

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

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

	)	
<b>In the Matter of</b>	)	
	)	
<b>DANIEL CHAPTER ONE,</b>	)	
<b>a corporation, and</b>	)	
	)	<b>DOCKET NO. 9329</b>
<b>JAMES FEIJO,</b>	)	
<b>individually, and as an officer of</b>	)	
<b>Daniel Chapter One</b>	)	
	)	
	)	

**COMPLAINT**

The Federal Trade Commission (“FTC”), having reason to believe that Daniel Chapter One, a corporation, and James Feijo, individually, and as an officer of Daniel Chapter One, (collectively, “Respondents”) have violated the FTC Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Daniel Chapter One (“DCO”) is a Washington corporation with its principal office or place of business at 1028 East Main Road, Portsmouth, Rhode Island 02871.

2. Respondent James Feijo (“Feijo”) owns DCO and does business as the President of DCO. His principal office or place of business is the same as that of DCO. He is responsible for managing the marketing and intellectual property of the DCO Products. At all times relevant to this complaint, acting alone or in concert with others, Feijo has formulated, directed, controlled, or participated in the various acts and practices set forth herein.

3. Respondents have advertised, promoted, offered for sale, sold, and distributed products to the public, including Bio\*Shark, 7 Herb Formula, GDU, and BioMixx (collectively, the “DCO Products”). The DCO Products are “foods” or “drugs” within the meaning of Sections 12 and 15 of the FTC Act.

4. The acts and practices of Respondents, as alleged herein, have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. Since 2005, Respondents have engaged in deceptive acts or practices in connection with the advertising, promotion, offering for sale, sale, and distribution of the DCO Products which purport to prevent, treat, or cure cancer or tumors, and other serious medical illnesses. Respondents operate linked web pages on the website, [www.danielchapterone.com](http://www.danielchapterone.com), through which they advertise and sell the products at issue in this complaint.

### **Bio\*Shark**

6. Respondents describe Bio\*Shark as a dietary supplement that contains, among other ingredients, Shark Cartilage. Respondents offer one bottle of Bio\*Shark for \$65.95 (300 of the 800 mg capsules) and \$30.95 (100 of the 800 mg capsules). Each product label directs users to take 2-3 capsules three times a day or as directed by a physician or by a BioMolecular Nutrition health care professional.

### **Respondents’ Advertisements for Bio\*Shark**

7. To induce consumers to purchase Bio\*Shark, Respondents have created, prepared, disseminated, or caused to be disseminated advertisements, promotional web sites (including [www.danielchapterone.com](http://www.danielchapterone.com)), and catalogues. Exhibit A hereto is a printout of portions of Respondents’ web site, which contains representations concerning Bio\*Shark including:

#### **PRODUCTS**

##### **Bio\*Shark: Tumors & Cysts**

Pure skeletal tissue of sharks which provides a protein that inhibits angiogenesis - the formation of new blood vessels. This can stop tumor growth, and halt the progression of eye diseases such as diabetic retinopathy and macular degeneration.

..

### **7 Herb Formula**

8. Respondents describe 7 Herb Formula as a liquid tea concentrate dietary supplement that contains, among other ingredients, distilled water, Cat’s Claw, Burdock Root, Siberian Ginseng, Sheep Sorrel, Slippery Elm, Watercress, and Turkey Rhubarb Root. Respondents offer one 32-ounce bottle of 7 Herb Formula for \$70.95. Respondents’ product label directs users to take 1-2 ounces of 7 Herb Formula with 2-4 ounces of hot or cold filtered or distilled water. The label further directs users to take 7 Herb Formula twice daily or as directed by a BioMolecular Nutrition health care professional.

## Respondents' Advertisements for 7 Herb Formula

9. To induce consumers to purchase 7 Herb Formula, Respondents have created, prepared, disseminated, or caused to be disseminated advertisements, promotional web sites (including [www.danielchapterone.com](http://www.danielchapterone.com)), and catalogues. Exhibit B hereto is a printout of a portion of Respondents' web site, which contains representations concerning 7 Herb Formula including:

A. INFO CENTER

**Cancer News.**

7 Herb Formula

- purifies the blood
- promotes cell repair
- **fights tumor formation** [emphasis in original]
- fights pathogenic bacteria

...

If you suffer from any type of cancer, Daniel Chapter One suggests taking this products [sic], to fight it:

7\*Herb Formula™ . . .

Bio\*Shark™ . . .

BioMixx™ . . .

GDU Caps™ . . .

[depiction of bottles of BioMixx, 7 Herb Formula, Bio\*Shark, and GDU]

Daniel Chapter One's Cancer solutions

To Buy the products click here

How to fight cancer is your choice! . . .

B. **7 Herb Formula battles cancer.**

Tracey was given no hope!

The doctors had pretty much given up on Tracey. She had leukemia and tumors on the brain, behind the heart and on her liver. . .

This is Tracey's story in her own words as told in 1997: 'I had contracted leukemia and had three inoperable tumors. When I decided not to do chemotherapy or radiation, my father sent me Bio\*Mixx and 7 Herb Formula. Each day as I took it and got it into my system more and more, the better I felt. Then I added Garlic Pur, Siberian Ginseng and BioShark.' "I am now in complete remission. . .'

## **GDU**

10. Respondents describe GDU as a dietary supplement that contains, among other ingredients, Bromelain, Turmeric, Quercetin, Feverfew, and Boron. Respondents offer GDU for \$45.95 (300 capsules) and \$29.95 (120 capsules). Respondents' product labels direct users to take 3-6 capsules 2 to 4 times per day or as directed by a physician or by a BioMolecular Nutrition health care professional.

### **Respondents' Advertisements for GDU**

11. To induce consumers to purchase GDU, Respondents have created, prepared, disseminated, or caused to be disseminated advertisements, promotional web sites (including [www.danielchapterone.com](http://www.danielchapterone.com)), and catalogues. Exhibit C hereto is a printout of a portion of Respondents' web site, which contains representations concerning GDU including:

#### **PRODUCTS**

...

Contains natural proteolytic enzymes (from pineapple source bromelain) to help digest protein - even that of unwanted tumors and cysts. This formula also helps to relieve pain and heal inflammation. . . .and as an adjunct to cancer therapy.

### **BioMixx**

12. Respondents describe BioMixx as a dietary supplement that contains, among other ingredients, Goldenseal, Echinacea, and Ginseng. Respondents offer BioMixx for \$40.95 (3 lb. powder) and \$22.95 (1 lb. powder). Respondents' product label directs users to take five scoops daily.

### **Respondents' Advertisements for BioMixx**

13. To induce consumers to purchase BioMixx, Respondents created, prepared, disseminated, or caused to be disseminated advertisements, promotional web sites (including [www.danielchapterone.com](http://www.danielchapterone.com)), and catalogues. Exhibit D hereto is a printout of a portion of Respondents' web site, which contains representations concerning BioMixx including:

Bio\*Mixx boosts the immune system, cleanses the blood and feeds the endocrine system to allow for natural healing. It is used to assist the body in fighting cancer and in healing the destructive effects of radiation and chemotherapy treatments.

## **Respondents' Unsubstantiated Representations**

14. Through the means described in Paragraphs 6 through 13, including, but not limited to, the statements contained in the advertisements attached as Exhibits A through D, Respondents have represented, expressly or by implication, that:

- a. Bio\*Shark inhibits tumor growth;
- b. Bio\*Shark is effective in the treatment of cancer;
- c. 7 Herb Formula is effective in the treatment or cure of cancer;
- d. 7 Herb Formula inhibits tumor formation;
- e. GDU eliminates tumors;
- f. GDU is effective in the treatment of cancer;
- g. BioMixx is effective in the treatment of cancer; and
- h. BioMixx heals the destructive effects of radiation and chemotherapy.

15. Through the means described in Paragraphs 6 through 13, Respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 14, at the time the representations were made.

16. In truth and in fact, Respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 14, at the time the representations were made. Therefore, the representation set forth in Paragraph 15 was, and is, unsubstantiated.

17. The acts and practices of Respondents as alleged in this complaint constitute unfair or deceptive acts or practices, in or affecting commerce in violation of Sections 5(a) and 12 of the FTC Act.

## **NOTICE**

Proceedings on the charges asserted against the respondents named in this complaint will be held before an Administrative Law Judge (ALJ) of the Federal Trade Commission, under Part 3 of the Commission's Rules of Practice, 16 C.F.R. Part 3. A copy of Part 3 of the Rules is enclosed with this complaint.

You are notified that the opportunity is afforded you to file with the Commission an answer to this complaint on or before the twentieth (20th) day after service of it upon you. An answer in which the allegations of the complaint are contested shall contain a concise statement of the facts constituting each ground of defense; and specific admission, denial, or explanation of each fact alleged in the complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the complaint not thus answered shall be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that you admit all of the material allegations to be true. Such an answer shall constitute a waiver of hearings as to the facts alleged in the complaint, and together with the complaint will provide a record basis on which the ALJ shall file an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding. In such answer you may, however, reserve the right to submit proposed findings and conclusions and the right to appeal the initial decision to the Commission under Section 3.52 of the Commission's Rules of Practice for Adjudicative Proceedings.

Failure to answer within the time above provided shall be deemed to constitute a waiver of your right to appear and contest the allegations of the complaint and shall authorize the ALJ, without further notice to you, to find the facts to be as alleged in the complaint and to enter an initial decision containing such findings, appropriate conclusions and order.

The ALJ will schedule an initial prehearing scheduling conference to be held not later than 7 days after the last answer is filed by any party named as a respondent in the complaint. Unless otherwise directed by the ALJ, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the prehearing scheduling conference, and Rule 3.31(b) obligates counsel for each party, within 5 days of receiving a respondent's answer, to make certain initial disclosures without awaiting a formal discovery request.

Notice is hereby given to each of the respondents named in this complaint that a hearing before the ALJ on the charges set forth in this complaint will begin on December 16, 2008, at 10:00 a.m., in Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or such other place as determined by the ALJ. At the hearing, you will have the right under the Federal Trade Commission Act to appear and show cause why an order should not be entered requiring you to cease and desist from the violations of law charged in the complaint.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint. If, however, the Commission should conclude from record facts developed in any adjudicative proceedings in this matter that the proposed provisions might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary or appropriate.

Moreover, the Commission has reason to believe that, if the facts are found as alleged in the complaint, it may be necessary and appropriate for the Commission to seek relief to redress injury to consumers, or other persons, partnerships or corporations, in the form of restitution for past, present, and future consumers and such other types of relief as are set forth in Section 19(b)

of the Federal Trade Commission Act. The Commission will determine whether to apply to a court for such relief on the basis of the adjudicative proceedings in this matter and such other factors as are relevant to consider the necessity and appropriateness of such action.

### **ORDER**

For purposes of this order the following definitions apply:

1. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
2. “Covered Product or Service” shall mean any dietary supplement, food, drug, or other health-related product, service, or program, including, but not limited to, Bio\*Shark, 7 Herb Formula, GDU, and BioMixx.
3. “Food” and “drug” shall mean “food” and “drug” as defined in Section 15 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 55.
4. “Advertisement” means any written or verbal statement, illustration, or depiction that is designed to effect a sale or to create interest in the purchasing of goods or services, whether it appears in a book, brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, packaging, package insert, label, film, slide, radio, television or cable television, video news release, audio program transmitted over a telephone system, infomercial, the Internet, e-mail, or in any other medium.
5. Unless otherwise specified, “Respondents” shall mean Daniel Chapter One and its successors and assigns, affiliates, or subsidiaries, and its officer, James Feijo, individually and as an officer of the corporation; and each of the above’s agents, representatives, and employees.
6. “Commerce” shall mean as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
7. “Endorsement” shall mean “endorsement” as defined in 16 C.F.R. § 255.0(b).

### **I.**

**IT IS HEREBY ORDERED** that Respondents, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of BioShark, 7 Herb Formula, GDU, and BioMixx, or any substantially similar health-related program, service, or product, or any other Covered Product or Service, in or affecting commerce,

shall not make any representation, in any manner, expressly or by implication, including through the use of product or program names or endorsements, that such health-related program, service, product, or Covered Product or Service prevents, treats, or cures or assists in the prevention, treatment, or cure of any type of tumor or cancer, including but not limited to representations that:

1. Bio\*Shark inhibits tumor growth;
2. Bio\*Shark is effective in the treatment of cancer;
3. 7 Herb Formula is effective in the treatment or cure of cancer;
4. 7 Herb Formula inhibits tumor formation;
5. GDU eliminates tumors;
6. GDU is effective in the treatment of cancer;
7. BioMixx is effective in the treatment of cancer; or
8. BioMixx heals the destructive effects of radiation or chemotherapy;

unless the representation is true, non-misleading, and, at the time it is made, Respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

## **II.**

**IT IS FURTHER ORDERED** that Respondents, directly or through any person, corporation, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product or Service, in or affecting commerce, shall not make any representation, in any manner, directly or by implication, including through the use of a product name, endorsement, depiction, or illustration, about the efficacy, performance, or health-related benefits of any Covered Product or Service unless the representation is true, non-misleading, and, at the time it is made, Respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

## **III.**

**IT IS FURTHER ORDERED** that:

A. Nothing in this order shall prohibit Respondents from making any representation for any drug that is permitted in labeling for such drug under any tentative or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration; and

B. Nothing in this order shall prohibit Respondents from making any representation for any product that is specifically permitted in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.



#### IV.

**IT IS FURTHER ORDERED** that:

A. Respondents shall, within seven (7) days after the date of service of this order, deliver to the Commission a list, in the form of a sworn affidavit, of all consumers who purchased Bio\*Shark, 7 Herb Formula, GDU, and/or BioMixx, on or after January 1, 2005 through the date of service of this order. Such list shall include each consumer's name and address, the product(s) purchased, and, if available, the consumer's telephone number and email address;

B. Within forty-five (45) days after the date of service of this order, respondents shall send by first class mail, postage prepaid, an exact copy of the notice attached as Attachment A to all persons identified in Part IV.A. The face of the envelope containing the notice shall be an exact copy of Attachment B. The mailing shall not include any other documents; and

C. Except as provided in this order, respondents, and their officers, agents, servants, employees, attorneys, and representatives shall not sell, rent, lease, transfer, or otherwise disclose the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to any respondent, at any time prior to the issuance of this order, in connection with the purchase of Bio\*Shark, 7 Herb Formula, GDU, and/or BioMixx. *Provided, however,* that respondents may disclose such identifying information to the FTC pursuant to Part IV.A., above, or any law enforcement agency, or as required by any law, regulation, or court order.

#### V.

**IT IS FURTHER ORDERED** that for a period of five (5) years after the last date of dissemination of any representation covered by this order, Respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All advertisements and promotional materials containing the representation;

B. All materials that were relied upon in disseminating the representation; and

C. All tests, reports, studies, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

## VI.

**IT IS FURTHER ORDERED** that Respondents shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

## VII.

**IT IS FURTHER ORDERED** that Respondent Feijo, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include the Respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Paragraph shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

## VIII.

**IT IS FURTHER ORDERED** that Respondent DCO and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. **Provided, however,** that, with respect to any proposed change in the corporation about which Respondent learns less than thirty (30) days prior to the date such action is to take place, Respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Paragraph shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

## IX.

**IT IS FURTHER ORDERED** that Respondents shall, within sixty (60) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

**X.**

**IT IS FURTHER ORDERED** that this order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; **provided, however,** that the filing of such a complaint will not affect the duration of:

- A. Any paragraph in this order that terminates in less than twenty (20) years;
- B. This order's application to any Respondent that is not named as a Respondent in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

**Provided further,** that if such complaint is dismissed or a federal court rules that the Respondents did not violate any provision of this order, and the dismissal is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

THEREFORE, the Federal Trade Commission this sixteenth day of September, 2008, has issued this complaint against Respondents.

By the Commission.

Donald S. Clark  
Secretary

SEAL:

**ATTACHMENT A**  
**LETTER TO BE SENT BY FIRST CLASS MAIL**  
[To be printed on letterhead of Daniel Chapter One]

[Name and address of recipient] [Date]

Dear [Recipient]:

Our records show that you bought **[name of products]** from our website **[name of website]**. We are writing to tell you that the Federal Trade Commission (“FTC”) has found that our advertising claims for these products were false or unsubstantiated, and has issued an Order prohibiting us from making those claims in the future. The Order entered against us also requires that we send you the following information about the scientific evidence on these products.

Very little scientific research has been done concerning Shark Cartilage, Cat’s Claw, Burdock Root, Siberian Ginseng, Sheep Sorrel, Slippery Elm, Watercress, Turkey Rhubarb Root, Bromelain, Turmeric, Quercetin, Feverfew, Boron, Goldenseal, Echinacea, and Ginseng as a means of prevention, treatment, or cure for cancer in humans. The scientific studies that have been done do not demonstrate that any of these ingredients, which are included in Bio\*Shark, 7 Herb Formula, GDU, and BioMixx, are effective when used for prevention or treatment for cancer in humans.

It is very important that you talk to your doctor or health care provider before using **any** alternative or herbal product, including Shark Cartilage, Cat’s Claw, Burdock Root, Siberian Ginseng, Sheep Sorrel, Slippery Elm, Watercress, Turkey Rhubarb Root, Bromelain, Turmeric, Quercetin, Feverfew, Boron, Goldenseal, Echinacea, and Ginseng. Speaking with your doctor is important to make sure that all aspects of your medical treatment work together. Things that seem safe, such as certain foods, herbs, or pills, may interfere or affect your cancer or other medical treatment, or other medicines you might be taking. Some herbs or other complementary or alternative treatments may keep your medicines from doing what they are supposed to do, or could be harmful when taken with other medicines or in high doses. It also is very important that you talk to your doctor or health care provider before you decide to take any alternative or herbal product, including Shark Cartilage, Cat’s Claw, Burdock Root, Siberian Ginseng, Sheep Sorrel, Slippery Elm, Watercress, Turkey Rhubarb Root, Bromelain, Turmeric, Quercetin, Feverfew, Boron, Goldenseal, Echinacea, and Ginseng, instead of taking conventional cancer treatments that have been scientifically proven to be safe and effective in humans.

If you would like further information about complementary and alternative treatments for cancer, the following Internet web sites may be helpful:

1. The National Cancer Institute: [www.cancer.gov/cancertopics/pdq](http://www.cancer.gov/cancertopics/pdq); or
2. The National Center for Complementary and Alternative Medicines: [www.nccam.nih.gov](http://www.nccam.nih.gov).

You may also contact the National Cancer Institute’s Cancer Information Service at 1-800-4-CANCER or 1-800-422-6237.

Sincerely,

**ATTACHMENT B**

Daniel Chapter One  
1028 East Main Road  
Portsmouth, Rhode Island, 02871

[name and address of purchaser]

**GOVERNMENT ORDERED NOTICE**