

1 KEITH FENTONMILLER
DAVID P. FRANKEL
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1 undersigned attorneys, alleges as follows:

2 1. Plaintiff FTC brings this action under Section 13(b) of the Federal Trade Commission
3 Act (“FTC Act”), 15 U.S.C. § 53(b), to secure a permanent injunction, consumer redress,
4 disgorgement, and other equitable relief against Defendants for engaging in deceptive acts or
5 practices in connection with the advertising, marketing, and sale of the AbTronic Electronic
6 Fitness System (“the AbTronic”), in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C.
7 §§ 45(a) and 52.

8 JURISDICTION AND VENUE

9 2. This Court has subject matter jurisdiction over this matter pursuant to 15 U.S.C. §§
10 45(a), 52, and 53(b) and 28 U.S.C. §§ 1331, 1337(a), and 1345.

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1 Inc., CCI Cad Cam Industries Ltd., Inc., CCI Cad Cam Industries, Inc., and Cad Cam Industries
2 (HK) Limited, is a Hong Kong corporation with a mailing address of GPO 5264, Central, Hong
3 Kong. CCI operates or has operated a factory located at the following address: Tung Lok, Long
4 Gang, Shen Zhen, China. CCI also has done business as BLC and TMI. At times relevant to the
5 complaint, acting individually or in concert with others, CCI has advertised, marketed,
6 distributed, and/or sold the AbTronic to consumers throughout the United States. CCI has
7 registered or attempted to register the U.S. trademark for the AbTronic name, manufactures the
8 AbTronic devices, and has registered the Internet domain name www.abtronic.net through which
9 the AbTronic can be ordered. CCI has transferred a portion of the rights to advertise, market,
10 distribute and/or sell the AbTronic to Defendants Hudson Berkley, TMI, and/or BLC. CCI
11 transacts or has transacted business in this district.

12 10. Defendant Bernd Ebert is a California resident, a director and president, chief
13 executive officer, and chief financial officer of BLC, the managing director of TMI, and the
14 president of CCI. At times relevant to the complaint, acting individually or in concert with
15 others, he has formulated, directed, or controlled the policies, acts, or practices of BLC, TMI,
16 and CCI, including the acts or practices alleged in this complaint. Ebert negotiated and formed an
17 agreement with a Las Vegas-based production company to produce the infomercial at issue in
18 this complaint, traveled to Las Vegas to participate in the production and editing of the
19 infomercial at issue herein, and entered into an agreement with Defendant Hudson Berkley to
20 market, distribute, and/or sell the AbTronic devices in the United States. Ebert transacts or has
21 transacted business in this district.

22 11. Defendant Oliver Braun is a California resident, and at times relevant to the
23 complaint, was an owner, president, officer, and/or managing agent of TMI and a director of
24 CCI. At times relevant to the complaint, acting individually or in concert with others, he has
25 formulated, directed, or controlled the policies, acts, or practices of TMI, and CCI, including the
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1 district.

2 12. Defendants Braun, Ebert, BLC, TMI, and CCI have operated a common business
3 enterprise while engaging in the deceptive acts and practices alleged below and are therefore
4 jointly and severally liable for said acts and practices.

5
6 COMMERCE

7 13. The acts and practices of Defendants Hudson Berkley, Matthias Granic, BLC, TMI,
8 CCI, Ebert and Braun (“Defendants”) alleged in this complaint have been in or affecting
9 commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15
10 U.S.C. § 44.

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12 DEFENDANTS’ COURSE OF CONDUCT

13 14. Since at least April 2001, Defendants have manufactured, labeled, advertised, offered
14 for sale, sold, and/or distributed the AbTronic. The AbTronic is an electronic muscle stimulation
15 (“EMS”) device composed of one longer and two shorter elasticized belts, a flexible rectangular
16 pad, and a matchbook-sized, plastic electronic unit that snaps into the pad and is powered by a
17 penny-sized three-volt battery. The elastic belts hold the electronic unit pad in place over the
18 targeted area of the body, which, according to the advertisements, can be the abdominal area,
19 chest, arms, legs, thighs, or buttocks. When activated over the body’s mid-section, the
20 AbTronic device purportedly sends gentle electronic impulses through the skin to the abdominal
21 muscles, causing them to contract just as if the user were performing exercises like sit-ups and
22 crunches.

