UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION, *Plaintiff,* v. NEXTGEN NUTRITIONALS, LLC, a limited liability company, STRICTLY HEALTH CORPORATION, LLC, a limited liability company, CYBER BUSINESS TECHNOLOGY, LLC, a limited liability company, ANNA MCLEAN, individually and as an officer or manager of NEXTGEN NUTRITIONALS, LLC, STRICTLY HEALTH CORPORATION, LLC, AND CYBER BUSINESS TECHNOLOGY, LLC, and ROBERT MCLEAN, individually and as an officer or manager of NEXTGEN NUTRITIONALS, LLC, STRICTLY HEALTH CORPORATION, LLC, AND CYBER BUSINESS TECHNOLOGY, LLC, *Defendants.*	Case No. 8:17-cv-2807-T-36AEP

STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff, the Federal Trade Commission ("Commission" or "FTC"), filed its Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C.

§ 53(b). Doc. 1. The Commission and Defendants, Anna McLean, individually and as an officer or manager of Nextgen Nutritionals, LLC, Strictly Health Corporation, LLC, and Cyber Business Technology, LLC and Robert McLean, individually and as an officer or manager of Nextgen Nutritionals, LLC, Strictly Health Corporation, LLC, and Cyber Business Technology, LLC ("Defendants") stipulate to the entry of this Stipulated Final Order for Permanent Injunction and Other Equitable Relief ("Order") to resolve all matters in dispute in this action between them.

THEREFORE, **IT IS ORDERED** as follows:

FINDINGS

1. This Court has jurisdiction over this matter.

2. The Complaint charges that Defendants participated in deceptive acts or practices and disseminated false advertisements in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the advertising, labeling, promotion, offering for sale, sale, or distribution of the following products: BioMazing HCG, a liquid advertised to force the body to burn calories and cause substantial weight loss; Hoodoba, a capsule advertised to suppress the appetite and cause substantial weight loss; Fucoidan Force, a capsule advertised to fight cancer by causing cell death and reducing the size of tumors, prevent the spread of HIV and AIDs, lower high blood pressure, and improve liver health; Immune Strong, a capsule advertised to prevent or reduce the risk of colds and flu, and to combat diseases including multiple sclerosis, HIV, AIDS, and cancer; and VascuVite, a tablet claimed to treat hypertension.

3. Defendants neither admit nor deny any of the allegations in the Complaint, except as

specifically stated in this Order. Only for purposes of this action, Defendants admit the facts necessary to establish jurisdiction.

4. Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorneys' fees.

5. Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For the purpose of this Order, the following definitions apply:

1. "Corporate Defendants" means NextGen Nutritionals, LLC, Strictly Health Corporation, LLC, and Cyber Business Technology, LLC, and their successors and assigns. Nature's Bioscience, LLC, is a successor and assign of NextGen Nutritionals, LLC, and Strictly Health Corporation, LLC. CBT Bioscience is an alias of Nature's Bioscience, LLC.

2. "Covered Product" means any food, drug, or dietary supplement, including but not limited to BioMazing HCG, Hoodoba, Fucoidan Force, Immune Strong, and VascuVite.

3. "Defendants" means the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

4. "Dietary Supplement" means: (A) any product labeled as a dietary supplement or otherwise represented as a dietary supplement; or (B) any pill, tablet, capsule, powder, softgel, gelcap, liquid, or other similar form containing one or more ingredients that is a vitamin, mineral, herb or other botanical, amino acid, probiotic, or other dietary substance for use by humans to supplement the diet by increasing the total dietary intake, or a concentrate,

metabolite, constituent, extract, or combination of any ingredient described above, that is intended to be ingested, and is not represented to be used as a conventional food or as a sole item of a meal or the diet.

5. "Drug" means: (A) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (C) articles (other than food) intended to affect the structure or any function of the body of humans or other animals; and (D) articles intended for use as a component of any article specified in (A), (B), or (C); but does not include devices or their components, parts, or accessories.

6. "Essentially Equivalent Product" means a product that contains the identical ingredients, except for inactive ingredients (e.g., binders, colors, fillers, excipients), in the same form and dosage, and with the same route of administration (e.g., orally, sublingually), as the Covered Product; provided that the Covered Product may contain additional ingredients if reliable scientific evidence generally accepted by experts in the relevant field indicates that the amount and combination of additional ingredients is unlikely to impede or inhibit the effectiveness of the ingredients in the Essentially Equivalent Product.

7. "Food" means: (A) any article used for food or drink for humans or other animals; (B) chewing gum; and (C) any article used for components of any such article.

8. "Including" means "including but not limited to."

9. "Individual Defendants" means Anna McLean and Robert McLean.

10. The terms "and" and "or" in this Order shall be construed conjunctively or

disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

ORDER

IT IS ORDERED that the Joint Motion for Entry of Stipulated Final Order for Permanent Injunction and Other Equitable Relief (Doc. 3) is **GRANTED**.

I. BANNED WEIGHT-LOSS CLAIMS

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, are permanently restrained and enjoined from making, or assisting others in making, expressly or by implication, including through the use of a product or program name, endorsement, depiction, or illustration, any representation that such product:

A. Causes weight loss of two pounds or more a week for a month or more without diet or exercise;

B. Causes weight loss no matter what or how much the consumer eats;

C. Causes permanent weight loss;

D. Blocks the absorption of fat or calories to enable consumers to lose substantial weight;

E. Safely enables consumers to lose more than three pounds per week for more than four weeks;

F. Causes substantial weight loss for all users; or

G. Causes substantial weight loss by wearing a product on the body or rubbing it into the skin.

II. PROHIBITED REPRESENTATIONS REGARDING WEIGHT AND DISEASE-RELATED CLAIMS

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, are permanently restrained and enjoined from making, or assisting others in making, expressly or by implication, including through the use of a product or program name, endorsement, depiction, or illustration, any representation, other than a representation banned under the Section entitled Banned Weight-Loss Claims, that such product:

A. Causes or assists in causing weight loss;

B. Causes the body to burn fat or feed off of existing fat reserves;

C. Suppresses the appetite or causes consumers to reduce caloric intake;

D. Prevents hunger in persons following a reduced or low calorie diet;

E. Resets the metabolism or prevents the body from storing fat;

F. Cures, mitigates, or treats any disease, including but not limited to cancer, multiple sclerosis, HIV, AIDS, herpes simplex, or hepatitis;

G. Kills cancer cells or reduces the size of tumors;

H. Improves liver health, including by reducing or preventing fibrotic tissue;

I. Reduces cholesterol;

J. Reduces systolic or diastolic blood pressure, or both; or

K. Reduces the likelihood of viral infections;

unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence substantiating that the representation is true. For purposes of this Section, competent and reliable scientific evidence shall consist of human clinical testing of the Covered Product, or of an Essentially Equivalent Product, that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. Such testing must be: (1) randomized, double-blind, and placebo-controlled; and (2) conducted by researchers qualified by training and experience to conduct such testing. In addition, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as described in the Section entitled Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies must be available for inspection and production to the Commission. Persons covered by this Section have the burden of proving that a product satisfies the definition of Essentially Equivalent Product.

III. PROHIBITED REPRESENTATIONS REGARDING OTHER HEALTH-RELATED CLAIMS

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, are permanently restrained and enjoined from making, or assisting others in making, expressly or by implication, including through the use of a product or program name, endorsement, depiction, or illustration, any representation, other than representations covered under the Sections of this Order entitled Banned Weight-Loss Claims and Prohibited Representations Regarding Weight and Disease-Related Claims, about the health benefits, performance, efficacy, side effects, or safety, including, but not limited to, safety for use by patients with breast cancer, uterine cancer, ovarian cancer, or other forms of cancer, of any Covered Product, or about its effect on a consumer's ability to work, unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

For purposes of this Section, competent and reliable scientific evidence means tests, analyses, research, or studies (1) that have been conducted and evaluated in an objective manner by experts in the relevant disease, condition, or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results;

and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the Covered Product, or of an Essentially Equivalent Product, when such experts would generally require such human clinical testing to substantiate that the representation is true. In addition, when such tests or studies are human clinical tests or studies, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as set forth in the Section entitled Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies must be available for inspection and production to the Commission. Persons covered by this Section have the burden of proving that a product satisfies the definition of Essentially Equivalent Product.

IV. PROHIBITED REPRESENTATIONS REGARDING TESTS, STUDIES, OR OTHER RESEARCH

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product are permanently restrained and enjoined from misrepresenting, in any manner, expressly or by implication, including through the use of any product name, endorsement, depiction, or illustration:

A. That any Covered Product is proven to:

1. Cause consumers to reduce calorie intake;

2. Reduce the likelihood of viral infections;

3. Reduce cholesterol;

4. Reduce or relieve the symptoms of HIV, herpes simplex, or hepatitis;

5. Lower systolic and/or diastolic blood pressure;

6. Improve liver health, including by reducing fibrotic tissue or preventing more fibrosis from occurring;

B. That the performance or benefits of any product are scientifically or clinically proven or otherwise established; or

C. The existence, contents, validity, results, conclusions, or interpretations of any test, study, or other research.

V. PRESERVATION OF RECORDS RELATING TO COMPETENT AND RELIABLE HUMAN CLINICAL TESTS OR STUDIES

IT IS FURTHER ORDERED that, with regard to any human clinical test or study ("test") upon which Defendants rely to substantiate any claim covered by this Order, Defendants shall secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, including:

A. All protocols and protocol amendments, reports, articles, write-ups, or other accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or any other person not employed by the research entity;

B. All documents referring or relating to recruitment; randomization; instructions, including oral instructions, to participants; and participant compliance;

C. Documents sufficient to identify all test participants, including any participants who did not complete the test, and all communications with any participants relating to the test; all raw data collected from participants enrolled in the test, including any participants who did not complete the test; source documents for such data; any data dictionaries; and any case report forms;

D. All documents referring or relating to any statistical analysis of any test data, including any pretest analysis, intent-to-treat analysis, or between-group analysis performed on any test data; and

E. All documents referring or relating to the sponsorship of the test, including all communications and contracts between any sponsor and the test's researchers.

