

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

FEDERAL TRADE COMMISSION, )  
)  
Plaintiff, )  
v. )  
)  
PINNACLE MARKETING, L.L.C., )  
also d/b/a Health Remedies, )  
Acadia Skin Care, )  
Atlantic Skin Care, )  
Atlantic Skin Care Products, and )  
Pinnacle Marketing Group, L.L.C., )  
TODD FLAHERTY, )  
MATTHEW TASKER, )  
and )  
KEVIN CURTY, )  
)  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO.

**FEDERAL TRADE COMMISSION’S COMPLAINT FOR PERMANENT INJUNCTIVE  
AND OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), for its complaint alleges that:

1. Plaintiff brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to secure a permanent injunction, rescission of contracts and restitution, disgorgement of ill-gotten gains, and other equitable relief against Defendants for engaging in deceptive acts or practices and disseminating false advertisements for Ultra Carb 3000 (“Ultra Carb”), a dietary supplement marketed for weight loss, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

## JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 15 U.S.C. §§ 45(a), 52, and 53(b), and 28 U.S.C. §§ 1331, 1337(a) and 1345.
3. Venue in the United States District Court for the District of Maine is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).

## THE PARTIES

4. Plaintiff, the Federal Trade Commission, is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The Commission is charged, *inter alia*, with enforcement of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. § 45(a) and 52, which respectively prohibit unfair or deceptive acts or practices in or affecting commerce, and false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce. The Commission is authorized to initiate federal district court proceedings to enjoin violations of the FTC Act and to secure such equitable relief, including rescission of contracts, restitution, and disgorgement of ill-gotten gains, as may be appropriate in each case. 15 U.S.C. § 53(b).
5. Defendant Pinnacle Marketing, L.L.C. (“Pinnacle”), which also does or has done business as Pinnacle Marketing Group, L.L.C., Health Remedies, Acadia Skin Care, Atlantic Skin Care, and Atlantic Skin Care Products, is a Maine limited liability corporation, formed in or about December 2000, with its principal office or place of business at 15 Morin Street, Biddeford, Maine, 04005. At all times relevant to this Complaint, acting alone or in concert with others, Pinnacle has marketed and sold Ultra Carb. Pinnacle transacts or has transacted business in the District of Maine.

6. Defendant Todd Flaherty (“Flaherty”) is the President of Pinnacle. At all times relevant to this Complaint, acting individually or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Pinnacle, including the acts and practices set forth in this Complaint. His principal office or place of business is the same as that of Pinnacle. Flaherty transacts or has transacted business in the District of Maine.
7. Defendant Matthew Tasker (“Tasker”) is the Vice President of Pinnacle. At all times relevant to this Complaint, acting individually or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Pinnacle, including the acts and practices set forth in this Complaint. His principal office or place of business is the same as that of Pinnacle. Tasker transacts or has transacted business in the District of Maine.
8. Defendant Kevin Curty (“Curty”) is a member and manager of Pinnacle. At all times relevant to this Complaint, acting individually or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Pinnacle, including the acts and practices set forth in this Complaint. His principal office or place of business is the same as that of Pinnacle. Curty transacts or has transacted business in the District of Maine.

### **COMMERCE**

9. The acts and practices of Defendants alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

## DEFENDANTS' COURSE OF BUSINESS

10. Since in or about December 2000, and continuing thereafter, Defendants Pinnacle, Tasker, Flaherty, and Curty (collectively, "Defendants") have engaged in the labeling, advertising, offering for sale, sale, and distribution of Ultra Carb, a purported weight loss dietary supplement system.
11. Ultra Carb consists of "carb blocker" and "fat eliminator" tablets. The "carb blocker" tablets contain vitamin C, biotin, calcium, chromium picolinate, white kidney bean extract, astragalus, fenugreek extract, milk thistle, and other ingredients. The "fat blocker" tablets contain chitosan. The package instructions direct consumers using Ultra Carb to take one carb blocker tablet and one fat eliminator tablet prior to the two largest meals of the day. The package instructions also advise that consumers "double up" on either the carb blocker, the fat blocker, or both when eating a meal very high in fat or carbohydrates. Defendants have sold a two-month supply for \$99.95 plus shipping and handling.
12. To induce consumers to purchase Ultra Carb, Defendants have disseminated, or caused to be disseminated, advertising and promotional materials including radio ads broadcast in Los Angeles, Detroit, Boston, Chicago, and Denver; newspaper ads in the *Washington Post* and the *Detroit Free Press*; Television Interactive Programming Guide ("IPG") advertisements;<sup>1</sup> and an Internet coupon. These advertisements include, but are not

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<sup>1</sup> IPG technology is embedded in digital cable, satellite, and consumer electronic devices allowing consumers to view and select programs by scrolling through TV listings using their remote control. IPGs also feature panel advertisements (similar to Internet banner ads) along the side of the screen beside the TV listings feature. If consumers click on the panel advertisement, a full-screen ad appears.

limited to, the attached Exhibits A through H. These advertisements contain, among other things, the following statements:

- a. You can lose all the weight you want with the right weight loss plan and now that plan is available to you without a prescription. Introducing all-natural Ultra Carb, the only total weight loss system guaranteed to melt away the pounds by using your body's natural carb blocking, fat-burning mechanism. Ultra Carb is a two-step system that starts by blocking the carbs in many of the foods you love, like pasta, pizza and bread. Next, Ultra Carb goes to work burning fats contained in everyday foods, like cheeses and the oils contained in almost everything. Your body can then go to work on the fat it's been storing, allowing you to lose two to three dress or pants sizes a month. You can lose up to 20 pounds in four weeks. Best of all, Ultra Carb is guaranteed to work or your money back.  
- Exhibit A, Ultra Carb radio ad.
- b. If you want to lose weight effectively, efficiently and safely, then try Ultra Carb.... I have never seen a weight loss option as great as Ultra Carb. I started recently and so far so good. I've heard about other people's successes and now I'm trying it for myself because there are no weird foods or special diets to follow (*sic*), but most importantly, Ultra Carb doesn't contain any ephedrine, the dangerous ingredient found in a lot of other diet products. The FDA strongly urges people to stay away from ephedrine. Instead, the ingredient that Ultra Carb has is chitin, a totally safe and natural product found in shellfish that is proven to help breakdown carbs and pass them right through the body. And, hey, Ultra Carb guarantees their results. You have 60 days to lose two to three dress or pants sizes or they'll refund your purchase. Thousands have lost weight with Ultra Carb, so do what I did. Call them today.... You have nothing to lose but the love handles.  
- Exhibit B, Ultra Carb radio ad.
- c. UNIDENTIFIED MALE: I've been on Ultra Carb for two weeks. I've lost a total of 10 pounds and I cannot believe it.  
UNIDENTIFIED FEMALE: In the first 9 days since using Ultra Carb, I lost 10 pounds. It's the only thing that's worked for me and I am so excited to get down to my goal weight. Right now, I'm losing 20 pounds a month and within 6 weeks, I'll have reached my goal....  
MALE ANNOUNCER: Whoever said losing weight has to be difficult has not used Ultra Carb. Ultra Carb works by blocking carbohydrates, the source of most weight gain. If you want to lose up to 20 pounds and two to three dress or pants sizes per month, call now.  
- Exhibit C, Ultra Carb radio ad.
- d. FEMALE ANNOUNCER: Spare tire, pot belly, overhang. Do these terms

describe your mid-section? If you answered yes, you're probably looking to get rid of that gut. And if exhaustive workouts and tiny meals are not in your future, listen to what worked for these guys.

UNIDENTIFIED MALE: It was simple. I hit 30. Every beer and cheeseburger I had went right to my stomach. A buddy of mine said, try Ultra Carb. He gave me the number. In like two months, I lost 20 pounds. It wasn't complicated at all. It did what it was supposed to do.

UNIDENTIFIED MALE: I needed to take off some weight and I don't like trying diets. I'm not much of a gym guy. So, I thought I'd try Ultra Carb and it worked for me. I kept eating what I like and I lost 14 pounds in about 5 weeks.

FEMALE ANNOUNCER: And Ultra Carb can work for you by blocking the carbs in your favorite foods, pizza, pasta, even beer. Ultra Carb goes to the source of weight gain and stops it before it turns to fat.

- Exhibit D, Ultra Carb radio ad.

