

From:  
Paul and Jan Kingery  
Doing business as:  
SimplyTrim

May 16, 2006

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

We are writing this letter because we are concerned about the proposed Business Opportunity Rule R511993. We feel that, in its present form, it would unduly disrupt us from continuing our business as Take Shape for Life Health Advisors. We whole heartily agree with the FTC's responsibilities to protect the public from unfair, deceptive and outright illegal acts and practices. However, some of the sections in the proposed rule will put undue burden on those of us who offer the Take Shape for Life programs and Medifast products to those in need of them.

As we understand, the proposed rule calls for the release of any information regarding lawsuits involving misrepresentation or unfair and deceptive practices. It doesn't seem to matter if the company was found innocent. With today's "Lawsuit happy" climate, it doesn't make sense to us to have to disclose these lawsuits unless TSFL is found guilty. Otherwise, it would appear to others that TSFL and we are at an unfair advantage even though no wrong had been committed.

Finally, the proposed rule requires the disclosure of no less than 10 prior purchasers nearest to the prospective purchaser. We have no problem with providing references, or lists of other satisfied clients, but we do not want to contribute to identity theft by handing out other people's personal information, especially without their knowledge or approval. If anything, this rule would enhance the ability to steal other's personal identity and, in effect, do much more harm than good. In addition, it would be a logistical nightmare for TSFL to constantly be issuing lists of 10 prior purchasers every time we worked with a prospective client.

We also think the following sentence required by the proposed rule will prevent many people from wanting to join our business as fellow Health Advisors: "If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers." People would understandingly be very reluctant to share their personal information with strangers, as they should be.

We have been Take Shape for Life Health Advisors for over 18 months. Originally, we joined because of how wonderful and effective the products were in helping my wife lose weight, as well as how good the quality of both the products and the company appeared

to be. The longer we have been with TSFL, the better we found the company to be. Years ago, we were in several other opportunities. Some of these seemed a bit deceptive and “too good to be true”, but not so bad as to call them “crooked”. However, with TSFL, there is absolutely no deception, but only honest, caring people with exceptional products and an outstanding business model. We have no qualms whatsoever in telling our closest friends, and family about this opportunity. Even our Pastor at church is very interested and you can imagine how many schemes they are exposed to.

In conclusion, we appreciate the good intentions of the FTC in trying to protect people from unscrupulous and shady people who push some worthless product or business onto them. They say “Let the buyer beware”, but I also believe that a certain degree of protection should be afforded to the average citizen. However, (having worked for the federal government myself for 36 years) often times the good intentions end up causing much worse consequences for perfectly innocent people trying to do something good for this country.

It seems like the FTC should really examine the consequences of this rule and come up with something much more reasonable and workable. Also, the FTC would better serve the public in going after the true criminals found in other areas of business instead of direct selling.

Thank you for your time and patience in reading our lengthy comments. And, may you exercise due diligence in your decision making to assure you don't make things worse.

Sincerely,

Paul and Jan Kingery