresses and business and home telephone numbers;

(b) when **referring to** any other entity, such as a business or organization, state the legal name as well as any other names under which the entity has done business, address, telephone number and contact **person**, if applicable for that entity; and

(C) when referring to a **document** or **communication**, state the full name(s) of the author(s) or preparer(s), the full name of the recipient(s), addressee(s), and/or **person(s)** designated to receive copies, the title or subject line of the **document** or **communication**, a brief description of the subject matter of the **document** or **communication**, the date it was prepared, its present location, and its present custodian.

8. **“Includes”** or **“including”** means **“including but not limited to,”** so as to avoid excluding any information that might otherwise be construed to be within the scope of any Specification.

9. **“Market research”** means all information referring or relating to testing, measuring or assessing consumers' or individuals' interpretation of, understanding of or reaction to an advertisement, draft advertisement, proposed advertisement, proposed advertising text, copy or creative strategy or platform, any other advertising material, product category, product, entity or information conveyed in an advertisement, **including** consumer perception tests, comprehension tests, recall tests, marketing or consumer surveys or reports, penetration tests, audience reaction tests, focus groups and media research.

10. **“Or”** includes **“and,”** and **“and”** includes **“or,”** so as to have the broadest meaning whenever necessary to bring within the scope of any Specification all information or **documents** that might otherwise be construed to be outside its scope.

11. **“Person”** or **“Persons”** means all natural persons, corporations, partnerships or other business associations, and all other legal entities, **including** all members, officers, predecessors, assigns, divisions, affiliates and subsidiaries.

12. **“Promotional material”** shall mean any written or oral statement, advertisement, illustration, or depiction that is designed to effect a sale or create interest in the purchasing of goods or services, whether the same appears in a press release, video news release, brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, stickers, free standing insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, instructional or education materials, packaging, package insert, package label, film, slide, radio or television broadcast or transmission, Internet or World Wide Web site, streaming video, electronic mail, audio program transmitted over a telephone system, script used to make oral solicitations to consumers, or publication or broadcast in any other medium.

13. **“Referring to”** or **“relating to”** means discussing, describing, reflecting, containing, analyzing, studying, reporting, commenting, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

14. **“Respondents”** means Dynamic Health of Florida, LLC, Chhabra Group, LLC, and Vineet K. Chhabra, individually and collectively, **including** all of their operations under

assumed names.

15. "You" or "Your" means the **Respondents** or **Respondents'**, both individually and collectively, unless otherwise noted.

16. The use of the singular **includes** the plural, and the plural **includes** the singular.

17. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

18. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by an Interrogatory shall not be limited and all information responsive to the Interrogatory, regardless of dates or time periods involved, shall be provided.

2. Each Interrogatory should be set forth in full preceding the answer to it and should be answered separately and fully in writing, under oath.

3. All answers shall be served within 20 days after service of these Interrogatories.

4. Information covered by these Interrogatories is that which is in your knowledge or possession, or under your actual or constructive custody or control, whether or not such information is located in the files of, or possessed by your individual officers, directors or employees, and whether or not such information is received from or disseminated to any other **person** or entity **including** attorneys, accountants, directors, officers or employees.

5. All information submitted in response to these Interrogatories shall be clearly and precisely identified as to the **Respondent(s)** who produced the information.

6. Where an Interrogatory requests an answer or portion of an answer that has already been supplied in response to another Interrogatory, the answer or portion of the answer need not be supplied a second time. It is sufficient to specify the responses that contain the answer, and supply any additional information necessary to answer the Interrogatory.

7. All objections to these Interrogatories, or to any individual Interrogatory, must be raised in the initial response or are otherwise waived.

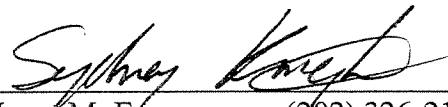
8. If you object to any Interrogatory or a part of any Interrogatory, state the Interrogatory or part to which you object, state the exact nature of the objection, and **describe** in

detail the facts upon which you base your objection. If any Interrogatory cannot be answered in full, it shall be answered to the fullest extent possible and the reasons for the inability to answer fully shall be provided. If you object to any Interrogatory on the grounds of relevance or overbreadth, you shall provide all responsive information that is concededly relevant to the parties' claims or defenses or the requested relief. For each Interrogatory that cannot be answered in full, you shall **describe** the efforts made to locate information needed for such answer.

9. If any **documents** or **communications** are not identified in response to an Interrogatory on grounds of privilege, submit together with such claim a schedule of the items withheld which states individually for each item withheld: (a) the type, title, specific subject matter, and date of the item; (b) the names, addresses, positions, and organizations of all authors and recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive **document** or **communication** is privileged, all non-privileged portions of the item must be identified.

10. These Interrogatories are continuing in character so as to require you to produce additional information promptly upon obtaining or discovering different, new or further information before the close of discovery. Further instructions pertinent to a particular Interrogatory appear in parentheses within or following that Interrogatory.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this 25th day of October, 2004 filed and served the attached **COMPLAINT COUNSEL'S FIRST SET OF INTERROGATORIES TO RESPONDENTS** upon the following as set forth below:

- (1) one (1) electronic copy via email and one (1) copy via overnight delivery service to:

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Sydney M. Knight