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11
12 IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13
14 FEDERAL TRADE COMMISSION,)
15)
Plaintiff,)
16 v.)
17 FIBERTHIN, LLC,)
OBESITY RESEARCH)
18 INSTITUTE, LLC,)
HENNY DEN UIJL,)
19 BRYAN CORLETT,)
JAMES AYRES, and)
20 DR. JONATHAN M. KELLEY,)
Defendants.)
21

CIVIL NO.

COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER
EQUITABLE RELIEF

22
23
24 Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), through its
25 undersigned attorneys, for its Complaint alleges:

26 1. Plaintiff FTC brings this action under Section 13(b) of the Federal Trade
27 Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to secure injunctive relief and other equitable
28

1 relief against Defendants for engaging in deceptive acts or practices in violation of Sections 5(a)
2 and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

3 **JURISDICTION AND VENUE**

4 2. This Court has jurisdiction over this matter pursuant to 15 U.S.C. §§ 45(a), 52,
5 53(b) and 28 U.S.C. §§ 1331, 1337(a), and 1345.

6 3. Venue in this District is proper under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b)
7 and (c).

8 **THE PARTIES**

9 4. Plaintiff, the Federal Trade Commission, is an independent agency of the United
10 States Government created by statute. 15 U.S.C. §§ 41-58. The Commission enforces Section
11 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or
12 affecting commerce. The Commission also enforces Section 12 of the FTC Act, 15 U.S.C. § 52,
13 which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or
14 affecting commerce. The Commission, through its own attorneys, may initiate federal district
15 court proceedings to enjoin violations of the FTC Act and to secure such equitable relief,
16 including rescission of contacts and restitution, and the disgorgement of ill-gotten gains caused
17 by Defendants' law violations, as may be appropriate in each case. 15 U.S.C. § 53(b).

18 5. Defendant FiberThin, LLC ("FiberThin") is a California limited liability company
19 with offices located at 1601 Aryana Drive, Encinitas, California. At times relevant to the
20 complaint, acting individually or in concert with others, FiberThin has advertised, marketed,
21 distributed, and sold the dietary supplements FiberThin and MetaboUp to consumers in the
22 United States. FiberThin transacts business in this district and throughout the United States.

23 6. Defendant Obesity Research Institute, LLC ("ORI") is a California limited
24 liability company with offices located at 1601 Aryana Drive, Encinitas, California. At times
25 relevant to the complaint, acting individually or in concert with others, ORI has advertised,
26 marketed, distributed, and sold the dietary supplements Propolene and Excelerene to consumers
27 in the United States. ORI transacts business in this district and throughout the United States.

28 7. Defendant Henny den Uijl is a Managing Member of both FiberThin and ORI, and

1 has a 50% ownership interest in each company. Mr. den Uijl is the registered agent for both
2 companies, and is listed as the administrative contact for the www.fiberthin.com website. At
3 times relevant to this Complaint, acting individually or in concert with others, Mr. den Uijl has
4 formulated, directed, controlled, or participated in the acts or practices of FiberThin and ORI,
5 including the acts or practices alleged in this Complaint. He transacts business in this district and
6 throughout the United States.

7 8. Defendant Bryan Corlett is a Managing Member of both FiberThin and ORI, and
8 has a 50% ownership interest in each company. He also holds the trademarks for “FiberThin”
9 and “MetaboUp.” At times relevant to this Complaint, acting individually or in concert with
10 others, Mr. Corlett has formulated, directed, controlled, or participated in the acts or practices of
11 FiberThin and ORI, including the acts or practices alleged in this Complaint. He transacts
12 business in this district and throughout the United States.

13 9. Defendant James Ayres is a partner in the company Ayres Weight Management,
14 which conducted purported studies on FiberThin and MetaboUp. His business address is 31600
15 Railroad Canyon Road, Canyon Lake, California. He has aided in the promotion of FiberThin by
16 appearing as a “weight loss consultant” and providing endorsements for the product in
17 advertisements. Mr. Ayres transacts business in this district and throughout the United States.

18 10. Defendant Jonathan M. Kelley, M.D. is a retired anesthesiologist. He has aided in
19 the promotion of Propolene by appearing and providing endorsements for the product in
20 advertisements. Dr. Kelley transacts business in this district and throughout the United States.

21 COMMERCE

22 11. The acts and practices of Defendants alleged in this Complaint have been in or
23 affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

24 DEFENDANTS’ COURSE OF CONDUCT

25 12. Since at least 2003, Defendants FiberThin, den Uijl, and Corlett have advertised,
26 labeled, offered for sale, and sold products to the public throughout the United States, including
27 FiberThin and MetaboUp, two dietary supplements marketed and sold for weight loss.
28 Defendants primarily advertise and offer these products for sale through a 30-minute television

1 infomercial and an Internet website, www.fiberthin.com. The infomercial aired on numerous
2 television stations, including The Learning Channel, PAX Family Entertainment Network, Home
3 and Garden TV, and CNBC. Defendant Ayres appears in the television infomercial and endorses
4 the FiberThin product.

5 13. Since at least 2003, Defendants ORI, den Uijl, and Corlett have advertised,
6 labeled, offered for sale, and sold products to the public throughout the United States, including
7 Propolene and Excelerene, two dietary supplements marketed and sold for weight loss.
8 Defendants primarily advertise and offer Propolene for sale through television commercials and
9 an Internet website, www.propolene.com, and offer Excelerene for sale through the
10 www.propolene.com website. Defendant Kelley appears in the television commercials and
11 endorses the Propolene product. Propolene and FiberThin appear to be identical products with
12 different names. Excelerene and MetaboUp appear to be identical products with different
13 names.

14 The Supplements

15 14. FiberThin and Propolene are tablets that purportedly contain glucomannan as their
16 primary ingredient. MetaboUp and Excelerene are tablets that purportedly contain green tea,
17 chromium, and bitter orange as their primary ingredients. FiberThin and MetaboUp are sold
18 together for weight loss, as are Propolene and Excelerene. The initial 60-day supply of FiberThin
19 and MetaboUp offered through the www.fiberthin.com website costs \$99.80, including \$9.95 for
20 shipping and handling, and \$29.95 per month thereafter if customers join Defendants' "Take it
21 off, Keep it off" automatic shipping program. The initial 60-day supply of Propolene and
22 Excelerene offered through the www.propolene.com website costs \$89.85, and \$29.95 per month
23 thereafter if customers join Defendants' "Take it off, Keep it off" automatic shipping program.

24 Advertisements for FiberThin and MetaboUp

25 15. To induce consumers to purchase FiberThin and MetaboUp, Defendants
26 FiberThin, den Uijl, and Corlett have disseminated, or caused to be disseminated, advertisements
27 for the supplements, including but not limited to the attached Exhibits A and B. These
28 advertisements contain the following statements or depictions, among others:

1 A. **Excerpts From Television Infomercial**

2 MALE ANNOUNCER: Do you dream of having that thin, lean body but you just can't seem to
3 lose that weight? You've tried the terrible tasting diet foods, the strenuous exercise and those
4 messy shakes that leave you starving. You're just fed up because nothing works.

5 **ON SCREEN: What CAN YOU DO?**

6 MALE ANNOUNCER: What can you do?

7 **ON SCREEN: Don't Give Up**

8 MALE ANNOUNCER: Don't give up, because now, for the first time ever, one of the most
9 powerful weight loss systems ever developed is available to you called the Fiber Thin System.

10 **ON SCREEN: GUARANTEED YOU'LL LOSE UP TO 20 LBS. IN 30 DAYS!**
11 **OR YOUR MONEY BACK!**

12 MALE ANNOUNCER: This system guarantees you'll lose up to 20 pounds in 30 days or your
13 money back.

14 **ON SCREEN: Before photo**

15 **Ron Phipps**

16 **LOST 50 LBS. IN 3 MONTHS!**

17 **City Controller**

18 **Results Vary**

19 RON PHIPPS: I lost 50 pounds on the Fiber Thin System.

20 * * *

21 **ON SCREEN: Clinically Proven**

22 **Guaranteed Weight Loss!**

23 **No Special Diet or Exercise Program Needed**

24 MALE ANNOUNCER: The ingredients in the Fiber Thin System are clinically proven to deliver
25 you weight loss results without any special diet or exercise program.

26 **ON SCREEN: For best results/maximum weight loss, follow the diet and exercise plan.**

27 **GUARANTEED WEIGHT LOSS!**

28 MALE ANNOUNCER: Included in the Fiber Thin System is the Guide to Healthy Living.

29 **ON SCREEN: Full of Valuable Weight Loss Tips! Lose Even More Weight!**

30 MALE ANNOUNCER: This guide gives you diet and exercise tips so you lose even more
31 weight. When you combine Fiber Thin with the Guide to Healthy Living, we guarantee you'll
32 lose up to 20 pounds in 30 days or your money back.

33 * * *

34 **ON SCREEN: Jennifer Corlett**

35 **LOST WEIGHT IN DAYS!**

36 **College Student**

37 **Results Vary**

38 JENNIFER CORLETT: With Fiber Thin, I didn't have to diet, I didn't have to exercise and I still
39 lost weight.

40 * * *

41 **ON SCREEN: Traps Fat and Eliminates It From Your Body Naturally!**

42 MALE ANNOUNCER: This powerful fiber then becomes a fat-trapping machine that grabs fats
43 and eliminates them from your body.

44 **ON SCREEN: Traps Up to 400 Fat Calories Per Day!**

45 MALE ANNOUNCER: In fact, laboratory studies show that Fiber Thin can trap up to 400 fat
46 calories a day.

47 * * *

1 MALE ANNOUNCER: Also included in the Fiber Thin System is MetaboUp.

2 **ON SCREEN: All Natural**

Increases Energy

3 **Boosts Metabolism Up to 43%**

4 MALE ANNOUNCER: MetaboUp is a blend of all-natural herbs that are scientifically proven to increase your energy and boost your metabolism up to 43 percent.

5 **ON SCREEN: Burn More Calories Every Day!**

MALE ANNOUNCER: So, you'll be burning more calories every day.

6 * * *

7 **ON SCREEN: Do you WANT PROOF?**

MALE ANNOUNCER: You want proof that Fiber Thin works?

8 **ON SCREEN: WE HAVE IT!**

MALE ANNOUNCER: Well, we have it.

9 **ON SCREEN: 42 Clinical Studies Prove That Fiber Thin™ Works!**

MALE ANNOUNCER: Forty-two clinical studies, some published in medical journals like --

10 **ON SCREEN: Current Therapeutic Research**

MALE ANNOUNCER: -- Current Therapeutic Research --

11 **ON SCREEN: International Journal of Obesity**

MALE ANNOUNCER: -- the International Journal of Obesity and --

12 **ON SCREEN: American Journal of Clinical Nutrition**

13 * * *

14 MALE ANNOUNCER: -- the American Journal of Clinical Nutrition found that subjects taking the ingredients in Fiber Thin lost weight without diet and exercise. . .

15 **ON SCREEN: Faster and Easier Than Anything You've Tried!**

16 MALE ANNOUNCER: We are so sure that you'll lose weight faster and easier than anything you've ever tried --

17 * * *

18 **ON SCREEN: Weight Loss Specialist**

19 **Amber Pawlowski, RD, CLE**

Registered Dietitian

20 AMBER PAWLOWSKI: You can exercise like you are, you can eat like you are, as long as you're taking Fiber Thin, you're going to lose weight.

21 **ON SCREEN: Weight Loss Guaranteed!**

MALE ANNOUNCER: No other diet product is clinically proven to deliver you results like this.

22 * * *

23 **ON SCREEN: Carol Birdsall**

24 **LOST 22 Lbs. Of Body Fat!**

Manicurist

25 **Results Vary**

26 CAROL BIRDSALL: Even if you eat the way you normally do, you're still going to lose the weight.

27 * * *

28 **ON SCREEN: Weight Loss Specialist**

1 **Amber Pawlowski, RD, CLE**
2 **Registered Dietitian**

3 AMBER PAWLOWSKI: One of the studies conducted found that if you take Fiber Thin before
4 each of your meals, you can trap up to 400 fat calories a day.

5 * * *

6 **ON SCREEN: CASE STUDY**

7 **Fiber Thin™**

8 **12 Week Study**

9 **Ayres Weight Management**

10 **Test Fiber Thin on**

11 **60 Test Subjects**

12 **100% Weight Loss**

13 **Success [sic]**

14 **ON SCREEN: Weight Loss Consultant**

15 **JIM AYRES**

16 **Ayres Weight Management**

17 JIM AYRES: Ayres Weight Management has evaluated several different weight loss products.
18 We have never seen a product that delivers results like Fiber Thin, period. One hundred percent
19 of the individuals in our study lost weight.

20 * * *

21 JIM AYRES: As a matter of fact, within the first two days, we had people reporting that they
22 had lost a pound or two.

23 **ON SCREEN: Weight Loss Consultant**

24 **JIM AYRES**

25 **Ayres Weight Management**

26 JIM AYRES: And after one week, we observed that some individuals lost anywhere from five to
27 ten pounds.

28 Now, that trend continued week after week after week for a 12-week period.

29 **ON SCREEN: Before and after photos**

30 **Ed May**

31 **LOST 50 LBS. IN 3 MONTHS!**

32 **Medical Technician**

33 **Results Vary**

34 JIM AYRES: We had some people lose even up to 50 pounds. FiberThin works.

35 * * *

36 **ON SCREEN: Before photo**

37 **Ron Phipps**

38 **LOST 50 LBS. IN 3 MONTHS!**

39 **City Controller**

40 **Results Vary**

41 RON PHIPPS: I saw my biggest results in the first four weeks. I think I lost 20 pounds in the
42 first four weeks just getting my metabolism going, you know, eating -- eating more than I ever
43 ate before and I was never hungry.

44 (Exhibit A)

45 **B. Excerpts From Website www.fiberthin.com.**

46 Fiber Thin is the most revolutionary weight loss system ever developed. Ingredients in Fiber

1 Thin are clinically proven to deliver dramatic weight loss results.

2 **FiberThin works!**
3 **It's easy!**
4 **You'll feel full!**
5 **No dieting!**

6 * * *

7 **What is included in the Fiber Thin System?**

8 . . . Metabo-Up tablets. These tablets are a blend of all natural herbs that are scientifically proven to
9 increase your metabolism by 40%.
10 We are including the Guide to healthy living with your order. As with any diet program, the right
11 diet and exercise plan can accelerate your results. This guide will outline different ways you can
12 supplement the Fiber Thin tablets with diet and exercise to lose weight even faster.

13 * * *

14 **How much weight will I lose?**

15 . . . Fiber Thin guarantees you'll lose up to 20 pounds in 30 days if you use the Fiber Thin
16 System, which is what you are looking for, right?

17 * * *

18 **How does each product work?**

19 Fiber Thin creates a fiber sponge that makes you feel full. Fiber Thin traps and binds some of the
20 fat in the foods you eat so that it is not absorbed into your system. As a result, Fiber Thin
21 reduces caloric intake from fat and adds healthy fiber into your diet. Metabo-Up contains green
22 tea. Green tea is proven to increase your metabolism safely so you burn more calories.

23 (Exhibit B)

24 Advertisements for Propolene and Excelerene

25 _____ 16. To induce consumers to purchase Propolene and Excelerene, Defendants ORI,
26 den Uijl, and Corlett have disseminated, or caused to be disseminated, advertisements for the
27 supplements, including but not limited to the attached Exhibits C through E. These
28 advertisements contain the following statements or depictions, among others:

29 **A. Excerpts From Television Commercials**

30 **ON SCREEN: Jonathan Kelley, M.D.**
31 **Harvard Medical School Graduate**
32 **Individual results vary (remainder of sentence illegible)**

33 JONATHAN Kelley: If you're 20 pounds or more overweight, there's news from the Obesity
34 Research Institute. Dramatic weight loss can now be achieved without diet or exercise.

35 * * *

1 **ON SCREEN: Dr. Jose Echevarria**
2 **Lost 80 Pounds in 4 Months!**
3 **Individual results vary. For maximum weight loss, diet and exercise are (illegible).**

4 DR. JOSE ECHEVARRIA: The first week I lost like about 10 and then every month like 20
5 pounds.

6 **ON SCREEN: Propolene**
7 **Scientifically Proven to Reduce Weight**
8 **9 Clinical Studies**

9 FEMALE ANNOUNCER: Propolene, scientifically proven to reduce weight without special diet
10 and exercise, backed by nine clinical studies.

11 **ON SCREEN: Only For Weight Loss of 20 Pounds or More**

12 JONATHAN Kelley: Please understand, Propolene is so powerful that it was formulated only
13 for those that need to lose 20 pounds or more.

14 (Exhibit C)

15 **ON SCREEN: Mike Deckert**
16 **Lost 30 Pounds in 8 Weeks!**
17 **Results not typical and may vary**

18 MIKE DECKERT: I was 247 eight weeks ago and I'm 30 pounds lighter today.

19 * * *

20 **ON SCREEN: Michelle Wolfensparger**
21 **"It Works By Itself!"**
22 **Results not typical and may vary**

23 MICHELLE WOLFENSPARGER: It definitely works by itself because I know I didn't do
24 anything different and I took it and I lost weight.

25 **ON SCREEN: Jim Backman**
26 **Lost 25 Pounds in 6 Weeks!**
27 **Results not typical and may vary**

28 JIM BACKMAN: I eat at fast food places almost all the time, so it's hard to eat healthy and the
weight still came off.

29 **ON SCREEN: Jodi Sadlon**
30 **"It Was Just Very Easy!"**
31 **Results not typical and may vary**

32 JODI SADLON: It was just very easy. You just take these pills about 20 minutes before you eat
33 and the pounds just fell off.

34 **ON SCREEN: Robert Scott**
35 **Lost 35 Pounds!**
36 **Results not typical and may vary**

37 ROBERT SCOTT: If you're a skeptic just say, here, trust me, try it, eat the same way, do what
38 you're doing and this pill will work.

1 * * *

2 **ON SCREEN: Christa Lizzarga**
3 **Lost Weight With No Exercise**
4 **Results not typical and may vary**

5 CHRISTA LIZZARGA: If this could work for me, it could work for anybody because I haven't
6 been to the gym in over a month, to be honest, I have not gone to the gym even once. I don't
7 have the time.

8 * * *

9 **ON SCREEN: Jim Backman**
10 **Lost 25 Pounds in 6 Weeks!**
11 **Results not typical and may vary**

12 JIM BACKMAN: They told me if I didn't lose weight, I was going to die. You don't change
13 your life, all you do is take a pill.

14 * * *

15 **ON SCREEN: Lose Up to 20 Pounds Guaranteed**

16 FEMALE ANNOUNCER: Call now to try Propolene risk-free for 30 days. . . .

17 (Exhibit D)

18 **B. Excerpts From Website www.propolene.com**

19 Propolene™ is formulated for people who desire to lose 20 lbs. of weight or more. It is
20 scientifically proven, easy, and it works. No dieting is involved, and as one of our customers put
21 it "you don't have to change your life, you just have to take a pill". . . . The ingredients in
22 Propolene™ are clinically proven to deliver dramatic weight loss results.

- 23 * **Propolene is effective!**
- 24 * **It's simple, just take it before meals!**
- 25 * **Safely Reduces Hunger!**
- 26 * **Decreases fat without Dieting!**

27 * * *

28 **Frequently Asked Questions**

29 **What is Excelerene?**

30 Excelerene™ tablets are comprised of a blend of 100% natural herbs, which are scientifically
31 proven to increase your metabolism by 40%.

32 **What is Healthy Living Guide?**

33 Included with your order you will find a Healthy Living Guide. As with any diet program, proper
34 nutrition and exercise plan (sic) can accelerate your results. Healthy Living Guide outlines
35 several eating and exercise plans, which can be used in conjunction with the Propolene™ tablets
36 to accelerate your weight loss.

37 **How much weight will I lose?**

1 Weight loss varies depending on the individual. Propolene™ guarantees you will lose up to 20
2 pounds in 30 days if you use the Propolene™.

3 * * *

4 **How does each product work?**

5 Propolene™ creates a viscous fiber mass, which is 100% natural soluble dietary fiber and
6 provides a feeling of satiety. Propolene™ encapsulates some of the fat in the foods you eat and
7 prevents its absorption by digestive tract (sic), resulting in reduced caloric intake from fat and
8 adding healthy fiber to your diet.

9 Excelerene™ contains Green Tea. Green tea is proven to increase your metabolism safely so you
10 burn more calories.

11 * * *

12 **Healthy Living Guide**

13 Obesity Research Institute, LLC, in cooperation with others, has developed an eating and
14 exercise plan that will help your body use fats, carbs, and proteins more efficiently. This in turn
15 will help you lose unwanted body fat. When used in combination with the Propolene™ and
16 Excelerene™ supplements provided to you, subjects in an in-house study lost as much as 50
17 pounds of unwanted body fat in only 12 weeks. (Exhibit E)

18 **THE FTC ACT**

19 17. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts
20 or practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits
21 the dissemination of any false advertisement in or affecting commerce for the purpose of
22 inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or
23 cosmetics. For purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, FiberThin, MetaboUp,
24 Propolene, and Excelerene are either “foods” or “drugs” as defined in Sections 15(b) and (c) of
25 the FTC Act, 15 U.S.C. §§ 55(b), (c). As set forth below, Defendants have engaged and are
26 continuing to engage in such unlawful practices in connection with the advertising, marketing,
27 and sale of FiberThin and MetaboUp and/or Propolene and Excelerene.

28 **UNFAIR OR DECEPTIVE ACTS OR PRACTICES**
IN VIOLATION OF THE FTC ACT

COUNT I

Claims for FiberThin and MetaboUp

18. Through the means described in Paragraph 15, including through the
advertisements attached as Exhibits A and B, Defendants FiberThin, Henny den Uijl, and Bryan
Corlett have represented, expressly or by implication, that:

- a. FiberThin and MetaboUp cause rapid and substantial weight loss without the need to reduce caloric intake or increase exercise;
- b. FiberThin and MetaboUp enable users to lose as much as 4 to 5 pounds per week over multiple weeks and months without the need to reduce caloric intake or increase exercise;
- c. FiberThin and MetaboUp work for all users;
- d. FiberThin causes substantial weight loss through blocking the absorption of fat calories;
- e. FiberThin is scientifically proven to block absorption of up to 400 fat calories per day;
- f. MetaboUp is scientifically proven to boost users' metabolism up to 43%; and
- g. FiberThin and MetaboUp are clinically proven to cause rapid and substantial weight loss, including as much as 50 pounds in three months, without the need to reduce caloric intake or increase exercise.

19. The representations set forth in Paragraph 18 are false or were not substantiated at the time the representations were made. Therefore, Defendants' representations as set forth in Paragraph 18 constitute a deceptive act or practice, and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT II

Claims for Propolene and Excelerene

20. Through the means described in Paragraph 16, including through the advertisements attached as Exhibits C through E, Defendants ORI, Henny den Uijl, and Bryan Corlett have represented, expressly or by implication, that:

- a. Propolene causes rapid and substantial weight loss without the need to reduce caloric intake or increase exercise;
- b. Propolene enables users to lose as much as 4 to 5 pounds per week over multiple weeks and months without the need to reduce caloric intake or increase exercise;
- c. Excelerene is scientifically proven to boost users' metabolism by 40%; and
- d. Propolene is scientifically proven to cause rapid and substantial weight loss, including as much as 80 pounds in four months, without the need to reduce caloric intake or increase exercise.

1 purported expertise in the field of weight loss in the form of an examination or testing of
2 Propolene at least as extensive as an expert in that field would normally conduct in order to
3 support the conclusions presented in his endorsement. Therefore, the making of the
4 representation set forth in Paragraph 24 constitutes a deceptive act or practice, and the making of
5 false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC
6 Act, 15 U.S.C. §§ 45(a) and 52.

7 INJURY

8 26. Consumers throughout the United States have suffered and continue to suffer
9 substantial monetary loss as a result of Defendants' unlawful acts or practices. In addition, the
10 Defendants have been unjustly enriched as a result of their unlawful practices. Absent injunctive
11 relief by this Court, the Defendants are likely to continue to injure consumers, reap unjust
12 enrichment, and harm the public interest.

13 THIS COURT'S POWER TO GRANT RELIEF

14 27. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant
15 injunctive and such other relief as the Court may deem appropriate to halt and redress violations
16 of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award ancillary or
17 other relief, including, but not limited to, rescission of contracts and restitution, and the
18 disgorgement of ill-gotten gains caused by Defendants' law violations.

19 PRAAYER FOR RELIEF

20 WHEREFORE, Plaintiff FTC requests that this Court, as authorized by Section 13(b) of
21 the FTC Act, 15 U.S.C. § 53(b), and pursuant to its own equitable powers:

22 (a) Permanently enjoin Defendants from violating Sections 5(a) and 12 of the FTC
23 Act, 15 U.S.C. §§ 45(a) and 52, in connection with the offer, sale, advertising, or other
24 promotion or distribution of weight-loss products, or any food, drugs, dietary supplements, or
25 other products, services, or programs;

26 (b) Award such equitable relief as the Court finds necessary to redress injury to
27 consumers resulting from Defendants' violations of the FTC Act, including, but not limited to,
28 rescission of contracts and restitution, and the disgorgement of ill-gotten gains; and

1 (c) Award the Plaintiff the costs of bringing this action, and such other equitable
2 relief as the Court may determine to be just and proper.

3 Dated:

Respectfully submitted,

4
5 WILLIAM BLUMENTHAL
6 General Counsel

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8

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