

To: Federal Trade Commission

From: Abir Roy & Sudipta Ganguly

RE : Business Opportunity Rule, R511993

Dear Sir / Madam,

This is in regards to the above mentioned rule.

Let me introduce myself briefly. I have an undergrad degree in Chemical Engineering and currently work as a software developer/ consultant. My wife Sudipta has a pre-med degree and is a stay home mom with our 2 kids. I am an immigrant from India who came to this country in 1998 looking for a better way of life.

Our journey with the Quixtar opportunity started a few years ago. We were introduced to the business by a co-worker of mine. We instantly took a liking to the quality of the people that I came in contact with in relation to the business teams. Most of them were quite successful in their primary careers. Another aspect that did stand out was the honesty and straight forward ness of the people that we came across. We were told in no uncertain terms that it takes work to be successful in this business. We were also made aware of the average income of active IBO (which stands for Independent Business Owners, henceforth I will use this abbreviation) , which I believe is \$115 as of today. We were given some very detailed materials to study the business plan and also was introduced to quite a few of people who achieved different levels of success in the business. In short, we were given enough time and opportunity to evaluate the business and make up our mind about it. We got started with around a couple of hundred dollars of investment, knowing fully well that Quixtar offered a money back guarantee for 6 months, in case we decided to change our mind and not pursue the business. In our case we decided to pursue this opportunity and achieved the level of platinum in the fiscal year 2004.

Besides giving us a chance to earn some extra money, this business also has given us a chance as a couple to work together as a team. It has also given our children to associate with positive forward thinking people, which, as a parent, is priceless for us.

Now to discuss some the issues we will be facing, as honest hard working business owners, if you decide to implement these rules, I have listed few points below:

**1. ISSUE : 7-day waiting period before a prospect can register**

In my experience from becoming an IBO from a prospect, I was treated with extreme dignity and respect and I had all my questions answered before we decided to start as business owners. I am not sure if we would have even started the business if a mandatory wait-period was imposed on us. We got enough information to make up our mind and the possibility of earning extra income excited us and we wanted to get started right away. Let me assure of the fact that today, even if a prospect takes 15 days to decide on whether or not he/she wants to pursue the business, we do not force them to get started anyway. We have been treated with dignity as prospects and we give new prospects the same treatment. However, I feel, whether or not the prospect wants to wait, and if yes, for how long, should be left to the individual prospect and not be forced from top – down. Also, there are quite a few cases where new IBOs get started and get a lot of success very quickly as they share the opportunity and products with their friends / family. Imposing this rule will definitely take away the chances of their initial success. Since Quixtar offers a 100% money back guarantee on the start-up cost, this wait period will be both an unnecessary and redundant control, which will benefit none.

**2. ISSUE : Provide prospects with a list of references of 10 other IBO in the area**

When we got started in the business, I was introduced to almost a hundred local IBOs in a business setting where the opportunity is presented. I had ample opportunity to meet face-to-face and discuss the opportunity with a lot of them. Our prospects nowadays get the same chance to meet with local IBOs face to face on almost a weekly basis where they can interact without any problems. Giving away 10 references thus is redundant and is a potential threat to the privacy of current IBOs. I will certainly not like to receive a call while I am having dinner with my family from some one that I don't even know. The business meeting we organize on a weekly basis is a great way for prospects to meet local IBOs and hence, this rule seems unnecessary and redundant, which will benefit none.

**3. ISSUE : Provide prospects with a list lawsuits lawsuits, arbitrations, and other legal claims for the past 10 years involving Quixtar and its IBOs where the plaintiff alleged fraud, misrepresentation, or unfair trade practices – regardless of whether or not the accusation was true**

Among other problems, this requirement would open up Quixtar and other legitimate companies to false accusations. Meanwhile, dishonest companies would simply ignore the rule. Hence, this rule seems unnecessary and redundant, which will benefit none.

**4. ISSUE : You would have to make a different disclosure for every income claim.**

We already have disclosures of income claim. As per my understanding, disclosures should be simple, standard and easily understandable. A case in point can be all the disclosures any web-site will take you thorough if one wants to open up an user account. I have never read any one of them as they are too complex, long and wordy and only a legal expert can decipher what it really includes or more importantly, what it really excludes. Every time we share the Quixtar opportunity we specifically mention that it is not a get-rich-quick scheme. We also have disclosures of Average Active IBO income in our literatures which we hand out to our prospects. That was sufficient for me as a prospect and has been sufficient for all the IBOs that we work with. This rule will make the presentation and evaluation of the opportunity complex. Hence, this rule seems unnecessary and redundant, which will benefit none.

5. **ISSUE : You would be required to provide prospects with personal financial documents to back up ("substantiate") any income claim.**

For every individual, their income is something very personal and private. That is why providing every prospect with personal financial documents to back up income claims is clearly unnecessary, even more if we think about the possibility that the prospect may not even become an IBO. I agree however that IBOs should possess substantiation for any claim but should not be required to disclose it except when required by the FTC and similar state agencies in an agency investigation. Further more, every prospect looking at the opportunity is provided with SA-4400, a document detailing some of the ways profits can be made, based on the IBOs willingness to work and build a profitable business. I personally have shown copies of some of our checks from Quixtar on request from prospects, but that should be left to each individual IBOs discretion rather than making that mandatory. Like I said personal finances are exactly that, personal, and their disclosure should be left to the respective individual's choices, rather becoming a law. . Hence, this rule seems unnecessary and redundant, which will benefit none.

I hope you will take my views into consideration as views from a law abiding resident of this country and refrain from implementing the above clauses as laws, since they all are lose-lose, both for honest IBOs like us and prospects who want to objectively look at a business opportunity.

Thanks a lot.

Yours truly,

Abir Roy & Sudipta Ganguly.