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Attorneys for Plaintiff,  
FEDERAL TRADE COMMISSION

UNITED STATES DISTRICT COURT  
DISTRICT OF KENTUCKY  
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JAMES FRANKLIN CLARK a/k/a JIM CLARK,  
and  
CARRIE ANN HATCHER,

Defendants.

Hon.

CV-

**[Proposed]  
STIPULATED FINAL ORDER  
FOR PERMANENT  
INJUNCTION AND  
SETTLEMENT OF CLAIMS  
FOR MONETARY RELIEF**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”) filed a Complaint for permanent injunction and other relief against James Franklin Clark, a/k/a Jim Clark (“Clark”), and Carrie Ann Hatcher (“Hatcher”), Clark’s daughter, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The Complaint alleges that these Defendants engaged in unfair and deceptive acts or practices in violation of Sections 5(a) and 12

of the FTC Act, 15 U.S.C. §§ 45(a) and 52. The parties, represented by the attorneys whose names appear hereafter, have agreed to entry of the following Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief (“Order”) without adjudication of any issue of fact or law.

The Commission and Defendants have stipulated to the entry of the following Order in settlement of the Commission’s Complaint against Defendants. The Court, being advised in the premises, finds:

### FINDINGS

1. This Court has jurisdiction over the subject matter of this case and jurisdiction over all parties. Venue in the District of Kentucky, Western Division, is proper.
2. The Complaint states a claim upon which relief can be granted, and the Commission has the authority to seek the relief it has requested.
3. Defendants enter into this Order freely and without coercion. Defendants further acknowledge that they have read the provisions of this Order and are prepared to abide by such terms.
4. The activities of Defendants are in or affecting commerce, as defined in 15 U.S.C. § 44.
5. The Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order. Defendants also waive any claims that they may have held under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of this Order, and Defendants further waive any right to attorneys’ fees that may arise under said provision of law.

6. Each party shall bear its own costs and attorneys' fees.
7. Entry of this Order is in the public interest.
8. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are binding upon Defendants, and their officers, agents, servants, employees, and all other persons or entities in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise.
9. This Order reflects the negotiated agreement of the parties.
10. The paragraphs of this Order shall be read as the necessary requirements for compliance, and not as alternatives for compliance, and no paragraph serves to modify another paragraph unless expressly so stated.

## **ORDER**

### **DEFINITIONS**

For purposes of this Order, the following Definitions shall apply:

1. "Clark" means James Franklin Clark, also known as Jim Clark, who advertised, promoted, offered for sale, sold, and distributed an "All Natural Cancer Therapy" program, including Laetrile.
2. "Hatcher" means Carrie Hatcher, Clark's daughter, who also advertised, promoted, offered for sale, sold, and distributed an "All Natural Cancer Therapy" program, including Laetrile.
3. "Defendant" or "Defendants" means Clark and/or Hatcher.
4. "All Natural Cancer Therapy program" means the program marketed by Defendants under that name as well as any individual products marketed as part of that program, including but not limited to, Laetrile, Apricot Seeds, Omnizyme

Forte Digestive Enzymes, Okra-Pepsin-E3, and Coral Calcium.

5. “Advertisement” means any written or verbal statement, illustration, or depiction that is designed to effect a sale or to create interest in the purchasing of goods or services, whether it appears in a book, brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, packaging, package insert, label, film, slide, radio, television or cable television, video news release, audio program transmitted over a telephone system, infomercial, the Internet, e-mail, or in any other medium.
6. “Asset” means any legal or equitable interest in, or right or claim to, any real and personal property, including, but not limited to, “goods,” “instruments,” “equipment,” “fixtures,” “general intangibles,” “checks,” “notes,” (as those terms are defined in the Uniform Commercial Code), and all chattel, leaseholds, contracts, mail or other deliveries, inventory, receivables, shares of stock, lists of consumer names, accounts, credits, premises, funds, and all cash, wherever located.
7. “Competent and reliable scientific evidence” means 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 in the profession to yield accurate and reliable results.
8. “Document” or “documents” means writings, drawings, graphs, charts, photographs, audio and video recordings, images, computer records, and other

data or data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

9. "Food" and "drug" mean as defined in Section 15 of the FTC Act, 15 U.S.C. § 55.
10. "Commerce" means as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
11. "Metatags" means any word or words embedded in the source code of an Internet website or individual Web pages that may be used by an Internet search engine in indexing websites or Web pages for the purpose of selecting websites or Web pages in response to an Internet user's search request.
12. The term "including" in this Order means "without limitation."
13. The terms "and" and "or" in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase inclusive rather than exclusive.

