

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Deborah Platt Majoras, Chairman
Pamela Jones Harbour
Jon Leibowitz
William E. Kovacic
J. Thomas Rosch**

_____)	
)	
In the Matter of)	
)	
GOEN TECHNOLOGIES CORPORATION,)	
a corporation,)	
)	
NUTRAMERICA CORPORATION,)	DOCKET NO. C-
a corporation,)	
)	
TRIMSPA, INC,)	
a corporation, and)	
)	
ALEXANDER SZYNALSKI)	
a/k/a ALEXANDER GOEN, individually)	
and as an officer of the corporations.)	
_____)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Goen Technologies Corporation, NutramERICA Corporation, and Trimspa, Inc., corporations, and Alexander Szynalski a/k/a Alexander Goen, individually and as an officer of the corporations (“respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Goen Technologies Corporation (“GTC”) is a New Jersey corporation with its principal office or place of business at 35 Melanie Way, Whippany, New Jersey 07981.

2. Respondent Nutramerica Corporation (“Nutramerica”) is a Delaware corporation with its principal office or place of business at 35 Melanie Way, Whippany, New Jersey 07981.

3. Respondent Trimspa, Inc. (“Trimspa”) is a New Jersey corporation with its principal office or place of business at 35 Melanie Way, Whippany, New Jersey 07981.

4. Respondent Alexander Szynalski a/k/a Alexander Goen (“Szynalski”) is an officer of GTC, Nutramerica, and Trimspa. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of GTC, Nutramerica, and Trimspa, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of the corporations.

5. Respondents have labeled, advertised, offered for sale, sold, and distributed purported weight-loss products to the public, including TrimSpa® Completely Ephedra Free Formula X32 (“TrimSpa X32”). TrimSpa X32 is a tablet that, according to its label, contains, among other ingredients, Hoodia gordonii, chromium, vanadium, glucomannan, citrus naringine, glucosamine HCl, cocoa extract, and green tea extract. TrimSpa X32 tablets are “foods” or “drugs,” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

6. The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

7. Respondents have disseminated or have caused to be disseminated advertisements for TrimSpa X32, including but not necessarily limited to the attached Exhibits A through I. These advertisements contain the following statements and depictions:

Television Advertisements

- a. Video: *Cars racing on a track .*
- Video: *“HIGH-SPEED” [vibrating]*
- Video: *Cars racing on a track and close-up of a woman in a racing outfit.*
- Video: *“DREAM [vibrating]
BODY”*
- Video: *Cars racing on a track and close-up of a woman in a racing outfit.*
- Video: *“DIET PILL” [vibrating]*

Video: *Cars racing on a track.*
Super: "TRIMSPA EPHEDRA FREE FORMULA
Use as part of a diet and exercise
program. Results not typical.
Testimonials have lost weight on various TrimSpa formulas."

Woman #1: "You think that's fast? Try TrimSpa."

Woman #2 with:
inset fatter photo
of herself "I've lost 57 pounds."

Woman #3 with:
inset fatter photo
of herself "TrimSpa has driven me to lose 25 pounds."

Man #1: "I've lost 8 pounds in 4 weeks."

Man #2 with:
inset fatter photo
of himself "I lost 18 pounds in 6 weeks on ephedra free TrimSpa."

Man #3: "TrimSpa works for my team."

Woman #2: "The results are unbelievable."

Woman #1: "Get the attention you deserve."

Video: Super: "1-800-TRIMSPA
TRIMSPA.COM"

Woman #3: "TrimSpa putting you on the fast track to become all
you've ever envied."

Exhibit A (30-second television advertisement)

b.

Video

Audio

John Daly swinging a golf club.

*Red band through center of screen with white “ticker tape” text scrolling across for approximately 21 seconds of the commercial: “BREAKING NEWS
..... BREAKING NEWS
..... BREAKING NEWS”*

John Daly riding a motorcycle.

John Daly on a golf course.

*Super: “John Daly
PGA Tour’s Longest
Driver*

*Ticker tape text: “...
BREAKING NEWS
ANNA NICOLE SMITH HAS
LOST 30 LBS WITH TRIMSPA
COMPLETELY EPHEDRA
FREE!...”*

*Super in white on a black
background: “TRIMSPA®
EPHEDRA FREE FORMULA
Super: Use as part of a diet and
exercise program.
Results not typical.”*

Woman: “Hey check out John Daly’s new golf cart.”

John Daly: “TrimSpa has driven me to lose 32 pounds.”

Woman on a golf course holding a flag pole with inset fatter photo of herself.

Woman on a golf course putting with inset fatter photo of herself.

Man on a golf course driving with inset fatter photo of himself.

John Daly: “These are my new friends.”

John Daly: “Jerrica down 25 pounds”

John Daly: “Karla Odell lost 57 pounds”

John Daly: “And Jon Daniels over 100

pounds”

John Daly taking swings on a golf course.

John Daly: “All with TrimSpa. Patented TrimSpa”

John Daly: “Your high speed dream body diet pill.”

Super: 1-800-TRIMSPA
TRIMSPA.COM

John Daly: “Completely ephedra free. Call 1-800-TrimSpa or visit trimspa.com”

John Daly: “When it comes to getting your dream body, it’s a gimmee.”

Exhibit B (30-second television advertisement)

c. Video: *Woman with motorcycle posing and moving seductively.*

Super: “Diet and exercise improve results. Results not typical and may vary.”

Audio: “TRIMSPA”

Video: “Before” and “After” photos of woman

Super: “TRIMSPA X32
25 lbs in 2 ½ months!”

Audio: “X32”

Video: *Woman continuing to move and pose.*

Audio: “The ultimate comeback – Get the attention you deserve – Go to trimspa.com and order TrimSpa X32 today”

Video: *Super:* “TRIMSPA X32
Be envied.
1-800-TRIMSPA
trimspa.com”

Audio: “also available at fine retailers everywhere.”

Exhibit C (30-second television advertisement)

Radio Advertisements

- d. . . . If Anna Nicole Smith with her outrageous appetite lost 40 pounds to recapture her super-model days with TrimSpa Completely Ephedra Free . . . guess what TrimSpa's High Speed Dream Body Diet Pill can do for you!

You and your TrimSpa hot Dream Body will look mighty good next to a cool million dollars at the 2003 Radio Music Awards on Monday, October 27th on NBC.

Exhibit D (60-second radio advertisement)

- e. Howard Stern: Trimspa love it. Big fan. Super model Anna Nicole Smith. You know you forget she used to be a supermodel and then she got fat.

Robin Quivers: Yeah she used to model jeans as a matter of fact.

Howard Stern: Star Magazine did a thing on. – They had a shock-o-meter and the shock was that Anna Nicole Smith had lost 85 pounds.

Robin Quivers: That is shocking . . . that she had 85 to lose.

Howard Stern: TrimSpa formula X32 – boy is that good stuff. 2004 – you want your dream body – well here's your dream body diet pill. They're going to help you lose all that weight, just by taking a little pill. TrimSpa formula X32. It's got a secret ingredient used for centuries by African bushmen to suppress hunger during long hunting trips when food was scarce. That's the truth. That's how TrimSpa came about. It is an amazing formula. You don't see any fat African bushmen, I'll tell you that. Order your dream body now at TrimSpa.com. Call 1-800-TrimSpa.

Man talking in gibberish.

Howard Stern: Thank you sir. Here's the inventor of it.

Gibberish continues.

Howard Stern: TrimSpa. Available at Walgreens, RiteAid, and GNC. TrimSpa be all you ever envied. Lose all the weight – shock some people yourself this year – just like Anna Nicole Smith did.

Exhibit E (Radio advertisement)

- f. Announcer: We know you've seen how amazing supermodel and actress Anna Nicole Smith looks since the number one selling diet pill in the country, TrimSpa X32, helped her lose 69 pounds!

What you might not know is that people just like you are also making their "ultimate comebacks" with the help of the Dream Body Diet Pill . . . people like Kipp Cowen, who, at age 37, was at least 100 pounds overweight. Fortunately, when his girlfriend recommended TrimSpa X32, Kipp listened.

Kipp: Hi, my name is Kip[p] Cowen, I'm from Dallas, Texas and in less than four months I have lost 59 pounds taking TrimSpa X32.

Announcer: And then there's the experience of Dichele Lutz, a lucky lady who couldn't be happier about "losing big" in Vegas!

Dichelle: Hello, my name is Dichelle Lutz. I'm from Las Vegas, Nevada and I have lost 78 pounds in seven months using TrimSpa X32.

Announcer: Come on, see what X32 can do for you. Order TrimSpa X32 today! Call 1-800-TrimSpa or go to TrimSpa.com or find it at GNC, Walgreens and Rite Aid! TrimSpa. Be Envied.

Exhibit F (60-second radio advertisement)

Print Advertisements

- g. Trim
Spa
...
COMPLETELY EPHEDRA FREE

"Let's face it, I'm a big guy," says John Daly. . . . Then I started hearing about TrimSpa® products, went to trimspa.com and was knocked out by the 'Before' and 'After' pictures of folks whose lives were transformed by its amazing High-Speed **DREAM BODY™** Diet Pill.

. . . one of the owners of Greg Ray Racing – who was so thrilled with his 100 pound weight loss . . . – and even Anna Nicole Smith, who lost over 30 pounds with **TrimSpa® COMPLETELY EPHEDRA FREE Formula X32!**

[“]Frankly, when I started using TrimSpa products I did think it sounded too good to be true,” admitted Daly. “But not only have I already burned off 32 pounds – the weight loss *continues*

...
**The Secret Ingredients
Behind TrimSpa® COMPLETELY
EPHEDRA FREE Formula X32**

Hoodia Gordonii Cactus

The perfect solution for unwanted cravings and big appetites, this natural appetite suppressant stops hunger and leaves you feeling satisfied with less food, longer.

...
2003 TrimSpa Results not typical. Not for use by or sale to persons under 18 years of age. Healthy diet accompanied by exercising can only improve results. These statements have not been evaluated by the Food and Drug Administration. Not intended to treat, prevent, mitigate, or cure disease. Call 1-800-TRIMSPA or visit www.trimspa.com for use, guarantee details and requirements. Consult physician before using. Read the label and follow directions. Do not use any of these products if pregnant or nursing. ...

Exhibit G (Product info sheet for events)

h.

**“I’M BACK!
THANKS TRIMSPA®!”**
– Anna Nicole Smith

ANNA, HOTTER THAN EVER...

... and she looks *amazing*! When the rumors began to fly that Anna Nicole lost an incredible amount of weight on a patented diet pill, the public was skeptical. We all watched her battle her weight in the past – without long-term success. But when her amazing “Before” and “After” pictures were released, we found ourselves embracing a new THIN Anna Nicole. Looking more beautiful than she ever has. Guess what? She even got back to her modeling days within only 12 weeks – this blond bombshell vows this is the real Anna Nicole. She found something that finally worked when nothing else did.

So what is it?

[Depictions: Photographs of Anna Nicole Smith labeled “Before” and “After: 8/27/03” with the caption “Anna Nicole Smith’s After Pictures Taken On August 27, 2003, Just 12 Weeks After Taking TrimSpa® X32”]

**TRIMSPA® Worked for
Anna Nicole because ...**

Patented TrimSpa® COMPLETELY EPHEDRA FREE Formula X32 contains the super appetite suppressant secret used by African tribesman for thousands of years to destroy hunger during long hunting trips – TrimSpa® COMPLETELY EPHEDRA FREE Formula X32 makes the impossible, possible. Its makes losing 30, 50, even 70 pounds (or however many pounds you need to lose) painless -

Anna Nicole is proof that you can get your DREAM BODY™ and lose the weight. If it worked for Anna, TrimSpa® COMPLETELY EPHEDRA FREE Formula X32 can work for you, too!

Anna's making the ultimate comeback! When are you going to make yours?

...

TrimSpa
Be Envied.™

©2003 TrimSpa® Results not typical. Not for use by or sale to persons under 18 years of age. Healthy diet accompanied by exercising can only improve results. These statements have not been evaluated by the Food and Drug Administration. Not intended to treat, prevent, mitigate, or cure disease. Call 1-800-TRIMSPA or visit www.trimspa.com for use, guarantee details and requirements. Consult physician before using. Read the label and follow directions. Do not use if pregnant or nursing. If you are allergic to shellfish consult your doctor before deciding to take Glucosamine. Models have been compensated for photos. All models have become hotter and sexier (lost weight) using TrimSpa® products. . . .

Exhibit H (Magazine advertisement)

Internet Advertising

i. **The Word Is Out . . .**

Anna Nicole Smith

[Depictions: Photographs of Anna Nicole Smith labeled "Before TRIMSPA" and "and After losing 69 lbs!"]

Anna Nicole Smith Bares All . . .
. . . About Her Weight Loss!

Have you heard the naked facts? **Anna Nicole Smith** has **FINALLY** bared all on national TV and told the world **exactly** how much weight she lost using **TRIMSPA X32**, the **DREAM BODY Diet Pill!**

And exactly how much **DID** Anna lose in only eight months?

Sixty-nine pounds! Yes, believe it or not, Anna Nicole shed **sixty-nine** pounds with **TRIMSPA X32** to reveal one of the sexiest supermodel **DREAM BODIES** ever to slink down a runway during **Fashion Week** in New York! Now she's seducing thousands of fans with her incredible new look on talk shows, TV specials, magazine photo spreads and soon, even in a major motion picture!

...

Well, now you not only know her fabulous secret, you're at the perfect place to discover how it can help **you** to lose **all** the weight and get the attention you deserve . . . just like Anna! So don't waste another moment! Click **HERE** to find out more about **TRIMSPA X32** and start making **your** ultimate comeback **right now!**

Buttons "Buy 1 Bottle" or to "Buy 3-Pack"

hyperlinks to "newsletter," "privacy & policies," "store locator," and "order status"

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The statements contained on this site have not been evaluated by the Food and Drug Administration. Not intended to diagnose, treat, prevent, mitigate or cure any disease. Testimonial results not typical. Your actual results may vary. Please read product labels before purchasing product. Please check with your physician before starting any weight loss program. Read the label and follow directions.

Exhibit I (www.trimspa.com – Anna Nicole Smith page – June 2004)

j.

TRIMSPA®
Frequently Asked Questions

* * *

► **How fast will I see results? How many pounds will I lose per week?**

TRIMSPA® products work differently in all people because each person has a different body chemistry. If you don't notice immediate results, please be patient. TRIMSPA's formulas are so unique that we're confident you can achieve significant fat reduction. Generally, weight loss of 2 to 4 pounds per week is considered safe, and such levels of weight loss have been demonstrated with the ingredients in TRIMSPA® products.

CAUTION: Although TRIMSPA® products contain no drugs whatsoever, do not let yourself lose weight too quickly. If you lose more than 10 pounds in the first 5 days, do not take any more pills for 2 or 3 days at the end of the first week.

...

hyperlinks to "newsletter," "privacy & policies," "store locator," and "order status"

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Exhibit I (www.trimspa.com – Frequently Asked Questions page – June 2004)

k. **TRIMSPA® X32 Testimonials**

Last year I gained 21 pounds! I was miserable and hated the way I looked. I decided to take control of my life and started using TRIMSPA® X32. I am happy to say that in 11 weeks, I was back to my normal weight. I had lost 21 pounds with the help of TRIMSPA® X32. . . . I am sold on TRIMSPA® X32 and now all of my friends are using it to lose weight and feel great! Thank you TRIMSPA®!

Chelsea Zedar
21 lbs more driven

[Depictions: “before” and “after” photos of Chelsea]

TRIMSPA® X32 has changed my life. . . in such a short time I have lost 15 pounds. No other product has ever given me the results that this product has given me. . . .

[Depictions: “before” and “after” photos of Dawn] **Dawn Marsico**
15 lbs more in control

I found myself very unhappy with the way I looked and felt. I had heard of various weight loss supplements but was skeptical about the outcome. I came across TRIMSPA® X32 and lost 23 pounds in nine weeks. . . .

Sophia Poshni
23 lbs more confident

[Depictions: “before” and “after” photos of Sophia]

I lost 25 pounds in three months on TRIMSPA® X32 and it also gave me more energy.

[Depictions: “before” and “after” photos of Sunni] **Sunni Hemme**
25 lbs more fierce

...

hyperlinks to “newsletter,” “privacy & policies,” “store locator,” and “order status”

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Exhibit I (www.trimspa.com – TrimSpa X32 Testimonials page – June 2004)

1.

TRIMSPA® X32

This formula was created to help achieve a sexier you ...

Ingredients

Hoodia Gordonii (Hoo-dee-uh Gore-doh-nee) is a natural appetite suppressant, used for generations by South African tribesmen to stave off hunger during long hunting expeditions. . . .

Exhibit I (www.trimspa.com – TrimSpa X32 Ingredients page)

8. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that:

- A. TrimSpa X32 causes rapid and substantial weight loss; and
- B. Hoodia gordonii – an African appetite suppressant – in TrimSpa X32 enables users to lose substantial amounts of weight by suppressing their appetite.

9. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 8, at the time the representations were made.

10. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 8, at the time the representations were made. Therefore, the representation set forth in Paragraph 9 was, and is, false or misleading.

11. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this day of , 2007, has issued this complaint against respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL: