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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS:

Jon Leibowitz, Chairman

following representations or statements, including statements made as an expert endorser, among others:

A. * * *

What's New in the Lab by Dr. Mar

Prostate cancer incidence rates rose dramatically in the late 1980's with improved detection and diagnosis through widespread use of prostate specific antigen (PSA) testing

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What's New in the Lab by Dr. Mark Dreher



Mark Dreher, PhD
Chief Science Officer
POM Wonderful, LLC

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POM Wonderful 100% Pomegranate Juice and POMx are backed by a \$25 million dollar investment in world class scientific research. This includes ten clinical studies published in top peer reviewed medical journals that document the pomegranate's antioxidant health benefits such as heart and prostate health.

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In fact, studies funded by POM represent the vast majority of human medical research ever conducted on pomegranates.

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NEW POMEGRANATE RESEARCH OFFERS HOPE TO PROSTATE CANCER PATIENTS

A preliminary UCLA medical study involving POM Wonderful 100% Pomegranate Juice revealed promising news. 46 men who have been treated for prostate cancer with surgery or radiation were given 8oz [sic] of POM Wonderful 100% Pomegranate Juice to drink daily.

Patients with prostate cancer showed a prolongation of PSA doubling time, coupled with corresponding lab effects on reduced prostate cancer as well as reduced oxidated stress.

A majority of the patients experienced a significantly extended PSA doubling time. Doubling time is an indicator of prostate cancer progression – extended doubling time may indicate slowed disease progression.

Before the study the mean doubling time was 15 months. After drinking

8oz [sic] of pomegranate juice daily for two years, the mean PSA doubling time increased to 54 months. Testing on patient blood serum showed a 12% decrease in cancer cell proliferation and a 17% increase in cancer cell death (apoptosis).

— POMx Pills and liquid Prostate Newsletter (Fall 2007-Feb. 2008) [Exh. B]

5. As early as May 2007, respondent knew that a large, double-blind, placebo-controlled study, funded by POM Wonderful and led by Dr. Michael Davidson (the Davidson Study), showed no significant difference after 18 months between consumption of pomegranate juice and a control beverage in reducing carotid arterial wall thickness. The Davidson study was published in October 2009. Respondent participated in touting POM Wonderful's cardiovascular research and benefits despite the negative results of the Davidson study.
6. Through the means described in Paragraph 4, e

12. Through the means described in Paragraph 4, respondent has represented, including in some instances through statements as an expert endorser expressly or by implication, that he possessed and relied upon a reasonable basis, including an actual exercise of his represented expertise in evaluating medical research at least as extensive as an expert in the field would normally conduct in order to support the conclusions presented in the endorsement, that substantiated the representations set forth in Paragraph 11, at the time the representations were made.
13. In truth and in fact respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 11, at the time the representations were made. Therefore, the representation set forth in Paragraph 12 was, and is, false or misleading.
14. Respondent's practices, as alleged in this complaint, constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this ___ day of _____, 2010, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary