

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

V.

NATURAL SOLUTION, INC., and
ISABEL J. MENDOZA, individually, and
as President of Natural Solution, Inc.,

Defendants.

CIVIL ACTION NO.

(Proposed)
**STIPULATED
PRELIMINARY
INJUNCTION**

1 The Federal Trade Commission (“FTC” or “Commission”), pursuant to
2 Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C.
3 § 53(b), has filed a Complaint for Injunctive and Other Equitable Relief against
4 Defendants, Natural Solution, Inc., a California Corporation, and Isabel J.
5 Mendoza (collectively “Defendants”). The FTC and Defendants hereby stipulate
6 to the entry of a preliminary injunction with the following findings of facts:

FINDINGS

9 By stipulation of the parties and being advised of the premises, the Court
10 finds that:

11 1. This Court has jurisdiction over the subject matter of this case, and
12 there is good cause to believe it will have jurisdiction over all parties hereto;

13 || 2. Venue lies properly with this Court;

14 3. There is good cause to believe that Defendants Natural Solution, Inc.
15 and Isabel J. Mendoza have disseminated and are likely to disseminate advertising
16 for the product Knutric that violates Section 5 of the FTC Act. Natural Solution,
17 Inc. advertises, processes orders for, and distributes Knutric to consumers
18 nationwide; additionally, it pays for the toll-free number listed in the Knutric
19 advertisements. Under Defendant Mendoza's direction, Natural Solution, Inc. has
20 disseminated television advertisements nationwide representing that Knutric can
21 specifically prevent or treat prostate, breast, and colon cancer. There is good
22 cause to believe that Defendants do not have a reasonable basis to make such
23 representations. Therefore, the Commission is likely to prevail on the merits of
24 this action;

25 4. Weighing the equities, including the possibility of serious physical
26 harm to consumers, and considering the Commission's likelihood of ultimate

1 success on the merits, a preliminary injunction and other equitable relief are in the
2 public interest; and

3 5. Fed. R. Civ. P. 65(c) does not require security of the United States or
4 an officer or agency thereof.

DEFINITIONS

7 For the purpose of this preliminary injunction, the following definitions
8 shall apply:

- A. “Advertising” means any written or verbal statement, illustration or depiction that is designed to effect a sale or create interest in the purchasing of goods or services, whether it appears in a brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, free standing insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, packaging, package insert, label, film, slide, radio, television or cable television, audio program transmitted over a telephone system, program-length commercial (“infomercial”), Internet or in any other medium.
 - B. “Competent and Reliable Scientific Evidence” means tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective, manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
 - C. “Covered Product” means Knutric, or any dietary supplement, food, drug, or device.
 - D. “Defendants” means Natural Solution, Inc. and Isabel J. Mendoza.

I. PROHIBITION AGAINST CERTAIN ADVERTISING CLAIMS

3 **IT IS THEREFORE ORDERED** that the Defendants, in connection with
4 the advertising, promotion, offering for sale, sale or distribution of any covered
5 product, in or affecting commerce, are hereby enjoined from making any
6 representation, in any manner, expressly or by implication, including through the
7 use of endorsements, about the health benefits of any covered product, including
8 but not limited to, claims that Knutric prevents or treats prostate, breast, or colon
9 cancer, unless, at the time the representation is made, Defendants possess and rely
10 upon competent and reliable scientific evidence that substantiates the
11 representation.

II. DISTRIBUTION OF ORDER BY DEFENDANTS

14 **IT IS FURTHER ORDERED** that the Defendants shall immediately
15 provide a copy of this Order to each of their affiliates, subsidiaries, divisions, sales
16 entities, successors, assigns, officers, directors, employees, independent
17 contractors, agents, attorneys, fulfillment houses, advertising and media outlets,
18 retailers, distributors, and representatives having any connection with the
19 advertising, promotion, offering for sale, sale or distribution of Knutric. The
20 Defendants shall, within ten (10) days from the date of entry of this Order, provide
21 the Commission with a sworn statement that they have complied with this
22 provision of the Order, which statement shall include the names and addresses of
23 each such person, partnership, corporation or entity who received a copy of the
24 Order.

III. PRESERVATION OF RECORDS

1 **IT IS FURTHER ORDERED** that the Defendants, and those persons in
2 active concert or participation with them, who receive actual notice of this Order
3 by personal service or otherwise, are hereby restrained and enjoined from
4 destroying, erasing, mutilating, concealing, altering, transferring, writing over, or
5 otherwise disposing of, in any manner, directly or indirectly, any documents or
6 records of any kind that relate to the business practices or business or personal
7 finances of the Defendants, including but not limited to, computerized files and
8 storage media on which information has been saved (including but not limited to,
9 floppy disks, hard drives, CD-ROMS, zip disks, punch cards, magnetic tape,
10 backup tapes, and computer chips), contracts, accounting data, correspondence,
11 advertisements (including but not limited to, advertisements placed on the World
12 Wide Web or the Internet), handwritten notes, telephone logs, telephone scripts,
13 receipt books, ledgers, personal and business canceled checks and check registers,
14 bank statements, appointment books, copies of federal, state or local business or
15 personal income or property tax returns, and other documents or records of any

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1 kind that relate to the business practices or business or personal finances of the
2 Defendants.

3 SO STIPULATED:
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5 Dated: September ___, 2006
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7 Isabel J Mendoza as President of Natural Solution, Inc.
Defendant
8

9 Dated: September ___, 2006
10

11 _____
Isabel J. Mendoza
Defendant
12

13 Dated: September ___, 2006
14

15 _____
Mariela Caravetta
Attorney for Defendants
16

Dated: September ___, 2006
17

18 _____
Jennifer Brennan
Yaa A. Apori
Sandhya Prabhu
20 Attorneys for Plaintiff
Federal Trade Commission
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22 **SO ORDERED**, this ___ day of _____, 2006, at _____.m.
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24 UNITED STATES DISTRICT JUDGE
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