

From: Philip M. Guido

To: Federal Trade Commission/Office of the Secretary, Room H-135 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580
RE: Business Opportunity Rule, R511993

I am writing this letter because I am **concerned about the proposed Business Opportunity Rule R511993**. I understand that part of the FTC's responsibilities is to protect the public from "unfair and deceptive acts or practices." My concern is that the proposed rule will negatively affect legitimate companies as well. Some sections in the proposed rule will make it very difficult if not impossible for me to sell Market America products and services. Indeed, in its current form, I believe Rule R511993 could prevent me from continuing as a Market America Independent Distributor entirely.

I have been an Independent Distributor for Market America, Inc. for more than 12 years. Previously I was the owner and Supervising Pharmacist of a busy Long Island pharmacy. I owned my pharmacy business for nineteen years. Originally, I became a customer of the Market America's products. Because I like them and wanted to earn some additional money – I became a Market America business owner. Over a period of several years I was able to develop my Market America business into a full-time business. I closed my pharmacy business in February of 1997 and **for the past 10 years my family has depended on my Market America business as my full-time income source.** My association with Market America has been nothing but a positive experience.

To participate as a Market America Unfranchise Owner one must purchase a subscription kit for under \$100. **One of the most confusing and burdensome sections of the proposed rule is the seven day waiting period to enroll new distributors.** People buy computers, I-pods, TVs, cars, and other items that cost much more than that and they do not have to wait seven-days. This waiting period gives the impression that there might be something wrong with Market America's business plan. **The seven day waiting period for a hand-gun license makes good common sense. But a seven day wait to pay a \$99 subscription fee to start a home business makes no sense to me!** Not only is this unnecessary, under this waiting period requirement, I will need to keep very detailed records about when I first speak to someone about Market America and will then have to send in many reports to Market America headquarters. The paperwork will be overbearing and burdensome.

The proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser. **This requirement may be in violation of my state's laws regulating referrals, testimonials and advertising.** Had I been told that my name and phone number was to be given freely to any and all other individuals who expressed an interest in Market America, I would not have become a business owner at all. **Identity**

theft is a major problem in today's world, and I don't want my privacy violated by having someone give my personal information to strangers.

The proposed rule also calls for the release of any information regarding lawsuits. 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. Market America and I are put at an unfair disadvantage - even though Market America has done nothing wrong.

I appreciate the work of the FTC to protect consumers, but I believe this proposed new rule has many unintended consequences for small business owners like me. And, that there are less burdensome alternatives available in achieving its goals. By all means – let's get control of all the fly by night scams, gimmicks and schemes. But let's do it in a way where you don't do unnecessary damage to legitimate companies and to all the honest, hardworking people associated with legitimate companies like Market America.

Thank you for your time in considering my comments.

Sincerely,

Philip M. Guido,
