

JOHN FLEMING

USANA Health Sciences
Independent Associate

8/8/2006

Dear Federal Trade Commission,

I am afraid that the proposed Business Opportunity Rule (R511993) in its current form could seriously destroy my independent USANA Health Sciences business. I realize that the FTC has a duty to protect the public from fraudulent practices, but the requirements set forth by this rule will genuinely hurt those of us who have spent years putting our hearts and souls into building legitimate and lawful home based businesses.

The proposed rule requires independent USANA associates to wait seven days to enroll new associates. I believe this is unnecessary, because USANA has a 30 day, 100% buy back policy on all of their products. I also think this section of the rule will make USANA's business plan seem shady, which in turn, will greatly hinder our effort to show how fair and straightforward it really is.

The proposed rule also requires the release of any lawsuit information involving misrepresentation or unfair practices. I can appreciate this rule if a company was found guilty, but it's not fair for a company that is found innocent to have to disclose this information. Any company can be sued for almost anything. When a potential customer hears the word lawsuit, their interest is likely to disappear, even if the company was completely in the clear.

Finally, the proposed rule requires the company to disclose to each prospective independent USANA associate 10 names and contact information of the previously enrolled independent associates who live nearest to him or her. I can't believe that this is even a consideration. As a fire fighter and an EMT in the state of Texas, I am very familiar with privacy laws and why we have them. If I shared my patient information to anyone other than an assisting paramedic or a physician, I could be sued and would likely lose my job. I think I understand why this is a consideration, but I know without a doubt this will do more harm than good. I'm very concerned about my privacy and I don't want my personal information available to strangers. I'd also never want to put someone in the position of being a possible victim of identity theft.

I have been an independent USANA associate for more than six years. I've made countless sacrifices to succeed in my business. Like many of us, I truly depend on this extra income. I am grateful for the protection that the FTC provides for the public, but I believe this new rule will harm the good companies in this industry such as USANA Health Sciences. I don't think it's the FTC's intent to hurt good companies. Hopefully, after learning how this may be detrimental to so many of us, a different approach can be used to achieve the goal of protecting the public and the direct selling industry.

Sincerely,

John Fleming