

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

In the Matter of)
)
)
BASIC RESEARCH, L.L.C.,)
A.G. WATERHOUSE, L.L.C.,)
KLEIN-BECKER USA, L.L.C.,)
NUTRASPORT, L.L.C.,)
SOVAGE DERMALOGIC)
LABORATORIES, L.L.C.,)
BAN, L.L.C.,)
DENNIS GAY,)
DANIEL B. MOWREY, and)
MITCHELL K. FRIEDLANDER,)
)
Respondents.)

Docket No. 9318

PUBLIC DOCUMENT

**COMPLAINT COUNSEL'S SUPPLEMENTAL RESPONSE TO
BASIC RESEARCH LLC'S FIRST REQUEST FOR ADMISSIONS**

Pursuant to Rule 3.32 of the Commission's Rules of Practice, Complaint Counsel serve the following supplemental answer to Respondent Basic Research LLC's First Request For Admissions ("Respondent's Admissions"). Complaint Counsel's provision of a response to any request for admission shall not constitute a waiver of any applicable objection, privilege, or other right. Where required in order to respond to this Request For Admissions, Complaint Counsel represents that it has undertaken good faith efforts to identify the information that would allow it to admit or deny such requests.

GENERAL RESPONSES

1. Complaint Counsel's responses are made subject to all objections as to competence, relevance, privilege, materiality, propriety, admissibility, and any and all other objections and grounds that would require the exclusion of any statement contained herein if any requests were asked of, or if any statements contained herein were made by, or if any documents referenced here were offered by a witness present and testifying in court, all of which objections are reserved and may be interposed at the time of the hearing.
2. The fact that Complaint Counsel have responded to any request for admission in whole or in part is not intended and shall not be construed as a waiver by Complaint Counsel of all or any part of any objection to any request for admission.
3. Complaint Counsel have not completed their investigation in this case, and additional facts may be discovered that are responsive to Respondent's interrogatories. Complaint Counsel reserve the right to supplement the responses provided herein as appropriate during the course of discovery.
4. As used herein, "Respondents" shall mean all Respondents named in the Complaint.
5. As used herein, "Respondent's requests for admission" shall mean the requests for admission and all applicable instructions and definitions as set forth in Basic Research, LLC's First Request For Admissions.


Requests for Admission and Responses

34. Admit that there is no Federal Trade Commission rule that prohibits a Ph.D from being referred to as a "doctor."

Response: Complaint Counsel objects to this request to the because it does not seek "an admission of the truth of any matters relevant to the pending proceeding." R. 3.32, Admissions. Complaint Counsel further objects to this request because it seeks an admission as to a matter of law and hence is not a proper request and exceeds the scope of Rule 3.32 Admissions.

Supplemental Response: Subject to and without waiving the objections specified above, Complaint Counsel admits that there is no Federal Trade Commission Guide and Trade Practice Rule that specifically prohibits a Ph.D from being referred to as a "doctor." Complaint Counsel denies this request to the extent it makes the unwarranted inference that misrepresenting oneself as a medical doctor is permissible under the FTC Act.

Dated: November 24, 2004



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Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Certificate of Service

I hereby certify that on the 24th day of November, 2004, I caused *COMPLAINT COUNSEL'S SUPPLEMENTAL RESPONSE TO RESPONDENT BASIC RESEARCH LLC'S FIRST REQUEST FOR ADMISSIONS* to be served and filed as follows:

- (1) the original, two (2) paper copies filed by hand delivery and one (1) electronic copy via email to:

Donald S. Clark, Secretary
Federal Trade Commission
600 Penn. Ave., N.W., Room H-159
Washington, D.C. 20580

- (2) two (2) paper copies served by hand delivery to:

The Honorable Stephen J. McGuire
Administrative Law Judge
600 Penn. Ave., N.W., Room H-113
Washington, D.C. 20580

and

one (1) electronic copy via email and one (1) paper copy by first class mail to the following persons:

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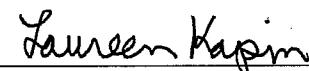
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