

*The Case (for and) against Multi-level Marketing*

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**Chapter 12: ACTIONS NEEDED – What MLM victims can do to recover losses – How families can deprogram loved ones who come under the spell of an MLM promoter – What actions can be taken to protect oneself and one’s family, and to warn others of MLM fraud**

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**Introduction**

Why are MLM companies successful in defrauding millions of victims of tens of billions of dollars every year and in evading actions by law enforcement? A primary reason is the lack of determined action by participants and family members impoverished and confused by these schemes. To understand why MLM victims seldom file formal complaints with law enforcement or with the Better Business Bureau, read Chapter 9.

However, with determined effort, you can often recover much if not all of your losses and in the process alert others and law enforcement of the ongoing fraud in MLM. So please – speak up and act! Below are 15 concrete actions you can take.

**Get Informed.**

You are off to a good start reading this book. Most participants who lose money in MLM's drop out without knowing what went wrong. They typically blame themselves for not "working the system," or they may fear consequences to or from their upline or downline. So they don't file complaints. Also, they often believe that if the program were illegal, it would have been stopped by authorities – who simply don't have the resources to stop the abuses, and who won't act without a highly vocal group of complainants.

So get informed by reading the MLM consumer guides and MLM research posted on the web site – [mlm-thetruth.com](http://mlm-thetruth.com) and others recommended there. And if you know an MLM victim who is wondering why MLM has not worked for him/her, see if you can't get them to go through our "12-step Program for Deprogramming MLM Victims."

**Complain – and loudly!**



Don't be silent – complain!

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**1. File a Complaint with the FTC.** If you want timely action, don't hold your breath waiting for the Federal Trade Commission to act – even though it has the primary responsibility for protecting fair trade on a national level. (Our Law Enforcement page refers to Nu Skin's violations of the FTC's Order for it to stop its misrepresentations. Nu Skin did not comply with the Order, and the FTC took only limited action.)

Part of the problem is the 1979 FTC ruling that Amway was not a pyramid scheme, conditioned on certain "rules" which are almost impossible to police and are generally disregarded. So the FTC has egg on its face on this issue. But if enough people place pressure on the agency to demand action, they have been known to take some constructive steps, as they did in conjunction with eight states to shut down Equinox.

However, for every one product-based pyramid scheme (MLM) the FTC has acted against, there are at least 100 that escape FTC attention. The FTC has become corrupted by cross-fertilization between agency personnel and representatives of the DSA/MLM cartel (my term). The latter quickly offer lucrative positions to former FTC personnel to lobby their former agency. And the Bush administration rewarded Amway for its generous political contributions by appointing MLM supporters to key posts at the FTC.

The Obama administration was distracted by a faltering economy and other serious problems and did not get to the issue of widespread MLM fraud before the Republicans regained control of the House in 2010. Consequently, the FTC has done very little to prosecute product-based pyramid schemes in the past 10 years. Still, even though other avenues of redress are likely to be more effective than the FTC, official complaints need to be filed with them, so the FTC is denied the excuse that they are getting few complaints about MLMs.

**2. File a complaint with the SEC.** If the MLM is a publicly-traded company, the Security and Exchange Commission should know about it. They may do very little, as

their resources for pursuing such small claims is limited. But it will make the MLM officials squirm a little.

**3. File a complaint with the [FDA \(Food and Drug Administration\)](#).** If you suspect an herbal remedy (classified as a "dietary supplement") sold by your MLM has caused you or someone you know to suffer ill effect, the FDA should be informed about it. Also, if your MLM makes any claims that its product diagnoses, treats, prevents, or cures any ailments, the FDA needs to know because such claims can only be made of drugs, which the FDA does regulate.

**4. File a complaint with your state's department of labor.** Report any possible labor violations. Even though MLM executives don't want participants classified as employees, they often treat them as such by exercising undue control, such as not allowing them to sell competing products or to sell at retail outlets or on eBay, etc. Report possible misclassification of employees as independent contractor, or at least ask for a determination.