23 15. Defendants have advertised and/or sold the AbTronic through a variety of media,
24 including a 30-minute commercial (“infomercial”), a two-minute television commercial, and an
25 Internet website, www.abtronic.net. See Ex. 1 (copy of 30-minute infomercial), Ex. 2
26 (transcript of 30-minute infomercial), Ex. 3 (copy of two-minute commercial), Ex. 4 (transcript

1 of two-minute commercial), Ex. 5 (still images from infomercial and commercial), and Ex. 6
2 (copy of web pages from www.abtronic.net).

3 16. Consumers have been able to purchase the AbTronic for \$119.80, plus shipping and
4 handling, by calling a toll-free telephone number, placing an order on the Internet at
5 www.abtronic.net, or mailing in an order form. Consumers also have been able to purchase the
6 AbTronic at retail outlets such as Kohl's Department Store and Walgreen Co. Consumers who
7 order the AbTronic receive the AbTronic device and several so-called "extras": an instruction
8 manual, a weight-loss plan, an extra battery, an "Extra Strength Slim Down Gel," and a travel

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1 flabby torsos becoming thin, lean, and sculpted; (2) computer-generated animations that purport
2 to illustrate how the AbTronic functions; and (3) frequent images of male and female models
3 with exceptional abdominal definition dressed in revealing bathing suits.

4 19. The AbTronic television advertisements, website, and packaging convey five core
5 messages: (1) use of the AbTronic causes inch and fat loss and eliminates cellulite; (2) use of the
6 AbTronic causes users to get well-defined abdominal muscles, e.g., “six-pack abs” or
7 “washboard abs”; (3) use of the AbTronic (a) for ten minutes on the abdominal area is the
8 equivalent of performing 600 sit-ups, (b) on the abdominal area is superior or equivalent to
9 abdominal exercises, such as sit-ups and crunches, and (c) on the legs is superior to thigh
10 exercises, such as squats and leg lifts; (4) a scientific study proves that use of the AbTronic
11 increases abdominal strength better than exercise alone; and (5) the use of the AbTronic is safe,
12 and is safe to use over the chest.

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

14 20. The AbTronic advertisements and packaging include the following representations,
15 among others, about how the AbTronic causes the loss of inches, fat, and cellulite:

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D. Numerous consumer testimonials include the following representations,
among others, about how the AbTronic causes the loss of inches and fat:

1. STEVE McKIERNAN: ... It's crystal clear that there's something healthy going on in your body when you're wearing the AbTronic. Ex. 2 at 5.

ON SCREEN:

A "before" photograph depicts a side view of a bulging male torso. The "after" photograph depicts a side view of a flat male torso. Ex. 5 at 8-9.

2. **ON SCREEN: "Anita Vaccaro"**
"Hotel Beverage Dept."
"Lost 3 inches"

A "before" photograph depicts a side view of a female torso. The "after" photograph depicts a side view of a female torso with a flatter abdomen.

Ex. 5 at 8-9. VACCARO: ATw (222rewhenekausesusou're

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

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

7 5. ON SCREEN: "Alice Roussos"
8 "Interior Designer"
9 "Lost 2 inches"

10 A "before" photograph depicts a front view of a female torso.
11 The "after" photograph depicts the same torso with less flab in the
12 "love handle" area.

13 ALICE ROUSSOS: What I noticed most after using the AbTronic
14 System was a clearer definition in the muscle tone. The muscles show
15 much better, and after only three weeks, I've lost two inches already. Ex.
16 2 at 31-32.

17 6. ON SCREEN: "John Trad"
18 "Sales Manager"
19 [Same message and display characteristics described in
20 ¶ 20.D.3 appear at Ex. 2 at 32.]

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

24 7. ON SCREEN: "Charles Magruder"
25 "Stock Broker,"
26 "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.

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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:

**ON SCREEN: "Dr. Julio Garcia"
"Board Certified Plastic Surgeon"**

DR. JULIO GARCIA: Many people can go on a very strict diet regimen and lose a lot of body fat, yet the muscle tone underneath shows no definitions. We've all gone to the beach, seen young women and men with those six-pack type of washboard abs. They're really very sexy and people really want those. Well, you can lose all the weight in the world that you want, but unless you have good muscle tone underneath, you're DSo,I got sing ts(noticedink. And uwr, e-- love handles on) Tj -2326u're

1 at 15-16, 29, 40.

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

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

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

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

- 17 2. TODD JENSEN: AbTronic gives you a choice of six different
18 training modes . . . [including] . . . the fat blaster cellulite mode.
19 Ex. 2 at 33.

- 20 3. JULIE SHIPLEY: I also use the cellulite buster on the back of my
21 legs. It's a low intensity mode that's continuously on and it works
22 wonders. Ex. 2 at 34.

- 23 4. Abtronic.net website: “Remember the AbTronic can also be used
24 on your buns and thighs, and is an EXCELLENT form of cellulite
25 control!” Ex. 6 at 10.

26 H. The AbTronic Instruction Manual and packaging for the AbTronic Firming
and Toning Gel include but are not limited to the following representations
that reinforce the advertisements’ claims about how the AbTronic causes
the loss of inches, fat, and cellulite:

1. In describing the six program modes on the AbTronic device, the
manual refers to mode 6 as “Fat Blaster.” Ex. 8 at 4 (AbTronic
Instruction Manual).

- 1 B. TODD JENSEN: . . . You stay with this for 10 minutes and it's
2 comparable to 600 sit-ups at a time. And you do that enough times, and
3 you're going to have that six-pack of abs sooner than you think. Ex. 2 at
4 19.
- 5 C. MALE ANNOUNCER: Now, with one touch of a button, you can get that
6 six-pack you always wanted, guaranteed. Ex. 4 at 3.
- 7 D. **ON SCREEN: Image of bare male torso without an AbTronic unit
8 and with highly developed and defined abdominal muscles,
9 accompanied by two bikini-clad female torsos with exposed, flat
10 abdominal areas.** Ex. 5 at 15.

11 TODD JENSEN: You are going to have abs that you won't believe.
12 Ex. 2 at 9.

- 13 E. DR. JULIO GARCIA: Well, you can lose all the weight in the world that
14 you want, but unless you have good muscle tone underneath, you're not
15 going to have a washboard abdomen. . . . So, with systems like the
16 AbTronic where we can stimulate these muscles and you do both things,
17 both the system of losing some weight, losing those inches, and then
18 firming and toning the muscles underneath, that muscle definition will,
19 therefore, show through much better and give you a better cosmetic
20 improvement. Ex. 2 at 10-11.

- 21 F. **ON SCREEN: "Dr. Ann Lewis"
22 "Oral Surgeon"**

23 A "before" photograph depicts a side view of a female torso
24 with a relatively flat midsection. The "after" photograph depicts the
25 same torso with a concave midsection.

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

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

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

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

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

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

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

8 MALE ANNOUNCER: . . . [W]atch as your ab muscles contract
9 as if you're doing a sit-up. . . . Ten minutes on the AbTronic is the
10 equivalent of 600 sit-ups. That's why we guarantee you'll lose two inches
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1 posture. Similar effect as Horizontal lifts.” Ex. 8 at 11.

2 D. In describing the six program modes on the AbTronic device, the manual
3 refers to mode 4 as “Crunch Craze.” Ex. 8 at 4.

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

5 24. Through the following representations, the AbTronic infomercial claims that a
6 scientific study proves that use of the AbTronic increases abdominal strength better than exercise
7 alone:

8 **ON SCREEN: Image of the title page of a manuscript with the following
9 identifying information:**

10 **“Comparison of the Effects of Electrical Stimulation &
11 Exercise on Abdominal Musculature”
12 “(Univ. of Maryland)”
13 “Reprint of Journal Ortho. Sports Phys. Ther.”
14 (one line illegible)**

15 **“Confidential”**

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

18 TODD JENSEN: That study shows that exercise combined with
19 electronic muscle stimulation increased the subject's strength by 47 percent.
20 Electronic stimulation, by itself, with no additional exercise, increased abdominal
21 muscle strength by 41 percent. Exercise alone only accounted for a 6 percent
22 increase.

23 JULIE SHIPLEY: Their conclusion was that electronic stimulation was
24 much better than exercise alone.

25 TODD JENSEN: That proves that you get better results by use of the
26 AbTronic Fitness System whether you use it as a supplement to your normal
workout or just by itself. Ex. 2 at 21-22.