- e. Ultra Carb will jumpstart you to losing weight and feeling good, and on top of that, Ultra Carb is 100% guaranteed or your money back. . . Ultra Carb is the only total weight loss system guaranteed to melt away the pounds by blocking carbs in your favorite foods by going to the source of the weight gain and stopping it from turning into fat. . . . Lose up to three pants sizes in the next month.  
- Exhibit E, Ultra Carb radio ad.
  
- f. MIKE EVANS: So, are you getting tired of being overweight, not taking advantage of all the activities to do here in Colorado, of not wearing light clothes because you don't like the way your body looks? This is Mike Evans for Ultra Carb, the weight loss solution that I've been using for four months with great results. I've lost 15 pounds . . . I'm eating pasta, I'm eating pizza, I'm drinking beer. . . . Ultra Carb takes the carbohydrates that exist in our favorite foods and blocks them before they turn into fat. Now, please, don't get me wrong. You can't eat like a pig in a trough. You have to show some restraint. But the point is, if you're smart, you can still eat good food and lose weight.  
- Exhibit E, Ultra Carb radio ad.
  
- g. **Block Carbohydrates and Fat! You Can Lose Weight. WE GUARANTEE IT!**  
Ultra Carb is an exclusive two-step system that blocks carbohydrates and fat from turning into body fat. Our revolutionary new formula will allow you to eat the foods you love and still lose weight, quickly and easily. You know you can't successfully lose weight without fighting both **FAT** and **CARBS**! Now you can do both . . . safely and easily. Without drugs. Without stimulants. Isn't It Time You Liked Your Body? • Exclusive Formula • Blocks carbs • Blocks sugars • Blocks fat • No stimulants • No prescriptions • 100% Safe • For men & women.  
- Exhibit F, newspaper advertisement.

- h. **Block Carbohydrates and Fat!** Guaranteed weight loss with Ultra Carb 3000. Our exclusive two-step system blocks carbohydrates and fat from turning into body fat. Eat the foods you love and still lose weight, quickly, easily and safely. Without drugs or stimulants. • Exclusive formula • Blocks carbs • Blocks sugars • Blocks fat • No stimulants • No prescriptions • 100% Safe • For men & women. - Exhibit G, Internet coupon from [www.get1free.com](http://www.get1free.com).

### DEFENDANTS' VIOLATIONS OF THE FTC ACT

13. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, Ultra Carb is either a “food” or a “drug” pursuant to Sections 15(b) and (c) of the FTC Act, 15 U.S.C. §§ 55(b) and (c). As set forth below, the Defendants have engaged and are continuing to engage in violations of Sections 5(a) and 12(a) of the FTC Act in connection with the marketing and sale of Ultra Carb.

### COUNT I

14. Through the means described in Paragraph 12 above, Defendants have represented, expressly or by implication, that Ultra Carb:
- a. causes substantial weight loss by blocking the absorption of fat; and
  - b. causes quick and substantial weight loss without the need to exercise or reduce caloric intake, enabling users to lose as much as 20 pounds and two to three dress or pants sizes in one month.
15. In truth and in fact, Ultra Carb:

- a. does not cause substantial weight loss by blocking the absorption of fat; and
- b. does not cause quick and substantial weight loss without the need to exercise or reduce caloric intake, and does not enable users to lose as much as 20 pounds and two to three dress or pants sizes in one month.

Therefore, Defendants' representations set forth in Paragraph 14 are false or misleading and constitute a deceptive act or practice, and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

## **COUNT II**

16. Through the means described in Paragraph 12 above, Defendants have represented, expressly or by implication, that Ultra Carb:
- a. causes quick and substantial weight loss; and
  - b. causes substantial weight loss by blocking the absorption of carbohydrates.
17. Defendants did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 16 at the time the representations were made. Therefore, the making of the representations set forth in Paragraph 16 constitutes a deceptive act or practice, and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

## **CONSUMER INJURY**

18. Consumers throughout the United States have suffered and continue to suffer substantial monetary loss as a result of Defendants' unlawful acts or practices. In addition,



Defendants have been unjustly enriched as a result of their unlawful practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

### **THIS COURT'S POWER TO GRANT RELIEF**

19. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including rescission of contracts and restitution, and the disgorgement of ill-gotten gains, and to prevent and remedy injury caused by Defendants' law violations.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff FTC requests that this Court, as authorized by Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and pursuant to its own equitable powers:


- a. Enjoin Defendants permanently from violating Sections 5 and 12 of the FTC Act in connection with the advertising or sale of food, drugs, dietary supplements, devices, cosmetics or other products, services or programs;
- b. Award such equitable relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of Sections 5(a) and 12 of the FTC Act, including but not limited to, rescission of contracts and restitution, and the disgorgement of ill-gotten gains by Defendants; and
- c. Award Plaintiff the costs of bringing this action and such other equitable relief as the Court may determine to be just and proper.

Respectfully submitted,

FOR THE FEDERAL TRADE COMMISSION:

ELAINE D. KOLISH  
Associate Director for Enforcement

JONI LUPOVITZ  
Assistant Director for Enforcement

  
LAUREEN KAPIN  
CAROL J. JENNINGS  
AMY M. LLOYD  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
(202) 326-3237 (telephone)  
(202) 326- 2559 (facsimile)

**OFFICIAL TRANSCRIPT PROCEEDING**

**FEDERAL TRADE COMMISSION**

**MATTER NO. 0323151**

**TITLE ULTRA CARB**

**DATE RECORDED: DATE UNKNOWN  
TRANSCRIBED: SEPTEMBER 11, 2003**

**PAGES 1 THROUGH 5**

**RADIO ADVERTISEMENT FOR ULTRA CARB**

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**FOR THE RECORD, INC.  
603 POST OFFICE ROAD, SUITE 309  
WALDORF, MARYLAND 20602  
(301)870-8025**

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EXHIBIT A

FEDERAL TRADE COMMISSION

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RADIO ADVERTISEMENT:

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Ultra Carb

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P R O C E E D I N G S

RADIO ADVERTISEMENT FOR ULTRA CARB

MALE ANNOUNCER: -- on TMJ4.

FEMALE ANNOUNCER: You can lose all the weight you want with the right weight loss plan and now that plan is available to you without a prescription. Introducing all-natural Ultra Carb, the only total weight loss system guaranteed to melt away the pounds by using your body's natural carb blocking, fat-burning mechanism.

Ultra Carb is a two-step system that starts by blocking the carbs in many of the foods you love, like pasta, pizza and bread. Next, Ultra Carb goes to work burning fats contained in everyday foods, like cheeses and the oils contained in almost everything. Your body can then go to work on the fat it's been storing, allowing you to lose two to three dress or pants sizes a month. You can lose up to 20 pounds in four weeks.

Best of all, Ultra Carb is guaranteed to work or your money back. Call right now to find out how you can get a free month of Ultra Carb with your order.

MALE ANNOUNCER: Call now for your 60-day risk-free trial of Ultra Carb, 1-800-353-7795. Lose up to three pants sizes in the next month, 1-800-353-7795. It's guaranteed. 1-800-353-7795.

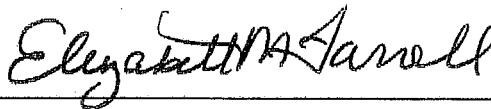
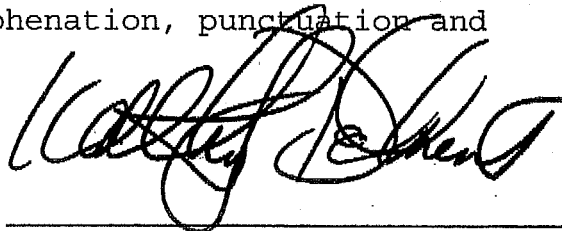
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For The Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

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78                    I HEREBY CERTIFY that the transcript contained  
9                    herein is a full and accurate transcript of the tapes  
10                    transcribed by me on the above cause before the FEDERAL  
11                    TRADE COMMISSION to the best of my knowledge and belief.  
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13                    DATED:    SEPTEMBER 11, 2003

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1516                    ELIZABETH M. FARRELL  
1718                    C E R T I F I C A T I O N   O F   P R O O F R E A D E R  
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KATHY J. DE MENT



**OFFICIAL TRANSCRIPT PROCEEDING**

**FEDERAL TRADE COMMISSION**

**MATTER NO. 0323151**

**TITLE ULTRA CARB**

**DATE RECORDED: DATE UNKNOWN  
TRANSCRIBED: SEPTEMBER 11, 2003**

**PAGES 1 THROUGH 5**

**RADIO ADVERTISEMENT FOR ULTRA CARB**

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**FOR THE RECORD, INC.  
603 POST OFFICE ROAD, SUITE 309  
WALDORF, MARYLAND 20602  
(301)870-8025**

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EXHIBIT B

1 P R O C E E D I N G S

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3 RADIO ADVERTISEMENT FOR ULTRA CARB

4 LIZ DEARLING: If you want to lose weight  
5 effectively, efficiently and safely, then try Ultra Carb.  
6 I'm Liz Dearling (phonetic), Office Manager for US 99.5.  
7 I have never seen a weight loss option as great as Ultra  
8 Carb. I started recently and so far so good. I've heard  
9 about other people's successes and now I'm trying it for  
10 myself because there are no weird foods or special diets  
11 to follows, but most importantly, Ultra Carb doesn't  
12 contain any ephedrine, the dangerous ingredient found in  
13 a lot of other diet products.

14 The FDA strongly urges people to stay away from  
15 ephedrine. Instead, the ingredient that Ultra Carb has  
16 is chitin, a totally safe and natural product found in  
17 shellfish that is proven to help breakdown carbs and pass  
18 them right through the body. And, hey, Ultra Carb  
19 guarantees their results. You have 60 days to lose two  
20 to three dress or pants sizes or they'll refund your  
21 purchase.

22 Thousands have lost weight with Ultra Carb, so  
23 do what I did. Call them today, 1-800-451-6926, 1-800-  
24 451-6926. You have nothing to lose but the love handles.  
25 1-800-451-6926.

For The Record, Inc.  
Waldorf, Maryland  
(301)870-8025

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MALE ANNOUNCER: WUSN Chicago.

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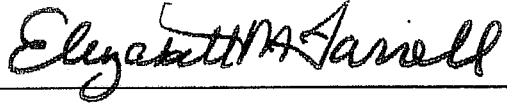
CASE TITLE: ULTRA CARB

TAPING DATE: DATE UNKNOWN

TRANSCRIPTION DATE: SEPTEMBER 11, 2003

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

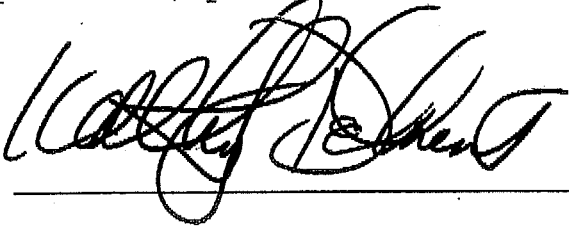
DATED: SEPTEMBER 11, 2003



ELIZABETH M. FARRELL

C E R T I F I C A T I O N   O F   P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.



KATHY J. DE MENT

**OFFICIAL TRANSCRIPT PROCEEDING**

**FEDERAL TRADE COMMISSION**

**MATTER NO. 0323151**

**TITLE ULTRA CARB**

**DATE RECORDED: DATE UNKNOWN  
TRANSCRIBED: SEPTEMBER 11, 2003**

**PAGES 1 THROUGH 5**

**RADIO ADVERTISEMENT FOR ULTRA CARB**

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**FOR THE RECORD, INC.  
603 POST OFFICE ROAD, SUITE 309  
WALDORF, MARYLAND 20602  
(301)870-8025**

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EXHIBIT C

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RADIO ADVERTISEMENT:

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Ultra Carb

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In the Matter of: )  
Ultra Carb ) Matter No. 0323151  
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Date Unknown

The following transcript was produced from a  
live tape provided to For The Record, Inc. on September  
11, 2003.

## P R O C E E D I N G S

## RADIO ADVERTISEMENT FOR ULTRA CARB

MALE ANNOUNCER: -- will compete for their chance to represent Philly and kick off Rolling Rock Town Fair 3.3 from the rock station, Extreme 94 WYSP Extreme Team.

MALE ANNOUNCER: Are you tired of the weight loss battle? Do you find yourself feeling desperate to lose weight and keep it off? Listen to what Ultra Carb users are saying about their experiences.

UNIDENTIFIED MALE: I've been on Ultra Carb for two weeks. I've lost a total of 10 pounds and I cannot believe it.

