

FTC vs. Central Coast Nutraceuticals, Inc.

“Ms. Oprah Winfrey has never endorsed or approved AcaiPure.”

“Ms. Oprah Winfrey has never endorsed any acai berry supplement or acai berry related product by name.”

“Ms. Oprah Winfrey has never approved or agreed to have her image or name used in conjunction with the sale and marketing of any acai berry related product.”

**- Declaration of Douglas J. Pattison
Chief Financial Officer, Oprah Winfrey’s Harpo, Inc.**



**DECLARATION OF DOUGLAS J. PATTISON
PURSUANT TO 28 U.S.C. § 1746**

I, Douglas J. Pattison, have personal knowledge of the facts and matters discussed in this declaration, and, if called as a witness, could and would testify as follows:

1. I am over the age of twenty-one (21) and am competent to give this testimony.
2. I am employed as Chief Financial Officer of Harpo, Inc. I am also the Vice President and Treasurer for OW Licensing Company, LLC.
3. Harpo, Inc. is an Illinois corporation with its principal place of business in Chicago, Illinois. OW Licensing Company, LLC is a Delaware Limited Liability Company with its principal place of business in Chicago, Illinois.
4. OPRAH is a registered trademark of Harpo, Inc. O, the Oprah Magazine is a registered trademark of Harpo Print, LLC., a division of Harpo, Inc. OW Licensing Company, LLC is the holder of rights of publicity and related rights to Ms. Oprah Winfrey.
5. Ms. Oprah Winfrey is an individual residing in the State of Illinois. She is the host of "The Oprah Winfrey Show," a nationally syndicated television program and the founder of O, The Oprah Magazine.
6. I have reviewed the two page document attached to this declaration as **Pattison Att. A**. I have been told that Pattison Att. A is a printout of the home page of website www.healthyberrycleanse.com, as it appeared on April 8, 2010, which is a website marketing and selling a product called AcaiPure. I have been informed that this is one of numerous websites that sells the product AcaiPure.
7. Among other things, as part of the marketing of AcaiPure, the home page depicted in Pattison Att. A contains a photograph of Ms. Oprah Winfrey on the cover of an issue of O, the Oprah Magazine. Next to the photograph, the following text appears "**Superfoods for the New**

Year! Studies have shown that this little berry is one of the most nutritious and powerful foods in the world! Acai is the high-energy berry of a special Amazon palm tree. Hidden within its royal purple pigment is the magic that makes it nature's perfect energy fruit. A synergy of monounsaturated (healthy) fats, dietary fiber and phytosterols to help promote cardiovascular and digestive health." (emphasis in original).

8. Ms. Oprah Winfrey has never endorsed or approved AcaiPure.

9. Ms. Oprah Winfrey has never endorsed any acai berry supplement or acai berry related product by name.

10. Ms. Oprah Winfrey has never approved or agreed to have her image or name used in conjunction with the sale and marketing of any acai berry related product.

11. Harpo, Inc. has never approved or agreed to have the OPRAH or O, the Oprah Magazine trademarks used in conjunction with the sale and marketing of AcaiPure or any acai berry related product.

12. In fact, on August 19, 2009, Harpo, Inc., along with Dr. Mehmet Oz, the host of "The Dr. Oz Show," filed a trademark infringement complaint against 40 internet marketers of dietary supplements, including acai berry products among others. Harpo, Inc. filed this lawsuit to let consumers know that these internet marketers are willfully using the names of well-known figures such as Ms. Oprah Winfrey and Dr. Oz to deceive the public.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 6/24/, 2010, within the United States.



Douglas J. Pattison



Pure

The World's Purest and Most Effective Acai Cleanse

Flush pounds from your system with the power of Acai!



- ✓ Look Great, Feel Great, Purify, Detoxify!
- ✓ Break Up Waste and Eliminate Toxins!
- ✓ Reduce Fatigue, Gas, and Bloating!
- ✓ Experience increased energy!
- ✓ Flush Out Excess Pounds!

VOTED #1 Acai Product 2002, 2004, 2007 & 2008

Hurry! Limited Supplies! ACT NOW!

Acai Berry Rain
#1 Supplement
by Rachel Ray



DO YOU QUALIFY?

- How much weight would you like to lose?
- How quickly would you like to lose weight?
- What's your #1 reason for losing the weight?

CLAIM YOUR BOTTLE

Who do we send your FREE Trial?
*Includes 30 Day Supply (120g)

First Name:

Last Name:

Email:

Phone:

Address:

City:

State:

Zip/Country:

RUSH MY ORDER!
7:35:11 minutes left in qualification period!



Celebrities use Acai!

Secret Celebrity Diets include Acai!



Anti-oxidant cleansing is all the rage right now! The popularity of Acai is steadily increasing thanks to many high profile stars in Hollywood.

EXCLUSIVE Limited Time FREE Trial

Supplies of Acai are very limited worldwide (Read more below) Select Program!

Unfortunately due to overwhelming demand supplies are limited!

What's the craze about? Acai berry hits the Media Spotlight:



Superfoods for the New Year!
"Studies have shown that this little berry is one of the most nutritious and powerful foods in the world! Acai is the high-energy berry of a special Amazon palm tree. Hidden within its royal purple pigment is the magic that makes it nature's perfect energy fuel. A synergy of monounsaturated (healthy) fats, dietary fiber and phytochemicals to help promote cardiovascular and digestive health."



"You'll be hearing a lot more about this rain forest fruit going forward. Acai is off the chart for almost everything that kais is. In addition to naturally occurring Omega-3, 6 and 9 oils, it's not only good for you, but many world class athletes drink it while training because it's so loaded with nutrition and grain (can be a complete meal!"



"Acai berries are among the most nutritious foods of the Amazon. Rich in Vitamins, minerals, fiber, and essential omega fatty acids, Acai berries are a great antioxidant source for beneficially use."



"Acai berries are among the most nutritious foods of the Amazon. Rich in Vitamins, minerals, fiber, and essential omega fatty acids, Acai berries are a great antioxidant source for beneficially use."

Why use AcaiPure?

- ➔ Boost energy levels
- ➔ Shed those unwanted pounds
- ➔ Neutralize free radical damage
- ➔ Improve mental clarity and focus

AcaiPure includes only the highest grade Acai powder available anywhere on the planet. Our exclusive formula is made with pure Acai berries all over the world. We bring them direct to you. AcaiPure is a powerful cleansing formula that helps you lose weight and feel great all day long. AcaiPure will help you rid your body of unwanted waste and prevent future build up from occurring. Along with its amazing cleansing properties, comes the amazing antioxidant properties of the Acai berry. AcaiPure is America's #1 Anti-oxidant cleansing formula!

AcaiPure's Weight Loss Benefits:

Do you suffer from the following?

- ➔ Bloating
- ➔ Chronic Fatigue
- ➔ Bad Breath
- ➔ Low Energy Levels
- ➔ Excess pounds you can't get rid of
- ➔ Constipation

If so, then AcaiPure is ideal for you. Acai is the purest and most effective anti-oxidant cleansing product on the market today. Are you clean inside? It's time to cleanse and purify your body with AcaiPure, America's #1 Acai Cleanse.



Claim your FREE TRIAL

Bottle of AcaiPure today!



"I lost 27 pounds with AcaiPure!"

"I noticed results within the first few days of cleansing. I was sleeping better, able to wake up on time and feeling rested. I had more energy and wanted to spend more time with my kids. My skin on things with them. I also love the antioxidant properties of the Acai berry. AcaiPure has changed my life!"
Ann S., Hamplins, NY



"I'm a believer in the AcaiPure Cleanse!"

"This product has changed my lifestyle for the better. I have lost 20 lbs. in the last 4 weeks and have tons of more energy. There are many Acai cleansing products out there that claim to be great. Acai berries in them built for long periods of time. It works. Thank you AcaiPure! I'm a customer for life!"
Luanne R., Santos, NJ

AcaiPure Guarantee:

We are so confident that AcaiPure is the most effective and powerful antioxidant cleansing product on the market today that if for any reason you do not find AcaiPure is right for you we will gladly give you a full refund, no questions asked. You have nothing to lose except the weight. Try AcaiPure today!



Claim your FREE Trial Offer Now!



Unfortunately,

Due to overwhelming demand there are very limited amounts of Acai worldwide and most specifically very limited amounts of AcaiPure, which is the purest Acai in the world. ACP has a special partnership with growers of the Acai berry at the exclusive distributor. To ensure that you get an opportunity to try this amazing product, once now!

Read: [FAQ](#), [Customer Service](#), [Wholesale Program](#), [Privacy Policy](#), [Terms and Conditions](#)

*These statements have not been evaluated by the FDA and are intended to provide health claims. Please read the label. AcaiPure should be used as a supplement to your active lifestyle. Please consult your physician before beginning any program. If there is a change in your health condition, please notify your physician immediately and discontinue the product.

1. Request for trial offer only and not for sale.

2. Credit card required and there is a non-refundable handling and shipping cost.

All trademarks and service marks are the property of their respective owners. All rights reserved. AcaiPure is a registered trademark of AcaiPure LLC. All other trademarks and service marks are the property of their respective owners.

3. A limited number of spots are available for the trial offer.

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