(5) Safety Claims

27 25. The AbTronic advertisements include the following representations, among others,
28 about how the Abtronic is safe to use, and is safe to use over the chest:

29 A. JULIE SHIPLEY: AbTronic is really safe and easy to use. You apply a
30 little AbTronic gel on the back, wrap the belt around your stomach and

1 turn it on. Ex. 2 at 7.

2 B. JULIE SHIPLEY: And, ladies, listen to this. AbTronic can even get rid of
3 that cellulite and flabbiness around your thighs and you can also use it on
4 your chest. Ex. 2 at 10.

5 C. Image from AbTronic infomercial and commercial of AbTronic device
6 being used over the chest. Ex. 5 at 17.

7 D. On three separate occasions, the MALE ANNOUNCER states during the
8 infomercial, "AbTronic is very safe and simple to use." Ex. 2 at 13, 27,
9 38.

10 26. At two points in the thirty-minute infomercial a disclaimer states, "Do not use during
11 pregnancy or with a pacemaker, cardiac condition, epilepsy, multiple sclerosis." Ex. 2 at 13, 37.

12 When the disclaimer appears, it appears briefly in small lettering at the bottom of the screen, is
13 not clear or prominent, and is not in close proximity to the claims about the AbTronic's
14 purported safety.

15 27. The AbTronic Instruction Manual reinforces the claims from the advertisements set
16 forth in Paragraph 25, above, that use of the AbTronic is safe and the AbTronic is safe to use
17 over the chest:

18 A. ... [A] half hour daily is usually all it takes to help improve figure
19 problems, especially . . . bust-lines . . . Ex. 8 at 2.

20 B. Under the section entitled "Belt Placement," a photograph depicts a female
21 torso with the AbTronic device on her chest. Below the photograph is the
22 word, "Chest". Ex. 8 at 10.

23 C. Under the section entitled "Exercise Points - Women," the manual reads:
24 BREASTS - For improved breast contours. Ex. 8 at 7.

25 D. Under the section entitled "Exercise Points - Men," the manual reads:
26 CHEST - A similar action as pushing the fist into the palm of
another, exercises the pectorals.

E. A separate paper insert that accompanies the manual states, "With your
new original AbTronic you can rest assured that you own the best and
safest system for your body and health." Ex. 9 at 1 (emphasis in original;
insert entitled "IMPORTANT! NEWS MUST READ !!!").

28. Although the AbTronic pre-sale promotions tout the AbTronic's safety when used

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1 so-called “customer service” telephone number often has been continuously busy or customers
2 have been placed on hold for extended periods of time. After waiting on hold, customers have
3 been disconnected, or in other instances, have had to place numerous long distance toll calls in
4 connection with their attempts to obtain refunds.

5 **Defendants’ Delivery Practices**

6 31. Telephone operators who have taken orders for the AbTronic have stated that the
7 product will be delivered in seven days, seven to ten business days, thirty days, or six to eight
8 weeks. Some consumers have paid an additional fee of up to fifteen dollars or have agreed to
9 pay for the AbTronic in full (as opposed to in installment payments) in order to receive expedited
10 delivery within seven to ten days. On numerous occasions, however, Defendants have failed to
11 ship the product for delivery within the promised time periods. In some instances, consumers
12 never received the product. Furthermore, Defendants have not advised these consumers of the
13 delay or offered them an opportunity to cancel the order or receive a refund, nor, having failed to
14 do the foregoing, deemed the orders canceled and provided a prompt refund.

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16 **DEFENDANTS’ VIOLATIONS OF SECTIONS 5(a) AND 12 OF THE FTC ACT**

17 32. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or
18 practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits
19 the dissemination of any false advertisement in or affecting commerce for the purpose of
20 inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or
21 cosmetics. The AbTronic EMS device is a “device,” and the AbTronic Firming and Toning Gel
22 is a “drug” or “cosmetic,” for purposes of Sections 12 and 15 of the FTC Act, 15 U.S.C.
23 §§ 52(d) and 55. As set forth below, Defendants have engaged and are continuing to engage in
24 unlawful practices in connection with the marketing and sale of the AbTronic EMS device and
25 gel (collectively, the AbTronic).

