

1 WILLIAM E. KOVACIC
General Counsel

2
3 KEITH FENTONMILLER
EDWARD GLENNON
KIAL YOUNG
4 Attorneys for Plaintiff,
FEDERAL TRADE COMMISSION
5 601 Pennsylvania Ave., N.W.
Mail Drop S-4002
6 Washington, D.C. 20580
Tel: (202) 326-2263
7 Fax: (202) 326-3259

8 **LOCAL COUNSEL:**
DANIEL G. BOGDEN
9 United States Attorney
District of Nevada
10 By: BLAINE WELSH
Nevada Bar # 4790
11 Assistant U.S. Attorney
333 Las Vegas Boulevard, South, Suite 5000
12 Las Vegas, Nevada 89101
Tel: (702) 388-6534
13 Fax: (702) 388-6787

14 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 _____)
16 FEDERAL TRADE COMMISSION,)

17)
18 Plaintiff,)

19 v.@0)
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1 Plaintiff, the Federal Trade Commission (“FTC” or “Commission”) through its

2 undersigned attorneys, alleges as follows:

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1 located at GPO 5264, Central, Hong Kong. CCI also has done business as BLC and TMI. At
2 times relevant to the complaint, acting individually or in concert with others, CCI has
3 advertised, marketed, distributed, and/or sold the AbTronic to consumers throughout the United
4 States. CCI has registered the U.S. trademark for the AbTronic name, manufactures the
5 AbTronic devices, and has registered the Internet domain name www.abtronic.net through
6 which the AbTronic can be ordered. CCI has transferred a portion of the rights to advertise,

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1 **Defendants' Ads and Claims for the AbTronic**

2 16. Defendants first aired the 30-minute infomercial for the AbTronic in April 2001.
3 Beginning in January 2002, Defendants began airing a two-minute commercial. Through
4 February 2002, the infomercial and commercial had aired more than two thousand (2,000) times.
5 Since at least December 2001, the AbTronic infomercial had been among the ten most
6 frequently aired infomercials in the United States and was ranked sixth as recently as the end of
7 February 2002. Defendants had spent over eighteen million dollars (\$18,000,000) on television
8 advertising through February 22, 2002.

9 17. The AbTronic infomercial features two hosts – Todd Jensen and Julie Shipley, the
10 latter described as having “placed third in the Fitness America Nationals” two years in a row.
11 Throughout the infomercial, Jensen and Shipley make various claims about the purported
12 benefits of the device. The hosts’ claims are reinforced by testimonials from purported
13 AbTronic users and from two purported experts – Idrise Ward-El, a professional body builder,
14 and Dr. Julio Garcia, described as a board certified plastic surgeon who, according to the
15 abtronic.net website, “tested the AbTronic System.” The infomercial also includes: (1) “before-
16 and-after” images of flabby torsos becoming thin, lean, and sculpted; (2) computer-generated
17 animations that purport to illustrate how the AbTronic functions; and (3) frequent images of
18 male and female models with exceptional abdominal definition dressed in revealing bathing
19 suits.

20 18. The AbTronic television advertisements, website, and packaging convey five core
21 messages: (1) use of the AbTronic causes inch and fat loss and eliminates cellulite; (2) use of
22 the AbTronic causes users to get well-defined abdominal muscles, e.g., “six-pack abs” or
23 “washboard abs”; (3) use of the AbTronic (a) for ten minutes on the abdominal area is the
24 equivalent of performing 600 sit-ups, (b) on the abdominal area is superior or equivalent to
25 abdominal exercises, such as sit-ups and crunches, and (c) on the legs is superior to thigh
26 exercises, such as squats and leg lifts; (4) a scientific study proves that use of the AbTronic

1 increases abdominal strength better than exercise alone; and (5) the use of the AbTronic is safe,
2 and is safe to use over the chest.

3 **(1) Lose Inches, Fat, and Cellulite Claims**

4 19. The AbTronic advertisements and packaging include the following representations,
5 among other things, which are not safe,

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1 A “before” photograph depicts a side view of a female torso.
2 The “after” photograph depicts a side view of a female torso with a
3 flatter abdomen.

4 ANITA VACCARO: After three weeks of using the AbTronic
5 System, I noticed fantastic results. I have lost three inches in my waist
6 and two inches in my hip area and I was just very happy with it. Ex. 2 at
7 6; Ex. 6 at 7.