**5. File a Complaint with Your State's Office of Attorney General and/or Office of Consumer Protection.** Regulators in only a few states have the resources and the will to take action, and typically they will only act when a large number of complaints come in. Fraud inherent in a compensation plan seldom draws attention by itself. However, by all means, file a complaint with your state's Consumer Protection Agency and/or Attorney General, even if only for the benefit of victims who are likely to be affected later. Feel free to use any of the information in this book to help you in filing your complaint. Many state regulators are new or may lack fundamental information on the fraud inherent in the compensation plans of "recruiting MLM's."

**6. File tax fraud with the IRS and your state's Dept of Revenue.** If you believe the MLM is avoiding taxes by promoting the MLM as a tax write-off (though the odds of profiting are far less than gambling), it would be useful for the appropriate tax authorities to know that.

**7. File a Complaint with the Better Business Bureau.** Remember that many if not most MLM's are members of the BBB. And their bulletin on "multi-level marketing" reads as though it had been written by the DSA (Direct Selling Association, which has become the MLM industry's lobbying arm and a powerful cartel protecting MLMs unfair and deceptive practices). But all companies who recruit aggressively are not going to be happy with a record of unresolved complaints against them. So at the very least get on their list of complaints against an MLM whose representatives have defrauded you.

**8. Write your Senator and/or Congressman.** If you believe many of his/her constituents have been similarly ripped off, you could encourage an investigation and discourage MLM-friendly legislation promoted by the DSA/MLM cartel. It wouldn't hurt to also contact your state legislators for the same reason.

**9. File a Complaint with the Direct Selling Association.** The DSA has been known to act on complaints of violations of its so-called "Code of Ethics." If you think about it, though their MLM members routinely deceive and defraud participants in their programs, the DSA is eager to be accepted as a legitimate organization of legitimate direct sellers. Hold them to their pledge to regulate themselves with their own Code of Ethics.

**10. File Complaints with all of the above – plus a letter to the president of the MLM company informing him or her of your actions.** You dramatically increase your chances of some satisfaction if you do all of the above, simultaneously or in sequence. Be sure to write the president of the company and let him know what you are doing. But act quickly and firmly. This is not a time to hold back your feelings of outrage for being deceived and defrauded of your time and other resources.

One determined lady did this very successfully. She lost almost \$7,000 in a prominent MLM. Detailing all the deceptions used in recruiting her, she wrote the FTC,

the BBB and AG office in her state and the state in which the MLM was headquartered, the DSA, and the president of the company, demanding payment in ten days. A check was sent by Federal Express for the full amount by the date specified.

## Take legal action.

**1. Pursue a Private Class Action Lawsuit.** This is a long process, but it sometimes gets better results in actions against MLM's than filing complaints with consumer protection agencies. Contact Dr. Jon Taylor (jonmtaylor@juno.com) if you need to find an attorney who can help you. Or contact Robert Fitzpatrick of Pyramid Scheme Alert. Both have been contracted by law firms handling MLM/pyramid scheme cases – to assist as consultants and expert witnesses.



**2. File a Claim with the Small Claims Court in Your Area.** I do not know of this having been tried with recruitment-driven MLM's, but it could be effective in cases of blatant misrepresentation – which is common with all types of pyramid schemes, including MLM's. For this type of action, you do not need to hire a lawyer or go through a long and costly trial proceeding. Just state your case before the judge in your nearest Small Claims Court and include as much documentation as you can – promises made and broken, etc. You may be awarded up to \$7,500 to recoup losses you can prove. Use the information in this book – and on the web sites of those of us who advocate for consumers on this issue – to help you make your case.

You will likely find it much easier to sue your immediate upline for misrepresentation than the company itself, which likely has a team of attorneys. Upline participants seldom have sufficient assets to mount a serious challenge to such a claim, unless he/she is at or near the top of the pyramid of participants. At the very least you will find out how phony were the claims of wealth

that were being made. If you want to recover damages, it may pay you to name more than one upline participant, as well as the company itself in your claim.

**3. Consider with your attorney filing RICO charges against the leaders of an MLM.** The Racketeer Influenced and Corrupt Practices Act<sup>1</sup> is a federal law that provides for extended criminal penalties and a civil cause of action for acts performed as part of an ongoing criminal investigation. While its' intended use was to prosecute the Mafia as well as others who were actively engaged in organized crime, its application has become more widespread.

Since MLMs often break both state and federal laws, the provisions of RICO could be applied. One of the most attractive features is that if an individual harmed by the actions of such a "racketeering activity" as MLM fraud is successful, he/she can collect treble damages.

## Support good legislation – and fight bad legislation or rules

Support Good Legislation against Product-based Pyramid Schemes – as opposed to what the DSA (Direct Selling Association) is promoting. Be aware that most statutes are adequate as they stand, assuming they are understood and applied. Even when product-based pyramid schemes manage to avoid prosecution as pyramid schemes (for reasons cited on the law enforcement page), they routinely engage in deceptive marketing practices, which may be easier to prosecute.

In any event, you would be doing yourself and other consumers a favor by resisting any moves by unwitting legislators to sponsor DSA-initiated legislation to "improve" laws against

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pyramid schemes, which in any way exempt MLM's that have legitimate products to offer. Remember, product-based pyramid schemes have been found to have the highest lost rates and to do the most aggregate damage of all the pyramid schemes. (See Chapters 7 and 10.)

## Other actions you can take

### 1. Copy and E-mail a Descriptive Bulletin about this book and our web site Web Site to Your Favorite People.

Another way you can help prevent losses by friends and family members is to share an important bulletin with them about the research and consumer guides on our web site – anyone who may at some time be confronted with a "once in a lifetime" MLM "opportunity." Copy and paste the bulletin into a message from you, and send it to everyone on your e-mail list of favorite people. Please be sure to add your personal recommendation that they likewise pass it on to friends and family on their e-mail lists - and that they do the same. See Appendix 12A for the "Pass-it-on Bulletin from Someone Who Cares."

### 2. Print and Use "Answer Cards" to Warn 5 People, Ask Them Each to Warn 5 More, and They Each 5 More, etc.

When someone attempts to recruit you or those you care about, refer each of them to this site and

to other recommended links. Print on card stock and use the answer cards provided in Appendix 12B (separate pdf file).

Aggressively promote an endless chain of truth-telling – as opposed to an MLM's endless chain of recruitment for gain. You can print copies of the suggested Answer Cards to distribute when people attempt to recruit you into any endless chain "recruit-ing MLM" program – or whenever the topic comes up. If you or your family are besieged with MLM offers, you might try posting a notice on your doorway and/or on your car's license plate holder, such as: "We don't do drugs, porn, or MLM."

<sup>1</sup> RICO was enacted by section 901(a) of the [Organized Crime Control Act](#) of 1970 ([Pub.L.](#) 91-452, 84 [Stat.](#) 922, enacted October 15, 1970). RICO is codified as Chapter 96 of [Title 18 of the United States Code](#), 18 U.S.C. § 1961–1968.

**3. Help deprogram victims of MLM abuse.** Apply the suggestions in Appendix 12C for deprogramming victims of MLM programs.

If someone you care about has been victimized by MLM, you may wish to approach them with kindness and whatever else it takes to get them to proceed through the steps below. This information is especially useful because it is based on extensive independent research, rather than mere opinions. Effective deprogramming will be helped by rigorous study of these reports – especially for someone who has been powerfully indoctrinated with MLM propaganda, laced with a complex web of deceptions. If as a result of all this reading, they recover their perspective (and possibly some of their losses) and pursue a more ethical income source, it will have been worth it.

Of course this may not help with an “MLM junkie”; i.e., someone who has been brainwashed or “hooked” on MLM to the point that they have been in and out of several MLM’s, only to fall farther and farther behind financially socially, spiritually, etc. – while stubbornly maintaining that “their time will come.” As some wise person once said, “A person “convinced against his/her will is of the same opinion still.” But a person who is sufficiently open-minded to read and reflect on this book or the reports on my web site will likely experience a change of thinking about MLM – and a new direction.

To my knowledge, no one who has read even half of the reports on my web site with an open mind has continued to pursue MLM/pyramid/chain selling as an “income opportunity” – or even to regard it as such.

**4. Publish your experience and insights – in a book, in the press, and/or on the web.** People have written articles or books about their experience with MLM, and some have gotten considerable attention in articles or on investigative TV news programs. Dozens of anti-MLM web sites are now available to the sincere seeker of truthful information to counter the deceptions in sites sponsored by MLM promoters.

