

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

APR 5 4 52 PM '01

U.S. DISTRICT COURT
EASTERN DISTRICT OF TENN.
BY _____ CLERK

UNITED STATES OF AMERICA)
)
V.)
)
ALPINE INDUSTRIES, INC., and)
WILLIAM J. CONVERSE)

NO. 2:97-CV-509

JUDGMENT

In accordance with a Memorandum Opinion this day entered, the United States of America shall have and recover of the defendants, jointly and severally, the sum of one million four hundred ninety thousand dollars (\$1,490,000), together with interest thereon at the rate of four and nineteen/one hundredths percent (4.19%) per annum, as provided in 28 U.S.C. § 1961.

The defendants, and their heirs, successors, assigns, and licensees, including any officers, employees, and agents of any of the foregoing, are hereby enjoined as follows:

They shall may no claims and representations in any form or by any means, express or implied, that any Alpine product can eliminate, remove, clear or clean from indoor air any pollutant, contaminant, microorganism (including bacteria, viruses, molds and mildew), chemical or particulate, or any specific quantity or amount of any of the foregoing. Defendants may, however, represent that their product can remove "visible" tobacco smoke and *some* odors (without specifying what odor), provided, however, defendants may not claim or represent, expressly or impliedly, that removal of visible tobacco smoke or some odors necessarily implicates the removal of any chemical, particulate or microorganism.

They shall make no claims or representations in any form or by any means, expressly or impliedly, that Alpine's products prevent or provide, or may prevent or provide, relief from any

health or medical condition of any kind.

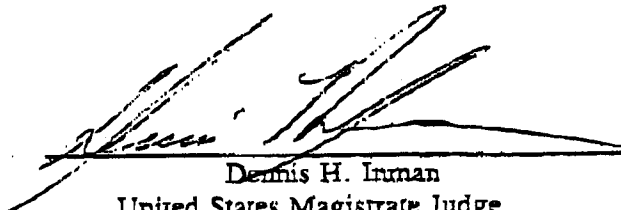
They shall make no claims or representations in any form or by any means, expressly or impliedly, that any sensor installed on any of Alpine's air cleaning machines is capable of controlling the ambient level of ozone in indoor air.

This injunction is immediately binding upon defendants, their heirs, successors, assigns, and licensees without exception. Defendants, and their heirs, successors, assigns, and licensees, shall disseminate this injunction, *verbatim*, to all existing and future officers, employees, agents, and "independent dealers" who sell or distribute the product by any means.

Should defendants, or those claiming by, through or under defendants, assert that they have newly-acquired scientific evidence and that the injunction should be modified or lifted, defendants (or those claiming by, through or under defendants) shall first present such scientific evidence to the Federal Trade Commission, as the Consent Order requires. If the Federal Trade Commission rejects defendants' proffered scientific evidence, or if the Federal Trade Commission fails to respond in a timely fashion, then defendants (or those claiming by, through or under defendants) may petition this Court for a modification or lifting of the injunction. **PROVIDED THAT** defendants shall file no such petition until the passage of eighteen (18) months from date of finality of this judgment. Proceedings thereafter will be in accordance with the procedure outlined in the Memorandum Opinion, to which reference is made.

The costs of this action are taxed to the defendants.

SO ORDERED:


Dennis H. Inman
United States Magistrate Judge