8 3. ON SCREEN: **“Lisa Lundy”**
9 **“Real Estate Sales”**
10 **“Lost 5 inches”**

11 A “before” photograph depicts a side view of a female torso.
12 The “after” photograph depicts a side view of a female torso with a
13 flatter abdomen.

14 The message, “Results vary based on use and muscle
15 response,” later appears for a short time at the bottom of the screen
16 in faint lettering, significantly smaller than the “Lost 5 inches”
17 statement. Ex. 5 at 10.

18 LISA LUNDY: I got into a car accident about three months ago
19 and was unable to go work out at the gym. Since then, I have found the
20 AbTronic System. I’ve used the AbTronic System now for about two and
21 a half months. I’ve lost five inches on my waist and another three inches
22 on my hips. Ex. 2 at 6.

23 **This testimonial also appears on the www.abtronic.net website.** Ex. 6
24 at 7.

25 4. ON SCREEN: **“K.T. Roberge”**
26 **“Homemaker”**

27 [Same message and display characteristics described in
28 ¶ 19.D.3 appear at Ex. 2 at 19.]

29 K.T. ROBERGE: When I first started using the AbTronic System,
30 I was skeptical at first, thinking it’s just too easy, strapping it on, nothing
31 to plug in, and it just contracts your muscles. But for three weeks, I have
32 used it now and I’ve lost two inches in my waist. Ex. 2 at 19.

33 5. ON SCREEN: **“Alice Roussos”**
34 **“Interior Designer”**
35 **“Lost 2 inches”**

36 A “before” photograph depicts a front view of a female torso.
37 The “after” photograph depicts the same torso with less flab in the
38 “love handle” area.

39 ALICE ROUSSOS: What I noticed most after using the AbTronic
40 System was a clearer definition in the muscle tone. The muscles show
41 much better, and after only three weeks, I’ve lost two inches already. Ex.
42 2 at 31-32.

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6. **ON SCREEN: “John Trad”
“Sales Manager”**
[Same message and display characteristics described in ¶ 19.D.3 appear at Ex. 2 at 32.]

JOHN TRAD: Well, I've been using the AbTronic System for three weeks. I've lost three inches in my waist. I feel great. I don't have love handles like I did before and I enjoy it. Ex. 2 at 32.

7. **ON SCREEN: “Charles Magruder”
“Stock Broker”
“Lost 3 inches”**

A “before” photograph depicts a front view of a male torso. The “after” photograph depicts the same torso but flatter in the midsection.

CHARLES MAGRUDER: I concentrated the AbTronic System on my stomach and after about two and a half months, I noticed about a three-inch reduction in my waistline. It was very noticeable. Ex. 2 at 32.

8. **ON SCREEN: “Kathy Horn”
“Tanning Salon Owner”**

A “before” photograph depicts a side view of a female torso. The “after” photograph depicts the same torso but flatter in the midsection.

KATHY HORN: After using the AbTronic System, I've lost three inches on my waist in the matter of two weeks and my abdominals look so much better. I can wear lower pants, which I usually have a problem wearing pants like that after having a child, and it's worked wonders. Ex. 2 at 32-33.

9. **ON SCREEN: “Jay Horn”
“Police Officer”**

JAY HORN: I've had a bad problem with this -- love handles on the side. Everybody has them, I think. And using the AbTronic System has really taken off inches off my sides, and even my wife has seen it and noticed it, and I like that. Ex. 2 at 35.

10. **ON SCREEN: “Carmen”
“New York”**

CARMEN: I got some friends with some beer bellies, they never want to exercise, this is the trick for them. Ex. 2 at 26.

E. Through a testimonial from a medical doctor, Defendants further tout the AbTronic's supposed ability to eliminate inches and fat:

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2 **ON SCREEN: “Dr. Julio Garcia”**
3 **“Board Certified Plastic Surgeon”**

4 DR. JULIO GARCIA: Many people can go on a very strict diet
5 regimen and lose a lot of body fat, yet the muscle tone underneath shows
6 no definitions. We've all gone to the beach, seen young women and men
7 with those six-pack type of washboard abs. They're really very sexy and
8 people really want those. Well, you can lose all the weight in the world
9 that you want, but unless you have good muscle tone underneath, you're
10 not going to have a washboard abdomen.

11 **ON SCREEN: Computer animation of electric current leaving the**
12 **AbTronic belt and causing muscles on a torso to contract.**

13 DR. JULIO GARCIA: So, with systems like the AbTronic where
14 we can stimulate these muscles and you do both things, both the system of
15 losing some weight, losing those inches, and then firming and toning the
16 muscles underneath, that muscle definition will, therefore, show through
17 much better and give you a better cosmetic improvement. Ex. 2 at 10-11.