These anti-MLM sites, combined with the bad aftertaste of MLM participation by ex-distributors, may have had more effect on discouraging MLM abuse than has all of law

enforcement put together. This is an excellent example of the benefits stemming from the free flow of information on the web. As an example of a whistleblower's efforts, read "Nuskin Attempts to Discredit its Whistleblower," which refutes charges Nu Skin circulated to news organizations about me. It includes my rigorous one-year test of the Nu Skin program before reporting his experiences.

A word of caution is in order about making claims or charging the MLM with fraud. Occasionally an MLM company will defend itself with a lawsuit against the complainer! Check out anti-SLAPP statutes in the state where you live to see how much freedom you have to tell your story or charge the company with something the MLM could use to file libel charges against you.

A dramatic illustration of how important are these anti-SLAPP statutes, read what happened in the case in which Medifast sued Robert FitzPatrick of Pyramid Scheme Alert and forensic accountant Tracy Coenen.

**5. For the truly brave** - Attend an MLM opportunity meeting and/or interrupt someone who attempts to recruit you or someone you care about. Pose some of the “Embarrassing questions guaranteed to make MLM promoters squirm” in Appendix 12D.

## Find a better income option.

**Find a better income option.** Chain selling (MLM) is inherently unprofitable except for those at the top of a pyramid of participants. Almost any income opportunity is better. Read “1,357 Ways to Make More Money than in MLM/Network Marketing” – also posted on my web site.

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## Appendix 12A

### Pass-it-on Bulletin from Someone Who Cares

#### Consumer web site reports on 15 years' research and worldwide feedback – and analysis of over 350 MLM/network marketing programs

For unusually candid and well-researched reports on the MLM industry, go to the research-based web site [www.mlm-thetruth.com](http://www.mlm-thetruth.com), where you will find research and consumer guidance regarding MLM/network marketing, prepared with the assistance of top experts over a period of fifteen years by Dr. Jon Taylor of the Consumer Awareness Institute. Opinions in publications and on web sites vary widely on MLM's legitimacy.

What is different about this site is that you will find objective research upon which to base analyses on MLM compensation plans and how they relate to success and loss rates, legal definitions, etc. In other words, you will have a basis for deciding whether or not to participate in a particular MLM – or any MLM – or to seek an alternate (and more profitable) income source.

#### Some of the more interesting features posted on this site include:

- 5-step do-it-yourself MLM evaluation quiz
- Over 350 MLM programs evaluated
- Frequently asked questions – and straight answers about MLM
  - Free download of the ebook *The Case (for and) against Multi-level Marketing*, which summarizes thousands of pages of research and feedback from victims and observers worldwide
    - "Survey of tax preparers" - Tax professionals as a group know who is and who is not making any money in MLM.
    - MLM statistics -The odds of success in MLM, compared with gambling and with no-product pyramid schemes
      - "The FIVE RED FLAGS of a Product-based Pyramid Scheme"
      - "Twelve Tests for Evaluating a Network Marketing (MLM) "Opportunity" - quoted by both pro and anti-MLM advocates and by consumer protection agencies
        - Answer cards hand out to friends, family, co-workers, etc. – who attempt to recruit you

- Actions MLM victims can take to recover losses
  - History of MLM and the status of efforts to regulate it

#### **Investigative research and advocacy upon which these reports were based include:**

- Analysis of over 350 MLM compensation plans, and comparisons with alternative business models to clarify differences and possible harm
  - Interviews with and feedback from thousands of MLM distributors and ex-distributors in a wide variety of MLM programs
    - Interviews with the top experts on pyramid schemes and with consumer advocates, agencies, and university research sources
      - Surveys of hundreds of tax professionals where MLM is concentrated - representing thousands of tax returns of MLM participants
        - Court records in MLM cases - including IRS income tax records of top distributors in one state
          - Household consumer surveys regarding MLM participation
            - Surveys of leading MLM company presidents
              - Private and public financial disclosures by MLM companies
                - Communications with law enforcement officials at all levels
                  - Consulting and expert witness services for numerous MLM cases
                    - Advocating for consumers and encouraging the FTC and state regulators to protect consumers against MLMs' unfair and deceptive practices
                      - Direct experience with prominent MLM companies.

