



FTC ADVERTISING CASES - CHILDREN'S SUPPLEMENTS

Direct Marketing Concepts, Inc., d/b/a Today's Health and Direct Fulfillment, et al., No. 04-CV-11136-GAO (D. Mass.) (Complaint filed June 1, 2004)(Alleged false and unsubstantiated claims that "Supreme Greens," a multiple ingredient plant and herbal supplement, could cure or prevent cancer, heart disease, diabetes, and arthritis, could cause substantial weight loss, and was safe for everyone, including pregnant women, children, and persons on medication. Also, alleged false and unsubstantiated claims that "Coral Calcium Daily" could prevent, treat, or cure cancer and other serious diseases.)

Vital Basics, Inc., Robert B. Graham, and Michael B. Shane, C-4107 (Apr. 26, 2004) (Consent Order) (Alleged unsubstantiated efficacy claims for the dietary supplement "Focus Factor" and safety claims for the dietary supplement "V-Factor Natural Pack," which contains yohimbine and L-arginine. Focus Factor was marketed to improve memory, mood, and concentration in children and adults. V-Factor was marketed to improve male sexual performance. Failure to disclose material connections with endorsers of the products. \$1 million in consumer redress is required by the order.)

Creative Health Institute, Inc., and Kyl L. Smith, C-4108 (Apr. 26, 2004) (Consent Order) (Alleged unsubstantiated efficacy claims for the dietary supplement "Focus Factor." Dr. Smith developed Focus Factor and advertised and sold it through CHI at least from 1997 to 2000. \$60,000 in consumer redress is required by the order.)

The Fountain of Youth Group, LLC, and Edita Kaye, No. 3:04-CV-47-J-99HTS (M.D. Fla.) (Feb. 10, 2004) (Stipulated Final Order for Permanent Injunction)(Complaint alleged false and unsubstantiated weight-loss and health claims for their dietary supplement products-- Skinny Pill AM, Skinny Sleep PM, Skinny Carbs, and Skinny Pill for Kids. The Order contains a judgment of \$6 million, which was suspended due to defendants' inability to pay.)

Natural Organics, Inc., et al. D. 9294 (Sept. 6, 2001) (Consent Order) (Alleged unsubstantiated claims that company's dietary supplement, "Pedi-Active A.D.D.," treats or mitigates Attention Deficit Hyperactivity Disorder and improves attention span and scholastic performance of children who have difficulty focusing on their schoolwork.)

Christopher Enterprises, Inc., et al., No. 2:01 CV-0505 ST, (D. Utah) (Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief (Dec. 3, 2001) (Alleged false safety claims and unsubstantiated efficacy claims for products containing the herbal ingredient comfrey. Order includes judgment for \$1.4 million, which is suspended provided respondents pay \$100,000 for consumer redress. The order prohibits the defendants from marketing any comfrey product for ingestion, for use as a suppository, or for external use on open wounds, unless they have evidence that the product is free of pyrrolizidine alkaloids and that it is safe. The defendants are also

required to place a warning disclosure in any ad, promotional material or product label for any comfrey products intended for topical use. The specific claims challenged in the complaint are also prohibited by the order.)

Efamol Nutraceuticals, Inc., C-3958 (June 22, 2000) (Consent Order) (Alleged unsubstantiated efficacy claims for the products Efalex and Efalex Focus, marketed and sold by the company for the mitigation or cure of the effects of Attention Deficit Disorder(ADD) or Attention Deficit Hyperactivity Disorder(ADHD)

J & R Research, Inc., C-3961 (July 19, 2000) (Consent Order) (Alleged unsubstantiated efficacy claims for the product Pycnogenol, marketed and sold by the company for the mitigation or cure of the effects of Attention Deficit Disorder(ADD) or Attention Deficit Hyperactivity Disorder(ADHD).)

New Vision International, Inc., et al., 127 F.T.C. 278 (1999) (Consent Order) (Alleged unsubstantiated claims that dietary supplements called “God’s Recipe” would cure ADD/ADHD.)

Max F. James, 127 F.T.C. 324 (1999) (Consent Order) (Alleged unsubstantiated claims for “God’s Recipe” by James, a high level distributor of the product; see New Vision International, Inc.)

AST Nutritional Concepts and Research, Inc., et al., No. 99-WY-2197 (D. Colo) (May 4, 2000) (Permanent Injunction)(Alleged unsubstantiated safety claims made for purported body-building supplements that contain androstenedione, “androgen,” and other steroid hormones, and in some cases, stimulants.)

Met-RX USA, Inc., et al., No. SACV99-1407 DOC(ANX) (C.D. Cal.) (Nov. 24, 1999) (Stipulated Final Order For Permanent Injunction and Other Equitable Relief) (Alleged unsubstantiated safety claims made for purported body-building supplements that contain androstenedione, “androgen,” and other steroid hormones, and in some cases, stimulants.)

Global World Media Corp., 124 F.T.C. 426 (1997) (Consent Order) (Alleged explicit safety and no side effects claims for Ecstasy supplement advertised to produce a natural “high,” in media with large youth audiences, and without disclosing health and safety risks.)

The Quigley Corp., C-3926 (Feb. 10, 2000) (Consent Order) (Alleged unsubstantiated claims by Quigley that Cold-Eezer and Cold-Eeze brand zinc lozenges that it manufactures can prevent colds and alleviate allergy symptoms and that Kids-Eeze Bubble-Gum can reduce the severity of cold symptoms in children.)

QVC, Inc., C-3955 (June 14, 2000) (Consent Order) (Alleged unsubstantiated claims on its “home shopping” network that Cold-Eezer or Cold-Eeze brand zinc lozenges can prevent colds and alleviate allergy symptoms.)

Zygon International, Inc., 122 F.T.C. 195 (1996) (Consent Order and up to \$195,000 in consumer redress for all products) (Alleged unsubstantiated claims that SuperBrain Nutrient Program improves memory and enhances the intelligence of children and also benefits pregnant women; that Fat Burner pills cause weight loss; and that Day and Night Eyes pills improve day vision and night blindness.)