

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN PRODUCTS ADVERTISED AS  
CONTAINING CREATINE ETHYL ESTER**

**Investigation No. 337-TA-679**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION GRANTING A JOINT MOTION FOR  
TERMINATION OF RESPONDENT SAN CORPORATION FROM THE  
INVESTIGATION PURSUANT TO A CONSENT ORDER;  
ISSUANCE OF CONSENT ORDER**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 4) granting a joint motion for termination of respondent San Corporation from the investigation pursuant to a consent order; issuance of consent order.

**FOR FURTHER INFORMATION CONTACT:** James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** This investigation was instituted on June 23, 2009, based upon a complaint filed on behalf of UneMed Corp. of Omaha, Nebraska ("UneMed") on June 5, 2009, and supplemented on June 8 and 10, 2009. 74 *Fed. Reg.* 29717 (June 23, 2009). The complaint alleged violations of section 337(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products advertised as containing creatine ethyl ester by reason of false advertising in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B) and the Nebraska Uniform Deceptive Trade Practices Act, R.R.S. Neb. § 87-302 (2008). The complaint named as respondents Bodyonics, Ltd. of Hicksville, New York; Engineered Sports Technology, Inc. of Oviedo, Florida; Proviant Technologies, Inc. of

Champagne, Illinois; NRG-X Labs. of Bentonville, Arizona; and San Corporation of Oxnard, California.

On July 13, 2009, UneMed and San Corporation filed a joint motion pursuant to Commission Rule 210.21(c) to terminate the investigation, with respect to San Corporation, based upon a consent order. On July 29, 2009, the Commission investigative attorney filed a response in support of the motion. No other responses were received. On August 27, 2009, the ALJ issued Order No. 4, granting the motion. No petitions for review were filed.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR § 210.42(h)).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: September 29, 2009