1 **COUNT ONE**
2 **FALSE CLAIMS - LOSS OF INCHES, FAT, AND CELLULITE**

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

6 34. In truth and in fact, use of the AbTronic device does not cause inch or fat loss or
7 eliminate cellulite. Therefore, Defendants' representations set forth in Paragraph 33, above,
8 constitute a deceptive practice, and the making of false advertisements, in or affecting
9 commerce, in violation of Sections 5(a) and 12 of the Federal Trade Commission Act, 15 U.S.C.
10 §§ 45(a) and 52.

11 **COUNT TWO**
12 **FALSE CLAIMS - WELL-DEFINED ABDOMINAL MUSCLES**

13 35. Through the means described in Paragraph 19 and 21, above, Defendants have
14 represented, expressly or by implication, that the AbTronic causes users to get well-defined
15 abdominal muscles, e.g., "six-pack abs" or "washboard abs."

16 36. In truth and in fact, the AbTronic does not cause users to get well-defined abdominal
17 muscles, e.g., "six-pack abs" or "washboard abs." Therefore, Defendants' representations set
18 forth in Paragraph 35, above, constitute a deceptive practice, and the making of false
19 advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the Federal
20 Trade Commission Act, 15 U.S.C. §§ 45(a) and 52.

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COUNT SIX
FAILURE TO DISCLOSE SAFETY RISKS

43. Through the means described in Paragraphs 19, 25, and 27, above, Defendants have represented, expressly or by implication, that use of the AbTronic is safe.

44. Defendants have failed to disclose or to disclose adequately in their pre-sale promotional materials that the AbTronic is not safe for all users. In fact, the AbTronic should not be used by people with implanted cardiac pacemakers; it poses health risks for use over or near cancerous lesions, and swollen, infected or inflamed areas or skin eruptions, e.g., phlebitis, thrombophlebitis, and varicose veins; and the AbTronic's safety has not been established for pregnant women. These facts would be material to consumers in their purchase of the AbTronic.

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

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COUNT SEVEN
FALSE CLAIMS – FAILURE TO MAKE A PROMPT REFUND

46. Through the means described in Paragraph 29, above, Defendants have represented, expressly or by implication, that Defendants provide timely refunds to consumers who request refunds pursuant to Defendants' unconditional money back guarantee.

47. In truth and in fact, in many instances, Defendants have not provided timely refunds to consumers who have requested refunds pursuant to Defendants' unconditional money back guarantee.

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CONSUMER INJURY

52. As a result of Defendants' unlawful acts and practices, consumers throughout the United States have suffered and continue to suffer substantial monetary loss and possible injury to their health. Defendants also have been unjustly enriched as a result of their unlawful practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

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THIS COURT'S POWER TO GRANT RELIEF

53. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including consumer redress, disgorgement, and restitution, to prevent and remedy injury caused by Defendants' law violations.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that this Court:

1. Permanently enjoin Defendants from violating Sections 5(a) and 12 of the FTC Act and the Mail Order Rule, as alleged herein, including committing violations in connection with the advertising, offering for sale, or other promotion of food, drugs, dietary supplements, devices, cosmetics, or other products, services or programs;
2. Award Plaintiff all temporary and preliminary injunctive and ancillary relief that may be necessary to avert the likelihood of consumer injury during the pendency of this action, and to preserve the possibility of effective and final relief;
3. Award such equitable relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of Sections 5(a) and 12 of the FTC Act and the

1 Mail Order Rule, including, but not limited to, rescission of contracts and restitution, other forms
2 of redress, and the disgorgement of ill-gotten gains; and

3 4. Award Plaintiff the costs of bringing this action, as well as such additional equitable
4 relief as the Court may determine just and proper.

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6 Dated: November 5, 2002

Respectfully submitted,

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8 DANIEL G. BOGDEN
United States Attorney

9 KEITH FENTONMILLER
DAVID FRANKEL
EDWARD GLENNON
KIAL YOUNG
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580
(202) 326-2263/2812/3126/3525 (Offices)
(202) 326-3259 (Fax)

10 BLAINE WELSH
Assistant United States Attorney
11 333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101
12 (702) 388-6534 (Office)
(702) 388-6787 (Fax)

Attorneys for Plaintiff

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