Again, to tap into valuable research reports and consumer guides resulting from this research, go to [www.mlm-thetruth.com](http://www.mlm-thetruth.com)

## Appendix 12C: 12 steps for deprogramming victims of MLM abuse

If someone you care about has been victimized by MLM, you may wish to approach them with kindness and whatever else it takes to get them to proceed through the steps below. This information is especially useful because it is based on extensive independent research, rather than mere opinions. Effective deprogramming will be helped by rigorous study of these reports – especially for someone who has been powerfully indoctrinated with MLM propaganda, laced with a complex web of deceptions. If as a result of all this reading, they recover their perspective (and possibly some of their losses) and pursue a more ethical income source, it will have been worth it.

Of course this may not help with an “MLM junkie”; i.e., someone who has been brainwashed or “hooked” on MLM to the point that they have been in and out of several MLM’s, only to fall farther and farther behind financially socially, spiritually, etc. – while stubbornly maintaining that “their time will come.” A person convinced against his/her will is of the same opinion still.” But a person who is sufficiently open-minded to read and reflect on these reports will likely experience a change of thinking about MLM – and a new direction. **To my knowledge, no one who has read even half of these reports with an open mind has continued to pursue MLM/pyramid/chain selling as an “income opportunity” – or even to regard it as such.**

**Step 1.** Ask such persons to momentarily close their minds to all MLM propaganda messages and open their mind to some other possibilities. To start, ask them to read the [\*“Parable of the Missing Children.”\*](#)

**Step 2.** Ask them to obtain the compensation plan for the program they are into or are considering. Then have them evaluate the program with the [\*5-step do-it-yourself evaluation\*](#). They may find it helpful to read the side notes of explanation for each step and to find their program on the list of product-based pyramid schemes at the end, based on the “5 Red Flags.” For another approach, they may benefit from reading [\*“Twelve Tests for Evaluation of a Network Marketing ‘Opportunity.’\*](#)”

**Step 3.** For a good summary of what they need to know to be better informed, suggest they also read the summary if not the full 44-page report [\*“5 Red Flags of a Product-based Pyramid Scheme, or Recruiting MLM.”\*](#) This was prepared for the National White Collar Crime Center. They would also benefit from reading [\*“Frequently Asked Questions and Straight Answers about MLM.”\*](#) And if they motivated and curious enough to want to be fully informed, suggest they download and read the ebook [\*The Case \(for and\) against Multi-level Marketing.\*](#)

**Step 4.** Encourage them to track income and expenses to determine if they are actually profiting from the MLM. Show them the [\*MLM profitability tracker\*](#). Then have them read what **tax preparers** have to say about who if anyone actually reports profits from MLM participation.

**Step 5.** Challenge them to compare the [odds of success from MLM participation to classic no-product pyramid schemes – and with the odds of winning at gambling](#). These statistical analyses were drawn from actual reports from the MLM companies themselves and from casinos in Las Vegas.

**Step 6.** If they have been sold on the idea that their MLM products are the latest and greatest in “potions and lotions,” have them read [“High prices of MLM Products.”](#) (Do the supplements really work? Are MLM products overpriced? And can they be purchased for less?) They will also benefit from reading some of the many MLM and company and product reports by Dr. Stephen Barrett on his [MLM Watch](#) web site.

**Step 7.** They may want to know why – if all this is true.– such programs are allowed to exist or are not prosecuted by law enforcement. Refer them to [“Frequently Asked Questions”](#) – and to the reports listed on the home page related to law enforcement and how this situation developed following a ruling by the FTC in 1979 regarding Amway – that opened the floodgates of MLM abuse. Have them pay particular attention to why victims of chain selling programs remain silent.

**Step 8.** They would also be benefited by reading how MLM recruitment is dependent on a a whole set of deceptions; in fact some [40 typical misrepresentations](#) have been identified. *The list is expanded to over 100 misrepresentations in the 8<sup>th</sup> chapter of the book referred to in Step 3.*

**Step 9.** If they question the information above on the basis of so much research coming from one source, have them go to the consumer-oriented [pyramidschemealert.org](#) web site. Particularly convincing is *“The Myth of ‘Income Opportunity’ in Multi-level Marketing,”* by Robert FitzPatrick, which is available for download from the site. Another classic article is [“What’s Wrong with Multi-Level Marketing,”](#) by Dean VanDruff. Several [other recommended web sites](#) post information and corroborating research leading to the same conclusions.

**Step 10.** If they ask what they can do to earn as much or more money than they can in MLM, refer them to [“1,357 Ways to Make a LOT More Money than in MLM/Network Marketing.”](#)

**Step 11.** If they have invested money in products or services sold by an MLM company to “do the business,” have them consider [“ACTIONS you can take when you have experienced losses from MLM participation.”](#) Encourage them to begin now converting from MLM addict to consumer advocate by warning 5 others, and asking each of those to warn 5 others, etc., etc.

**Step 12.** Then, after their MLM deceptions are debunked and they are fully deprogrammed, lighten their mood with some fun cartoons, humor, and satire to put things into perspective – posted on this web site, such as such as the [“Parable of the Missing Children.”](#) and [How to Start a Pyramid Scheme and Get away with it.”](#)

**Appendix 12D: For the bold and the brave –  
Embarrassing questions  
guaranteed to make MLM promoters squirm.**

For those of you who are brave enough to challenge MLM promoters at opportunity meetings or in other recruitment settings, here are some sample challenges and questions you could pose – guaranteed to make these promoters squirm:



You claim that many people are profiting from your (MLM) program. What proof can you give to show that most people who put forth effort in your program actually file a profit on their income taxes?

This program you are promoting looks and feels a lot like an illegal pyramid scheme, with pyramid scheme investments merely laundered through product purchases. How can you prove it is not a cleverly disguised pyramid scheme?

It appears that your (MLM) program enriches a few at the top at the expense of a revolving door of recruits like us who buy products to get in on the deal, without any disclosure of the odds of our actually profiting from participation – after all expenses. How do you respond?

In major corporations, the country can be covered in four levels of sales managers – branch manager, division manager, regional manager, and national sales manager – and perhaps a fifth level to handle international sales. Why would you need eight (or ten – or an infinite number – or whole breakaway groups), other than to enrich those at the top?

If I as a distributor make a good income for the time spent selling the products, without recruiting a single person, can you give me the names of people who have earned a significant profit after expenses without recruiting anyone?

Would you please provide average net payout by the company (after subtracting product purchases) to all participants who ever signed up (or in the past 5 years, etc.), including those not now active?

How much are we expected to pay out in products, services, training, etc., over the next year, in order to be a serious participant? What percentage of persons who sign up ever earn in commissions enough to exceed those purchases?

If – in order to qualify for commissions or advancement - we are expected to subscribe to minimum purchase requirements that are shipped automatically each month and paid for by automatic bank draft, isn't that merely making an investment in a product-based pyramid scheme?

Ask: "I want to be a Blue Diamond (or other level). How do I apply?" (Likely response will be laughter – or answer, such as, "You have to earn it.")

Your counter challenge: "You mean I have to recruit others into the program - or buy a whole bunch of products myself in order to advance to that level? Doesn't that make it a pyramid scheme?"

You talk of time freedom. If your top people are making so much money, why are they out recruiting, rather than enjoying the promised life of leisure? What percent of your top "distributors" are no longer actively involved with the company – and never attend opportunity meetings? Can you give me their names?

At other companies, internal conferences and training programs and materials are provided free of charge. Why do you charge for these conferences and for audio and videotapes, etc.? Is this just another revenue source for the company and/or for the upline?

Are the company's wholesale prices low enough to allow a respectable profit when marking up for resale – at a retail price that is still competitive with comparable products through other sources? (Or are retail prices so high that they must be sold at wholesale to achieve any volume – in order to advance in the scheme?) What evidence do you have to show a high percentage of participants profiting from actual retail sales?

Carried to its logical extreme, how many planets would be required if everyone in this room were to work hard enough to achieve the promised income rewards for their recruitment efforts?

You say that a person can make money doing this part time. Can you furnish the names and telephone numbers or e-mail addresses of part-timers who are earning a good profit at this – AFTER subtracting purchases and other expenses?