UNIDENTIFIED FEMALE: In the first 9 days since using Ultra Carb, I lost 10 pounds. It's the only thing that's worked for me and I am so excited to get down to my goal weight. Right now, I'm losing 20 pounds a month and within 6 weeks, I'll have reached my goal. Ultra Carb is amazing and I would recommend it to anyone who really wants to lose this weight.

MALE ANNOUNCER: Whoever said losing weight has to be difficult has not used Ultra Carb. Ultra Carb works by blocking carbohydrates, the source of most weight gain. If you want to lose up to 20 pounds and two



1 to three dress or pants sizes per month, call now.

2 Ultra Carb is 100 percent guaranteed to work or  
3 receive a full refund. Call now to look and feel better  
4 about yourself. 1-800-661-7861. Find out how you can  
5 get one month free with your order. 1-800-661-7861.  
6 That's 1-800-661-7861.

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For The Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

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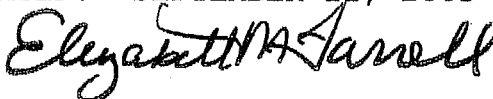
CASE TITLE: ULTRA CARB

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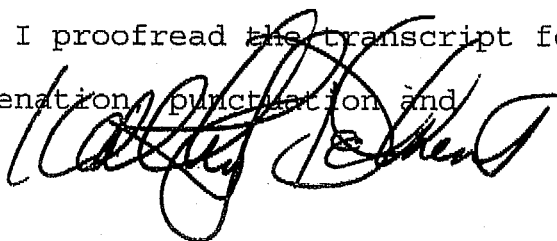


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ELIZABETH M. FARRELL

C E R T I F I C A T I O N   O F   P R O O F R E A D E R

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KATHY J. DE MENT

**OFFICIAL TRANSCRIPT PROCEEDING**

**FEDERAL TRADE COMMISSION**

**MATTER NO. 0323151**

**TITLE ULTRA CARB**

**DATE RECORDED: DATE UNKNOWN  
TRANSCRIBED: SEPTEMBER 11, 2003**

**PAGES 1 THROUGH 5**

**RADIO ADVERTISEMENT FOR ULTRA CARB**

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**FOR THE RECORD, INC.  
603 POST OFFICE ROAD, SUITE 309  
WALDORF, MARYLAND 20602  
(301)870-8025**

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EXHIBIT D

FEDERAL TRADE COMMISSION

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Ultra Carb ) Matter No. 0323151  
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The following transcript was produced from a  
live tape provided to For The Record, Inc. on September  
11, 2003.

PROCEEDINGS

RADIO ADVERTISEMENT FOR ULTRA CARB

FEMALE ANNOUNCER: Spare tire, pot belly, overhang. Do these terms describe your mid-section? If you answered yes, you're probably looking to get rid of that gut. And if exhaustive workouts and tiny meals are not in your future, listen to what worked for these guys.

UNIDENTIFIED MALE: It was simple. I hit 30. Every beer and cheeseburger I had went right to my stomach. A buddy of mine said, try Ultra Carb. He gave me the number. In like two months, I lost 20 pounds. It wasn't complicated at all. It did what it was supposed to do.

UNIDENTIFIED MALE: I needed to take off some weight and I don't like trying diets. I'm not much of a gym guy. So, I thought I'd try Ultra Carb and it worked for me. I kept eating what I like and I lost 14 pounds in about 5 weeks.

FEMALE ANNOUNCER: And Ultra Carb can work for you by blocking the carbs in your favorite foods, pizza, pasta, even beer. Ultra Carb goes to the source of weight gain and stops it before it turns to fat. Ultra Carb is 100 percent guaranteed to work or your money back. Call now to find out how you can get a one-month

1 supply free with your order.

2 MALE ANNOUNCER: 1-800-290-4704. It's toll-  
3 free. 1-800-290-4704. Call today for a two-month risk-  
4 free trial. 1-800-290-4704.

5 (The radio advertisement was concluded.)

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OFFICIAL TRANSCRIPT PROCEEDING  
FEDERAL TRADE COMMISSION

MATTER NO. 0323151

TITLE ULTRA CARB

DATE RECORDED: DATES UNKNOWN

TRANSCRIBED: JULY 25, 2003

PAGES 1 THROUGH 5

ULTRA CARB RADIO ADVERTISEMENTS

EXHIBIT E

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## FEDERAL TRADE COMMISSION

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## P R O C E E D I N G S

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## ULTRA CARB -- RADIO ADVERTISEMENT WITH MIKE EVANS

MIKE EVANS: So, are you getting tired of being overweight, not taking advantage of all the activities to do here in Colorado, of not wearing light clothes because you don't like the way your body looks? This is Mike Evans for Ultra Carb, the weight loss solution that I've been using for four months now with great results.

I've lost 15 pounds, I'm feeling good, I'm getting more active. Yet, I'm not on some rigid diet, eating an endless supply of salads and broccoli. I'm eating pasta, I'm eating pizza, I'm drinking beer. I'm enjoying food that ordinarily would get me in trouble, but with Ultra Carb, it's not a problem.

And here's why. Ultra Carb takes the carbohydrates that exist in our favorite foods and blocks them before they turn into fat. Now, please, don't get me wrong. You can't eat like a pig in a trough. You

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have to show some restraint. But the point is, if you're smart, you can still eat good food and lose weight.

Take advantage of Ultra Carb's money back guarantee. Call 1-800-831-0851 and try Ultra Carb for 60 days. If you're not satisfied, you get your money back. 1-800-831-0851 for Ultra Carb.

**(The radio advertisement was concluded.)**

**ULTRA CARB -- RADIO ADVERTISEMENT -- SUMMER RIGHT**

FEMALE ANNOUNCER: With summer right around the corner, ladies, you know you want to look good in a bathing suit. And, guys, you don't want those shorts too tight, right? Ultra Carb will jumpstart you to losing weight and feeling good, and on top of that, Ultra Carb is 100 percent guaranteed or your money back.

Call 1-800-291-3154. Ultra Carb is the only total weight loss system guaranteed to melt away the pounds by blocking carbs in your favorite foods by going to the source of the weight gain and stopping it from turning into fat.

What makes Ultra Blocker different is that it's a healthy weight loss system that doesn't contain ephedrine or caffeine, and it's 100 percent guaranteed to

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work or your money back. It's easy, safe and affordable.

You know you want to look good for summer, so call now for your 60-day risk-free trial of Ultra Carb. 1-800-291-3154. Lose up to three pants sizes in the next month. 1-800-291-3154. It's guaranteed. 1-800-291-3154.

(The radio advertisement was concluded.)

C E R T I F I C A T I O N   O F   T Y P I S T

MATTER NUMBER: 0323151

CASE TITLE: ULTRA CARB

TAPING DATE: DATES UNKNOWN

TRANSCRIPTION DATE: JULY 25, 2003

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

DATED: JULY 25, 2003

For The Record, Inc.  
Waldorf, Maryland  
(301)870-8025

—  
ELIZABETH M. FARRELL

C E R T I F I C A T I O N O F P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.

—  
KATHY J. DE MENT

For The Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

# Block Carbohydrates and Fat!

**You Can Lose Weight.**

**WE GUARANTEE IT!**

UltraCarb is an exclusive two-step system that blocks carbohydrates and fat from turning into body fat. Our revolutionary new formula will allow you to eat the foods you love and still lose weight quickly and easily.

You know you can't successfully lose weight without fighting both FAT and CARBS! Now you can do both... safely and easily. Without drugs. Without stimulants.

**Isn't It Time You Liked Your Body?**

- Exclusive formula
- Blocks carbs
- Blocks sugars
- Blocks fat
- No stimulants
- No prescriptions
- 100% Safe
- For men & women

Call Now For Your 60 Day Risk-Free Trial!

**1-800-290-2845 Ext. C-6215**

EXHIBIT F



**Get 1 Free Bottle  
Of Ultracarb 3000**

**Buy one bottle of UltraCarb 3000  
get a second bottle absolutely free.**

**60 Day Risk-Free Trial!**

**Call 1-800-966-5351**

**No Prescription Required.**

Not valid with any other offer. Limited time offer. Expires 6/31/03.



## Block Carbohydrates and Fat!

### Guaranteed weight loss with UltraCarb 3000

Our exclusive two-step system blocks carbohydrates and fat from turning into body fat. Eat the foods you love and still lose weight, quickly, easily and safely. Without drugs or stimulants.



- Exclusive formula
- Blocks carbs
- Blocks sugars
- Blocks fat
- No stimulants
- No prescriptions
- 100% Safe
- For men & women

EXHIBIT G