

# Marilyn Tenney

## Gourmet to Go Distributor

June 12, 2006

To Whom It May Concern:

I am writing this letter because I am concerned about the proposed Business Opportunity Rule R511993. I believe that in its present form, it would prevent me from continuing as a Gourmet to Go distributor. I understand that part of the FTC's responsibilities is to protect the public from "unfair and deceptive acts or practices," yet some of the sections in the proposed rule will make it very difficult, if not impossible, for me to sell Gourmet to Go products.

I have been a Gourmet to Go distributor for about six months and was really looking forward to getting this business going strong. I originally became a distributor with this company because I felt the products were exceptional and I wanted to earn some additional income. The financial future of my family is dependent on the stability of the direct selling industry and particularly this company.

One of the most confusing and burdensome sections of the proposed rule is the seven-day waiting period to enroll new distributors. This company does not offer a sales kit, so a waiting period is absolutely unnecessary. People buy TVs, cars, appliances and other items for which they do not have to wait seven days. This proposed waiting period gives the impression that there might be something wrong with the company or the compensation plan. Under this waiting period requirement, I would need to keep very detailed records about when I first speak to someone about Gourmet to Go, and will then need to send in an inordinate number of reports to my company headquarters.

The proposed rule also calls for the release of **any** information regarding lawsuits involving misrepresentation or unfair or deceptive practices. It does not matter if the company was found innocent. Today, anyone or any company can be sued for almost anything. It does not make sense to me that I would have to disclose these lawsuits unless Gourmet to Go is found guilty. Whatever happened to "innocent until proven guilty? Otherwise, Gourmet to Go and I are put at an unfair advantage even though the company has done **nothing** wrong.

Finally, the proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser or distributor. I am happy to

provide references, but in this day of identity theft, I am not willing to give out the personal information of individuals (without their approval) to complete strangers.

Also, giving away this information could damage the business relationship of those people who may be involved in other companies or businesses including those of competitors. In order to obtain the list of the 10 prior purchasers/distributors, I would be required to send the address of the prospective purchaser/distributor to Gourmet to Go headquarters and then wait for the list.

The following sentence required by the proposed rule will prevent many people from wanting to sign up as a distributor: "If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers." People are very concerned about their privacy and about possible identity theft. They will be reluctant to share their personal information with individuals they may have never met.

I understand that the FTC tries to protect consumers, but I believe this proposed new rule has many unintended consequences and goes way overboard in protectionism, and I believe there are less burdensome alternatives available to achieving your goals.

Thank you for your time in considering my comments.

Respectfully,

Marilyn Tenney