

SYMMETRY



June 15, 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:

The subject of this letter is my concern for the proposed New Business Opportunity Rule R511993 as it is currently being proposed. The proposed bill could very easily cripple Symmetry Corporation and more importantly our thousands of business partners' ability to do business. I am sensitive and supportive of the FTC's mandate to protect the public from "unfair and deceptive acts or practices," however, I believe that this proposed bill will harm that very public more than protect it.

Symmetry Corporation was founded in 1995. Our nutritional products help countless numbers of people improve their overall well being. We have more than 20,000 active Business Partners with annual sales in the tens of millions of dollars. The bulk of our business partners are average people who simply want to make a little extra money every month to help pay the bills or provide a better lifestyle for their families.

One of the most confusing and burdensome sections of the proposed rule is the seven day waiting period to enroll new Business Partners. Our sales kit only costs \$29.00; this is less than most trips to the grocery store. And considering that Symmetry already has a 90% buyback policy for all products including sales kits purchased by a salesperson within the last twelve months, it seems overly burdensome. Under this waiting period requirement, Symmetry will need to keep very detailed records when a Symmetry business partner first makes contact with a prospective purchaser. For the Symmetry business partners, this first contact could be a casual conversation at a social gathering. Documentation and retention of these kinds of records would be a nightmare with staggering administrative costs attached.

Under the proposed rule, Symmetry's business opportunity will fall under FTC regulatory authority, since the existing \$500 threshold under existing franchise rule will be eliminated. The mountain of complex documentation that this would now require for a \$29.00 transaction would be disastrous as well as ludicrous.

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The proposed rule also calls for the release of **any** information regarding prior litigation and civil or criminal legal actions involving misrepresentation, or unfair or deceptive practices. Since Symmetry Corporation transactions are so small in nature, all of the disputes we have are normally simple misunderstandings between our business partners and are easily resolved once they reach the corporate level. To be required to keep track of and document any or all of these events would create a burden on the company and I do not believe would add any value to the prospective business partner. In addition, there are corporate business dealings that take place on a corporate level that might fall under this venue. Should a business partner be concerned, for example, about litigation between the company and a software provider if their contract dispute contains a claim for misrepresentation?

One of the damaging and burdensome requirements of the proposed rule requires direct sellers to gather information such as time periods, business partner demographic/geographic data and earnings claims. Our business is very fluid. Since 90% of the business partners are doing this as a part-time business to supplement their full time income, the data that the FTC is proposing we disclose would also be fluid. The business partners would have to be in constant contact with the office to update this material putting a much heavier administrative overhead on them. They have a limited amount of time to devote to building their businesses so this would definitely cut down on the amount of productive time they have. Symmetry already provides an average earnings matrix online that is periodically updated so it is very easy for any new business prospect to reference. The demographics/geographic makeup of our business partners have little use to someone new since they normally start doing their businesses by talking to people they know not the public at large. One of the powerful components of the direct sales industry is that a person can build a business any place they know people not in just one location.

Finally, the proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser. Symmetry Corporation is more than happy to provide references, but again in most cases our business partners are talking to their circle of influence so the point is mute. Even in the cases where they are talking to strangers who have heard about our business we would be even more reluctant to give out personal information like home addresses and phone numbers to total strangers. The business partners do not for most part have business addresses. They are building home based businesses and that makes this information very sensitive and makes us as a corporation responsible to safe guard their information. Giving out this information could result in privacy lawsuits or even worse. I cannot imagine very many prospects opting to join a company that must put on a form this disclaimer "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 identity theft.

Symmetry Corporation is writing this letter because while we appreciate that the FTC is proposing this new rule in order to protect consumers, we believe that it will have a huge negative impact on thousands and may actually destroy my business and the home based businesses of many innocent people. Surely there are less burdensome alternatives available in achieving the consumer protection goals stated in the proposed rule.

Thank you for your time in considering our comments.

Sincerely,

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