

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

_____)	
In the Matter of)	
)	
EHP PRODUCTS, INC.,)	DOCKET NO.
a corporation, and)	
)	
ELAINE H. PARRISH,)	
individually and as an officer)	
of the corporation.)	
_____)	

COMPLAINT

The Federal Trade Commission, having reason to believe that EHP Products, Inc., and Elaine H. Parrish, individually and as an officer of the corporation, have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent EHP Products, Inc. is a Kentucky corporation with its principal place of business at 8 Kenton Furnace Drive, Ashland, Kentucky 41105. Respondent Elaine H. Parrish is the sole shareholder, President, and Secretary-Treasurer of the corporate respondent. She formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint. Her principal office or place of business is the same as that of the corporate respondent.
2. Respondents have promoted, offered for sale, sold, and distributed to the public products containing a substance described as cetylmyristoleate, cetyl myristoleate, or CMO, including products identified with the name "Myristin®," [hereinafter sometimes referred to collectively as "CMO."] These products are "foods" and/or "drugs" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
3. The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
4. Respondents have disseminated or have caused to be disseminated advertisements or promotional materials for products containing cetylmyristoleate, including but not necessarily limited to the attached Exhibits A (respondents' Internet web site) through D. These advertisements and promotional materials contain the following statements:

A.

Patented relief for arthritis pain
Myristin® Dietary Supplement
brand of cetyl myristoleate

* * *

Myristin® Dietary Supplement is a naturally occurring protective dietary factor which has been shown in laboratory experiments to promote resistance to swelling, tenderness, and pain in joints.

* * *

[depiction of a safety cross]

Safety

Manufacture

Safety of Myristin®

A national certified testing laboratory tested safety in accordance with Federal regulations. Myristin® was administered to a group of test animals to evaluate its toxicity in accordance with Federal requirements as listed in 16 CFR 1500.3. . . .There were no abnormalities observed in any of the animals' tissues or organs.

* * *

RESEARCH

* * *

Mr. Diehl pursued the scientific fact that mice do not get arthritis and discovered cetyl myristoleate through his investigations and analyses. He began his research in 1962, and by 1964 had determined that there was a substance in the mice which must protect them from arthritis. After countless experiments, reactions, and purifications, the immunity factor was identified as cetyl myristoleate

* * *

Mr. Diehl observed in scientific studies that arthritis induced in lab animals injected with an arthritis-producing solution could be resolved by cetyl myristoleate, and that animals given cetyl myristoleate in advance of being injected with the arthritis-producing solution were protected against the development of arthritis. Mr. Diehl suffered from osteoarthritis in his hands, and osteoarthritis in his heels and knees made it difficult for him to walk. He was very willing to try this protective factor, cetyl myristoleate, on himself. To his great satisfaction, his hands, heels, and knees stopped hurting between three and six weeks after using cetyl myristoleate. That was in 1991.

* * *

TESTIMONIALS

* * *

From a healthcare professional: “. . . Being an RN and seeing first hand what the long-term effects of arthritis are, I knew I had to try it. The results have been life-altering. My knee pain is gone as well as headaches that I believe were also weather related. After my second regimen, my range of motion which had been severely restricted in my neck since an injury in 1979 improved at least 50%. I feel better than I have in a long time.”

From a Physician’s wife: “MYRISTIN helped my arthritic shoulder. For about three years, I could not lift my right arm much above my waist. . . . After taking it, I could not believe the results. In a couple of weeks, there was dramatic improvement. I could move my arm in a full range of motion without pain. I felt like a new person. I was so happy to get back to normal after being restricted by my condition for so long. I’m now pain-free and able to do what I want to with my right arm. . . .”

* * *

“I had been having back and hip pain for several months that just kept getting worse and worse. An orthopedist told me I had spinal stenosis and a bulging disc. . . . To make a long story short, I took MYRISTIN and within two weeks all my back pain and hip pain were totally gone. . . . That was three months ago, and my back and hip are still pain free.”

* * *

“The pain and swelling are gone from my left foot and hands from the rheumatoid arthritis. Three years ago I was found to have hepatitis C, an inflammation of the liver. I took your breakthrough cetyl myristoleate about 5 months ago. Then I had a regular blood screen taken, and I was told the remarkable news that not only is my liver count back in normal range, but there is no sign of the hepatitis C. . . .”

* * *

“For Father’s Day and my 66th birthday, my daughter gave me MYRISTIN as a gift. She hoped this dietary supplement would reduce the arthritic pain I have suffered with for many years. My ‘stiffness’ upon awakening has subsided since taking the first four capsules. When I went back to my doctor on July 19th, my blood sugar level had dropped from 163 to 113, my cholesterol count was down, and he took me off a medication I had been taking for two years for high blood pressure, because that was now normal!”

“I tried the cetyl myristoleate. . . . The first area of significance was the stiffness and pain to my neck and shoulder which had developed following an auto accident. . . . [T]he condition is gone! Furthermore, other recurring ailments have completely disappeared. For example, fever blisters are no more. Colds and bouts of flu that would normally transpire during winter do not. Not only all of this but also allergies that were starting up as I approach middle age are also gone.”

* * *

From a healthcare professional: “I checked a patient’s lung capacity on the day she began to take cetyl myristoleate, and again today, 10 days later. She has emphysema-type chronic obstructive lung disease. Her lung function has improved measurably in the three areas commonly measured: volume, flow rate, and force of flow. . . . She has arthritis in her neck, which has improved considerably. I also took [some] myself. I had a chronic right shoulder arthritis, which prevented me from being able to sleep on my right side or from keeping my arm on the back of a chair for more than a few minutes. These painful symptoms were gone [quickly].”

* * *

From an emphysema sufferer: “There is no doubt in my mind that MYRISTIN helped my breathing. My fingers are no longer blue but are a nice pink. Also, my nose and bronchial tubes are clear, allowing me to breathe. My sleep is much better and this is all without using the inhalers I had to use so much. . . .”

From an eczema sufferer: “I have been fortunate enough to apply MYRISTIN to my hands and forearms, and miracle of miracles, my eczema has cleared. I have been under the care of a dermatologist for eczema for 18 years. . . . I applied MYRISTIN to my hands over a three week period, and my eczema was totally gone! I still can’t believe it. I am now so proud of my hands.”

* * *

USE

* * *

For many people, but not all, these 51 capsules of **Myristin®** will take care of their needs for several years or more. . . .

* * *

Myristin® has worked for a high percentage of customers who have used it. Based on their experience, there is a good chance **Myristin®** will work for you.

[Exhibit A, <http://www.cetylmyristoleate.com/>]

B.

ARTHRITIS SUFFERERS

Life is Precious

Why waste a moment with arthritis problems?

MYRISTIN® dietary supplement can make a difference for you.

* * *

MYRISTIN® is a natural product which has been patented for both rheumatoid and osteoarthritis. . . .

* * *

WHAT DOES IT DO? **MYRISTIN®** has been shown in laboratory experiments and clinical usage to promote resistance to pain, swelling, and tenderness in joints caused by arthritis.

WHO HAS USED IT? Taken in just one or two courses over a two to four week period, thousands of arthritis sufferers have used **MYRISTIN®**. The product is a safe natural compound which can be taken right along with your prescription medicines and other supplements and vitamins. Most people only need one or two courses every one or two years.

[Exhibit B, *Vital Times*, March, 1998, p. 30]

C. *It's a Natural for Arthritis.*

[A footnote in smaller type states, "The FDA has not evaluated this statement. The product is not intended to diagnose, treat, cure or prevent disease."]

* * *

THE PROOF IS IN THE PATENT.

* * *

MYRISTIN®, **MYRIST-AID™**, our joint nutrient/synergistic capsule, and **MYRISTIN™** TF lotion are used in one or two courses of 17 days each. After this, most of your patients will not need any more **MYRISTIN®** for one to two years. . . .

[Exhibit C, *Dynamic Chiropractic*, March 23, 1998, p. C-4]

D. *It's a Natural for Arthritis.*

[A footnote in smaller type states, "The FDA has not evaluated this statement. The product is not intended to diagnose, treat, cure or prevent disease."]

* * *

Most people only need to use one 17 day course of **MYRISTIN®** dietary supplement. **MYRISTIN®** is available as a package with the synergistic capsule **MYRIST-AID™**, and the topical lotion **MYRISTIN®** TF. Try it. It could be the answer you're looking for.

* * *

THE PROOF IS IN THE PATENT.

[Exhibit D, *Alternative Medicine Digest*, Issue 22, p. 98]

5. Respondents have disseminated or have caused to be disseminated advertisements for products containing cetylmyristoleate by means of an Internet Web site containing terms (“metatags”) embedded in the Web site source code that are used by one or more Internet search engines to index Web sites for the purpose of selecting Web sites responsive to an Internet search request. These metatags, appearing only in the source code and not on a Web page visible to the consumer, include but are not limited to the following:

arthritis pain relief, arthritis cure, miracle cure, medical breakthrough, arthritis relief, arthritis treatment, psoriasis, joint pain, bone pain, fibromyalgia, tendonitis, systemic lupus erythematosus (SLE), scleroderma, low back pain, bursitis, aching feet, aching legs, aching back, tennis elbow, temporomandibular joint disease, chronic obstructive pulmonary disease (COPD), gout, gouty arthritis, emphysema, arthralgia, arthropathy, rheumatism, osteitis, osteochondritis, osteomalacia, osteomyelitis.

6. Through the means described in Paragraphs 4 and 5 taken together, respondents have represented, expressly or by implication, that:

- A. Respondents’ CMO products are safe and effective in the mitigation, treatment, prevention, and cure of most forms of arthritic conditions, including rheumatoid arthritis and osteoarthritis.
- B. Respondents’ CMO products significantly relieve pain, swelling, and tenderness caused by arthritis.
- C. Respondents’ CMO products are effective in the mitigation, treatment, and cure of hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, aches and pains of the back and extremities, fibromyalgia, tendinitis, systemic lupus erythematosus, scleroderma, bursitis, temporomandibular joint disease, gout, arthropathy, osteitis, osteochondritis, osteomalacia, and osteomyelitis.
- D. Respondents’ CMO products are effective in the prevention of fever blisters, colds, flu, and allergy symptoms.
- E. Respondents’ CMO products effectively lower cholesterol, blood pressure, and blood sugar levels.

7. Through the means described in Paragraph 4, respondents have represented, expressly or by implication, that testimonials from consumers appearing in the advertisements or promotional materials for respondents’ CMO products reflect the typical or ordinary experience of members of the public who use the products.

8. Through the means described in Paragraphs 4 and 5, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that

substantiated the representations set forth in Paragraphs 6 and 7, at the time the representations were made.

9. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraphs 6 and 7 at the time the representations were made. For example, studies have not examined the efficacy of the ingredients in respondents' CMO products in the prevention or cure of arthritis, hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, fibromyalgia, tendonitis, systemic lupus erythematosus, scleroderma, temporomandibular joint disease, arthropathy, rheumatism, osteitis, osteochondritis, osteomalacia, or osteomyelitis; or in the prevention of fever blisters, colds, flu, or allergy symptoms; or in lowering cholesterol, blood pressure, or blood sugar levels. In addition, there is insufficient information available to determine the reliability of other purported studies or the applicability of such studies to the respondents' products. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. Through the means described in Paragraph 4, respondents have represented, expressly or by implication, that:

- A. The issuance of U.S. patents 4,049,824 and 5,569,676 proves that respondents' CMO products are effective in treating and alleviating the symptoms of rheumatoid arthritis and osteoarthritis.
- B. Laboratory tests prove that respondents' CMO products promote resistance to pain, swelling, and tenderness caused by arthritis.

11. In truth and in fact,

- A. The issuance of U.S. patents does not prove that respondents' CMO products are effective in treating or alleviating the symptoms of rheumatoid arthritis and osteoarthritis.
- B. Laboratory tests do not prove that respondents' CMO products promote resistance to pain, swelling, and tenderness caused by arthritis.

Therefore, the representations set forth in Paragraph 10 were, and are, false or misleading.

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

THEREFORE, the Federal Trade Commission this ____ day of _____, 2000, has issued this complaint against respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL