

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)	
)	
)	FILE NO. 952-3235
WESTERN DIRECT MARKETING GROUP, INC., and)	
WESTERN INTERNATIONAL MEDIA CORPORATION,)	AGREEMENT CONTAINING
corporations.)	CONSENT ORDER
)	

The Federal Trade Commission has conducted an investigation of certain acts and practices of Western Direct Marketing Group, Inc. and Western International Media Corporation, corporations ("proposed respondents"). Proposed respondents are willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Western Direct Marketing Group, Inc. and Western International Media Corporation, by their duly authorized officers, and counsel for the Federal Trade Commission that:

1.a. At relevant times herein, respondent Western Direct Marketing Group, Inc. was known as Television Marketing Group, Inc., a California corporation with its principal office or place of business at 8544 Sunset Boulevard, Los Angeles, California 90069.

1.b. Respondent Western International Media Corporation is a California corporation with its principal office or place of business at 8544 Sunset Boulevard, Los Angeles, California 90069.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint.

address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or

the order.

7. Proposed respondents have read the draft complaint and consent order. They understand that they may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has

and collected in an objective manner by persons

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of Cholestover or any other food, dietary

supplement or drug, as "food" and "drug" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce

shall not make any representation, in any manner, expressly or by implication:

- A. That such product significantly lowers or has any other effect on serum cholesterol levels, with or without changes in diet;
- B. That such product significantly lowers serum cholesterol levels or causes significant weight loss over 15 years eat foods high in fat, including fried

unless, at the time the representation is made, respondents
~~possess and rely upon consistent and reliable scientific evidence~~

that substantiates the representation.

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of Cholestaway or any
~~product, shall not in an offering or sale~~

use the name "Cholestaway" or any other name that represents, expressly or by implication, that the product will lower serum cholesterol levels, unless, at the time the representation is
~~made, respondents possess and rely upon consistent and reliable~~

At the time it is made, respondents possess evidence

upon competent and reliable scientific evidence that
~~substantiated the representation or~~

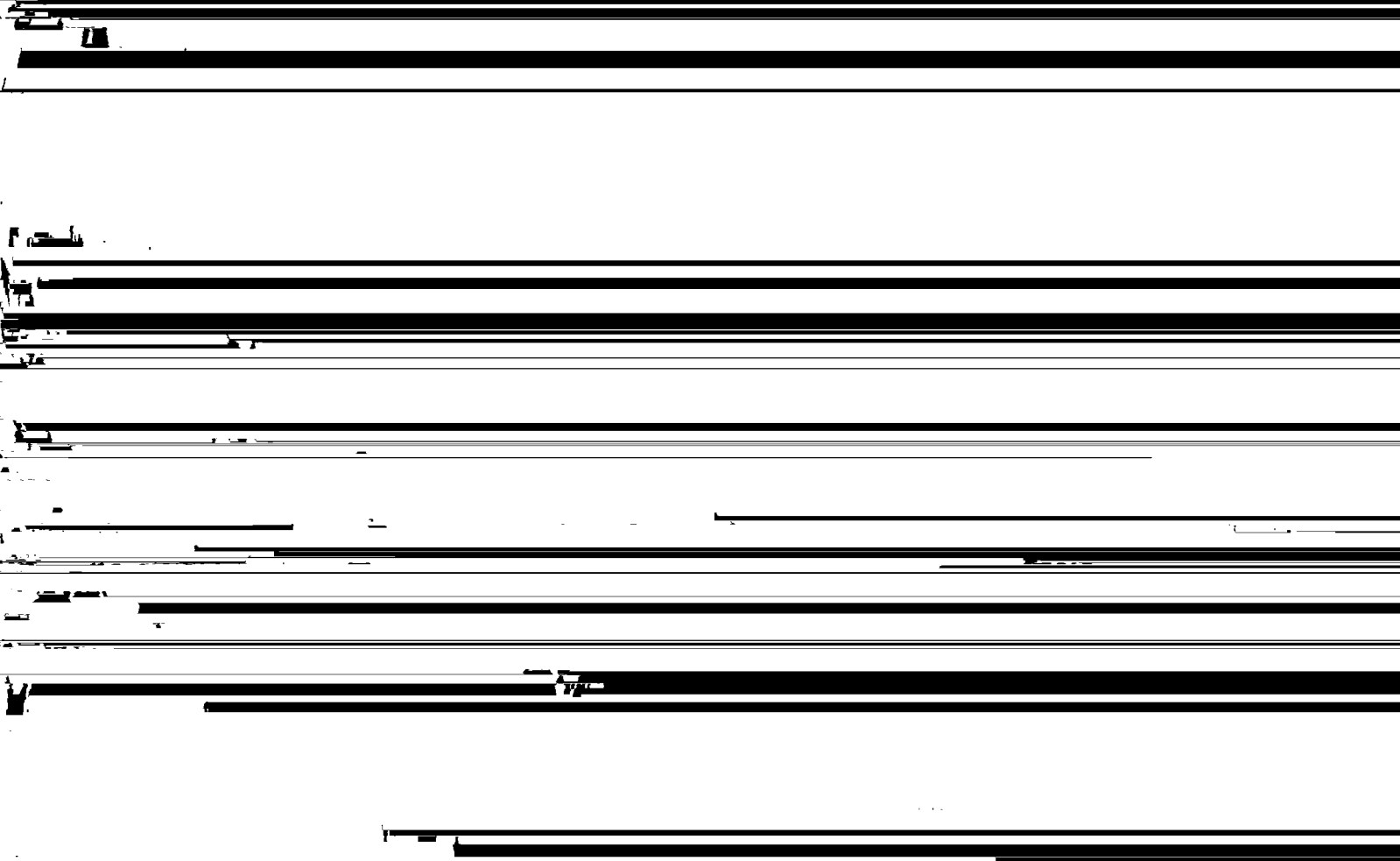
close proximity to the endorsement or testimonial,
either:

1. what the generally expected results would be for users of the product, or
2. the limited applicability of the endorser's

thirty (30) days prior to any change in the corporations that may affect compliance obligations arising under this order, including but not limited to a dissolution of a subsidiary, parent or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporations about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

X.

IT IS FURTHER ORDERED that respondents Western Direct Marketing Group and Western International Media Corporation and their successors and assigns shall, within sixty (60) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission



C. This order if such complaint is filed after the

Provided further, that if such complaint is dismissed or a federal court rules that the respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

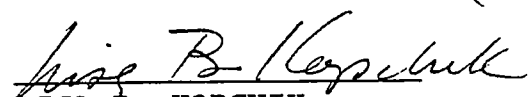
Signed this _____ 5th _____ day of _____ November _____, 19⁹⁷

WESTERN DIRECT MARKETING GROUP, INC.

A handwritten signature in black ink, appearing to be "C. M. ...", written over a horizontal line.


CHARLES B. CHERNOFSKY

Western Direct Marketing Group,
Inc. and Western International
Media Corporation


LISA B. KOPCHIK
Counsel for the Federal Trade
Commission

APPROVED:


C. LEE PEELER
Associate Director
Division of Advertising Practices