

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)
)
)
AMERIFIT, INC.,) DOCKET NO. C-3747
a corporation.)
)

COMPLAINT

The Federal Trade Commission, having reason to believe that AmeriFIT, Inc., a corporation ("respondent"), has 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 AmeriFIT, Inc., is a Delaware corporation with its principal office or place of business at 166 Highland Park Drive, Bloomfield, Connecticut 06002.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold and distributed products to the public, including "Fat Burners," "Fast Burners," "Improved Formula Fat Burners," and "Extra Strength Fat Burners" (collectively, "the Fat Burners products"). 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 respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
4. Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for the products referred to in Paragraph 2, including but not necessarily limited to the attached Exhibits A and B. These advertisements and promotional materials contain the following statements:
 - A. "WHEN IT COMES TO WEIGHT LOSS THERE'S NOTHING LIKE IT! **FAT BURNERS**™ is a 100% natural lipotropic formula designed to help people from every walk of life achieve the physique they desire. Fat that once created personal unhappiness and posed a hazard to one's health can now be utilized to one's

advantage. **FAT BURNERS™** may help active individuals lose weight and increase vascularity by increasing the body's ability to burn fat for energy. . . . 100% NATURAL WEIGHT LOSS SYSTEM." (Exhibit A).

B. "LOSE WEIGHT NOW! . . . Introducing FAT BURNERS, America's choice for nutritional weight loss support. If your goal is a thinner, more attractive body, then let FAT BURNERS lead the way." (Exhibit B).

5. Through the means described in Paragraph 4, and through the use of the trade names "Fat Burners" and "Fast Burners," respondent has represented, expressly or by implication, that the Fat Burners products cause weight loss or reduce body fat.

6. Through the means described in Paragraph 4, and through the use of the trade names "Fat Burners" and "Fast Burners," respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5 at the time the representations were made.

7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5 at the time the representations were made. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. 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 sixteenth day of June, 1997, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL

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