Provided, however, the preceding preservation requirement does not apply to a reliably reported test, unless the test was conducted, controlled, or sponsored, in whole or in part by: (1) any Defendant; (2) any Defendant's officers, agents, representatives, or employees; (3) any other person or entity in active concert or participation with any Defendant; (4) any person or entity affiliated with or acting on behalf of any Defendant; (5) any supplier of any ingredient contained in the product at issue to any of the foregoing or to the product's manufacturer; or (6) the supplier or manufacturer of such product.

For purposes of this Section, "reliably reported test" means a report of the test has been published in a peer-reviewed journal, and such published report provides sufficient information about the test for experts in the relevant field to assess the reliability of the results.

For any test conducted, controlled, or sponsored, in whole or in part, by Defendants, Defendants must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of any personal information collected from or about participants. These procedures must be documented in writing and must contain administrative, technical, and physical safeguards appropriate to Corporate Defendants' size and complexity, the nature and scope of Defendants' activities, and the sensitivity of the personal information collected from or about the participants.

VI. PROHIBITED REPRESENTATIONS REGARDING PRODUCT INGREDIENTS, ENDORSEMENTS, AND SEAL PROGRAMS

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service are permanently restrained and enjoined from misrepresenting, in any manner, expressly or by implication:

A. The ingredients in any product;

B. That purported consumers who appear in advertising obtained the purported result through use of the product or service;

C. That an entity providing an endorsement, seal, or certification has reviewed the ethics or trustworthiness of any business;

D. That an entity providing an endorsement, seal, or certification has verified that advertisements are accurate or reveal all material facts; or

E. That an entity providing an endorsement, seal, or certification is independent of the product or service advertiser.

VII. FDA-APPROVED CLAIMS

IT IS FURTHER ORDERED that nothing in this Order prohibits Defendants, Defendants' officers, agents, employees, and attorneys, or all other persons in active concert or participation with any of them from:

A. For any drug, making a representation that is approved in labeling for such drug under any tentative final or final monograph promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration; and

B. For any product, making a representation that is specifically authorized for use in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990 or permitted under Sections 303-304 of the Food and Drug Administration Modernization Act of 1997.

VIII. MONETARY JUDGMENT AND PARTIAL SUSPENSION

IT IS FURTHER ORDERED that:

A. Judgment in the amount of One Million, Three Hundred Forty-Four Thousand, One Hundred Seventy-Three Dollars ($1,344,173) is entered in favor of the Commission against Individual Defendants and Corporate Defendants, jointly and severally, as equitable monetary relief.

B. Defendants are ordered to pay to the Commission Twenty-Nine Thousand and Thirty Dollars ($29,030), which, as Defendants stipulate, their undersigned counsel holds in escrow for no purpose other than payment to the Commission. Such payment must be made within seven days of entry of this Order by electronic fund transfer in accordance with instructions previously provided by a representative of the Commission.

C. Upon compliance with Section VIII.B., the remainder of the judgment is suspended, subject to the Subsections below.

D. The Commission's agreement to the suspension of part of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of Defendants' sworn financial statements and related documents (collectively, "financial attestations") submitted to the Commission, namely:

1. The Financial Statement of Anna McLean, dated May 23, 2017;
2. The Financial Statement of Robert McLean, dated May 23, 2017;
3. The Financial Statement of Nature's Bioscience, LLC, dated May 23, 2017;
4. The Financial Statement of NextGen Nutritonals, LLC, dated December 16, 2016, and the NextGen Nutritionals 2016 Estimated End of Year Report, Bates No. FTC-NextGen 323;
5. The Financial Statement of Strictly Health Corp, LLC dated December 16, 2016;

6. The Financial Statement of Cyber Business Technology, LLC, dated December 16, 2016;

7. The 2013, 2014, and 2015 U.S. Individual Income Tax Returns for Robert and Anna McLean, submitted to the FTC on December 19, 2016; and the 2016 U.S. Individual Income Tax Return for Robert and Anna McLean submitted to the FTC on April 24, 2017;

8. The transcript of the May 25, 2017 deposition of Anna and Robert McLean (and referenced Exhibits 1, 2, 3, and 4);

9. The letter from Leonard L. Gordon to Janet Evans dated May 5, 2017 and referenced documents Bates Nos. FTC-NextGen 445-468;

10. The letter from Leonard L. Gordon to Janet Evans dated May 23, 2017 and referenced documents Bates Nos. FTC-NextGen 459 through FTC-NextGen 498; and

11. The email from Leonard L. Gordon to Janet Evans dated June 14, 2017, transmitting the two Notices of Action Taken, dated June 9, 2017, from Creative Lending LLC to Robert McLean and Anna McLean.