18 F. Defendants reinforce the advertisements' inch and fat loss claims through
19 their claims about the AbTronic Firming and Toning Gel:

20 1. Three times during the infomercial the MALE ANNOUNCER
21 describes the AbTronic gel as “a special AbTronic slim down
22 firming gel to give you maximum results quickly.”
23 Simultaneously, a graphic on the screen states, “Slim Down
24 Firming Gel.” Ex. 2 at 15-16, 29, 40.

25 2. In the two-minute commercial, the MALE ANNOUNCER refers
26 to “the AbTronic slim down firming gel with extra strength
formula.” An accompanying graphic states, “Extra Strength Slim
Down Gel.” Ex. 4 at 5.

G. Even though the AbTronic Instruction Manual - which consumers see
only after buying the device and opening the box - acknowledges that the
AbTronic will not “eliminate cellulite,” Ex. 8 at 15, the AbTronic
advertisements include but are not limited to the following
representations about how the AbTronic eliminates cellulite:

1. **ON SCREEN: Images of females with well-toned bodies, clad
in bikinis, and wearing the AbTronic device around thigh
area.**

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JULIE SHIPLEY: And, ladies, listen to this. AbTronic
can even get rid of that cellulite and flabbiness around your thighs
. . . . Ex. 2 at 10.

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the best results in the fastest time. Its exclusive combination of Caffeine, Retinol, Ground Ivy and Seaweed actively promotes the smoothing and toning of your body, better than any other product of its kind. This new Extra Strength AbTronic gel will help you

1 both the system of losing some weight, losing those inches, and then
2 firming and toning the muscles underneath, that muscle definition will,
3 therefore, show through much better and give you a better cosmetic
4 improvement. Ex. 2 at 10-11.

5 **F. ON SCREEN: “Dr. Ann Lewis”**
6 **“Oral Surgeon”**

7 **A “before” photograph depicts a side view of a female torso**
8 **with a relatively flat midsection. The “after” photograph depicts the**
9 **same torso with a concave midsection.**

10 DR. ANN LEWIS: After using the AbTronic System for about
11 two months, I noticed that my abdominals were more cut. They have
12 more definition, which is what I was looking for. Ex. 2 at 32.

13 **(3) Superior or Equivalent to Sit-Ups and Other Exercises Claims**

14 21. The AbTronic advertisements include the following representations, among others,
15 about how use of the AbTronic (a) for ten minutes on the abdominal area is the equivalent of
16 performing 600 sit-ups, (b) on the abdominal area is superior or equivalent to abdominal
17 exercises, such as sit-ups and crunches, and (c) on the legs is superior to thigh exercises, such as
18 squats and leg lifts:

19 **A. ON SCREEN: Images of female torso with well-defined abdominal**
20 **muscles and of a male torso with well-defined, bulky abdominal**
21 **muscles.**

22 MALE ANNOUNCER: You'll see how the AbTronic System
23 gives you the results of 600 sit-ups in just 10 minutes without any effort.
24 Ex. 2 at 3-4.

25 **B. The following representations occur three times in the infomercial:**

26 **ON SCREEN: Computer-generated image of a male torso with a**
protruding abdomen wearing the AbTronic device. The abdomen
recedes and reveals defined abdominal muscles. Ex. 5 at 1-7.

MALE ANNOUNCER: . . . [W]atch as your ab muscles contract
as if you're doing a sit-up. . . . Ten minutes on the AbTronic is the
equivalent of 600 sit-ups. That's why we guarantee you'll lose two inches
off your midsection in less than a month or your money back. Ex. 2 at 14,
27, 39.

The MALE ANNOUNCER repeats this claim in the commercial. Ex.
4 at 3.

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C. JULIE SHIPLEY: It's like doing the equivalent of 600 sit-ups in 10 minutes. Ex. 2 at 4.

D.

1 **“Professional Bodybuilder”**

2 IDRISE WARD-EL: When I first used the AbTronic System, it
3 looked small and I didn't have any idea what it would feel like. When I
4 did use it, I had a very strong contraction, a lot stronger than doing sit-
5 ups. Even after 100 sit-ups, you don't get the kind of contraction you get
6 here, because normally, when doing sit-ups you get tired first. Then it
7 starts to work. Doing the first AbTronic Systems, the first contraction
8 feels like you've done already 100, 150 sit-ups. Ex. 2 at 20.

9 K. **ON SCREEN: “Marilyn Jones”**
10 **“Stuntwoman”**

11 MARILYN JONES: Besides using it on my abs, I've also put it on
12 my thighs and the AbTronic System is fantastic for the thighs. It really
13 gives you a fantastic workout, better than anything. In fact, it's better than
14 squats and leg lifts. Ex. 2 at 34.

15 22. The AbTronic Instructional Manual reinforces the claims from the advertisements
16 set forth in Paragraph 21, above:

- 17 A. A photograph depicts a female torso with the AbTronic device around her
18 stomach area. The caption below the photograph states, “Tightens and
19 flattens the abs similar to sit ups. Attacking spread and giving
20 definition.” Ex. 8 at 10.
- 21 B. A photograph depicts a female torso with the AbTronic device around her
22 lower abdominal area, near her pelvis. The caption below the photograph
23 states, “Similar as laying [sic] down, lifting legs slowly and than [sic]
24 lowering them. Exercises lower abs.” Ex. 8 at 10.
- 25 C. A photograph depicts a female torso with the AbTronic device around her
26 lower back. The caption below the photograph states, “Helps with
posture. Similar effect as Horizontal lifts.” Ex. 8 at 11.
- D. In describing the six program modes on the AbTronic device, the manual
refers to mode 4 as “Crunch Craze.” Ex. 8 at 4.

(4) Claim of Scientific Support for Superiority of AbTronic to Exercise

21 23. Through the following representations, the AbTronic infomercial claims that a
22 scientific study proves that use of the AbTronic increases abdominal strength better than
23 exercise alone:

24 **ON SCREEN: Image of the title page of a manuscript with the following**
25 **identifying information:**

26 **“Comparison of the Effects of Electrical Stimulation &**

1 **Exercise on Abdominal Musculature”**
2 **“(Univ. of Maryland)”**
3 **“Reprint of Journal Ortho. Sports Phys. Ther.”**
 (one line illegible)

4 **“Confidential”**

5 JULIE SHIPLEY: Seven doctors from the University of Maryland did a
6 four-week study on abdominal strength of 31 healthy volunteers.

7 TODD JENSEN: That study shows that exercise combined with
8 electronic muscle stimulation increased the subject's strength by 47 percent.
9 Electronic stimulation, by itself, with no additional exercise, increased abdominal
10 muscle strength by 41 percent. Exercise alone only accounted for a 6 percent
11 increase.

12 JULIE SHIPLEY: Their conclusion was that electronic stimulation was
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1 AbTronic's purported safety.

2 26. The AbTronic Instruction Manual reinforces the claims from the advertisements set
3 forth in Paragraph 24, above, that use of the AbTronic is safe and the AbTronic is safe to use
4 over the chest:

- 5 A. ... [A] half hour daily is usually all it takes to help improve figure
6 problems, especially . . . bust-lines Ex. 8 at 2.
- 7 B. Under the section entitled "Belt Placement," a photograph depicts a
8 female torso with the AbTronic device on her chest. Below the
9 photograph is the word, "Chest". Ex. 8 at 10.
- 10 C. Under the section entitled "Exercise Points - Women," the manual reads:
11 BREASTS - For improved breast contours. Ex. 8 at 7.
- 12 D. Under the section entitled "Exercise Points - Men," the manual reads:
13 CHEST - A similar action as pushing the fist into the palm of
14 another, exercises the pectorals.
- 15 E. A separate paper insert that accompanies the manual states, "With your
16 new original AbTronic you can rest assured that you own the best and
17 safest system for your body and health." Ex. 9 at 1 (emphasis in original;
18 insert entitled "IMPORTANT! NEWS
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1 **Defendants’ Purported 30-Day Money-Back Guarantee**

2 28. The AbTronic advertisements include, but are not limited to, the following
3 statements and depictions about a 30-day unconditional money-back guarantee:

4 A. The following representations occur three times in the infomercial:

5 **ON SCREEN: 30 day money back GUARANTEE**

6 * * * *

7 MALE ANNOUNCER: And you also get an unconditional money back
8 guarantee. If you’re not satisfied, just return it for a refund of the purchase
9 price....Ex. 2 at 17, 30, and 42.

10 B. The two-minute commercial similarly represents:

11 **ON SCREEN: 30 day Money back GUARANTEE**

12 * * * *

13 MALE ANNOUNCER: You also get ... an unconditional money back
14 guarantee Ex. 4 at 7.

15 29. Defendants have provided a non-toll-free, customer service telephone number in
16 the packaging materials for consumers who wish to return the product and receive a refund. The
17 so-called “customer service” telephone number often has been continuously busy or customers
18 have been placed on hold for extended periods of time. After waiting on hold, customers have
19 been disconnected, or in other instances, have had to place numerous long distance toll calls in
20 connection with their attempts to obtain refunds.

21 **Defendants’ Delivery Practices**

22 30. Telephone operators who have taken orders for the AbTronic have stated that the
23 product will be delivered in seven days, seven to ten business days, thirty days, or six to eight
24 weeks. Some consumers have paid an additional fee of up to fifteen dollars or have agreed to
25 pay for the AbTronic in full (as opposed to in installment payments) in order to receive
26 expedited delivery within seven to ten days. On numerous occasions, however, Defendants have

1 failed to ship the product for delivery within the promised time periods. In some instances,
2 consumers never received the product. Furthermore, Defendants have not advised these
3 consumers of the delay or offered them an opportunity to cancel the order or receive a refund,
4 nor, having failed to do the foregoing, deemed the orders canceled and provided a prompt
5 refund.

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7 **DEFENDANTS' VIOLATIONS OF SECTIONS 5(a) AND 12 OF THE FTC ACT**

8 31. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or
9 practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits
10 the dissemination of any false advertisement in or affecting commerce for the purpose of
11 inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or
12 cosmetics. The AbTronic EMS device is a “device,” and the AbTronic Firming and Toning Gel
13 is a “drug” or “cosmetic,” for purposes of Sections 12 and 15 of the FTC Act, 15 U.S.C.
14 §§ 52(d) and 55. As set forth below, Defendants have engaged and are continuing to engage in
15 unlawful practices in connection with the marketing and sale of the AbTronic EMS device and
16 gel (collectively, the AbTronic).

17
18 **COUNT ONE
FALSE CLAIMS - LOSS OF INCHES, FAT, AND CELLULITE**

19 32. Through the means described in Paragraphs 18 and 19, above, Defendants have
20 represented, expressly or by implication, that use of the AbTronic causes inch and fat loss and
21 eliminates cellulite.

22 33. In truth and in fact, use of the AbTronic device does not cause inch or fat loss or
23 eliminate cellulite. Therefore, Defendants’ representations set forth in Paragraph 32, above,
24 constitute a deceptive practice, and the making of false advertisements, in or affecting
25 commerce, in violation of Sections 5(a) and 12 of the Federal Trade Commission Act, 15 U.S.C.
26 §§ 45(a) and 52.

1 **COUNT TWO**
2 **FALSE CLAIMS - WELL-DEFINED ABDOMINAL MUSCLES**

3 34. Through the means described in Paragraph 18 and 20, above, Defendants have
4 represented, expressly or by implication, that the AbTronic causes users to get well-defined
5 abdominal muscles, e.g., “six-pack abs” or “washboard abs.”

6 35. In truth and in fact, the AbTronic does not cause users to get well-defined abdominal
7 muscles, e.g., “six-pack abs” or “washboard abs.” Therefore, Defendants’ representations set
8 forth in Paragraph 34, above, constitute a deceptive practice, and the making of false
9 advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the Federal
10 Trade Commission Act, 15 U.S.C. §§ 45(a) and 52.

11 **COUNT THREE**
12 **FALSE CLAIMS - SUPERIORITY OR EQUIVALENCE TO EXERCISE**

13 36. Through the means described in Paragraphs 18, 21, and 22, above, Defendants have
14 represented, expressly or implication, that use of the AbTronic (a) for ten minutes on the
15 abdominal area is the equivalent of performing 600 sit-ups, (b) on the abdominal area is superior
16 or equivalent to abdominal exercises, such as sit-ups and crunches, and (c) on the legs is
17 superior to thigh exercises, such as squats and leg lifts.

18 37. In truth and in fact, use of the AbTronic (a) for ten minutes on the abdominal area is
19 not the equivalent of performing 600 sit-ups, (b) on the abdominal area is not superior or
20 equivalent to abdominal exercises, such as sit-ups and crunches, and (c) on the legs is not
21 superior to thigh exercises, such as squats and leg lifts. Therefore, Defendants’ representations
22 set forth in Paragraph 36, above, constitute a deceptive practice, and the making of false
23 advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the Federal
24 Trade Commission Act, 15 U.S.C. §§ 45(a) and 52.

