

From the Office of:
Tony & Tammy Daum
Team Dynamite, Inc.

July 14, 2006

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580

RE: Business Opportunity Rule, R511993

Dear Sir or Madam:

We are writing this letter because of our concern that the proposed Business Opportunity Rule #R511993 by the FTC, in its current form, could severely damage or even destroy our current business as an independent distributor with Usana Health Sciences. We have worked very hard over the last four and a half years to build a successful business with this company. We truly understand and appreciate the effort that the FTC is making to protect the general public from “unfair and deceptive practices,” but we believe that this new rule is too broad and in addition to curtailing unfair and deceptive business practices, it will severely impair people who are building honest, high integrity businesses with legitimate companies. In essence, this rule is lumping us in with the “bad guys” and making us look like bad guys too.

The section that concerns us the most is the seven day waiting period. The public is going to question the authenticity of a good business which has a seven day waiting period attached to it. We feel this is unnecessary for our business as well as any other business that practices under the governing of the Direct Selling Association. For example, at Usana Health Sciences, it only costs \$19.95 or \$49.95 to become an independent associate. (One is an electronic version, or you can select the hand-held version.) In addition, we offer a 100% money-back guarantee on all products purchased, including our sales tools, within 30 days. Beyond that, we offer a 90% buy-back up to 12 months from the date of purchase. In our opinion, this eliminates the need for a seven day waiting period. In addition, this could cause administrative problems, and cause unnecessary delays. What is needed in our industry, is for more companies to do business with the integrity that we do it with Usana Health Sciences. We should not have to pay the price for a few unscrupulous companies. Imagine the economic burden that would be created, if you created a seven day waiting period on all businesses across the board including standard retailing. It wouldn't be fair to that industry, and it's not fair to our industry. What is needed are safeguards such as buy-back guarantees that would adequately protect the consumer without burdening the companies and independent associates that are doing a legitimate business.

In regards to the litigation information rule which calls for the release of any information regarding lawsuits involving misrepresentation, or unfair or deceptive practices, we are not opposed to unscrupulous companies who have been found guilty in lawsuits to have to disclose this information to the public. However, in a society where anyone can sue anyone else for any reason just so they can make a quick buck, it is not fair for a company to have to disclose every time they're sued if it is unfounded or the company is found not guilty. This rule has the potential to tarnish or smear great reputations of great companies by the disclosure of frivolous lawsuits. In addition, it also has the potential to make our company, Usana Health Sciences, or any company, appear guilty of wrong-doing even though the company may have done nothing wrong.

In regards to the proposed rule requiring disclosure of a list of ten names of associates who live nearest the potential enrollee, first and foremost, this is going to violate the right of individuals to keep their personal information private. And, that flies in the face of the current trend in government to protect identity and privacy. In most industries, the trend in government and the private sector, is the protection of data, trade secrets, and especially the identities and privacy of the individuals involved. This rule flies in the face of that trend. In addition, there are many individuals who will not join because they want to protect their privacy, which in a society of identity theft, sexual predators, and more, is certainly understandable. It also opens up the potential for even higher levels of unscrupulous activity, by giving the very people you are trying to weed out with this ruling, access to lists of distributors from reputable companies, such as ours, for the purposes of stealing our associates to join their unscrupulous company--not to interview them for the validity of joining our company. This rule will create more problems than solutions in our industry, and cannot be allowed. Plus, there will be an unfair and undue workload placed on people, who will now have to field a high level of calls in their already busy work days. Another example of what can happen as a result of this ruling is that one person may call someone on a reference list, and after chatting with the person on the list, they decide they'd rather do business with that person for reasons including personality, experience, level of success, etc. creating a lost opportunity for the person that initial introduced them to the company. That would certainly be unfair to the "little guys" trying to build a new business. For many, many reasons, which we would be happy to discuss with you in detail, this rule would be absolutely devastating to our business and this industry.

We have been independent associates with Usana Health Sciences for over four and a half years. When we began with USANA, we enjoyed the products, and we got involved as associates on a part time basis. As a result of many hours of hard work, and training and supporting our associates, we were able to become full time USANA associates. Usana Health Sciences provides our sole source of income that we and our two children live on. We love what we do, and we continue to provide great training and support to our team. And, we are proud of the fact that we have helped other people find success for their families. When we began our journey with USANA, we were starting over financially due to medical issues that caused a loss of income. This company has allowed us to recover and thrive financially. These rule changes would impact us in a most serious and devastating way. We, as many, in the Direct Selling Industry, derive our total income from this industry, and these rulings, could literally cause us to lose everything! We have worked very hard for what we have, and to provide for our children,

and their future, and we feel that these rulings will unfairly devastate many good people, building legitimate businesses with legitimate companies.

We appreciate the effort that the FTC is making to protect the public. However, we implore you to research, and come up with solutions that will improve this industry, weeding out the unscrupulous companies, while protecting the interests of companies that provide high quality products and opportunities for their associates.

Thank you for your time and consideration.

Tony & Tammy Daum