## **CONDUCT PROHIBITIONS**

### **I. REPRESENTATIONS**

**A. IT IS HEREBY ORDERED** that Defendants, directly or through any corporation, partnership, limited liability company, subsidiary, division, trade name, or other device, and their officers, agents, servants, employees, attorneys, and all persons or entities in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the All Natural Cancer Therapy program, Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, and Coral Calcium, or any similar health-related program, service, or product, are hereby permanently restrained and

enjoined from making any representation, in any manner, expressly or by implication, including through the use of product or program names or metatags, that such program or product prevents, treats, or cures or assists in the prevention, treatment, or cure of any type of cancer including but not limited to representations that:

- A. The All Natural Cancer Therapy program prevents, treats, and/or cures all forms of cancer in humans;
- B. Laetrile effectively prevents, treats, and/or cures cancer in humans;
- C. Apricot Seeds effectively prevent, treat, and/or cure cancer in humans;
- D. Laetrile is safe and has no toxic side effects;
- E. Omnizyme Forte Digestive Enzymes (containing pancreatin, trypsin, and chymotrypsin) dissolve and/or eliminate cancer cells and tumors from the body and reduce the side effects from chemotherapy;
- F. Okra Pepsin E-3 (a small intestine cleanser) eliminates tumors' waste products and toxins so that the body can be cured of cancer; and
- G. Coral Calcium helps kill cancer cells while healthy cells thrive;

unless the representation is true, non-misleading, and, at the time it is made, Defendants possess and rely upon competent and reliable scientific evidence that substantiates the representation.

**B. IT IS FURTHER ORDERED** that Defendants, directly or through any corporation, partnership, limited liability company, subsidiary, division, trade name, or other device, and their officers, agents, servants, employees, attorneys, and all persons or entities in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any food, drug, dietary supplement, or any other health-

related program, service, or product, whether sold individually or as part of a program, are hereby permanently enjoined from making any representation, in any manner, expressly or by implication, including through the use of metatags, about the absolute or comparative benefits, performance, efficacy, safety, or side effects of such product, program, or service unless the claim is true, non-misleading, and, at the time it is made, Defendants possess and rely upon competent and reliable scientific evidence that substantiates the representation.

## **II. FDA APPROVED CLAIMS**

**IT IS FURTHER ORDERED** that:

- A. Nothing in this Order shall prohibit Defendants from making any representation for any drug that is permitted in labeling for such drug under any tentative 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. Nothing in this Order shall prohibit Defendants from making 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 National Labeling and Education Act of 1990.

## **III. NOTIFICATION TO CONSUMERS**

**IT IS FURTHER ORDERED** that:

- A. Within thirty (30) days of the date of entry of this Order, Defendants shall submit to the FTC a truthful sworn statement listing the full name and mailing address, the product(s) purchased, the total amount of moneys paid less any amount credited for returns or refunds, and the consumer's telephone number and email address, of every person who has purchased the All Natural Cancer Therapy

program (including any consumers who separately purchased Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, or Coral Calcium) on or after January 1, 2005 through the date of entry of this Order, to the extent that Defendants and/or their agents possess or can readily obtain such customer information.

- B. Within forty-five (45) days after the date of entry of this Order, Defendants shall send by first class mail, postage prepaid, an exact copy of the notice attached as Attachment A to all persons identified in Subparagraph A of this Paragraph. The mailing shall not include any other documents. The face of the envelope enclosing the notice shall be an exact copy of Attachment B.

#### **IV. CUSTOMER LISTS**

**IT IS FURTHER ORDERED** that Defendants, and their officers, agents, servants, employees, attorneys, and all persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to any Defendant, at any time prior to entry of this Order, in connection with the purchase of the All Natural Cancer Therapy program (including any consumers who separately purchased Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, or Coral Calcium). *Provided, however,* that Defendants shall disclose such identifying information to the FTC pursuant to Paragraph III.A. of this Order; and Defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

**V. MONETARY JUDGMENT AND REDRESS OF CONSUMER INJURY**

**IT IS FURTHER ORDERED** that:

- A. Judgment is hereby entered in favor of the Commission and against Defendant James Franklin Clark in the amount of Three Hundred and Fifty-Two Thousand Seven Hundred and Two Dollars (\$352,702.00) to redress consumer injury. *Provided, however,* that all but Twenty-Five Thousand Dollars (\$25,000.00) of this judgment amount shall be suspended subject to the conditions set forth in Paragraph VI of this Order. Judgment is hereby entered in favor of the Commission and against Defendant Carrie Hatcher in the amount of Two Hundred and Seven Thousand Six Hundred and Seventy-Six Dollars (\$207,676.00) to redress consumer injury. *Provided, however,* that all of this judgment amount shall be suspended subject to the conditions set forth in Paragraph VI of this Order. Payment by Defendant James Franklin Clark shall be made to the Commission within ten (10) days of the date of entry of this Order by electronic funds transfer to the Commission or its agent, in accord with instructions that will be provided by the Commission not later than five (5) days after the date of entry of this Order.
- B. In the event of default on any obligation to make payment under this Order, interest, computed pursuant to 28 U.S.C. § 1961(a), shall accrue from the date of default to the date of payment. In the event such default continues for ten (10) calendar days beyond the date the payment is due, the entire judgment amount shall immediately become due and payable. Defendant James Franklin Clark shall be liable for the payment required by Paragraph V.A of this Order and any

interest on such payment.

- C. All funds paid pursuant to this Order shall be deposited into a fund administered by the Commission or its agents to be used for equitable relief, including but not limited to restitution, and any attendant expenses for the administration of such equitable relief. In the event that direct redress of consumer injury is wholly or partially impracticable or funds remain after the restitution is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Paragraph. Defendants shall have no right to contest the manner of distribution chosen by the Commission. No portion of any payment under the Judgment herein shall be deemed a payment of any fine, penalty, or punitive assessment.
- D. Defendants relinquish all dominion, control, and title to the funds paid, and all legal and equitable title to the funds vests in the Treasurer of the United States and in the designated consumers. Defendants shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise; and in the event of bankruptcy of any Defendant, Defendants acknowledge that the funds are not part of the debtor's estate, nor does the estate have any claim or interest therein.
- E. Defendants agree that, if they fail to timely and completely fulfill the payment

and other obligations set forth in this Order, the facts as alleged in the Complaint filed in this matter shall be taken as true in any subsequent litigation filed by the Commission to enforce its rights pursuant to this Order, including but not limited to a non-dischargeability complaint in any bankruptcy case.

- F. In accordance with 31 U.S.C. § 7701, Defendants are hereby required, unless they have done so already, to furnish to the Commission their taxpayer identifying numbers and/or social security numbers, which shall be used for the purposes of collecting and reporting on any delinquent amount arising out of Defendants' relationship with the government.
- G. Proceedings instituted under this Paragraph are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Order.

#### VI. ACCURACY OF FINANCIAL STATEMENTS

**IT IS FURTHER ORDERED** that by agreeing to this Order, Defendant James Franklin Clark reaffirms and attests to the truthfulness, accuracy, and completeness of the sworn financial statement executed by him on May 22, 2008, with attachments, and the federal income tax returns produced by Defendant Clark (collectively, the "Clark Financial Statements"), and Defendant Carrie Hatcher reaffirms and attests to the truthfulness, accuracy, and completeness of the sworn financial statement executed by her on ~~June~~ <sup>May</sup> 30, 2008, with attachments, and the federal income tax returns produced by Defendant Hatcher (collectively, the "Hatcher Financial Statements"). Plaintiff's agreement to this Order, which requires payment of less than the full amount of restitution, is expressly premised upon the truthfulness, accuracy, and completeness of Defendants' financial condition, as represented in the Clark Financial Statements and Hatcher

Financial Statements, which contain material information upon which Plaintiff and the Commission relied in negotiating and agreeing to the terms of this Order.

If, upon motion by Plaintiff, this Court finds that Defendant Clark failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the Clark Financial Statements, the suspended judgment amount entered against Defendant Clark in Paragraph V.A of this Order (the amount of \$352,702.00) shall become immediately due and payable to the Plaintiff, less any payments already made. If, upon motion by Plaintiff, this Court finds that Defendant Hatcher failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the Hatcher Financial Statements, the suspended judgment amount entered against Defendant Hatcher in Paragraph V.A of this Order (the amount of \$207,676.00) shall become immediately due and payable to the Plaintiff, less any payments already made. Upon entry of a judgment against Defendants by the Court, Defendants further agree to authorize any third party, including but not limited to individuals, banks, savings and loan institutions, pension funds, escrow agents, title companies, brokerage firms, commodity trading companies, business entities, or other financial institutions of any kind, in possession of any assets or funds belonging to or owed to Defendants, to transfer the assets or funds to the Plaintiff in full or partial satisfaction of the judgment.

*Provided, however,* that in all other respects this Order shall remain in full force and effect unless otherwise ordered by the Court; and *provided further,* that proceedings initiated under this Paragraph are in addition to, and not in lieu of, any other civil or criminal penalties as may be provided by law, including any other proceedings the Plaintiff may initiate to enforce this Order. For purposes of this Paragraph, Defendants waive any right to contest any of the

allegations in the Complaint.

## **VII. DISTRIBUTION OF ORDER**

**IT IS FURTHER ORDERED** that, for a period of three (3) years from the date of entry of this Order, Defendants shall deliver copies of the Order as directed below:

- A. For any business that Defendant James Franklin Clark or Defendant Carrie Hatcher controls, directly or indirectly, or in which such individual Defendant has a majority ownership interest, such individual Defendant must deliver a copy of this Order to all of the principals, officers, directors, and managers of that business. Defendants James Franklin Clark and Carrie Hatcher each must also deliver copies of this Order to all employees, agents, and servants of that business who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within five (5) days of service of this Order upon Defendants. For new personnel, delivery shall occur prior to their assuming their responsibilities.
- B. For any business where Defendant James Franklin Clark or Defendant Carrie Hatcher is not a controlling person of the business but otherwise engages in conduct related to the subject matter of this Order, such individual Defendant shall deliver a copy of this Order to each of the principals and managers of such business before engaging in such conduct.
- C. Defendants must secure a signed and dated statement acknowledging receipt of this Order, within thirty days of delivery, from each person receiving a copy of the Order pursuant to this Paragraph.

## VIII. COMPLIANCE MONITORING

**IT IS FURTHER ORDERED** that, for purposes of monitoring and investigating compliance with any provision of this Order:

- A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendants each shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in such Defendant's possession or direct or indirect control to inspect the business operations;
- B. In addition, the Commission is authorized to monitor compliance with this Order by all lawful means, including, but not limited to, the following:
  1. Obtaining discovery from any person, without further leave of the Court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
  2. Posing as customers and clients to any Defendant, employees of any Defendant, or any other entity managed or controlled in whole or in part by any Defendant, without the necessity of identification or prior notice; and
- C. Defendants shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to conduct subject to this Order. The person interviewed may have counsel present.

***Provided, however,*** that nothing in this Order shall limit the Commission's lawful use of

compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

**IX. COMPLIANCE REPORTING BY DEFENDANTS**

**IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this Order may be monitored:

- A. For a period of three (3) years from the date of entry of this Order,
  1. Defendants James Franklin Clark and Carrie Hatcher each shall notify the Commission of the following:
    - a. Any changes in their residence(s), mailing address(es), and telephone number(s) within ten (10) days of the date of such change;
    - b. Any changes in their employment status (including self-employment) and any change in their ownership in any business entity, within ten (10) days of such change. Such notice shall include the name and address of each business that the Defendant is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of the Defendant's duties and responsibilities in connection with the business or employment; and
    - c. Any changes in the Defendant's name or use of any aliases or fictitious names; and

2. Defendants shall notify the Commission of any proposed change in corporate structure of any business entity that any Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided that*, with respect to any proposed change in the corporation about which a Defendant learns less than thirty (30) days prior to the date such action is to take place, the Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.
- B. Sixty (60) days after the date of entry of this Order, Defendants each shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order. This report shall include, but not be limited to:
1. The then-current residence addresses, mailing addresses, and telephone numbers of the Defendant;
  2. The then-current employment and business addresses and telephone numbers of the Defendant, a description of the business activities of each such employer or business, and the title and responsibilities of the Defendant, for each such employer or business. For purposes of this

Paragraph, “employment” includes the performance of services as an employee, consultant, or independent contractor; and “employers” include any individual or entity for whom the Defendant performs services as an employee, consultant, or independent contractor;

3. A copy of each acknowledgment of receipt of this Order obtained by the Defendant pursuant to Paragraph VII; and
  4. Any other change required to be reported under Subparagraph A of this Paragraph.
- C. For purposes of this Order, Defendants each shall, unless otherwise directed by the Commission’s authorized representatives, mail all written notifications to the Commission to:

Associate Director for Enforcement  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.,  
Washington, D.C. 20580  
Re: **FTC v. James Franklin Clark, et. al.**, Civil Action No. \_\_\_\_\_.

- D. For purposes of the compliance reporting required by this Paragraph, the Commission is authorized to communicate directly with any Defendant.

**X. RECORD KEEPING PROVISIONS**

**IT IS FURTHER ORDERED** that, for a period of six (6) years from the date of entry of this Order, Defendants James Franklin Clark and Carrie Hatcher and any business in which Clark or Hatcher is a majority owner or otherwise directly or indirectly controls the business, and their agents, servants, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to continue to

create and retain the following records:

- A. Accounting records that reflect the cost of any goods or services sold, revenues generated, and disbursement of such revenues;
- B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed 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. Customer files containing the names, addresses, telephone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;
- D. Complaints and refund requests (whether received directly, indirectly, or through any third party) and all records showing any responses to those complaints or requests;
- E. Copies of all advertisements, promotional materials, sales scripts, training materials, or other marketing materials utilized in the advertising, marketing, promotion, offering for sale, distribution, or sale of any program or product covered by this Order;
- F. All materials that were relied upon in making any representations contained in the materials identified in Subparagraph E above, including all documents evidencing or referring to the accuracy or any claim therein or to the benefits, performance, efficacy, safety, or side effects of any program or product, including but not

limited to all tests, reports, studies, demonstrations, as well as evidence that confirms, contradicts, qualifies, or calls into question the accuracy of such claims regarding the benefits, performance, efficacy, safety, or side effects of such program or product; and

- G. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order and all reports submitted to the FTC pursuant to this Order.

**XI. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that each Defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

**XII. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

**SO STIPULATED:**

WILLIAM BLUMENTHAL  
General Counsel

Deborah A. Marrone  
DEBORAH A. MARRONE  
MICHELE STOLLS

Federal Trade Commission  
Northeast Region,  
One Bowling Green, Suite 318  
New York, NY 10004  
Tel: (212) 607-2829  
Fax: (212) 607-2822

ATTORNEYS FOR PLAINTIFF

James Franklin Clark  
JAMES FRANKLIN CLARK  
6-20-2008

Carrie Ann Hatcher  
CARRIE ANN HATCHER  
6-20-2008

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SCOTT C. TIPS  
180 Montgomery Street, Suite 2200  
San Francisco, CA 94104  
ATTORNEY FOR DEFENDANTS

SO ORDERED:

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UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_

**XII. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

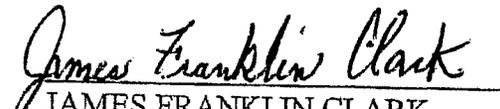
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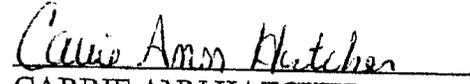
WILLIAM BLUMENTHAL  
General Counsel

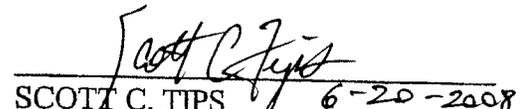
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DEBORAH A. MARRONE  
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ATTORNEYS FOR PLAINTIFF

  
\_\_\_\_\_  
JAMES FRANKLIN CLARK  
6-20-2008

  
\_\_\_\_\_  
CARRIE ANN HATCHER  
6-20-2008

  
\_\_\_\_\_  
SCOTT C. TIPS 6-20-2008  
180 Montgomery Street, Suite 2200  
San Francisco, CA 94104  
ATTORNEY FOR DEFENDANTS

SO ORDERED:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_

**ATTACHMENT A**  
**LETTER TO BE SENT BY FIRST CLASS MAIL**  
[To be printed on letterhead of James Franklin Clark and Carrie Hatcher  
and referencing their “All Natural Cancer Therapy” program]

[Name and address of recipient] [Date]

Dear [Recipient]:

We recently entered into a settlement with the Federal Trade Commission (“FTC”) regarding advertising claims for the “All Natural Cancer Therapy program” we marketed (including individual products marketed as part of that program: Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, and Coral Calcium). All of these products were sold on the Web Pages maintained by us, such as [www.bluegrass.net/~jclark/cancer-buster.htm](http://www.bluegrass.net/~jclark/cancer-buster.htm); [www.bluegrass.net/~carrie73/protocol\\_911.htm](http://www.bluegrass.net/~carrie73/protocol_911.htm); [www.bluegrass.net/~jclark/b17dosage.htm](http://www.bluegrass.net/~jclark/b17dosage.htm); and [www.bluegrass.net/~carrie73/b17\\_dosage.htm](http://www.bluegrass.net/~carrie73/b17_dosage.htm). The settlement with the FTC does not constitute an admission that we have violated the law. As part of the settlement, however, we agreed to send you the following information prepared by the FTC about the lack of scientific evidence on these products.

Very little scientific research has been done concerning Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, and Coral Calcium as a means of prevention, treatment, or cure for cancer in humans. The scientific studies that have been done do not demonstrate that any of these products, or the ingredients in these products, are effective when used for prevention or treatment for cancer in humans. Moreover, high doses of Laetrile can cause cyanide poisoning.

It is very important that you talk to your doctor or health care provider before using *any* alternative or herbal product, including Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, and Coral Calcium. Speaking with your doctor is important to make sure that all aspects of your medical treatment work together. Things that seem safe, such as certain foods, herbs, or pills, may interfere or affect your cancer or other medical treatment, or other medicines you might be taking. Some herbs or other complementary or alternative treatments may keep your medicines from doing what they are supposed to do, or could be harmful when taken with other medicines or in high doses. It also is very important that you talk to your doctor or health care provider before you decide to take any alternative or herbal product, including Laetrile, Apricot Seeds, Omnizyme Forte Digestive Enzymes, Okra-Pepsin-E3, and Coral Calcium, instead of taking conventional cancer treatments that have been scientifically proven to be safe and effective in humans.

If you would like further information about complementary and alternative treatments for cancer, the following Internet web sites may be helpful:

1. The National Cancer Institute: [www.cancer.gov/cancertopics/pdq](http://www.cancer.gov/cancertopics/pdq); or
2. The National Center for Complementary and Alternative Medicines:

[www.nccam.nih.gov](http://www.nccam.nih.gov)

You also can contact the National Cancer Institute's Cancer Information Service at 1-800-4-CANCER or 1-800-422-6237.

Sincerely,

**ATTACHMENT B  
ENVELOPE TO BE SENT BY FIRST CLASS MAIL  
BY JAMES FRANKLIN CLARK**

Jim Clark's All Natural Cancer Therapy  
c/o Mr. Jim Clark  
6311 Riverdale Road  
Louisville, KY 40272-4563

[Name and Address of Purchaser of  
Jim Clark's All Natural Cancer Therapy Products]

**IMPORTANT HEALTH NOTICE ABOUT  
JIM CLARK'S ALL NATURAL CANCER THERAPY PRODUCTS**

**ATTACHMENT B  
ENVELOPE TO BE SENT BY FIRST CLASS MAIL  
BY CARRIE HATCHER**

Carrie's Potent Nutritional Supplements  
c/o Ms. Carrie Hatcher  
9605 April Way  
Louisville, KY 40272

[Name and Address of Purchaser of  
Carrie's Potent Nutritional Supplements]

**IMPORTANT HEALTH NOTICE ABOUT  
CARRIE'S POTENT NUTRITIONAL SUPPLEMENTS**