

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL ACTION NO.
NBTY, INC.,	)	
a corporation,	)	
	)	
Defendant.	)	
	)	

**CONSENT DECREE**

WHEREAS: Plaintiff, the United States of America, has commenced this action by filing the Complaint herein; defendant, NBTY, Inc., has waived service of the Summons and Complaint; the parties have been represented by the attorneys whose names appear hereafter; and the parties have agreed to settlement of this action upon the following terms and conditions, without adjudication of any issue of fact or law and without defendant admitting liability for any of the matters alleged in the Complaint;

THEREFORE, on the joint motion of plaintiff and defendant, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. This Court has jurisdiction over the subject matter and the parties.
2. The Complaint states a claim upon which relief may be granted against defendant under Sections 5(l), 13(b) and 16(a) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(l), 53(b) and 56(a).

## DEFINITIONS

3. "Commerce" means as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
4. "FTC" or "Commission" means the Federal Trade Commission.
5. "FTC Order" means the FTC Order in FTC Docket No. C-3593, a copy of which is attached hereto as Exhibit A and made part of this Consent Decree.
6. "Person" means a natural person, organization or other legal entity, including a partnership, corporation, proprietorship, association, cooperative, or any other group acting together as an entity.
7. The terms "and" and "or" in this Consent Decree shall be construed conjunctively or disjunctively, as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.
8. The term "including" in this Consent Decree means "including, without limitation."

## CIVIL PENALTY

9. **IT IS FURTHER ORDERED** that:
  - a. Pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l), defendant NBTY, Inc., and its successors and assigns, must pay a monetary civil penalty of two million dollars (\$2,000,000).
  - b. Defendant NBTY, Inc., and its successors and assigns, must make the payment required by Paragraph 9 within five (5) days after the date of entry of this Consent Decree by electronic fund transfer in accordance with the instructions provided by: The Office of Consumer Litigation, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.

c. In the event of any default in payment, which default continues for ten (10) days beyond the due date of payment, the entire unpaid penalty, together with interest as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of payment, immediately will become due and payable.

#### **PROHIBITION AGAINST VIOLATING FTC ORDER**

10. **IT IS FURTHER ORDERED** that defendant NBTY, Inc., and its subsidiaries, successors, and assigns, and their officers, agents, representatives, and employees, and all persons in active concert or participation with any one or more of them who receive actual notice of this Consent Decree by personal service or otherwise, are hereby permanently enjoined from violating, directly or through any corporation, subsidiary, division, or other device, any provision of the FTC Order; *provided, however*, that, in the event that the FTC Order is hereafter modified, defendant's compliance with such Order as so modified will not be deemed a violation of this injunction.

#### **FOOD AND DRUG ADMINISTRATION**

11. **IT IS FURTHER ORDERED** that nothing in this Consent Decree prohibits defendant NBTY, Inc., from making:

a. Any representation for any drug that is permitted in the labeling for such drug under any tentative final 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. 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.

#### **DISTRIBUTION OF CONSENT DECREE BY DEFENDANT**

12. **IT IS FURTHER ORDERED** that for a period of ten (10) years from the date of entry of this Consent Decree, defendant NBTY, Inc., its subsidiaries, successors, and assigns, must:

- a. Provide a copy of the Consent Decree and FTC Order to, and obtain a signed and dated acknowledgment of receipt from: each officer and director, and each of its employees, agents, and representatives having managerial responsibility with respect to advertising or promotion of any product or service covered by this Consent Decree. Defendant must deliver a copy of the Consent Decree and FTC Order to current officers and directors, and to current employees, agents, and representatives having managerial responsibility with respect to advertising or promotion of any product or service covered by this Consent Decree, within thirty (30) days after the date of entry of the Consent Decree, and to future officers and directors, and to future employees, agents, and representatives having managerial responsibility with respect to advertising or promotion of any product or service covered by this Consent Decree within thirty (30) days after the person assumes such position or responsibilities; and
- b. Maintain, for a period of three (3) years after creation, and upon request, make available to representatives of the Commission, the original signed and dated acknowledgments required in Subparagraph a of this Paragraph.

## **RECORD-KEEPING PROVISIONS**

13. **IT IS FURTHER ORDERED** that for a period of five (5) years from the date of entry of this Consent Decree, defendant NBTY, Inc., and its subsidiaries, successors, and assigns, must maintain and, upon request, make available to the Commission, copies of all business records demonstrating compliance with the terms and provisions of this Consent Decree, including but not limited to:

- a. Accounting records that reflect the cost of products and programs sold, revenues generated and the disbursement of such revenues;
- b. Personnel records accurately reflecting the name, address, and telephone number of each person employed or retained in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;
- c. A copy of each advertisement containing any representation covered by this Consent Decree, including a videotape of any television advertisement and an audiotape of any radio advertisement;
- d. All materials that were relied upon in disseminating such representation; and
- e. All tests, reports, studies, surveys, 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.

## **COMPLIANCE REPORTING BY DEFENDANT**

14. **IT IS FURTHER ORDERED** that:

- a. For a period of ten (10) years from the date of entry of this Consent Decree, defendant NBTY, Inc., and its successors and assigns, must notify the Commission of any changes in corporate structure that may affect compliance obligations arising out of this Consent Decree, including but not limited to, 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 the acts or practices subject to this Consent Decree, the filing of a bankruptcy petition, or change in the corporate name or address, at least thirty (30) days prior to the effective date of any proposed change; *provided* that, with respect to any proposed change in a corporation about which defendant learns less than thirty (30) days prior to the date such action is to take place, defendant must notify the Commission as soon as is practicable after obtaining such knowledge; *provided further*; that defendant may satisfy its obligation to notify the Commission of the creation or dissolution of a subsidiary or affiliate or of a change in the name or address of a subsidiary or affiliate by reporting such information to the Commission on a quarterly basis, starting at the end of the first quarter following entry of this Consent Decree,
- b. Within twenty (20) days after receipt of a written request by a representative of the Commission, defendant NBTY, Inc., and its successors and assigns, must submit written reports (under oath, if requested) and produce documents with respect to any conduct subject to this Consent Decree; and
- c. Defendant NBTY, Inc., must, in accordance with 31 U.S.C. § 7701, furnish to the Commission its taxpayer identifying number (employer identification number), which will be used for purposes of collecting and reporting on any delinquent amount arising out of defendant's relationship with the government.

### **WRITTEN NOTIFICATIONS BY DEFENDANT**

15. **IT IS FURTHER ORDERED** that for the purposes of this Consent Decree, defendant NBTY, Inc., must, unless otherwise directed by the Commission or its representatives, mail all written notifications to the Commission or the Commission's Associate Director for Enforcement to:

Associate Director for Enforcement  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
Re: U.S. v. NBTY, Inc.

### **CONTINUING JURISDICTION**

16. **IT IS FURTHER ORDERED** that this Court will retain jurisdiction of this matter for the purpose of enabling any of the parties to this Consent Decree to apply to the Court at any time for such further orders or directives as may be necessary or appropriate for the interpretation or modification of this Consent Decree, for the enforcement of compliance therewith, for the redress of any violations thereof, or for the punishment of any violations thereof.

### **ACKNOWLEDGMENT OF RECEIPT OF CONSENT DECREE**

17. **IT IS FURTHER ORDERED** that defendant NBTY, Inc., within five (5) business days of receipt of this Consent Decree as entered by the Court, shall submit to the FTC a truthful sworn statement acknowledging receipt of this Consent Decree.

**JUDGMENT IS THEREFORE ENTERED** in favor of plaintiff and against defendant,  
pursuant to all the terms and conditions recited above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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United States District Judge

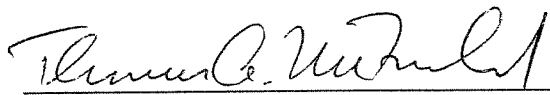
The parties, by their respective counsel, hereby consent to the terms and conditions of the Consent Decree as set forth above and consent to the entry thereof. Defendant waives any rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, amended by Pub. L. 104-21, 110 Stat. 847, 863-64 (1996).

FOR THE UNITED STATES OF AMERICA:

PETER D. KEISLER  
Assistant Attorney General  
Civil Division  
United States Department of Justice

ROSLYNN R. MAUSKOPF  
United States Attorney  
Eastern District of New York

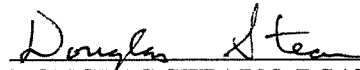
By:



THOMAS A. McFARLAND TM 3562  
Assistant United States Attorney  
610 Federal Plaza  
Central Islip, NY 11722-4454  
631-715-7900



EUGENE M. THIROLF  
Director  
Office of Consumer Litigation

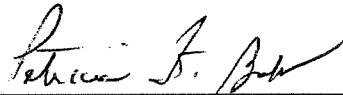
  
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DOUGLAS STEARN DS4086  
Attorney  
Office of Consumer Litigation  
Civil Division  
U.S. Department of Justice  
Washington, D.C. 20530  
(202) 514-2000

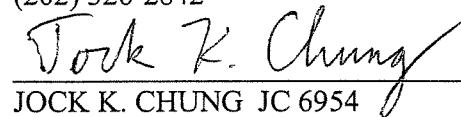
FOR THE FEDERAL TRADE COMMISSION:

JAMES A. KOHM  
Associate Director for Enforcement

ROBERT M. FRISBY  
Assistant Director for Enforcement

  
\_\_\_\_\_

PATRICIA F. BAK PB 7051  
Attorney  
Division of Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
Washington, D.C. 20580  
(202) 326-2842

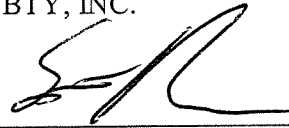
  
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JOCK K. CHUNG JC 6954  
Attorney  
Division of Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
Washington, D.C. 20580  
(202) 326-2984

FOR THE DEFENDANT:

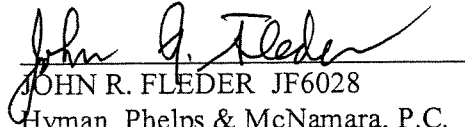
NBTY, INC.

By:



SCOTT RUDOLPH  
Chairman and Chief Executive Officer

By:



JOHN R. FLEDER JF6028  
Hyman, Phelps & McNamara, P.C.  
700 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
(202) 737-5600



A. WES SIEGNER, JR. AS0430  
Hyman, Phelps & McNamara, P.C.  
700 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
(202) 737-5600

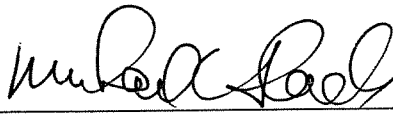
Attorneys for Defendant

**NOTICE OF RESOLUTION OF  
THE BOARD OF DIRECTORS OF  
NBTY, INC.**

I, Michael C. Slade, Corporate Secretary of NBTY, Inc., a Delaware corporation ("NBTY"), hereby certify that on July 26, 2005, a resolution was duly adopted by unanimous consent of the Board of Directors of NBTY.

The resolution provides that NBTY is authorized to execute and deliver a Consent Decree to be filed in the United States District Court for the Eastern District of New York. This Decree provides in substance that NBTY shall pay a civil penalty in the amount of \$2,000,000, and be enjoined from violating the FTC's 1995 Order to cease and desist.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of NBTY this 26th day of July 2005.

By:   
\_\_\_\_\_  
Michael C. Slade  
Corporate Secretary

Complaint

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IN THE MATTER OF

NATURE'S BOUNTY, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF  
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-3593. Complaint, July 21, 1995--Decision, July 21, 1995*

This consent order requires, among other things, the New York-based company and two of its wholly-owned subsidiaries to pay \$250,000 to the Commission for possible use for consumer redress, and requires them to have substantiation for specific health-related representations they make in advertising and promoting any product in the future.

### Appearances

For the Commission: *Justin Dingfelder, Peter Metrisko, Rose Toufexis and Jonathan Cowen.*

For the respondents: *Michael F. Brockmeyer, Piper & Marbury, Baltimore, MD.*

### COMPLAINT

The Federal Trade Commission, having reason to believe that Nature's Bounty, Inc., a corporation, Puritan's Pride, Inc., a corporation, and Vitamin World, Inc., a corporation, ("respondents"), have violated Sections 5(a) and 12 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 45(a) and 52, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. A. Respondent Nature's Bounty, Inc. ("Nature's Bounty"), is a Delaware corporation, with its office and principal place of business at 90 Orville Dr., Bohemia, NY.

B. Respondent Puritan's Pride, Inc. ("Puritan's Pride"), is a Delaware corporation with its office and principal place of business at 90 Orville Dr., Bohemia, NY. Puritan's Pride is a wholly-owned subsidiary of Nature's Bounty.

C. Respondent Vitamin World, Inc. ("Vitamin World"), is a Delaware corporation with its office and principal place of business

Exhibit A

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Complaint

at 90 Orville Dr., Bohemia, NY. Vitamin World is a wholly-owned subsidiary of Nature's Bounty.

D. Nature's Bounty directs or controls its subsidiaries Puritan's Pride and Vitamin World in carrying out the acts and practices alleged in this complaint.

PAR. 2. Respondents have manufactured, advertised, offered for sale, sold or distributed a variety of products, including "Sleeper's Diet," "L-Arginine 500 mg. tablets," "L-Ornithine 500 mg. tablets," "Prostex," "L-Cysteine," "L-Lysine," "L-Methionine," "Octacosanol," "New Zealand Green Lipped Mussel Extract," "KLB6," "Glucomannan," "Sugar Blocker," "Spirulina 500 mg. tablets," "Eye-Vites" (also sold as CATA-RX), "KLB6 Grapefruit Diet," "Herbal Cellulex Formula," "Memory Booster," "Ginsana," "Fatbuster Diet Tea," "Shake-A-Weigh," "Dark Circle Eye Treatment," "Natural Sterol Complex," "Super Fat Burners," "Super Cut," "Papaya Enzyme Tablets," and "Calmtabs." Each of these products is a "food" and/or "drug" within the meaning of Sections 12 and 15 of the FTC Act.

PAR. 3. 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 FTC Act.

PAR. 4. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for the products referred to in paragraph two, including, but not necessarily limited to, the attached Exhibits ("Ex.") A-R. These advertisements contain the following statements:

A. In regard to Sleeper's Diet: "SLEEPER'S DIET . . . Based on a popular weight loss program. Dieters will be interested in this special combination of amino acids." (Ex. A)

B. In regard to L-Arginine: (1) "L-Arginine stimulates the release of HGH (human growth hormone). HGH . . . promotes the formation of DNA and RNA needed to increase muscle mass and decrease body fat." (Ex. B) (2) "L-ARGININE . . . stimulates the release of growth hormone . . . [I]ncreases muscle mass while decreasing the amount of body fat." (Ex. C)

C. In regard to L-Ornithine: (1) "L-ORNITHINE . . . As with L-Arginine this amino acid releases HGH. However, L-Ornithine is said to be twice as effective." (Ex. B) (2) "L-ORNITHINE stimulates the release of growth hormone which increases muscle mass while decreasing the amount of body fat." (Ex. C)

D. In regard to Prostex: "PROSTEX Can Help You! If you are over 50 years of age and Benign Prostatic Hypertrophy is causing these discomforts: Frequent urination. Painful Urination. Urgency to urinate. Dribbling. Distended bladder due

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## Complaint

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to incomplete emptying. Sleepless nights caused by night time urination. Developed by a doctor - Prostex is a scientific combination of 3 pure amino acids in capsule form. It is safe, natural and effective . . . to relieve the symptoms of Benign Prostatic Hypertrophy." (Ex. D)

E. In regard to L-Cysteine: (1) "L-CYSTEINE found to increase hair growth by as much as 100%." (Ex. C)(2) "[E]ffective in preventing not only hangovers but brain and liver damage from alcohol." (Ex. C) (3)[H]elps prevent damages from the ill effects of cigarette smoke." (Ex. C)

F. In regard to L-Lysine: "L-LYSINE . . . produces L-Carnitine which improves stress tolerance . . . and has an anti-fatigue effect." (Ex. C)

G. In regard to L-Methionine: "L-METHIONINE . . . helps prevent premature hair loss." (Ex. C)

H. In regard to Octacosanol: "Increase Stamina, Vigor and Endurance. OCTACOSANOL . . . In fact, a recent study at the University of Illinois has shown that Octacosanol may speed reaction time, lower cholesterol levels and strengthen muscles (including the heart)." (Ex. D)

I. In regard to New Zealand Green Lipped Mussel Extract: "NEW ZEALAND GREEN LIPPED MUSSEL EXTRACT. It has been shown in recent studies that Green Lipped Mussel not only relieves the symptoms of arthritis, but works on the cause. For relief of one of the most painful and discomforting ailments, try Puritan's Pride Green Lipped Mussel today!" (Ex. E)

J. In regard to KLB6: "Losing weight is easy the KLB6 way. The original natural fat fighting plan that helps put you in shape. KLB6 Kelp, Lecithin, Vitamin B-6 and Cider Vinegar, all-in-one capsule. KELP - a natural food rich in iodine. It works to maintain a healthy thyroid. And, of course, a sluggish metabolism is an enemy to anyone wishing to shed a few pounds. LECITHIN . . . is of special interest if you're concerned about weight reduction. It is a lipotropic agent that disperses fat globules in the body and also appears to be involved in keeping down the cholesterol level." (Ex. F)

K. In regard to Glucomannan: "GLUCOMANNAN . . . Feel Full, Satisfied and Eat Less . . . Glucomannan helps your body to process your food easier and faster. Therefore many of the calories you do take in pass through your digestive tract undigested without adding inches to your waistline. Helps you lose weight without harmful drugs, chemicals or stimulants." (Ex. G)

L. In regard to Sugar Blocker: "Stop Sugar Calories before they make it to your waistline. SUGAR BLOCKER. New Sugar Blocker contains the herb Gymnema Sylvestre which helps to impede the absorption of some of the sugar you eat . . . When taken before a meal, Sugar Blocker occupies the same sites in the small intestine where sugar is absorbed. With these sites blocked, the sugar passes through your system, greatly reducing assimilation by the body." (Ex. H)

M. In regard to Spirulina 500 mg. tablets: "Diet without hunger . . . the natural way. SPIRULINA . . . People are reporting fast weight loss of 20 pounds and more . . . without hunger! . . . Taken before meals it helps turn off your brain's hunger center. It cuts your drive to eat, so you stick to your diet." (Ex. I)

N. In regard to Eye-Vites, also sold as CATA-RX: "EYE-VITES Tablet. A Nutritional Breakthrough in Cataracts Prevention . . . [N]ow, thanks to the efforts of a group of dedicated vision scientists, there's Eye-Vites . . . the nutritional approach to the prevention of age related cataracts. The potent anti-oxidants and

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O. In regard Puritan's Pride br weight. You get t so you can burn ca metabolism and st

P. In regard to . . . Millions of die herbal diet weight Vinegar 'fat fight

Q. In regard Sharpen Your Mi Pride combines th memory retention

R. In regard Build Physical En shown that endura users." (Ex. L)

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V. In regard to FORMULA. NA ENHANCER . . . bodybuilders train strength, you need Complex by Unive today for anyone l Massive arms. Ro your body, nothing (Ex. N)

W. In regard Burners contains e needed for the redu ability to burn fat,

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Complaint

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micronutrients in Eye-Vites combine to help prevent the formation of cataracts. Research has proven that patients undergoing anti-oxidant therapy were 70% less likely to develop cataracts." (Ex. J)

O. In regard to KLB6 Grapefruit Diet: "KLB6 GRAPEFRUIT DIET . . . Puritan's Pride brings you the ultimate grapefruit diet formula to help you lose weight. You get the famous KLB6 combination that helps keep your body active so you can burn calories. Grapefruit extract works as a 'fat melter' to stimulate your metabolism and suppress the appetite." (Ex. K)

P. In regard to Herbal Cellulex Formula: "HERBAL CELLULEX FORMULA . . . Millions of dieters have used this unique herbal-vitamin formula as part of their herbal diet weight loss plan . . . You also get the famous Kelp, Lecithin and Cider Vinegar 'fat fighters' plus 6 herbal extracts." (Ex. F)

Q. In regard to Memory Booster: "An Exciting Blend of Nutrients to Help Sharpen Your Mind. MEMORY BOOSTER. Memory Booster from Puritan's Pride combines these special natural ingredients to work together as an aid to memory retention and mental alertness." (Ex. J)

R. In regard to Ginsana: "GINSANA. Concentrated Herbal Extract Helps Build Physical Endurance and Mental Alertness. Years of research studies have shown that endurance [and] mental alertness . . . were improved among Ginsana users." (Ex. L)

S. In regard to Fatbuster Diet Tea: "Lose weight naturally with . . . FATBUSTER DIET TEA . . . The result is a flavorful beverage that actually helps you shed unwanted pounds! When taken after every meal, the special combination of herbs filters through fatty substances, aiding your body in eliminating them . . ." (Ex. F)

T. In regard to Shake-A-Weigh: "SHAKE-A-WEIGH . . . This great tasting seasoning contains . . . Pantothenic Acid (B5) which helps food to pass rapidly through your digestive tract allowing less time to absorb calories." (Ex. G)

U. In regard to Dark Circle Eye Treatment: "This photo shows how there is no longer any evidence of dark circles after only one application on her left eye. DARK CIRCLE EYE TREATMENT. Makes Your Dark Circles Disappear . . . Dark Circle Eye Treatment is a new beauty discovery that therapeutically removes dark circles from the delicate area under your eyes in 2 easy steps." (Ex. M)

V. In regard to Natural Sterol Complex: "ADVANCED MUSCLE BUILDING FORMULA. NATURAL STEROL COMPLEX. MASS AND DENSITY ENHANCER . . . To maximize gains in muscle mass and strength, world-class bodybuilders train with Natural Sterol Complex . . . For serious growth in mass and strength, you need real power. And nothing powerizes you like Natural Sterol Complex by Universal. It's the most advanced, anabolic-strength formula available today for anyone looking to build a huge, massive and awe-inspiring body . . . Massive arms. Rock-hard shoulders. Awesome legs. Chiseled abs. For building your body, nothing even comes close to the power of Natural Sterol Complex." (Ex. N)

W. In regard to Super Fat Burners: "SUPER FAT BURNERS. Super Fat Burners contains a special combination of vitamins, minerals and amino acids needed for the reduction of fat cells. The ingredients in this formula help the body's ability to burn fat, thereby promoting visible muscle definition." (Ex. O)

X. In regard to Super Cut: "SUPER CUT . . . The ingredients in this formula help the body's ability to burn fat, thereby promoting visible muscle definition." (Ex. P)

Y. In regard to Papaya Enzyme Tablets: "PAPAYA ENZYME Tablets. An aid to better digestion from papaya . . . [C]ontains the enzyme Papain which helps you digest protein and helps release the nutritional potency of your foods and also promotes comfortable natural digestive processes." (Ex. Q)

Z. In regard to Calmtabs: "CALMTABS. All Natural Non-Habit Forming Herbal Relaxant. Puritan's Pride Calmtabs offers you a gentle and safe way to relax especially when everyday stress winds you up. This special formulation gives you six different herbs known for their calmative properties . . . You can enjoy Calmtabs' soothing, calm effect anytime during the day or before bedtime." (Ex. R)

PAR. 5. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the attached Exhibits A-R, respondents have represented, directly or by implication, that:

A. Sleeper's Diet promotes weight loss during sleep.

B. L-Arginine stimulates the release of human growth hormone which increases muscle mass while decreasing body fat.

C. L-Ornithine stimulates the release of human growth hormone which increases muscle mass while decreasing body fat.

D. Prostex relieves the symptoms of benign prostatic hypertrophy.

E. L-Cysteine (1) increases hair growth, (2) prevents hangovers and brain and liver damage from alcohol, and (3) helps prevent harm caused by cigarette smoke.

F. L-Lysine improves stress tolerance and reduces fatigue.

G. L-Methionine prevents premature hair loss.

H. Octacosanol increases stamina, vigor, and endurance, improves reaction time, lowers cholesterol levels and strengthens muscles.

I. New Zealand Green Lipped Mussel Extract prevents arthritis and relieves its symptoms.

J. KLB6 causes weight loss and reduces cholesterol levels.

K. Glucomannan causes weight loss by suppressing appetite and allowing calories to pass through the body undigested.

L. Sugar Blocker prevents weight gain by impeding the body's absorption of sugar.

M. Spirulina 500 mg. tablets suppress the appetite, enabling adherence to a diet.

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PAR. 6.

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Complaint

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N. KLB6 Grapefruit Diet causes weight loss by stimulating metabolism and suppressing appetite.

O. Herbal Cellulex Formula causes weight loss by eliminating body fat.

P. Memory Booster improves memory retention and mental alertness.

Q. Ginsana helps build physical endurance and mental alertness.

R. Fatbuster Diet Tea causes weight loss by eliminating fatty substances from the body.

S. Shake-A-Weigh reduces the body's absorption of calories from food.

T. Dark Circle Eye Treatment removes dark circles from under the eyes.

U. Natural Sterol Complex promotes growth in muscle mass and improves strength.

V. Super Fat Burners reduces body fat, thereby promoting muscle definition.

W. Super Cut reduces body fat, thereby promoting muscle definition.

X. Papaya Enzyme Tablets aid digestion and promote greater absorption of nutrients from food.

Y. Calmtabs relieves stress and promotes relaxation.

PAR. 6. In truth and in fact:

A. Sleeper's Diet does not promote weight loss.

B. L-Arginine does not stimulate the release of human growth hormone so as to increase muscle mass while decreasing body fat.

C. L-Ornithine does not stimulate the release of human growth hormone so as to increase muscle mass while decreasing body fat.

D. L-Cysteine does not promote hair growth.

E. L-Methionine does not prevent premature hair loss.

Therefore the representations set forth in paragraph five A, B, C, G, and E(1) were, and are, false and misleading.

PAR. 7. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the attached Exhibits A-R, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraph five A-

Y, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 8. In truth and in fact, at the time they made the representations set forth in paragraph five A-Y, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph seven was, and is, false and misleading.

PAR. 9. Through the use of the statements contained in certain advertisements and promotional materials set forth in paragraph four, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits D, E, J, and L, respondents have represented, directly or by implication, that scientific research, including scientific papers and/or studies, prove that:

1. Octacosanol may improve reaction time, lower cholesterol levels and strengthen muscles.
2. New Zealand Green Lipped Mussel Extract prevents arthritis and relieves its symptoms.
3. As to Eye-Vites, also sold as CATA-RX, patients undergoing anti-oxidant therapy such as that provided by Eye-Vites and CATA-RX are 70% less likely to develop cataracts.
4. Ginsana improves physical endurance and mental alertness.

PAR. 10. In truth and in fact, at the time respondents made the representations set forth in paragraph nine, scientific research, including scientific papers and/or studies, did not prove that (1) Octacosanol may improve reaction time, lower cholesterol levels and strengthen muscles, (2) New Zealand Green Lipped Mussel Extract prevents arthritis and relieves its symptoms, (3) patients undergoing anti-oxidant therapy such as that provided by Eye-Vites and CATA-RX are 70% less likely to develop cataracts, and (4) Ginsana improves physical endurance and mental alertness. Therefore, the representations set forth in paragraph nine were, and are, false and misleading.

PAR. 11. Through the use of the trade names set forth in this paragraph, including but not necessarily limited to their uses in the advertisements and promotional materials attached as Exhibits A, J, M, and O referred to in paragraph four, respondents have represented, directly or by implication, that:

reasonable basis that  
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3) patients undergoing  
Eye-Vites and CATA-  
icts, and (4) Ginsana  
rtness. Therefore, the  
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ames set forth in this  
ited to their uses in the  
ached as Exhibits A, J,  
dents have represented,

1. "Sleeper's Diet" promotes weight loss during sleep.
2. "Memory Booster" improves memory retention.
3. "Dark Circle Eye Treatment" removes dark circles from under the eyes.
4. "Super Fat Burners" reduces body fat.

PAR. 12. In making the representations referred to in paragraph eleven, respondents have represented, directly or by implication, that at the time they made these representations they possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 13. In truth and in fact, at the time respondents made the representations set forth in paragraph eleven, they did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph twelve was, and is, false and misleading.

PAR. 14. 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 FTC Act.

## Complaint

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## EXHIBIT A

**Is it really possible to lose weight while you still eat most of your favorite foods?**

**Yes!**

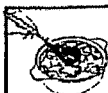
**FIBER DIET\*\* lets you do it!**

Fiber Diet is an all natural food supplement that helps you lose weight while improving your diet. It helps you look and feel great. Here's how it works... Fiber Diet is a special combination of grain and fruit fiber. Recent medical research confirms that a high fiber diet is healthier and an effective, natural way to lose weight and keep it OFF! You simply take Fiber Diet tablets with water 15-30 minutes before you eat. You can eat what you want, but it is always sensible to avoid highly processed food, sugar or fat. Fiber Diet absorbs water to give you a full feeling and cut your hunger so you naturally eat less, and so, you lose weight. Fiber Diet is completely free of drugs! It has no sugar, starch, preservatives or artificial colors. There is no caffeine or sodium (salt). So you can use Fiber Diet with confidence for as long as you need.



**Sugar, Starch and Preservative Free**

QTY.	PROD. NO.	PRICE
120	4122	6.95
250	4123	13.20
500	4125	21.95



**For Dieters and Cholesterol Watchers!**

**Low Fat Cooking with Diet Brush\*\***

This amazing brush has high technology polymer fibers that attract grease like a magnet, but repel other liquids. Brush it across the top of soups, stews and roasts to skim off the floating fat. Stir with it, and it removes fat from deep down. Wipe bacon, french fries and hamburgers to reduce fat and calories. Works better and cheaper than paper towels. Brush washes clean in sink or dishwasher.

QTY.	PROD. NO.	PRICE
1 Brush	5679	4.95

\*Our special sale does not apply.

**SLEEPER'S DIET\*\***

**GHF (Growth Hormone Factor)**

**Sugar & Starch Free**

**Formerly Tri-Amino Diet Supplement**

Based on a popular weight loss program. Dieters will be interested in this special combination of amino acids.

QTY.	PROD. NO.	PRICE
60	3940	8.70
120	3941	15.95

**Get That Full Feeling Naturally...**

**GUAR GUM Capsules\*\***

**It's Natural, Safe and Works Fast!**

Guar Gum is the natural gel-forming fiber that many medical experts are recommending as a new, effective diet aid. It is a natural soluble fiber that comes from the guar plant, found in India and Sri Lanka. Guar Gum works because it helps to make your stomach feel full, reducing your appetite naturally. Even if you've tried other appetite suppressants before, you owe it to yourself to try Guar Gum; the one that really works.

QTY.	PROD. NO.	PRICE
100 Caps	4670	5.95

\*\*The amount of weight you lose will depend on your body size, calorie intake and level of activity. All with starting any diet, you should first consult your physician.

B4

Buy 1 Bottle GET 1 FREE (Total 2) (same item, same size)

EXHIBIT A



r, Starch and  
rivative Free

PROD. NO.	PRICE
4122	6.95
4123	13.20
4125	21.95

s/

PROD. NO.	PRICE
5679	4.95

ial sale  
apply.

et Tablets

1200 mg.
900 mg.
1200 mg.

PROD. NO.	PRICE
3940	8.70
3941	15.95

PROD. NO.	PRICE
4670	5.95

est of weight you lose will  
your body size. Calorie intake  
/ activity. As with starting any  
diet first consult your physician.

ome size)

EXHIBIT B

**NATURAL (FREE FORM)**  
**AMINO ACID TABLETS**  
Sugar, Starch and Preservative Free

**L-TRYPTOPHAN Tablets "NATURE'S TRANQUILIZER"**  
In addition to being necessary to build high quality protein L-Tryptophan has come to be known as Nature's Tranquilizer. It is the precursor of serotonin, a chemical messenger of the brain. Serotonin has been found to be useful as an aid for relieving depression and inducing sleep.

200 mg.			500 mg.			667 mg.		
QTY.	PROD. NO.	3 FOR	QTY.	PROD. NO.	3 FOR	QTY.	PROD. NO.	3 FOR
30	2110	4.80	30	3890	9.85	30	2170	11.20
100	2112	14.40	100	3892	28.35	100	2172	32.55
250	2113	33.70						

Puntan's Pride now offers you the benefit of 15 individual amino acid supplements. Each is supplied in the natural "L" form; the form utilized by your body.

QTY.	PROD. NO.	3 FOR
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**L-ARGININE 500 mg. Tablets**  
L-Arginine stimulates the release of HGH (human growth hormone). HGH improves the body's immune systems aids the healing process, and promotes the formation of DNA & RNA needed to increase muscle mass and decrease body fat.

50	90	9.60
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**L-ORNITHINE 500 mg. Tablets**  
As with L-Arginine this amino acid releases HGH. However L-Ornithine is said to be twice as effective.

50	80	9.60
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**L-PHENYLALANINE 500 mg. Tablets**  
Your body uses this essential amino acid to produce the neurotransmitters responsible for your positive mood, alertness and drive.

50	150	9.60
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**L-GLUTAMINE 500 mg. Tablets**  
This important amino acid is one of the few nutrients that can pass through the selective blood barrier in the brain. Once in the brain, it is broken down into glutamic acid, a potent energy source for high level brain activity.

50	3040	6.40
100	3042	11.60

**L-CYSTEINE 500 mg. Tablets**  
Research is concentrating on this amino acid's ability to act as a detoxificant in the body. Heavy drinking and smoking produces harmful chemicals in the body which L-Cysteine can help to destroy.

50	100	10.45
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**L-LYSINE 500 mg. & 312 mg. Tablets**  
New easy-to-swallow protein-coated tablet

100	3061	4.85
250	3063	10.95
500	3065	19.70

Many doctors today are recommending L-Lysine as a dietary supplement to patients who suffer from herpes.

60	8148	2.35
----	------	------

48      Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

## EXHIBIT C

# AMINO ACID GUIDE

## L-ALANINE

- used as body fuel by tissues of the brain, nervous system and muscle
- important in converting energy to stored energy in the body's Krebs energy cycle
- glycolytic (energy storage source of glucose by the liver and muscles)
- important nitrogen quality for post-injury states
- builds up the immune system, producing immunoglobulins and antibodies
- metabolizes sugars and organic acids

## L-ARGININE

- indispensable for optimum growth
- stimulates the release of growth hormone
- important to muscle metabolism; acts as a vehicle for transport, storage and excretion of nitrogen
- increases muscle mass while decreasing the amount of body fat
- plays an important role in post-injury problems such as weight changes, nitrogen balance and tissue healing
- increases collagen, the main supportive fibrous protein found in bone, cartilage and other connective tissue
- stimulates the immune system
- combats physical and mental fatigue
- increases spermatogenesis
- used in the treatment of hepatic (liver) disorders
- transforms to L-Ornithine and urea
- promotes the detoxification of ammonia which is poisonous to living cells.

## L-ASPARTIC ACID

- increases resistance to fatigue
- involved in the formation of RNA and DNA, the chemical bases of heredity and carriers of genetic information
- salts of aspartic acid increase stamina and endurance
- protects the liver and promotes normal cell function
- builds up the immune system, producing immunoglobulins and antibodies

## L-CITRULLINE

- helps recovery from fatigue
- stimulates the immune system; therefore, beneficial in the presence of any illness, disease, traumatic injury or wound
- metabolizes to L-Arginine
- detoxifies ammonia which is poisonous to living cells

## L-CYSTEINE

- found to increase hair growth by as much as 100%
- effective in preventing not only hangovers but brain and liver damage from alcohol
- helps prevent damage from the ill effects of cigarette smoke
- detoxifies many harmful chemicals
- helpful in the treatment of rheumatoid arthritis
- promotes healing and the immune system

## L-CYSTEINE

- essential for the formation of skin and hair
- promotes recovery from surgical operations and burns
- used in the treatment of respiratory disorders such as chronic bronchitis
- stimulates white blood cell activity in the immune system necessary for the resistance to disease

## L-GLUTAMIC ACID

- especially important in brain metabolism
- functions as a brain fuel serving as an excitatory neurotransmitter
- transports potassium across the blood brain barrier
- combines to form L-Glutamine and in the process picks up ammonia radicals. This is the only method the brain has of detoxifying ammonia.
- neuromuscular in the metabolism of other amino acids
- metabolizes sugars and fats
- increases the blood sugar level; used in the treatment of hypoglycemia

## L-GLUTAMINE

- sustains mental ability
- involved with brain metabolism
- along with L-Glutamic Acid is used as a brain fuel
- used in the treatment of alcoholism; can protect against alcohol poisoning
- has been used in the treatment of schizophrenia and senility

## GLYCINE

- of special value as a source of creatine which is essential for muscle function, breaking down glycogen and freeing energy
- produces glycogen which mobilizes glycogen (a stored energy source of glucose) from the liver
- builds up the immune system, producing immunoglobulins and antibodies
- acts as a nitrogen pool for the synthesis of non-essential amino acids
- effective for hyperacidity (used in many gastric antacid agents)

## L-HISTIDINE

- used in the treatment of allergic diseases
- used in the treatment of rheumatoid arthritis
- effective in the treatment of ulcers of the digestive organs
- important in the production of red and white blood cells, used in the treatment of anemia

## L-ISOLEUCINE

- primarily metabolized in muscle tissue
- essential to the formation of hemoglobin
- should always be in well-balanced proportion with L-Leucine and L-Valine

# AM

## L-LEUCINE

- metabolized in muscle
- promotes healing
- lowers elevated blood sugar
- should always be in well-balanced proportion with L-Valine and L-Isoleucine

## L-LYSINE

- induces the growth
- used in the treatment of rheumatoid arthritis
- produces L-Carnitine and fat metabolism
- promotes bone growth
- promotes protein synthesis
- acts in the absorption

## L-METHIONINE

- is isotropic, gives
- helps prevent osteoarthritis
- interacts with other amino acids
- is included in liver fatigue agents

## L-ORNITHINE

- stimulates the release of growth hormone
- helps build up the immune system
- promotes liver function
- important in the metabolism of ammonia which is poisonous to living cells
- promotes healing

## L-PROLINE

- extremely important in the formation of collagen, the main supportive fibrous protein found in bone, cartilage and other connective tissue
- stimulates the immune system
- promotes healing

## L-PHENYLALANINE

- produces and maintains alertness and attention
- promotes learning
- produces neurotransmitters
- is involved in dopamine synthesis
- used in the treatment of depression
- suppresses appetite

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EXHIBIT C

HEALTH FOODS BUSINESS/August 1985

HEALTH FOODS BL

Complaint

EXHIBIT C

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# AMINO ACID GUIDE

## L-LEUCINE\*

- metabolized in muscle tissue
- promotes healing of skin and broken bones
- lowers elevated blood sugar levels
- should always be in well balanced proportion with L-Valine and L-Isoleucine

## L-LYSINE\*

- inhibits the growth of viruses
- used in the treatment of herpes simplex virus
- produces L-Carnitine which improves stress tolerance and fat metabolism and has an anti-fatigue effect
- promotes bone growth by helping to form collagen, the fibrous protein which makes up bone, cartilage and other connective tissue
- aids in the absorption of calcium

## L-METHIONINE\*

- is lipotropic, preventing excessive fat buildup in the liver
- helps prevent premature hair loss
- interacts with other body substances to detoxify harmful compounds
- is included in nutritional supplementation as an anti-fatigue agent

## L-ORNITHINE

- stimulates the release of growth hormones which increase muscle mass while decreasing the amount of body fat
- helps build up the immune system
- promotes liver function and regeneration
- important in the formation of urea, detoxifying ammonia which is poisonous to living cells
- promotes healing

## L-PROLINE

- extremely important for the proper function of joints and tendons, as well as good heart muscles
- glycogenic (energy storage source of glucose by the liver and muscles)
- a major constituent of collagen, the main fibrous protein found in bone, cartilage and other connective tissue

## L-PHENYLALANINE\*

- produces and maintains an elevated and positive mood, alertness and ambition
- enhances learning and memory
- produces neurotransmitters which control impulse transmission between nerve cells
- is involved in dopamine transmission
- used in the treatment of certain types of depression
- suppresses appetite

## L-SERINE

- glycogenic (energy storage source of glucose by the liver and muscles)
- builds up the immune system, producing immunoglobulins and antibodies

## TAURINE

- found in high concentrations in the tissues of the heart, skeletal muscle and central nervous system
- used to treat some forms of epilepsy by controlling seizures

## L-THREONINE\*

- is lipotropic, preventing fatty buildup in the liver
- glycogenic (energy storage source of glucose by the liver and muscles)
- essential to normal growth
- generally low in vegetarian diets
- builds up the immune system, producing immunoglobulins and antibodies
- is an important constituent of collagen and elastin proteins

## L-TRYPTOPHAN\*

- used by the brain to produce the neurotransmitter serotonin which results in a calming effect
- used in the treatment of insomnia, stress, anxiety and depression
- stimulates the release of growth hormones which burn body fat and acts as a natural weight control
- used in the treatment of migraines

## L-TYROSINE

- plays an important role in the function of the adrenal, pituitary and thyroid glands
- generates red and white blood cells
- elevates mood
- is used in the treatment of anxiety, depression and insomnia
- produces Melanin, the skin and hair pigment
- produces norepinephrine, an appetite inhibitory neurotransmitter that suppresses appetite
- stimulates the release of growth hormones which causes muscle growth and reduces body fat

## L-VALINE\*

- glycogenic (energy storage source of glucose by the liver and the muscles)
- metabolized in muscle
- should always be in well balanced proportion with L-Isoleucine and L-Leucine
- used in the treatment of severe amino acid deficiencies caused by addictions

\* Essential Amino Acid

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Prince Enterprises, Santa Cruz, CA. Used with permission

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HEALTH FOODS BUSINESS/August 1986

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OODS BUSINESS/August 1986

## EXHIBIT D

**ATTENTION MEN!****PROSTEX**  
**Can Help You!**

If you are over 50 years of age and Benign Prostatic Hypertrophy is causing these discomforts:

- Frequent urination • Painful urination
- Urgency to urinate • Dribbling
- Distended bladder due to incomplete emptying
- Sleepless nights caused by night time urination

Developed by a doctor — Prostex is a scientific combination of 3 pure amino acids in capsule form. It is safe, natural and effective when taken as directed (6 tablets daily) to relieve the symptoms of Benign Prostatic Hypertrophy.

If you suffer from urinary distress, see your doctor. Then, if he diagnoses Benign Prostatic Hypertrophy, use Prostex for safe, natural relief.

QTY.	PROD. NO.	PRICE*	Special Sale does not apply.
100	4030	9.95	

**Increase Stamina,  
Vigor and Endurance**  
**OCTACOSANOL****The secret of Wheat Germ Revealed**

**Sugar, Starch and Preservative Free**  
Octacosanol has been isolated as one of the most important ingredients found in wheat germ oil. In fact, a recent study at the University of Illinois has shown that Octacosanol may speed reaction time, lower cholesterol levels and strengthen muscles (including the heart).

1000 mcg. Capsules			
QTY.	PROD. NO.	3 FOR	
50	3820	9.85	
100	3822	18.15	
250	3823	42.40	

**5000 mcg. Tablets**

Five times the potency in one convenient tablet.

QTY.	PROD. NO.	3 FOR
50	4270	12.95
100	4271	22.75

**MAN-VITES™**  
**VITAMIN FORMULA SPECIFICALLY FOR MEN**

These chewable tablets have a pleasing honey-nut flavor and contain 100 I.U. of Vitamin E, 100 mg. of all natural Bee Pollen, rich in protein and free amino acids, and 100 mcg. of Vitamin B-12. This combination may be what your body needs to meet your unique requirements.

QUANTITY	PROD. NO.	3 FOR
100	641	8.55

**Sugar, Starch and Preservative Free**

**INTERNATIONAL TREASURES**  
**GINSENG**

Ginseng is one of the oldest and most highly regarded herbs known to man. It has been referred to as the "root of life, the queen of herbs" and the "herb of eternal life." Ancient Asians prized it more than gold and royal families gave it as gifts. Modern research in the Soviet Union resulted in its use by Russia's olympic athletes and her cosmonauts. It is also part of the diet of Japan's professional baseball players. If you're looking for results, Puritan's Pride Ginseng is the finest high quality product you can buy. It is cultivated in the Asian Area which yields the greatest potency, high quality roots.

**Sugar, Starch & Preservative Free**

**MANCHURIAN GINSENG**  
**250 mg. Capsules**

QTY.	PROD. NO.	3 FOR
50	1270	6.25
100	1271	11.60

**Higher Potency**  
**500 mg. Tablets**

QTY.	PROD. NO.	3 FOR
50	3110	9.40
100	3111	17.25
250	3113	40.10

**KOREAN GINSENG**  
**500 mg. Capsules** **NEW**

QTY.	PROD. NO.	3 FOR
100	5021	16.90

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

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EXHIBIT E

**Natural Pain Relief****M-KYA® (LEG-EZE)**

Relieves Leg Cramp Pain.

Enjoy a full night's sleep without painful leg cramps. A non-prescription formula, M-KYA actually relaxes the knotted, tight muscles that cause painful leg cramps. Conventional pain relievers simply dull pain. M-KYA works directly on the muscles, relaxing them to relieve pain.

QTY.	PROD. NO.	3 FOR
50	3961	11.95
100	3962	22.20

Compare to Q-Val\*\*\*

Each capsule contains:  
750 mg. (equine) sulfate active,  
with 400 I.U. Vitamin E and a lecithin  
base.  
\*\*\*Q-Val is a registered trademark of  
9a-Products.

**Long Lasting  
Arthritis Pain Relief****MYKON PLUS Tablets**

Do all those things you used to enjoy before the pain of arthritis, bursitis and rheumatism stopped you. You'll even be able to sleep the whole night through.

Take doctor-recommended MYKON PLUS Tablets for natural pain relief. MYKON PLUS is powerful yet so safe it is available without prescription. The special ingredients in MYKON PLUS work quickly to ease aches and pains giving fast, temporary relief.

QTY.	PROD. NO.	PRICE*
100	4090	9.85

\*Our Special Sale does not apply.

For Complete Formula see Page 88.

**DL-PHENYLALANINE**

An aid for offsetting depression and relieving pain.

Research suggests that this pure form of DL-Phenylalanine will perform a superior function as a nutritional supplement. It has been reported to aid in offsetting depression and in relief of pain.

Ours is the pure form of DL-Phenylalanine and not a mixture of both "D" and "L". Each tablet contains 500 mg.

QTY.	PROD. NO.	3 FOR
50	4050	10.95
100	4052	20.30

**BACK-EZE**

Back-Eze is a brand new supplement that combines the specific nutritional elements found in healthy spines and discs. Each tablet provides essential vitamins and minerals including calcium, magnesium, zinc, potassium, vitamin C and vitamin B-6 to help fight the aching-back syndrome.

Try some Back-Eze today.

\*Our special sale does not apply.

QTY.	PROD. NO.	PRICE*
120	8066	9.95



until 10 pm  
Eastern Time - Mon.-Fri.  
Sat.-4 pm

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

**NEW ZEALAND  
GREEN LIPPED  
MUSSEL  
EXTRACT**

It has been shown in recent studies that Green Lipped Mussel not only relieves the symptoms of arthritis, but works on the cause. For relief of one of the most painful and disconcerting ailments, try Puritan's Pride Green Lipped Mussel today!

250 mg.

Sugar &amp; Starch Free

QUANTITY	PROD. NO.	3 FOR
100	4950	15.95

**Soothe  
Pain  
Away****EXTRA-  
ACTIVE  
FORMULA****COOL HOT GEL**

Compare to the active ingredient of "Mineral Ice".

Apply Puritan's Pride Cool Hot Gel to get soothing relief. This remarkable creamy balm gives overnight temporary relief from the pain of arthritis, bursitis, rheumatism, soreness, stiffness and annoying aches and pains of the common cold. Experience the only-cool of an ice-pack then instantly heat to bring deep soothing relief. Begin to sleep peacefully again. You will actually feel the lessening of pain within 24 hours.

QUANTITY	PROD. NO.	3 FOR
8 oz.	2090	8.95

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## Complaint

## EXHIBIT F

# Losing weight is easy the KLB6<sup>®</sup> way

The original natural fat fighting plan that helps put you in shape.

**KLB6<sup>®</sup>** — Kelp, Lecithin, Vitamin B-6 and Cider Vinegar, all-in-one capsule.

**KELP** — a natural food rich in iodine. It works to maintain a healthy thyroid. And of course, a sluggish metabolism is an enemy to anyone wishing to shed a few pounds.  
**LECITHIN** — an excellent natural source of choline and inositol—two members of the B-Complex of vitamins. Lecithin is essential to health and is of special interest if you're concerned about weight reduction. It is a leptotropic agent that disperses fat globules in the body and also appears to be involved in keeping down the cholesterol level.  
**B-6** — functions as a coenzyme involved in protein and fat metabolism when used in conjunction with kelp, lecithin and cider vinegar.  
**CIDER VINEGAR** — a natural and rich source of potassium and other associated minerals.

## Sugar and Starch Free

QTY.	PROD. NO.	3 FOR
100	1210	5.95
250	1213	13.25

8 KLB6 capsules daily contain:  
 Vitamin B-6 (Pyridoxine HCl) 27 mg.  
 Soy Lecithin 800 mg.  
 Kelp 150 mg.  
 Cider vinegar 240 mg.

Lose weight naturally with... **FATBUSTER<sup>™</sup> DIET TEA.**

- NO caffeine
- NO side-effects
- aids in digestion
- calms tense nerves

Share in the ancient Chinese secret for weight loss! This exclusive tea contains Chinese herbs such as ginseng, comfrey and other herbs, carefully blended according to a thousand-year old oriental formula. The result is a flavorful beverage that actually helps you shed unwanted pounds! When taken after every meal, the special combination of herbs filters through fatty substances, aiding your body in eliminating them, and as a bonus, the delicious taste and aroma have a calming effect on your nerves, making you feel refreshed and rejuvenated.

QTY.	PROD. NO.	PRICE*
30 Tea Bags	5686	8.95

\*Our special sale does not apply.

## HERBAL CELLULEX FORMULA

Compare to Herbalife's<sup>®</sup> Cell-U-Loss

Millions of dieters have used this unique herbal-vitamin formula as part of their herbal diet weight loss plan. Herbal Cellulex is a special herbal formula fortified with natural Vitamin C, Potassium and iron. You also get the famous Kelp, Lecithin and Cider Vinegar "fat fighters" plus 6 herbal extracts.

QUANTITY	PRODUCT NO.	3 FOR
90	4002	12.95

Three Herbal Cellulex tablets contain:  
 Vitamin C (ascorbic acid) 250 mg.  
 Potassium 40 mg.  
 Iron 10 mg.  
 Kelp 150 mg.  
 Lecithin 800 mg.  
 Cider vinegar 240 mg.  
 Plus 6 herbal extracts.

\*\*\*The amount of weight you lose will depend on your daily diet, calorie intake and level of activity.

At each starting day, you should not exceed your objectives.

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

For those who prefer a higher potency tablet

**ULTRA KLB6<sup>®</sup>**

Sugar, Starch and Preservative Free

This formulation offers what we believe to be the highest potency of this ideal combination in a tablet. ULTRA KLB6 tablets provide an ideal supplement to the now-famous 1000 calories per day diet that is being followed successfully by many thousands throughout the country.

QTY.	PROD. NO.	3 FOR
100	1240	6.95
250	1243	15.80
500	1245	29.25

Three Ultra KLB6 tablets contain:  
 Lecithin 200 mg.  
 Vitamin B-6 (Pyridoxine HCl) 50 mg.  
 Kelp 100 mg.  
 Cider Vinegar 240 mg.  
 \*U.S. FDA has not been established.  
 KLB6<sup>®</sup> is a registered trademark.

Order TOLL FREE  
 1-800-645-1030

until 10 pm  
 Eastern Time • Mon.-Fri.  
 Sat.-6 pm

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Complaint

120 F.T.C.

## EXHIBIT G



### For Dieters and Cholesterol Watchers!

#### Low Fat Cooking with Diet Brush

This amazing crush has high technology polymer fibers that attract grease like a magnet, but repel other liquids. Brush it across the top of soups, stews and roasts to skim off the floating fat. Stir with it, and it removes from deep down. Wipe bacon, french fries and hamburgers to reduce fat and calories. Works better and cheaper than paper towels. Brush was\* as clean in sink or dishwasher.

QTY.	PROD. NO.	PRICE*
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1 Brush	5679	4.95
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\*Our special sale does not apply.

### SHAKE-A-WEIGH

Adds flavor to your diet while suppressing your appetite

NEW

This great tasting seasoning contains an appetite suppressant, a diuretic to reduce water retention; enzymes to break down food and Pantothenic Acid (B5) which helps food to pass rapidly through your digestive tract allowing less time to absorb calories.

Shake-A-Weigh is a natural assortment of herbs and spices you can sprinkle on salads, soups, meats, etc., to enhance the flavor of food. Use it like any flavoring or spice.

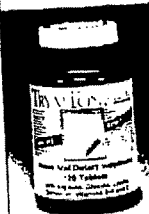
QTY.	PROD. NO.	PRICE*
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1	5675	7.95
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\*Our Special Sale does not apply.

### TRYMTONE 1200

#### All-Natural Amino Acid Dietary Supplement



A natural weight loss helper derived from vegetable sources specially formulated for those concerned with their nutritional well-being. This safe, drug-free amino acid dietary supplement gives you the power of three essential amino acids: L-Arginine, L-Glycine & L-Lysine along with 15 mg. Pyridoxine HCl, which acts as a co-enzyme in carbohydrate, protein and fat utilization.

QTY.	PROD. NO.	1 BOTTLE FOR*
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120	5687	15.95
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\*Our special sale does not apply.

### GLUCOMANNAN\*\*

#### 500 mg. Capsules

#### Feel Full, Satisfied and Eat Less

When taken with 8 ounces of water, the Glucomannan Capsules instantly start to form a high fiber gel in your stomach. This gel provides you with the bulk you need to curb your appetite before you take in unnecessary calories. In addition, Glucomannan helps your body to process your food easier and faster. Therefore many of the calories you do take in pass through your digestive tract undigested without adding inches to your waistline. Helps you lose weight without harmful drugs, chemicals or stimulants.

QTY.	PROD. NO.	1 FOR
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90	1891	14.90
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250	1893	37.25
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### Get That Full Feeling Naturally... GUAR GUM Capsules\*\*

#### It's Natural, Safe and Works Fast!

Guar Gum is the natural gel-forming fiber that many medical experts are recommending as a new, effective diet aid. It is a natural soluble fiber that comes from the guar plant, found in India and Sri Lanka. Guar Gum works because it helps to make your stomach feel full, reducing your appetite naturally. Even if you've tried other appetite suppressants before, you owe it to yourself to try Guar Gum; the one that really works.

QTY.	PROD. NO.	1 FOR
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100	4870	5.95
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Caps

\*\*The amount of weight you lose will depend on your body size, calorie intake and level of activity. As with eating any diet, you should first consult your physician.

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

## EXHIBIT H

### Reduce Excess Body Water

#### Natural Herbal Diuretics

Yeast, Sugar, Salt & Preservative Free  
**WATER PILL™**  
TABLET  
with POTASSIUM

This totally protein coated Water Pill tablet (diuretic) is fortified with Potassium.

Each Water Pill with Potassium Tablet Contains:  
Buche Leaves Powder ..... 50 mg.  
Urtica Leaves Powder ..... 50 mg.  
Parsley Leaves Powder ..... 50 mg.  
Juniper Berries Powder ..... 10 mg.  
Potassium (from Gluconate) ..... 20 mg.

QTY.	PROD. NO.	PRICE
50	2210	3.75
100	2212	6.85
250	2213	15.95

### WATER PILL™

#### TABLET

#### with IRON & POTASSIUM

Yeast, Sugar, Salt & Preservative Free  
Helps reduce excess body water, and replace lost iron and potassium.

Each Water Pill with Iron & Potassium Tablet Contains:  
Buche Leaves Powder ..... 50 mg.  
Urtica Leaves Powder ..... 50 mg.  
Parsley Leaves Powder ..... 50 mg.  
Juniper Berries Powder ..... 10 mg.  
Potassium (from Gluconate) ..... 20 mg.  
Iron (from Gluconate) ..... 8 mg.  
\*Three (3) tablets daily provide 100% of the Recommended Daily Allowance of Iron for adults and children over 12.

QTY.	PROD. NO.	PRICE
50	2380	4.70
100	2382	8.70
250	2383	19.95

Lose weight fast while you spoil yourself with either a luscious chocolate, creamy vanilla, or delicious strawberry taste.

**NATURE'S BOUNTY®**

## SLIM®

## QUICK™

Imagine the richest, thickest and most luscious shake ever and you'll know just how satisfying Slim Quick really is. The best part about including yourself with this rich diet shake is that with every passing day on this meal replacement plan you'll be closer to your goal of a new slimmer you.

Fortified with FIBER, CALCIUM and 20 Vitamins & Minerals

#### Chocolate

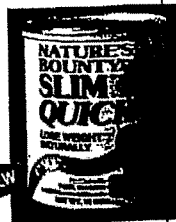
QTY.	PROD. NO.	PRICE
14 oz.	5581	10.95

#### Vanilla

QTY.	PROD. NO.	PRICE
14 oz.	5585	10.95

#### Strawberry

QTY.	PROD. NO.	PRICE
14 oz.	5587	10.95



Stop Sugar Calories before they make it to your waistline.

**SUGAR BLOCKER™**

New Sugar Blocker contains the herb Gymnema Sylvestre which helps to impede the absorption of some of the sugar you eat. Sugar Blocker works because its molecular structure mimics the molecular structure of sugar. When taken before a meal, Sugar Blocker occupies the same sites in the small intestine where sugar is absorbed. With these sites blocked, the sugar passes through your system greatly reducing assimilation by the body. Sugar Blocker itself also passes out of your body eventually, making this amazing new food supplement safe to use with no side effects.

QTY.	PROD. NO.	PRICE
90	5696	14.95



Buy 1 Bottle GET 1 FREE (Total 2) \* Buy 2 Bottles GET 3 FREE (Total 5) 83

120 F.T.C.

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Complaint

## EXHIBIT I

**Is it really possible to lose weight while you still eat most of your favorite foods?**

**Yes!**  
**FIBER DIET lets you do it!**

Fiber Diet is an all natural food supplement that helps you lose weight while improving your diet. It helps you look and feel great. Here's how it works. . . Fiber Diet is a special combination of grain and fruit fiber. Recent medical research confirms that a high fiber diet is healthier and an effective, natural way to lose weight. And keep it OFF! You simply take Fiber Diet tablets with water 15-30 minutes before you eat. You can eat what you want, but it is always sensible to avoid highly processed food, sugar or fat. Fiber Diet absorbs water to give you a full feeling and cut your hunger so you naturally eat less, and so, you lose weight. Fiber Diet is completely free of drugs! It has no artificial colors. There is no caffeine or sodium (salt). So you can use Fiber Diet with confidence for as long as you need.

Sugar, Starch &amp; Preservative Free



QTY.	PROD. NO.	3 FOR
120	4122	6.95
250	4123	13.20
500	4125	21.95

**Diet without hunger . . . the natural way**

**SPIRULINA 500 mg. Tablets**

People are reporting fast weight loss of 20 pounds and more . . . without hunger! The best thing about Spirulina is that it is totally natural. It's a unique type of vegetable plankton that grows in the pure lake waters of Central America and Africa. Spirulina contains up to 65% protein plus an incredible amount of vitamins and minerals.

Sugar, Starch and Preservative Free

Taken before meals it helps turn off your brain's hunger center. It cuts your drive to eat, so you stick to your diet.

QUANTITY	PROD. NO.	3 FOR
50	3281	6.80
500	3285	40.50

**Makes a delicious drink to help you lose weight fast**

**PURITAN'S PRIDE SLIM™**

Nutritionally Balanced Diet Meal Replacement with Fiber and NutraSweet™

Our most delicious formula ever! Mixed with skim milk Puritan's Pride Slim tastes like a rich chocolate candy bar. The flavor comes from real chocolate, natural carbohydrate sweetener and NUTRASWEET which adds sweetness with almost no calories. PLUS it's loaded with healthy fiber to fill

you up. Try Puritan's Pride Slim today and start losing weight. It's nutritious, inexpensive and delicious!

QTY.	PROD. NO.	3 FOR
16 oz. (1 lb.)	2280	16.65

Serving Size 1 oz.  
Servings per 16 oz. container 16

Each Serving Provides: 8 Fl. Oz. Slim Shake™  
Calories 170  
Protein 30 gms.  
Carbohydrate 1 g.  
Fat 2500 mg.  
Fiber (Dietary) 2500 mg.

PERCENTAGE OF U.S. RECOMMENDED DAILY ALLOWANCE (U.S. RDA)

Protein 35%  
Vitamin A 25%  
Vitamin C (Ascorbic Acid) 25%  
Vitamin B-1 (Thiamine) 25%  
Vitamin B-2 (Riboflavin) 25%  
Niacin 25%  
Calcium 25%

\*The amount of weight you lose will depend on your body size, calorie intake and level of activity.

Iron 25%  
Vitamin D 25%  
Vitamin E 25%  
Vitamin B-6 25%  
Folic Acid 25%  
Vitamin B-12 25%  
Phosphorus 25%  
Iodine 25%  
Magnesium 25%  
Zinc 25%  
Copper 25%  
Biotin 25%  
Pantothenic Acid 25%  
Manganese 25%  
Potassium 25%  
\*U.S. RDA established  
\*\*Vitamin A & D, Protein Fortified  
Phenylketonurics: contains Phenylalanine  
Calorie intake and level of activity

**Double Rich Chocolate Flavor**

NutraSweet is a registered trademark of G.D. Searle & Co.

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

## EXHIBIT J

**A Perfect  
Combination for  
Healthy Blood**

**Natural EPA  
Softgel Capsules  
with Odorless Garlic**

**Sugar, Starch and Preservative Free**

Medical evidence continues to indicate that fish oils can substantially reduce cholesterol and blood pressure. Now EPA with Garlic from Puritan's Pride is a unique combination of fish oils combined with odorless garlic to maximize your nutritional benefits. Now you can have the combined benefit of both EPA (marine lipid concentrate) and natural garlic all in one easy to swallow softgel capsule.

Each EPA with Garlic Capsule contains:  
 Marine Lipid Concentrate ..... 1000 mg  
 EPA (Eicosapentaenoic Acid) ..... 180 mg  
 DHA (Docosahexaenoic Acid) ..... 120 mg  
 Garlic Powder ..... 50 mg  
 Vitamin E (d-Alpha Tocopherol) ..... 7.5 mg  
 Ascorbyl Palmitate ..... 20 mg  
 Lemon Oil ..... 1.5 mg

QTY.	PROD. NO.	PRICE	SALE
50	6330	5.50	5.25
100	6332	17.90	9.45
250	6335	27.40	21.95

**Don't Let Cataracts  
Dim Your Vision**  
**EYE-VITES®**  
 Tablet

**A Nutritional Breakthrough!  
In Cataracts Prevention**

An alarming 2 out of 3 Americans over age 60 develop cataracts, a condition that clouds the lens of the eye and blurs the vision. For most cataracts sufferers, the usual surgical solution is an unpleasant alternative to the problem. But now, thanks to the efforts of a group of dedicated vision scientists, there's Eye-Vites... the nutritional approach to the prevention of age related cataracts. The potent anti-oxidants and micro-nutrients in Eye-Vites combine to help prevent the formation of cataracts. Research has proven that patients undergoing anti-oxidant therapy were 70% less likely to develop cataracts. Even if you already have cataracts you owe it to yourself and your sight to try Eye-Vites to help stabilize your problem. It's safe, natural and available to you without a prescription.

QTY.	PROD. NO.	PRICE
60	5628	16.95

\*Our special sale does not apply.

86 Buy 1 Bottle GET 1 FREE (Total 2)

**Natural EPA  
Marine Lipid  
Concentrate**

**1000 mg. Capsules**

**Sugar, Starch and Preservative Free**

Now you can increase your intake of EPA and DHA, the two essential Omega-3 fatty acids without having to eat large amounts of oily fish. Just one capsule of Puritan's Pride EPA Marine Lipid Concentrate provides 180 mg. of EPA (Eicosapentaenoic acid) and 120 mg. of DHA (Docosahexaenoic acid) plus 1 I.U. of natural Vitamin E as an antioxidant. Puritan's Pride is proud to offer you such a beneficial natural supplement. Order your supply today!

QTY.	PROD. NO.	PRICE
50	3830	5.50
100	3832	9.95
250	3835	22.95

**An Exciting Blend  
of Nutrients to Help  
Sharpen Your Mind**  
**MEMORY BOOSTER™**

Memory Booster from Puritan's Pride combines these special natural ingredients to work together as an aid to memory retention and mental alertness.

Two Memory Booster tablets provide:

- L-Glutamine 250 mg. — An important amino acid used by the brain as an energy source for high level brain activity.
- Ribonucleic Acid (RNA) 250 mg. — A key factor for cell reproduction vitally important to living cells and believed to be a memory and learning component that assists the brain.
- L-Phenylalanine 250 mg. — An amino acid capable of producing Epinephrine, a vital element of healthy neuroactivity.
- Choline Bitartrate 250 mg. — Part of the Vitamin B-Complex group and component of acetylcholine, important for nerve impulse transmission.
- Ginkgo Kola 250 mg. — A widely used herb taken to avoid mental fatigue and improve mental acuity.
- Lecithin 1000 mg. — A rich source of choline which has been shown to aid the memory and learning processes of the brain.

QTY.	PROD. NO.	PRICE
50	2070	8.95
100	2072	16.95
500	2073	73.95

• Buy 2 Bottles GET 3 FREE (Total 5)

## Complaint

## EXHIBIT K

KLB6 DIET MIX<sup>1</sup>

Many people who have tried other diet drinks find them difficult to tolerate and not nearly as satisfying. A few years ago we introduced KLB6 Diet Mix, a much better diet plan. Used by millions of successful dieters, KLB6 Diet Mix is the exclusive formula fortified with kelp, lecithin, and Vitamin B-6. Its vanilla flavor and luscious chocolate flavor makes it the most delicious, easy to take, effective weight loss plan that can work for you.

Taken as directed, twice a day, KLB6 Diet Mix provides 100% of the U.S. RDA of all the most important vitamins and minerals plus 80% of your protein requirement. There is no easier way to lose weight while maintaining sound nutrition.

## Chocolate

(tastes like a rich chocolate shake)

QUANTITY	PROD. NO.	3 FOR
14 oz.	2600	11.95

## Vanilla Flavor

(tastes like a creamy vanilla shake)

QUANTITY	PROD. NO.	3 FOR
14 oz.	2590	11.95

KLB6 GRAPEFRUIT DIET<sup>®</sup>  
The Ultimate  
Grapefruit Diet

3 Powerful Diet Aids  
in 1 Formula

- KLB6<sup>®</sup> • Grapefruit Extract
- Glucomannan

Puritan's Pride brings you the ultimate grapefruit diet formula to help you lose weight. You get the famous KLB6 combination that helps keep your body active so you can burn calories. Grapefruit extract works as a "fat-melter" to stimulate your metabolism and suppress the appetite. The Glucomannan in KLB6 Grapefruit Diet forms a natural high fiber gel in your stomach to give that feeling of fullness. Dieting is so much easier without those nagging hunger pains. Follow the diet plan provided and start losing weight quickly and safely.

FOUR (4) TABLETS PROVIDE:

Grapefruit Extract	500 mg.	Kelp	75 mg.
Glucomannan	500 mg.	Cider Vinegar	100 mg.
Vitamin B-6	20 mg.	Uva Ursi	25 mg.
Lecithin	200 mg.	L-Phenylalanine	25 mg.

\*100% of the U.S. Recommended Daily Allowance for adults and children 12 or more years of age for vitamin B-6.

KLB6<sup>®</sup> is a licensed registered trademark.

QTY.	PROD. NO.	3 FOR
100	3970	8.95
250	3973	20.90
500	3975	38.60

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

## CO ENZYME Q-10

10 mg. Tablets  
and 75 mg. Capsules

Co Enzyme Q-10 has been the subject of important research for the past 30 years. This nutrient reportedly plays a role in the body's production of adenosine tri-phosphate, the basic energy component of the cell. Popular as a cardiovascular supplement in Japan, Co Enzyme Q-10 is now available to you from Puritan's Pride.

## 10 mg. Tablets

QTY.	PROD. NO.	3 FOR
50	4710	15.95

NEW POTENCY

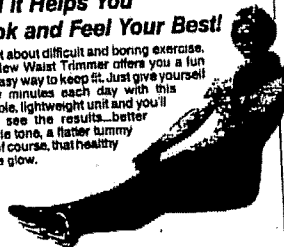
## 75 mg. Capsules

QTY.	PROD. NO.	3 FOR
30	5810	39.95

## WAIST TRIMMER

It's Fun... It's Easy  
and It Helps You  
Look and Feel Your Best!

Forget about difficult and boring exercise. The New Waist Trimmer offers you a fun and easy way to keep fit. Just give yourself a few minutes each day with this portable, lightweight unit and you'll soon see the results...better muscle tone, a flatter tummy and of course, that healthy active glow.



QUANTITY	PROD. NO.	PRICE	SALE
1	5844	4.99	2.99*

\*Our special sale does not apply.

ORIENTAL  
HERBAL DIET

Thousands of people have discovered the Oriental Herbal Diet. It's a blend of Ephedra and Glucomannan from the Orient. Also contains vitamins B-6, lecithin, kelp and cider vinegar!

QTY.	PROD. NO.	3 FOR
84	4770	14.95




Complaint

120 F.T.C.

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## EXHIBIT L

## FOOD SUPPLEMENTS



QTY.	PROD. NO.	PRICE*
30	8087	14.95

\*Our special sale does not apply.

### GINSANA


**Concentrated Herbal Extract Helps Build Physical Endurance and Mental Alertness**

Years of research studies have shown that endurance, mental alertness, cardiovascular performance and oxygen intake, were improved among Ginsana users. Developed in Switzerland, Ginsana is made of the finest standardized Ginseng extract G115. This all natural, non-habit forming non-allergenic herbal food supplement is available to you in easy-to-take softgel capsules. Order some today!

**NEW**

### INTERNATIONAL TREASURES GINSENG

**Sugar, Starch & Preservative Free**



Ginseng is one of the oldest and most highly regarded herbs known to man. It has been referred to as the "root of life, the queen of herbs" and the "herb of eternal life." Ancient Asians prized it more than gold and royal families gave it as gifts.

Modern research in the Soviet Union resulted in its use by Russia's Olympic athletes and her cosmonauts. It is also part of the diet of Japan's professional baseball players.

If you're looking for results, Puritan's Pride Ginseng is the finest high quality product you can buy. It is cultivated in the Asian Area which yields the greatest potency, high quality roots.

#### MANCHURIAN GINSENG™

**250 mg. Capsules**

QUANTITY	PROD. NO.	3 FOR
50	1270	6.25
100	1271	11.60


**Higher Potency 500 mg. Tablets**

QUANTITY	PROD. NO.	3 FOR
50	3110	9.40
100	3111	17.25
250	3113	40.10

#### KOREAN GINSENG

**500 mg. Capsules**

QUANTITY	PROD. NO.	3 FOR
100	5021	16.90



### Maintain Your Natural Energy, Vitality and Good Health!

Recent articles in a leading magazine and numerous requests led our Research and Development team to offer this Nucleic Acid supplement which nutritionists are excited about!

#### RNA/DNA

**Ribonucleic Acid & Deoxyribonucleic Acid**

Each RNA/DNA tablet contains:

QTY.	PROD. NO.	3 FOR
100	2150	7.55
250	2153	17.80
500	2155	33.20

**Sugar & Starch Free**

#### ORGANIC GERMANIUM

**NEW**

This fantastic nutrient has become one of the most talked about minerals. Recent studies show a wide variety of nutritional value and health benefits.

QTY.	PROD. NO.	3 FOR
60	5451	11.95

**Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)**



120 F.T.C.

206

Complaint

## EXHIBIT M

# Eye Care Products

**A Nutritional Supplement for Healthy Eyes and Vision**

**EYE-VITES® Tablets**

Eye-Vites is a nutritional formula created to supplement your diet with the nutrients you need to help maintain healthy eyes and vision. Eye-Vites contain zinc, the mineral many researchers believe is essential for ocular nutrition, plus vitamins A, C, and E, the antioxidants involved in important metabolic processes in the eye. Taken daily, Eye-Vites are a safe, natural way to supplement your diet with the nutrients you need for healthy, clear vision.

QTY. PROD. NO. PRICE  
60 5626 16.95

**EYE PUFFINESS MINIMIZER**

**Help Reduce Undereye Puffiness and Swelling**

Help reduce the early morning puffiness and swelling that can occur under the eyes with this soothing, cool gel. Use it in the morning before applying make up, it's a great way to begin your daily beauty regimen.

QTY. PROD. NO. PRICE  
.5 oz. 8239 5.95

\*Our special sale does not apply.



This photo shows how there is no longer any evidence of dark circles after only one application on her left eye.

**DARK CIRCLE EYE TREATMENT**

**Makes Your Dark Circles Disappear**

Eliminate that fatigued look by making the unattractive dark circles under your eyes disappear. Dark Circle Eye Treatment is a new beauty discovery that therapeutically removes dark circles from the delicate area under your eyes in 2 easy steps. The Day Treatment actually makes circles go away while preventing eye makeup from creasing. The Night Treatment rejuvenates and moisturizes the dry area under your eyes where dark circles occur.

QTY. PROD. NO. PRICE

2 Formula 8229 9.95

treatment

\*Our special sale does not apply.

**Condition dry, brittle eyelashes!**

**EYE-LASH OIL**

Used nightly this unique blend of oils helps to build stronger healthier eyelashes. In just days you'll see the difference. Try some today!

QTY. PROD. NO. PRICE  
1/3 oz. 8141 4.45

\*Our special sale does not apply.



**Finally... Fog Free Vision with**

**OPTI-SHINE PEN**

Have you ever walked in from outside only to have your glasses fog up on you? One application from the easy to use Opti-Shine Pen and your glasses are fog free. The applicator pen lasts for over 200 applications. Try it today. It really works.

QTY. PROD. NO. PRICE \*Our special sale does not apply.  
4 8091 5.00

**Keep your eyeglasses from slipping off.**

**OPTI-GRIP PEN**

Just brush Opti-Grip on frame nosepieces and keep your eyeglasses or sunglasses exactly where you want them, all day long.

QTY. PROD. NO. PRICE \*Our special sale does not apply.  
4 8088 5.00

**PERMA-TWEEZ**

**Removes Unwanted Hair...PERMANENTLY!!**

Now you can save hundreds of dollars in professional electrolysis treatments with the Perma-Tweez permanent hair remover! Perma-Tweez has been clinically tested for safety and effectiveness in removing hair from face, eyebrows, arms, legs or any part of your body...in the privacy of your own home! Easy to use. No skin-puncture safety feature. Order now and get rid of that unwanted hair...forever!

