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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

|                                |   |
|--------------------------------|---|
| FEDERAL TRADE COMMISSION,      | ) |
|                                | ) |
| Plaintiff,                     | ) |
|                                | ) |
| v.                             | ) |
|                                | ) |
| INVISIONS INTERNATIONAL CORP., | ) |
| a New Jersey corporation,      | ) |
| and                            | ) |
|                                | ) |
| STEPHEN C. FOX,                | ) |
| individually and as an         | ) |
| officer of said corporation,   | ) |
|                                | ) |
| Defendants.                    | ) |

C 96 1727

Civil No.

COMPLAINT FOR  
PERMANENT INJUNCTION  
AND OTHER EQUITABLE  
RELIEF

X970027

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), brings this action under Sections 5(a) and 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a) and 53(b), to obtain permanent injunctive relief against defendants and to obtain such other relief as is necessary to redress consumers for the injury resulting from defendants' unfair or deceptive acts or practices.

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FEDERAL TRADE COMMISSION  
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1 InVision Single Strand Process is designed to be  
2 maintained as easily as it was before your hair loss.  
3 Showering and shampooing using any normal products you  
4 want and then just towel or blow dry. When it comes  
5 time for a trim or even a new look, you're free to go  
6 to the barber or salon of your choice." (Exhibits A  
7 and B)

8 C. "Here's how the process works. First we take an  
9 impression of the thinning or balding area, then we  
10 take actual hair samples to acheive (sic) an identical  
11 match to your own texture, color and hair growth  
12 pattern. Over the next six to eight weeks, we will  
13 gradually match texture, color and curl to achieve a  
14 natural looking transition that will complete the  
15 process." (Exhibits A and B)

16 D. "InVisions has spent years of research and millions of  
17 dollars developing a process that is so gradual and so  
18 natural, we're sure you will be happy with the change.  
19 In fact, the Process is so superior that the only  
20 change people notice is the change in your level of  
21 confidence." (Exhibits A and B)

22 E. Consumer endorser: "When I finally admitted I had a  
23 hair loss problem, I was really uncomfortable about  
24 doing something about it. I was without hair for so  
25 long, I just felt sure my patients would notice the  
26 change. Well, the process was so gradual and  
27 undetectable, and looked so natural, nobody knew a  
28 thing!" (Exhibits A and B)

F. "This Process is a new and intensively researched  
procedure that is unlike any other hair replacement  
technique available anywere. With the Single Strand  
Process you are guaranteed a head of hair that allows  
you to swim, shower...in fact, do it all.... There  
are...no maintenance visits." (Exhibit C)

G. Consumer endorser: "The process was so gradual and  
natural, nobody knew a thing!" (Exhibit C)

H. Consumer endorser: "You don't actually know you're  
having it done until it is done, and you see a full  
head of hair again.... I get my hair cut now just like  
I would before -- about every six weeks -- no  
difference. I use the same kind of conditioner I  
would, the same kind of shampoo, and everything."  
(Exhibit D)

I. Consumer endorser: "Anything else has either side  
effects or maintenance. This is my hair back."  
(Exhibit D)

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1 J. Consumer endorser: "Now that I have my hair back, I'm  
2 going surfing, I'm going swimming, and when I do come  
3 out of the water, all I do is just towel-dry my  
4 hair.... After I had the InVisions process done, every  
time I look in the mirror, there was more and more hair  
-- so slow, so gradual. No one noticed -- except  
myself." (Exhibit D)

5 K. Stephen Fox: "And everybody said the same thing --  
6 'Get a hairpiece'.... Well, there was no way I was  
7 going to settle for just a hairpiece. So I did a lot  
of research, and that's when the single-strand process  
was born." (Exhibit D)

8 L. Consumer endorser: "The process was so gradual that no  
9 one even noticed that I was getting it done.... Having  
my natural hair back was the greatest feeling in the  
world." (Exhibit D)

10 M. Consumer endorser: "Another good thing is that I can  
11 take four or five showers a day, and it's not going to  
12 hurt my hair.... I use my regular shampoo, regular  
13 conditioner, and then I towel dry it...then I take a  
blow dryer if I'm going out.... [I]t's maintenance  
free." (Exhibit D)

14 10. In their sales presentations, defendants and their  
15 affiliated sellers have further represented that they sell a  
16 "process" or a procedure. Defendants have instructed their  
17 telephone salespeople to tell consumers that the "process" is  
18 "definitely not" a hairpiece and that "virtually no maintenance"  
19 is required. Defendants have instructed their employees to avoid  
20 use of the terms "hairpiece," "toupee," or "wig" when speaking  
21 with consumers.

22 11. Many consumers first learn that the "InVisions Process"  
23 is actually a hairpiece after payment is made and the hairpiece  
24 is fitted to the consumer's head. Consumers who complain that  
25 they were misled by defendants or their affiliated sellers have  
26 been urged to try the hairpiece for an adjustment period.  
27 Defendants' employees and the employees of their affiliated  
28

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1 sellers have told consumers that if they are dissatisfied after  
2 that time, the consumers can return the "process" to defendants,  
3 in some cases stating explicitly that a refund will be made.  
4 Consumers who rely on these representations and return the  
5 hairpiece within the adjustment period do not receive refunds in  
6 many cases.

7 VIOLATIONS OF SECTION 5(A) OF THE FTC ACT

8 12. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),  
9 prohibits "unfair or deceptive acts or practices in or affecting  
10 commerce."

11 COUNT I

12 13. By and through the statements and depictions contained  
13 in the advertisements and promotional materials referred to in  
14 Paragraph 9 and others, including but not limited to the  
15 advertisements and promotional materials attached as Exhibits  
16 A-D, and by and through the sales practices referred to in  
17 Paragraphs 10-11, defendants have represented, directly or by  
18 implication, orally or in writing, that:

- 19 a. the InVisions Process is not a hairpiece, wig or  
20 toupee;  
21 b. the InVisions Process is maintenance-free;  
22 c. customers who take possession of the completed  
23 InVisions Process and return it the next day or shortly  
24 thereafter will receive a 50% refund of the purchase  
25 price.

26 14. In truth and in fact:

- 27 a. the InVisions Process is a hairpiece, wig or toupee;  
28

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1 (3) Award such relief as the Court finds necessary to  
2 remedy the defendants' violations of Section 5(a) of  
3 the FTC Act, including but not limited to the refund of  
4 monies paid and the disgorgement of ill-gotten gains;  
5 and

6 (4) Award the Commission the costs of bringing this action,  
7 as well as such other and additional equitable relief  
8 as the Court may determine to be proper and just.  
9

10 DATED: Nov 4, 1996

11  
12 Respectfully submitted,

13 STEPHEN CALKINS  
14 General Counsel

15 CHARLES A. HARWOOD  
16 Regional Director

17 Mary T. Benfield  
18 Attorney for Plaintiff  
19 FEDERAL TRADE COMMISSION

20 By:

21 Mary T. Benfield  
22 Mary T. Benfield  
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