COUNT FOUR
FALSE CLAIMS - SCIENTIFIC EVIDENCE

38. Through the means described in Paragraphs 18 and 23, above, Defendants have

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1 thrombophlebitis, and varicose veins; and the AbTronic's safety has not been established for
2 pregnant women. These facts would be material to consumers in their purchase of the
3 AbTronic.

4 44. In light of the representation made in Paragraph 42, Defendants' failure to disclose
5 or to disclose adequately the material information about the health risks stated in Paragraph 43
6 was, and is, a deceptive practice, and constitutes false advertising of a device, in or affecting
7 commerce in violation of Sections 5(a) and 12 of the FTC Act. 15 U.S.C. §§ 45(a) and 52.

8
9 **COUNT SEVEN**
FALSE CLAIMS – FAILURE TO MAKE A PROMPT REFUND

10 45. Through the means described in Paragraph 28, above, Defendants have
11 represented, expressly or by implication, that Defendants provide timely refunds to consumers
12 who request refunds pursuant to Defendants' unconditional money back guarantee.

13 46. In truth and in fact, in many instances, Defendants have not provided timely refunds
14 to consumers who have requested refunds pursuant to Defendants' unconditional money back
15 guarantee. Therefore, the making of the representation set forth in Paragraph 45 constitutes a
16 deceptive practice in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act,
17 15 U.S.C. § 45(a).

18
19 **COUNT EIGHT**
VIOLATION OF THE MAIL ORDER RULE

20 47. The Mail Or Telephone Order Merchandise Rule ("Mail Order Rule") was
21 promulgated by the FTC on October 22, 1975, under the FTC Act, 15 U.S.C. § 41 *et seq.* On
22 September 21, 1993, the Mail Order Rule was amended under Section 18 of the FTC Act, 15
23 U.S.C. § 57a, and the amendments took effect March 1, 1994. The Mail Order Rule applies to
24 orders placed by mail, telephone, facsimile transmission, or the Internet.

25 48. At all times material hereto, Defendants have engaged in the sale of merchandise
26 ordered by mail, telephone, or the Internet, in commerce.

1 49. In numerous instances, after having solicited orders for the merchandise and
2 received “properly completed orders,” as that term is defined in Section 435.2(d) of the Mail
3 Order Rule, 16 C.F.R. § 435.2(d), and having been unable to ship the merchandise to the buyer
4 within the Mail Order Rule’s applicable time, as set forth in Section 435.1(a)(1) of the Mail
5 Order Rule (“applicable time”), 16 C.F.R. § 435.1(a)(1), Defendants:

6 A. Violated Section 435.1(b)(1) of the Mail Order Rule, 16 C.F.R. § 435.1(b)(1), by
7 failing, within the applicable time, to offer to the buyer, clearly and
8 conspicuously and without prior demand, an option either to consent to the delay
9 in shipping or to cancel the order and receive a prompt refund; and

10 B. Having failed within the applicable time to ship the merchandise or to offer the
11 buyer the option to either consent to a delay or to cancel the buyer’s order and
12 receive a prompt refund, violated Section 435.1(c)(5) of the Mail Order Rule, 16
13 C.F.R § 435.1(c)(5), by failing to deem the order canceled and to make a prompt
14 refund to the buyer, as “prompt refund” is defined in Section 435.2(f) of the Mail
15 Order Rule, 16 C.F.R. § 435.2(f).

16 50. Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), violations of the
17 Mail Order Rule constitute unfair or deceptive acts or practices in or affecting commerce, in
18 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

19
20 **CONSUMER INJURY**

21 51. As a result of Defendants’ unlawful acts and practices, consumers throughout the
22 United States have suffered and continue to suffer substantial monetary loss and possible injury
23 to their health. Defendants also have been unjustly enriched as a result of their unlawful
24 practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure
25 consumers, reap unjust enrichment, and harm the public interest.
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1 relief as the Court may determine just and proper.

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Dated: _____

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

WILLIAM E. KOVACIC
General Counsel

BLAINE WELSH
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101
(702) 388-6534 (Office)
(702) 388-6787 (Fax)

KEITH FENTONMILLER
EDWARD GLENNON
KIAL YOUNG
Federal Trade Commission
600 Pennsylvania Ave., N.W., # S-4002
Washington, D.C. 20580
(202) 326-2263/3126/3525 (Offices)
(202) 326-3259 (Fax)

Attorneys for Plaintiff