E. The suspension of the judgment will be lifted as to any Defendant if, upon motion by the Commission, the Court finds that Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial attestations identified above.

F. If the suspension of the judgment is lifted, the judgment becomes immediately due as to that Defendant in the amount specified in Subsection A above (which the parties stipulate only for the purposes of this Section represents the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

G. Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

H. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

I. The facts alleged in the Complaint establish all the elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

J. Defendants acknowledge that their Social Security Numbers and Taxpayer Identification Numbers, which Defendants previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

K. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for equitable

relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

IX. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, are permanently restrained and enjoined from directly or indirectly:

A. Failing to provide sufficient information to enable the Commission to efficiently administer consumer redress. If a representative of the Commission requests in writing any information related to redress, Defendants must provide it, in the form prescribed by the Commission, within 14 days.

B. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, Social Security number, other identifying information, or any data that enables access to a customer's

account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of this Order in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution, of BioMazing HCG, Hoodoba, Fucoidan Force, Immune Strong, and VascuVite.

C. Failing to destroy such consumer information in all forms in their possession, custody, or control within 30 days after receipt of a written direction to do so from a representative of the Commission.

Provided, however, that customer information need not be destroyed, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

X. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendants obtain acknowledgments of receipt of this Order:

A. Each Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 20 years after entry of this Order, the Corporate Defendants and the Individual Defendants, for any business engaged in conduct related to the subject matter of the Order, that any of them, individually or collectively with any other Defendant, is the majority owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3)

any business entity resulting from any change in structure as set forth in the Provision titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which a Defendant delivered a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

XI. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendants make timely submissions to the Commission:

A. Sixty days after entry of this Order, each Defendant must submit a compliance report, sworn under penalty of perjury:

1. Each Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Defendant; (b) identify all of that Defendant's businesses by all of their names, including any aliases or fictitious names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which the Individual Defendant must describe if he knows or should know due to his own involvement); (d) describe in detail whether and how that Defendant is in

compliance with each Provision of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

2. Additionally, the Individual Defendant must: (a) identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences; (b) identify all business activities, including any business for which the Individual Defendant performs services whether as an employee or otherwise and any entity in which the Individual Defendant has direct or indirect control; and (c) describe in detail the Individual Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 10 years after entry of this Order, each Defendant must submit a compliance notice, sworn under penalty of perjury, within 30 days of any change in the following:

1. Each Defendant must report any change in: (a) name, including use of any aliases or fictitious names; (b) any designated point of contact; or (c) the structure of the Corporate Defendant or any entity that such Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

2. Additionally, the Individual Defendant must report any change in: (a)

name, including aliases or fictitious names, or residence address; or (b) title or role in any business activity, including any business for which such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has direct or indirect control, and identify the name, physical address, and any Internet address of the business or entity.

C. Each Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Defendant within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____" and supplying the date, signatory's full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. NextGen Nutritionals, LLC, et al.

XII. RECORDKEEPING

IT IS FURTHER ORDERED that Defendants must create certain records for 10

years after entry of the Order, and retain each such record for 5 years. Specifically, the Corporate Defendants and each Individual Defendant for any business that such Defendant, individually or collectively with any other Defendant, is a majority owner or controls directly or indirectly, must create and retain the following records:

A. Accounting records showing the revenues from all goods or services sold;

B. Customer files obtained after entry of this Order showing the names, addresses, telephone numbers, dollar amounts paid, and the quantity and description of goods or services purchased;

C. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;

D. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

E. All records necessary to demonstrate full compliance with each Provision of this Order, including all submissions to the Commission; and

F. A copy of each unique advertisement or other marketing material.

XIII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants' compliance with this Order, including any failure to transfer any assets as required by this Order:

A. Within 14 days of receipt of a written request from a representative of the

Commission, each Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Commission is authorized to communicate directly with each Defendant. Defendant must permit representatives of the Commission to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Defendants or any individual or entity affiliated with Defendants, without the necessity of identification or prior notice. Nothing in this Order limits 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.

D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning the Individual Defendant, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

XIV. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order for one year.

The Clerk is directed to terminate all pending motions and close this case.

Accordingly, PURSUANT TO STIPULATION, IT IS DONE AND ORDERED in Tampa, Florida on this 9th day of January, 2018.

Charlene Edwards Honeywell

Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any