

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

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The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from International Corporation, formerly known as GeneWize Life Sciences, Inc. (“GeneWize”). The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves the advertising and promotion of purported genetically customized nutritional supplements and skin repair serum products, which and its co-respondent and former parent, GeneLink, Inc. (“GeneLink”), sold through a multi-level marketing (“MLM”) network. According to the FTC complaint, GeneLink represented that genetic disadvantages identified through the companies’ DNA assessments are scientifically proven to be mitigated by or compensated for with the companies’ nutritional supplements. The complaint alleges that this claim is false and thus violates the FTC Act. The FTC complaint also charges that the companies represented that these customized nutritional supplements: (1) effectively compensate for genetic disadvantages identified by respondents’ DNA assessments, thereby reducing an individual’s risk of impaired health or illness, and (2) treat or mitigate diabetes, heart disease, arthritis, and insomnia. The complaint alleges that these claims are unsubstantiated and thus violate the FTC Act.

personalized for a consumer based on that consumer's DNA or other genetic information, c 0 Tw -30.63 14.19y

considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the claim is true.

Part III of the consent order addresses claims regarding scientific research prohibits foru™, with regard to any Covered Product or any Covered Assessment from misrepresenting the existence, content, validity, results, or conclusions of any test, study, or research. This Part also prohibits foru™ from representing that the benefits of any Covered Product or any Covered Assessment are scientifically proven.

Part IV of the consent order provides that nothing in the order shall prohibit foru™ from making any representation for any product that is specifically permitted in labeling for such product by regulations promulgated by the FDA pursuant to the Nutrition Labeling and Education Act of 1990, that is permitted under sections 303-304 of the Food and Drug Administration Modernization Act of 1997, which, under certain circumstances permit claims about health and nutrient content as long as those claims are based on current, published, authoritative statements from certain federal scientific bodies

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- designate an employee ~~an~~ employees to coordinate and be accountable for the information security program;
- identify material internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks;
- design and implement reasonable safeguards to control the risks identified through risk assessment, and regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures;
- develop and use reasonable steps to select and retain service providers capable of appropriately safeguarding personal information ~~on the~~ from foruTM, and require service providers by contract to implement and maintain appropriate safeguards; and
- evaluate and adjust its information security program in light of the results of testing and monitoring, any material changes to operations or business arrangement, or any other circumstances that it knows or has reason to know may have a material impact on its information security program.