

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

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In the Matter of )  
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VICTORIA BIE d/b/a BODY GOLD ) DOCKET NO. C-3708  
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**COMPLAINT**

The Federal Trade Commission, having reason to believe that Victoria Bie doing business as Body Gold ("respondent") has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH ONE: Respondent Victoria Bie is the sole proprietor of Body Gold, a California company with its principal office or place of business located at 5930 La Jolla Hermosa, La Jolla, California 92037. Respondent formulates, directs, and controls the acts and practices of Body Gold, including the acts and practices alleged in this complaint.

PARAGRAPH TWO: Respondent has advertised, offered for sale, sold, and distributed nutritional supplements, including, but not limited to, Chromium Picolinate (200 and 400 mcg), 24K with Chromium Picolinate, Daily Energy Formula (with Chromium Picolinate), and CitriGold (with Chromium Picolinate and Hydroxycitric Acid), collectively referred to as "Chromium Picolinate," as weight loss, fat loss, muscle enhancing and/or muscle building aids. Respondent has also advertised, offered for sale, sold and distributed the nutritional supplements L-Carnitine and Super Fat Burner Formula (containing L-Carnitine) as products that increase stamina or endurance, as well as aid in fat loss, weight loss and muscle toning. Each of respondent's nutritional supplements is a "food" and/or "drug" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act, 15 U.S.C. §§ 52, 55.

PARAGRAPH THREE: The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

PARAGRAPH FOUR: Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for Chromium Picolinate, including but not necessarily limited to the attached Exhibits A-L. These advertisements and promotional materials contain the following statements:

1. **"LOSE THE FAT BUT KEEP THE MUSCLE...Chromium Picolinate"** (Exhibit A, pgs 1 and 2)
2. "There is now excellent scientific evidence that Chromium Picolinate can accelerate fat loss while helping to preserve or even increase muscle." (Exhibit A, pg 2)
3. "Another double blind-study [Evans'] was conducted in young off-season football players participating in a six-week weight-training program. The results were the same: **more muscle, less fat** with Chromium Picolinate. Chromium Picolinate more than doubled the net benefits of exercise alone." (Exhibit A, pg 2, col. 2)
4. "*Stimulates Metabolism*" (Exhibit A, pg 3, col. 1)
5. "Chromium Picolinate helps you to KEEP THE MUSCLE - and maintain or increase your metabolic rate - while LOSING THE FAT." (Exhibit B, pg 2, col 2)
6. **"CHROMIUM PICOLINATE for LESS FAT AND MORE MUSCLE "** (Exhibits F, I, J, and K)
7. **"BODY GOLD** will rev up your sluggish metabolism so that you'll 'burn' fat and calories the way Mother Nature intended." (Exhibit C, pg 1, col 2)
8. "In fact, because of the way BODY GOLD works, you may even find that your 'inch loss' is *much more dramatic* than your overall weight loss." (Exhibit C, pg 1, col 2)
9. "...[Chromium Picolinate] has been shown in numerous human and animal studies to reduce body fat while increasing muscle." (Exhibit B, pg 2, col 2)
10. "In the 1988-89 groundbreaking studies, people given 200 micrograms of Chromium Picolinate daily lost 22% of their body fat in six weeks!" (Exhibit D, pg 2, col 2)
11. "People given Chromium Picolinate lost 22% of their body fat in six weeks. Moderate exercise routines were followed: no dietary restrictions were imposed." (Exhibit F)

12. **"22% LESS BODY FAT IN SIX WEEKS** with Chromium Picolinate" (Exhibit G)

13. **"22% LESS BODY FAT**

"In a breakthrough university study with Chromium Picolinate, fat loss was dramatic: [GRAPH] Unhealthy body fat decreased 17% in only 2 weeks and continued to an average 22% loss at the end of the 6-week study. *In only six weeks, participants given Chromium Picolinate lost 22% of their body fat!*" (Exhibit H)

14. "Numerous studies now show that supplemental CHROMIUM PICOLINATE promotes fat loss and increases lean muscle. 200 micrograms taken daily can offer dramatic fitness benefits." (Exhibits G, I, K)

15. "UNIVERSITY STUDIES identify CHROMIUM PICOLINATE as a 'trigger' for fat loss and lean muscle development." (Exhibit F)

16. "People taking Chromium Picolinate lost 22% of their body fat in only six weeks in a 1989 university study. Since then, numerous studies and millions of people have confirmed the exciting benefits of this safe, essential nutrient. Men and women across the country are talking about: LESS BODY FAT ● WEIGHT LOSS ● 'INCH LOSS' ● MORE ENERGY ● MORE LEAN MUSCLE ● GREATER STAMINA ● APPETITE CONTROL ● LESS DESIRE FOR SWEETS" (Exhibits I, J, K)

17. "These and subsequent *published* studies show that Chromium Picolinate:

- increases body fat metabolism
- lowers elevated cholesterol levels
- builds stronger, leaner muscle
- regulates blood sugar
- promotes longer life span in laboratory rats "

(Exhibit D, pg 2, col 2)

18. "Medical studies show that Chromium Picolinate can also:

- reduce cholesterol levels
- regulate blood sugar" (Exhibit C, pg 1, col 1)

19. **"The Fitness Essential \* CHROMIUM PICOLINATE**

Blood Less body fat ● More muscle ● Lower cholesterol ●  
sugar control ● Weight loss" (Exhibit D, pg 2)

20. "Recent clinical studies have used 400 micrograms of chromium to produce excellent weight-loss and fat-loss results.

Your reward can be substantially greater fitness benefits when you DOUBLE THE CHROMIUM POWER. And Chromium Picolinate is perfectly safe at these reasonable, healthy amounts." (Exhibit E)

21. Testimonials from Exhibit L, Body Gold advertisement:

A. "Lost 13 pounds and feel great-thanks to Body Gold!" G.B., Mohrsville, PA

B. "Since I started Body Gold products I have lost a total of 36 inches and 64 pounds. I'm a proud Body Gold user." Karen Suleiman, Livonia, MI

C. "I've lost 20 pounds so far, and many, many inches!! ...." Jennifer Papagno, Marlboro, MA

D. "Body Gold has become an important part of my daily life. I no longer crave chocolate or any sweets, and my appetite has decreased also. I've lost inches all over." Joan Decker, Troy, NY

E. "I saw inch loss in just a few days, and also a loss of appetite. I have more energy than ever." N.W., Wichita, TX

F. "Your product (Chromium Picolinate) is so great, in 2 weeks, I've lost inches already. I haven't eaten or craved sweets..." S.C., Buena Park, CA

G. "You have made me a believer. I could not get any of my dresses to fit when I needed to attend a special event. I started the 200 mcg chromium that day. One month later I can once again wear my clothes. I feel great! Thank you!" Marcy Baker, Bend, OR

H. "This is the best thing that I have ever tried and got results so fast! I have several friends as well as myself who have lost 20 pounds or more." M.G., Rocky Mtn., NC

I. "I lost lots of inches and 2 dress sizes!" G.H., Columbus, OH

J. "I feel great since starting Daily Energy Formula and I have lost 10 lbs in the past month since starting Chromium Picolinate." M.S., Madison Hts., VA

K. "I tried your Dual Pak of Super Fat Burner Formula in combination with the Chromium Picolinate, and I AM HOOKED! I noticed immediate and dramatic fat loss, while I've noticed more muscle. I've finally managed to lose those impossible last 5 lbs almost effortlessly." K.M., Edgewood, NM

L. "I lost 7-1/2 lbs in 2 weeks with absolutely no change in diet -I feel better and want less food." Mary Guzy, Los Angeles, CA

M. "I've lost 10 pounds without trying to diet with this product. I feel great!" Sally Wymer, Friendswood, TX

22. Testimonials from Exhibit D, Body Gold flier:

**BODY GOLD Customers write...About Chromium Picolinate :**

[A] "This is my second order. I've lost 5 pounds and almost 2 jeans sizes..." R.N., Bucyrus, NY

[B] "It has definitely decreased my interest in sugar, specifically chocolate. Thanks so much!" Bonnie Murphy, Central Point, OR

[C] "I can't believe how much more energy I have. I've lowered my cholesterol by about 30 points. I've lost weight." Anonymous (by request), River Falls, WI

[D] "Initially I lost 9 lbs. in 11 days. I am hypoglycemic - which has virtually been totally controlled, no headaches - no sugar highs & lows. I love BODY GOLD!" D.T., Flushing, NY

**About 24K with Chromium Picolinate:**

[E] "I (lost) 10 lbs., and am able to maintain. BODY GOLD does make me feel better." Diane Wiles, Everett, WA

[F] "It makes me feel better. They (the tablets) are easy to take. I noticed I've lost inches." M.R.Y., Daytona Beach, FL

[G] "I am on a very strict diet, find it easier to stick with it. Also have control over hypoglycemia, never could get control before." L.P., Easley, SC

PARAGRAPH FIVE: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A-L, respondent has represented, directly or by implication, that:

- A. Chromium Picolinate significantly reduces body fat.
- B. Chromium Picolinate causes significant weight loss.
- C. Chromium Picolinate causes rapid weight or fat loss.
- D. Chromium Picolinate significantly reduces serum cholesterol.
- E. Chromium Picolinate significantly increases human metabolism.
- F. Chromium Picolinate increases lean body mass and builds muscle.
- G. Chromium Picolinate causes weight loss without diet and/or strenuous exercise.
- H. Chromium Picolinate controls appetite and craving for sugar.
- I. Chromium Picolinate lowers or regulates blood sugar.
- J. Chromium Picolinate increases energy and/or stamina.
- K. Testimonials from consumers appearing in advertisements or promotional materials for Chromium Picolinate reflect the typical or ordinary experience of members of the public who have used the product.

PARAGRAPH SIX: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A-L, respondent has represented, directly or by implication, that at the time she made the representations set forth in PARAGRAPH FIVE, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PARAGRAPH SEVEN: In truth and in fact, at the time she made the representations set forth in PARAGRAPH FIVE, respondent did not possess and rely upon a reasonable basis that

substantiated such representations. Therefore, the representation set forth in PARAGRAPH SIX was, and is, false and misleading.

PARAGRAPH EIGHT: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH FOUR, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A-L, respondent has represented, directly or by implication, that scientific studies demonstrate that Chromium Picolinate:

- A. Significantly reduces body fat;
- B. Causes rapid body fat loss;
- C. Increases lean body mass and builds muscle;
- D. Causes significant weight loss;
- E. Significantly reduces serum cholesterol;
- F. Lowers or regulates blood sugar; and
- G. Increases energy and/or stamina.

PARAGRAPH NINE: In truth and in fact, scientific studies do not demonstrate that Chromium Picolinate:

- A. Significantly reduces body fat;
- B. Causes rapid body fat loss;
- C. Increases lean body mass and builds muscle;
- D. Causes significant weight loss;
- E. Significantly reduces serum cholesterol;
- F. Lowers or regulates blood sugar; or
- G. Increases energy and/or stamina.

Therefore the representations set forth in PARAGRAPH EIGHT were, and are, false and misleading.

PARAGRAPH TEN: Respondent has disseminated or caused to be disseminated advertisements and promotional materials for L-Carnitine and Super Fat Burner Formula, including but not

necessarily limited to the attached Exhibits D and L. These advertisements and promotional materials contain the following statements:

1. "L-Carnitine - A powerful fat metabolizer praised by athletes for its ability to transport fatty acids more efficiently to the body's "fat burning energy centers"... By improving your fat metabolism, L-Carnitine can enhance your efforts at fat loss, weight loss, and muscle toning." (Exhibit D, pg 1, col 1)
2. "I have been particularly pleased with the Super Fat Burner Formula. I had a baby and within 2 months I have lost the 40 lbs gained and have rebuilt the muscle definition I had lost during the pregnancy." Carol Lough Henderson, Stone Mtn., GA (Exhibit L)
3. "Adding the L-Carnitine has been really effective. It has dramatically improved my athletic performance and increased my overall stamina. Your products give me the fuel I need." Gail Smart, W. Medford, MA (Exhibit L)

PARAGRAPH ELEVEN: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH TEN, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits D and L, respondent has represented, directly or by implication, that:

- A. Taking L-Carnitine as a supplement reduces body fat.
- B. Taking L-Carnitine as a supplement causes weight loss.
- C. Taking L-Carnitine as a supplement tones muscles.
- D. Taking L-Carnitine as a supplement increases stamina and enhances athletic performance.
- E. Testimonials from consumers appearing in advertisements or promotional materials for L-Carnitine reflect the typical or ordinary experience of members of the public who have used the product.



PARAGRAPH TWELVE: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH TEN, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits D and L, respondent has represented, directly or by implication, that at the time she made the representations set forth in PARAGRAPH ELEVEN, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PARAGRAPH THIRTEEN: In truth and in fact, at the time she made the representations set forth in PARAGRAPH ELEVEN, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in PARAGRAPH TWELVE was, and is, false and misleading.

PARAGRAPH FOURTEEN: Respondent has disseminated or caused to be disseminated advertisements and promotional materials for CitriGold, including but not necessarily limited to, the attached Exhibit M. These advertisements and promotional materials contain the following statements:

1. "CitriGold is the weight-loss aid that combines the latest, most potent ingredients to help you:  
\*Lose weight  
\*Reduce Body Fat  
\*Control your appetite"
2. "Add CitriGold to your weight loss and exercise program for a leaner, slimmer, sleeker body than you would have thought possible."

PARAGRAPH FIFTEEN: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH FOURTEEN, including but not necessarily limited to the advertisement attached as Exhibit M, respondent has represented, directly or by implication, that:

- A. CitriGold causes weight loss.
- B. CitriGold reduces body fat.
- C. CitriGold controls appetite.

PARAGRAPH SIXTEEN: Through the use of the statements contained in the advertisements and promotional materials referred to in PARAGRAPH FOURTEEN, including but not necessarily limited to the advertisement attached as Exhibit M, respondent

has represented, directly or by implication, that at the time she made the representations set forth in PARAGRAPH FIFTEEN, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PARAGRAPH SEVENTEEN: In truth and in fact, at the time she made the representations set forth in PARAGRAPH FIFTEEN, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in PARAGRAPH SIXTEEN was, and is, false and misleading.

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

THEREFORE, the Federal Trade Commission this twenty-second day of January, 1997, has issued this complaint against respondent.

By the Commission.

SEAL:

Benjamin I. Berman  
Acting Secretary

[Exhibits A-M attached to paper copies of complaint, but not available in electronic form.]