QTY. PROD. NO. PRICE \*Our special sale does not apply.  
1 5690 19.95

68 Buy 1 GET 1 FREE (TOTAL 2) • Buy 2 GET 3 FREE (TOTAL 5)

EXHIBIT M

Complaint

120 F.T.C.

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## EXHIBIT N



# NATURAL STEROL COMPLEX

## MASS AND DENSITY ENHANCER

## Each Six Tablets Contains:

## GLANDULAR BALANCE AGENTS:

Mexican Wild Yam Root	1000 mg
Smitax Officinalis Extract	1000 mg
Mura Puama	1000 mg
Gola Kola	500 mg
Smitagenin	25 mg
Diosgenin	25 mg
Hecogenin	25 mg
Boron	3 mg

## ANABOLIC STEROLS:

Gamma Oryzanol	500 mg
Fucosterol	7859 mcg
Beta-Sitosterol	5063 mcg
C Campesterol	3378 mcg
Sitosterol	1924 mcg
Other Naturally Occurring Sterols	10,0591 mcg

## AMINO ACIDS:

Arginine	1200 mg
Ornithine	600 mg
Lysine	634 mg
Leucine	40 mg
Valine	38 mg
Isoleucine	30 mg
Phenylalanine	30 mg
Threonine	24 mg
Methionine	20 mg
Histidine	20 mg

## LIPOTROPICS (FAT BURNERS):

Linoleic Acid	1040 mg
Oleic Acid	698 mg
Palmitic Acid	263 mg
Linolenic Acid	109 mg
Stearic Acid	58 mg
Lignoceric Acid	14 mg

Arachidonic Acid	13 mg
Eicosanoic Acid	11 mg
Behenic Acid	6 mg
Myristic Acid	5 mg

## ENERGY STIMULANTS:

Bee Pollen	1000 mg
Guarana	500 mg
Korean Ginseng	100 mg
Cytochrome C	100 mg
Inosine	100 mg
Dimethylglycine	100 mg
Royal Jelly	30 mg

## ELECTROLYTES:

Calcium	200 mg
Magnesium	100 mg
Potassium	99 mg

## GROWTH AGENTS:

Octacosanol	1650 mg
RNA	60 mg
DNA	30 mg

## PERFORMANCE BOTANICALS:

Capalung	100 mg
Asafa	100 mg
Dandelion Root	100 mg
Garlic	100 mg
Yellow Dock	100 mg
Lion's Mane	100 mg
Hops	100 mg

## POTENTIATING FACTORS AND TRACE MINERALS:

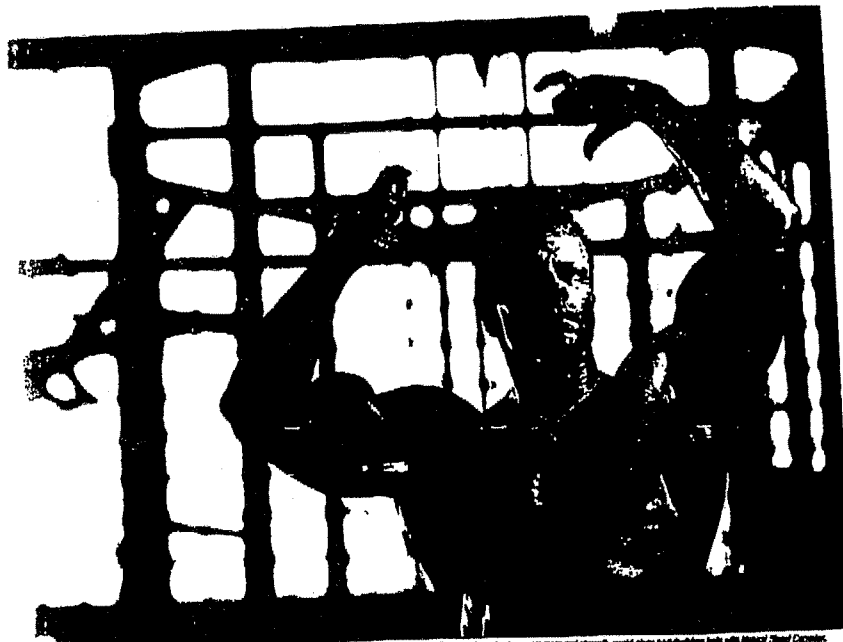
Chromium, Silicon, Silver, Lithium, Strontium, Chlorine, Cobalt, Sulfur, Nickel, Titanium, Barium, Bismuth, Aluminum, Vanadium	
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**UNIVERSAL**  
NUTRITIONAL SYSTEMS

3 Terminal Rd., New Brunswick, NJ 08901 • 1-800-872-0101 (In NJ 1-908-645-3130)

EXHIBIT N

For serious  
need real power  
Natural Sterol C  
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powerful, safest  
no other product  
With an ex  
Complex gives y  
released tablet is  
Glandular Balan



*To maximize gains in muscle mass and strength, work your supplements with all Natural Sterol Complex.*

## Experience the Power.

For serious growth in mass and strength, you need real power. And nothing powerizes you like Natural Sterol Complex by Universal. It's the most advanced, anabolic-strength formula available today for anyone looking to build a huge, massive and awe-inspiring body.

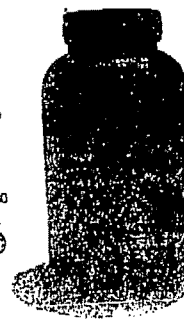
That's why serious bodybuilders and hardcore lifters swear by Natural Sterol Complex as the most powerful, safest training supplement available. There's no other product nearly as potent or effective.

With an exclusive 2-way formula, Natural Sterol Complex gives you more than ever before. Each time-released tablet is loaded with Anabolic Sterols, Glucocorticoid Agents, and Essential Amino

Acids. Plus Electrolytes, Energizers, Lactocacids, Growth Agents and Performance Nutrients. All synergized for maximum anabolic gains and optimum performance.

Massive arms. Rock-hard shoulders. Awesome legs. Chiseled abs. For building your body, nothing even comes close to the power of Natural Sterol Complex. Experience it.

Natural Sterol Complex is available in 90 and 100 tablet sizes at health food stores and gyms everywhere.



..... 13 mg  
..... 11 mg  
..... 6 mg  
..... 5 mg  
  
..... 1000 mg  
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..... 30 mg

..... 200 mg  
..... 100 mg  
..... 99 mg

..... 1650 mg  
..... 60 mg  
..... 30 mg

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..... 100 mg

**MINERALS:**  
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## EXHIBIT O

# Sports Nutrition

## MUSCLE & WEIGHT GAINER

### Chocolate & Vanilla Flavors

Muscle and Weight Gainer is a combination of free-form and branched chain amino acids to help build muscle mass and gain pounds. It is formulated with high quality milk and egg protein, 18 essential vitamins, 5 essential minerals, and 17 amino acids. Body Fortress Muscle & Weight Gainer gives you more body building protein, vitamins, minerals and amino acids than most other weight gain powders. For you that adds up to maximum nutritional power and weight gain potential, as much as 3 lbs. or more per week depending on how many shakes you drink. Natural energy packed carbohydrates are also included in Body Fortress Muscle and Weight Gainer to provide great taste and to help you recover quickly from your workouts.

Amino Acids Per 85 Gram Serving	With 2 Cups Whole Milk
Alanine	490 mg.
Arginine	470 mg.
Aspartic Acid	1740 mg.
Cysteine	225 mg.
Glutamic Acid	4675 mg.
Glycine	350 mg.
Isoleucine	680 mg.
Leucine	1305 mg.
Lysine	2275 mg.
Methionine	3075 mg.
Phenylalanine	1775 mg.
Proline	2025 mg.
Serine	1345 mg.
Threonine	2225 mg.
Tyrosine	1010 mg.
Valine	1600 mg.

\*Essential Amino Acids

### Chocolate Flavor

PROD. NO. 5463 QTY. 24 oz.

### Vanilla Flavor

PROD. NO. 5461 QTY. 24 oz.

## YOHIMBE BARK

### 760 mg. Tablets

History heralds the natural herb, yohimbe. Each tablet provides 760 mg. of yohimbe bark.

PROD. NO. 6351 QTY. 50 Tablets

## SUPER FAT BURNERS

Super Fat Burners contains a special combination of vitamins, minerals and amino acids needed for the reduction of fat cells. The ingredients in this formula help the body's ability to burn fat, thereby promoting visible muscle definition.

Each Tablet Provides	mg.
1. Sodium Hydroxide	1200
2. Sodium Bicarbonate	140
3. Methionine	200
4. Biotin	250

Is a natural base of liver and help  
\* Recommended Daily Allowance for adults and children  
12 or more years of age

PROD. NO. 6361 QTY. 90 Tablets

## SMILAX

Smilax is a 100% pure cold processed Bio-Chelated Liquid Sarsaparilla Root Extract derived from the Smilax officinalis root. It is a highly concentrated liquid used by bodybuilders for added nutrition.

PROD. NO. 5740 QTY. 1 Fl. Oz.

### Orange Flavor

## CARBO-BOOSTER

Carbo-Booster Energy Drink is a combination of complex carbohydrates to help meet your energy needs during sustained sport activity or heavy training. This complex grouping of carbohydrates metabolizes at different rates and is digested slowly to provide maximum glycogen storage for prolonged energy demands.

Ingredients: Granulated complex carbohydrates extracted from grains	Volume A	1000 I.U.
Fractional Vitamin and Mineral Mix containing Ascorbic Acid, Nicotinic Acid, Calcium L-Ascorbate, Magnesium Oxide, Sodium Ascorbate, Retinyl Palmitate, Pyridoxine HCl, Riboflavin, Thiamine HCl and Chromium, Copper Acid and Natural Flavors	Iron Beta Carotene	300 mg
	Vitamin B-1	3 mg
	Vitamin B-2	1.4 mg
	Niacinamide	4 mg
	Vitamin B-6	4 mg
	Vitamin B-12	6 mcg
	Calcium	40 mg
	(from Calcium Citrate)	
	Magnesium	110 mg
	(from Magnesium Oxide)	
	Fluoride	113 mg
	PROD. NO.	QTY.

PROD. NO. 5490 QTY. 16 oz.



Vitamin World uses only the finest ingredients from around the world

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EXHIBIT P

### NATURAL AMINO 1500 FREE FORM & PEPTIDE BOND

Body Fortress Amino Acids are specially formulated and scientifically balanced for body builders, power lifters and professional athletes. This formula contains a balanced blend of free form and peptide bond Amino Acids to give you optimum utilization.

Ingredients: Pharmaceutical grade Amino Acids derived from lactalbumin hydrolysate and L-Cysteine HCL.

Typical Amino Acid Profile	
Per 5 Tablets	
L-Ornithine HCL	141.1
L-Lysine	63.2
L-Histidine	198.6
L-Arginine	371.2
L-Aspartic Acid	441.3
L-Threonine	274.3
L-Serine	429.2
L-Glutamic Acid	1290.7
L-Proline	162.8
L-Colicine	308.8
L-Alanine	355.9
L-Valine	443.3
L-Isoleucine	223.8
L-Methionine	543.5
L-Leucine	977.6
L-Tyrosine	299.7
L-Phenylalanine	374.3

\*Essential Amino Acids

PROD. NO.	QTY.
5091	150 Tablets
5097	400 Tablets

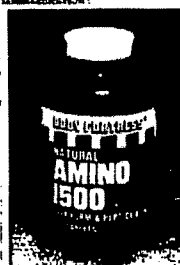
### ARGININE- ORNITHINE 1500

#### FREE FORM AMINO ACIDS

Body Fortress Arginine/Ornithine 1500 combines two of the body's most important building blocks into one potent supplement. Each ingredient comes to you in its natural "L" free-form state for maximum metabolic absorption and assimilation.

Each two tablets provide:	
L-Arginine (pharmaceutical grade)	1000 mg.
L-Ornithine (pharmaceutical grade)	500 mg.

PROD. NO.	QTY.
5411	50 Tablets



### SUPER CUT

Super Cut is a special formulation of vitamins, minerals and amino acids needed for lean muscle development. The ingredients in this formula help the body's ability to burn fat, thereby promoting visible muscle definition.

Each two tablets contain:	
Choline	3000 mg.
Inositol	1000 mg.
DL-Methionine	60 mg.
B-6	100 mg.
Sodium FCI	600 mg.

PROD. NO.	QTY.
5730	90 Tablets

### Yeast Free CHROMAX II CHROMIUM PICOLINATE 200 mcg.

Chromium Picolinate is an organic chromium supplement. It is yeast free and highly assimilable, providing optimum effectiveness as a dietary supplement for the essential trace nutrient chromium.

Each tablet contains:	
Chromium (Picolinate)	200 mcg.

PROD. NO.	QTY.
6390	100 Tablets

### ANABOLIC BOOSTER

Branch Chain &  
Free Form Amino Acids

PROD. NO.	QTY.
5402	30 Tablets

### DIBENCOZIDE 10 mg.

PROD. NO.	QTY.
5860	60 Tablets

### GAMMA ORYZANOL 60 mg.

PROD. NO.	QTY.
5420	100 Tablets

### Crystalline Pure INOSINE 500 mg.

PROD. NO.	QTY.
4570	30 Tablets



### LIQUID AMINO

PROD. NO.	QTY.
837	16 Fl. Oz.

## EXHIBIT Q

## DIGESTIVE AIDS


**Natural  
CHEWABLE ANTACID  
with Calcium**

Supplies 200 mg. of  
Elemental Calcium

Salt, Starch and Preservative Free

A delicious fructose sweetened chewable tablet to help make life more comfortable for thousands of fuzzy stomachs. Each tablet contains 500 mg. of the active ingredient Calcium Carbonate to provide symptomatic relief and neutralize gastric acidity. Obtain relief from acid indigestion, heartburn and sour stomach with Puritan's Pride Natural Antacid.

QUANTITY	PROD. NO.	3 FOR
100	2220	4.95
250	2223	11.55
500	2225	21.45

**BETAINE  
HYDROCHLORIDE  
400 mg. Tablets**

Sugar and Starch Free

As we get older, some of us may have trouble digesting the foods we eat. Puritan's Pride Betaine Hydrochloride provides acids that can naturally assist in the digestion of fats, proteins and starches. One tablet taken before meals supplies the powerful digestive aid of 400 mg. of Betaine Hydrochloride.

QUANTITY	PROD. NO.	3 FOR
100	3850	4.30
250	3853	9.90

**HERBAL  
LAXATIVE  
Tablets**

Safely  
Encourages  
Natural  
Elimination

Sugar and Starch Free  
Now a natural way to obtain relief from the uncomfortable feeling of constipation. Puritan's Pride combines a mixture of natural active laxative ingredients, which include Senna Leaves, Cascara Sagrada and Frangula. This is a gentle all-vegetable and herb tablet.



QUANTITY	PROD. NO.	3 FOR
100	2180	4.45
500	2185	19.80

**Chewable  
PAPAYA ENZYME  
Tablets**

An aid to better digestion from  
papaya, "the Melon of the Tropics"

Preservative Free

New Fruit Flavored  
Chewable Tablets

Puritan's Pride manufactures this natural digestive aid in pleasantly small tablets. Each Papaya tablet contains the enzyme Papain which helps you digest protein and helps release the nutritional potency of your foods and also promotes comfortable natural digestive processes.

QUANTITY	PROD. NO.	3 FOR
100	1130	3.45
250	1133	7.95
500	1135	14.95



until 10 pm  
Eastern Time • Mon.-Fri.  
Sat.-6 pm

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Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

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Complaint

## EXHIBIT R

**CALMTABS™**

All Natural  
Non-Habit Forming  
Herbal Relaxant

Puritan's Pride Calmtabs offers you a gentle and safe way to relax especially when everyday stress winds you up. This special formulation gives you 6 different herbs known for their calmative properties since the days of ancient Egypt. You can enjoy Calmtabs' soothing, calm effect anytime during the day or before bedtime.

**NEW EASY-TO-SWALLOW  
PROTEIN-COATED TABLET**

Each Calmtabs tablet contains:

Est. Valerian	1 grain
Passiflora	1 grain
Calendula	1 grain
Chamomile	1 grain
Hops	1 grain
Dried Orange Peel	1 grain

**Sugar & Preservative Free**

QTY.	PROD. NO.	3 FOR
90	3261	4.95
250	3263	12.65
500	3265	23.50

**NEW**

**Time Release  
NIACIN 250 mg.**

Don't miss out on the benefits of Niacin. Puritan's Pride now offers you a Time Release 250 mg. size capsule. This new size has been micro-coated for easy swallowing, and has been specially processed to release its activity over 8 hours. Try some today!

QTY.	PROD. NO.	3 FOR
90	5800	7.99

**Natural  
EVENING  
PRIMROSE  
OIL**

**500 mg. Capsules  
with  
Natural Vitamin E  
13 I.U.**

Evening Primrose Oil is especially high in the essential polyunsaturated fatty acids - cislinoleic and gamma linolenic acid (GLA). Both are involved in the body's synthesis of prostaglandin, the chemical regulator of many body functions. Although both are involved, it is GLA which is directly converted to prostaglandin.

Evening Primrose Oil is not refined or hydrogenated. It is virtually the only natural source, other than mother's milk, which supplies GLA directly to the diet.

**Sugar, Starch and  
Preservative Free**

QTY.	PROD. NO.	3 FOR
30	3630	10.95
100	3632	32.95
250	3633	75.98

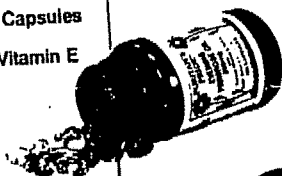
**POTASSIUM  
99 mg.**

From potassium gluconate. Potassium helps in sending messages through the nervous system, keeps the body fluids properly balanced and helps attract nutrients from the blood stream into the cells. Without it sugar cannot be converted into energy nor can body starch be stored for future energy demands. This nutrient is excreted daily and therefore must be replaced each day.

**Sugar and Preservative Free**

**YOU NEED IT  
EVERY DAY!**

QTY.	PROD. NO.	3 FOR
100	1111	2.95
250	1113	6.05
500	1115	11.10
1000	1118	20.40

**NEW**

**BLACK CURRANT  
OIL  
460 mg. Capsules  
from Black Currants**

Black Currants have been found to be a rich, natural source of GLA. GLA is essential to good health because it is involved in the body's synthesis of prostaglandin, the chemical regulator of many body functions. Now Puritan's Pride is proud to offer you this new rich source of GLA.

**Sugar, Starch and  
Preservative Free**

QTY.	PROD. NO.	3 FOR
50	5600	18.50

Buy 1 Bottle GET 2 FREE (TOTAL 3) (same item, same size)

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## DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents, their attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Nature's Bounty, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 90 Orville Dr., in the City of Bohemia, State of New York.

2. Respondent Puritan's Pride, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 90 Orville Dr., in the City of Bohemia, State of New York. Puritan's Pride, Inc., is a wholly-owned subsidiary of Nature's Bounty, Inc.

3. Vitamin World, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of

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Decision and Order

Delaware, with its office and principal place of business located at 90 Orville Dr., in the City of Bohemia, State of New York. Vitamin World, Inc., is a wholly-owned subsidiary of Nature's Bounty, Inc.

4. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

### ORDER

#### DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. "*Product*" means any good that is offered for sale, sold or distributed to the public by respondents, their successors and assigns, under any brand name of respondents, their successors and assigns, or under the brand name of any third party. "Product" also means any product sold or distributed to the public by third parties under any brand name of respondents, or under private labeling agreements with respondents, their successors and assigns.

2. "*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 by others in the profession to yield accurate and reliable results.

#### I.

*It is ordered*, That respondents Nature's Bounty, Inc., Puritan's Pride, Inc., and Vitamin World, Inc., their successors and assigns, and their officers, agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacture, advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the existence, contents, validity, results, conclusions, or interpretations

of any test, study, research article, or any other scientific opinion or data.

## II.

*It is further ordered,* That respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, labeling, packaging, offering for sale, sale, or distribution of "Sleeper's Diet," "L-Arginine," or "L-Ornithine," or any other substantially similar amino acid product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

- A. Any such product stimulates greater production or release of human growth hormone in a user than a non-user of such product;
- B. Any such product promotes muscular development; or
- C. Any such product burns fat or otherwise alters human metabolism to use up or burn stored fat, or promotes weight loss.

For purposes of this order paragraph, "substantially similar amino acid product" shall mean any product which is of substantially similar composition or possesses substantially similar properties to Sleeper's Diet, L-Arginine or L-Ornithine.

## III.

*It is further ordered,* That respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, labeling, packaging, offering for sale, sale, or distribution of L-Cysteine, L-Methionine, or any other substantially similar hair care product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any such product will prevent or retard hair loss or promote hair growth where hair has already been lost. For purposes of this order paragraph, "substantially similar hair care product" shall mean any product that is advertised or intended for

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Decision and Order

sale over-the-counter to treat, cure or curtail hair loss or to promote hair growth where hair has already been lost, and which is of substantially similar composition or possesses substantially similar properties to L-Cysteine or L-Methionine.

## IV.

*It is further ordered,* That respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, labeling, packaging, offering for sale, sale, or distribution of any hair care product or service, in or affecting commerce, as "commerce," is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

## A. Representing, directly or by implication, that

(1) The use of the product or service will prevent, cure, relieve, reverse, or reduce hair loss; or

(2) The use of the product or service will promote the growth of hair where hair already has been lost,

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

B. Manufacturing, advertising, labeling, packaging, promoting, offering for sale, selling, or distributing any product that is represented as promoting hair growth or preventing hair loss, unless the product is the subject of an approved new drug application for such purpose under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 *et seq.*, provided that, this requirement shall not limit the requirements of order paragraphs III or IV.A. herein.

## V.

*It is further ordered,* That respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, labeling,

packaging, offering for sale, sale, or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, that any such product:

A. Cures, treats, prevents, or reduces the risk of developing any disease, disorder or condition in humans or relieves symptoms thereof;

B. Provides any weight loss or weight control benefit or otherwise provides an effective treatment for obesity;

C. Suppresses appetite, reduces the body's absorption of calories, stimulates metabolism, or reduces serum cholesterol;

D. Cures, treats, prevents, or reduces the risk of benign prostatic hypertrophy;

E. Promotes greater muscular development, endurance, strength, power, definition, or stamina, or shorter exercise recovery or recuperation time in a user than a non-user of such product;

F. Removes or diminishes dark circles under the eyes;

G. Improves mental clarity, mental concentration, mental comprehension, mental retention or mental alertness;

H. Aids digestion or promotes increased absorption of nutrients from ingested foods;

I. Relieves stress or promotes relaxation; or

J. Prevents, relieves or treats fatigue or boosts energy;

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Provided, however, that respondents shall not be liable under this paragraph for any representation contained on a package label or package insert for a product that meets all of the following conditions:

1. The product is manufactured and distributed by a third party and is not manufactured or distributed exclusively for respondents;
2. The product is generally available at competing retail outlets;
3. The product is not identified with respondents and does not contain respondents' names or logos;
4. The product was not developed or manufactured at the instigation or with the assistance of respondents; and,

5. The pro promoted by re

Provided f currently ider paragraph V. 9175, entered the order here: except upon r herein and ma law or fact or herein by the subsequent n proviso in Do of the instant

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5. The product representation is not otherwise advertised or promoted by respondents.

Provided further, that the proviso in the preceding paragraph is currently identical to the "safe harbor" proviso contained in paragraph V. of the order in General Nutrition, Inc., Docket No. 9175, entered February 2, 1989. It is the intention of the parties to the order herein that the provisos shall remain identical. Therefore, except upon respondents filing a petition to reopen the proceeding herein and making a satisfactory showing that changed conditions of law or fact or the public interest warrants modification of the order herein by the Commission, respondents agree to be bound by any subsequent modifications (including vacation) of the safe harbor proviso in Docket No. 9175, without any further formal modification of the instant order.

#### VI.

*It is further ordered,* That nothing in this order shall prohibit respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, from making any representation that is specifically permitted in labeling for any product by regulations promulgated by the Food and Drug Administration (FDA) pursuant to the Nutrition Labeling and Education Act of 1990; moreover, nothing in this order shall prohibit respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, from making any representation for any drug that is permitted in labeling for any drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration.

#### VII.

*It is further ordered,* That respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, labeling,

packaging, offering for sale, sale, or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Sleeper's Diet" or any other brand name that represents, directly or by implication, that such product has the ability to promote weight loss during sleep;
2. Using the name "Memory Booster" or any other brand name that represents, directly or by implication, that such product improves memory retention;
3. Using the name "Dark Circle Eye Treatment" or any other brand name that represents, directly or by implication, that such product removes dark circles from under the eyes; or
4. Using the name "Super Fat Burners" or any other brand name that represents, directly or by implication, that such product reduces body fat

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

### VIII.

*It is further ordered,* That respondents, their successors and assigns, shall pay to the Federal Trade Commission, by cashier's check or certified check made payable to the Federal Trade Commission and delivered to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave., NW, Washington, DC, the sum of two hundred and fifty thousand dollars (\$250,000). Respondents shall make this payment on or before the tenth day following the date of issuance of this order. In the event of any default on any obligation to make payment under this section, interest, computed pursuant to 28 U.S.C. 1961(a), shall accrue from the date of default to the date of payment. The funds paid by respondents shall, in the discretion of the Federal Trade Commission, be used to provide direct redress to consumers allegedly injured by respondents in connection with the acts or practices alleged in the complaint, and to pay any attendant costs of administration. If the Federal Trade Commission determines, in its sole discretion, that redress to consumers is impracticable or

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*It is further ordered,*  
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unwarranted, any funds not used for redress shall be paid to the United States Treasury. Respondents shall be notified as to how the funds are distributed, but shall have no right to contest the manner of distribution chosen by the Commission.

## IX.

*It is further ordered*, That, for five (5) years after the last date of dissemination of any representation covered by this order, respondents, or their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

1. All labeling, packaging, advertisements and promotional materials setting forth any representation covered by this order;
2. All materials that were relied upon by respondents to substantiate any representation covered by this order; and
3. All test reports, studies, surveys, demonstrations or other evidence in their possession or control that contradict, qualify, or call into question such representation or the basis upon which respondents relied for such representation, including complaints from consumers.

## X.

*It is further ordered*, That for a period of ten (10) years after service upon them of this order, respondents, their successors and assigns, shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations that may affect compliance obligations arising under this order.

## XI.

*It is further ordered*, That the respondents shall distribute a copy of this order to each of their operating divisions, to each of their officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this order, and

to all distributors of products manufactured or marketed by respondents.

## XII.

*It is further ordered,* That respondents shall, within sixty (60) days after service of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied or intend to comply with this order.

Commissioner Azcuenaga dissenting.

### STATEMENT OF COMMISSIONER MARY L. AZCUENAGA

I dissent from the Commission's decision to issue a final decision and order against Nature's Bounty and its subsidiaries, Puritan's Pride, Inc., and Vitamin World, Inc., because the order leaves the respondents free to sell products they know, or should know, are deceptively labeled.

The proviso in paragraph V of the order states that the respondents would not necessarily be liable for false or unsubstantiated claims appearing on the labels or in the packaging of the products sold at its stores, even if it were clear that the companies had actual knowledge that those claims were unsubstantiated or untrue. I believe that the order should have provided that the respondents would be liable if they know, or should know, that the labels or packaging of any such product contains false or unsubstantiated claims.

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