

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

...high standard for evaluating Defendants' conduct under the FTC Act. Defendants contend

[REDACTED]

1 3. “zMAX” shall mean the aftermarket motor vehicle product known as the zMAX
2 Power System, or any product of substantially similar composition marketed for use in motor
3 vehicles.

4 4 A requirement that any Defendant “notify the Commission” or “file with the

1
2
3

F. extends engine life; or

G. reduces emissions,

at the time the representation is made. Defendants possess and rely upon competent and

1
2
3
4
5
6
7
8

- A. the actual and current opinions, findings, beliefs, and/or experiences of consumers providing endorsements or testimonials; or
- B. the typical or ordinary experience of members of the public who use the product.

For purposes of this Part, "endorsement" shall mean as defined in 16 C.F.R. §§ 255.0(b).

MONETARY RELIEF

IV.

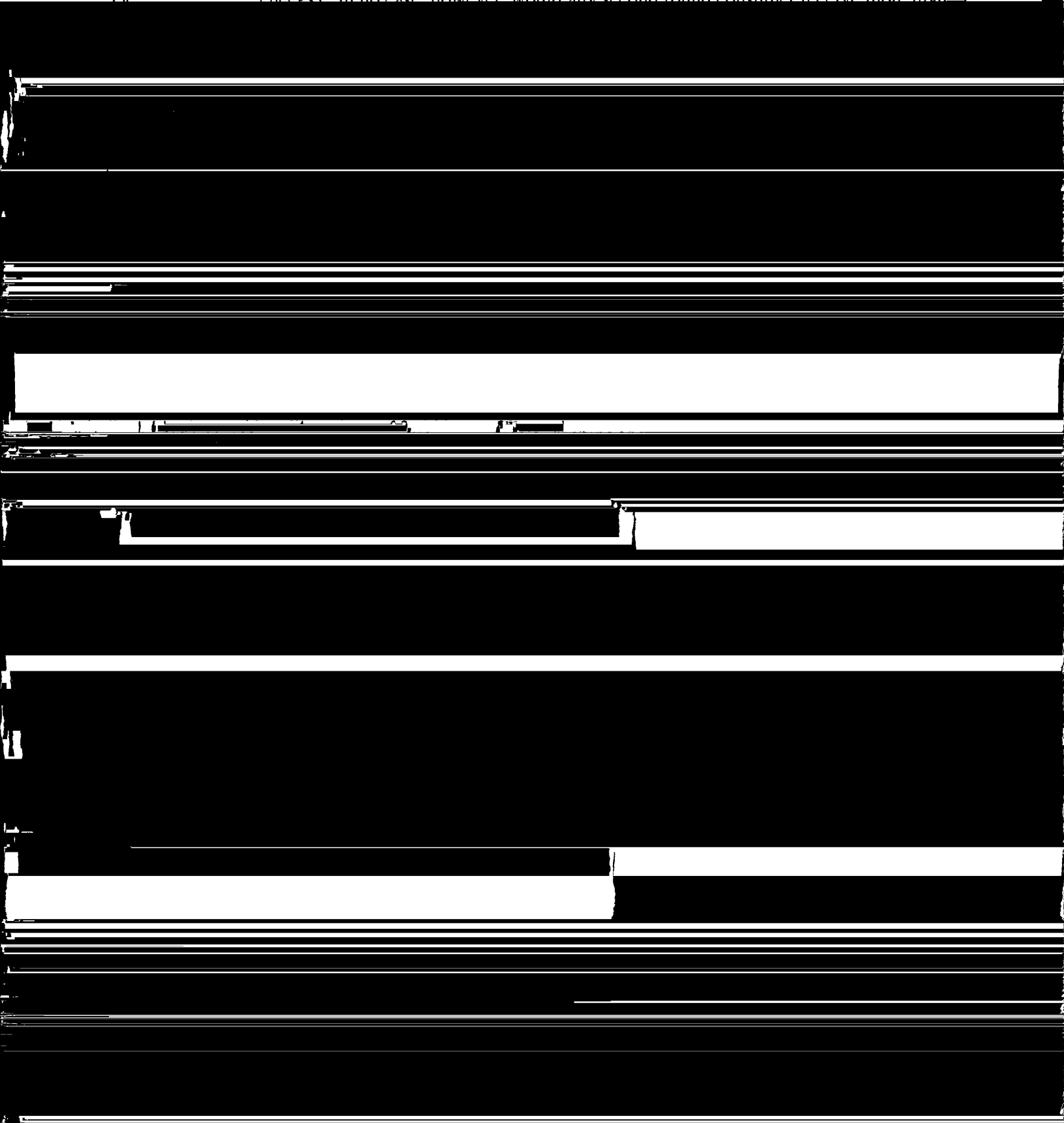
1
2
3
4
5
6
7

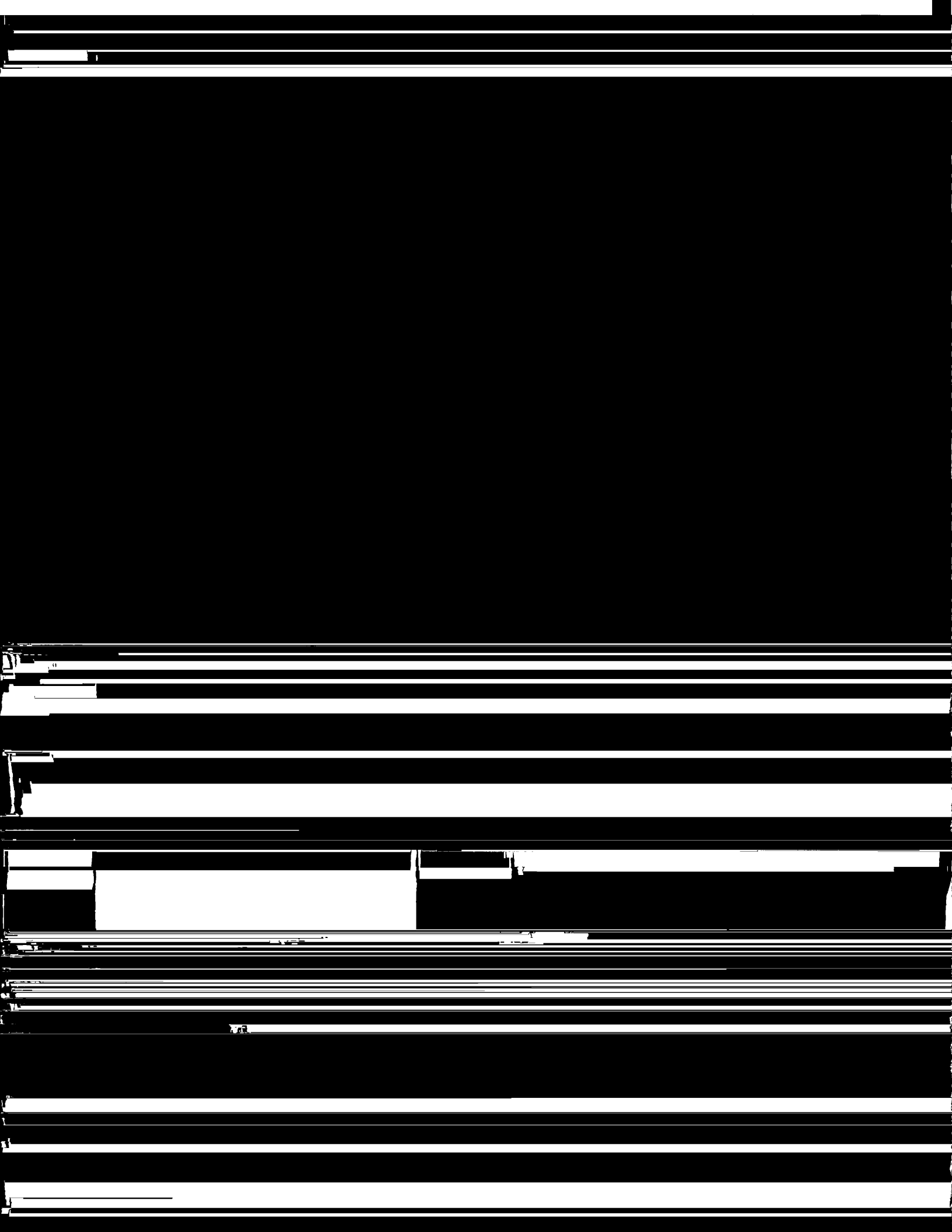
within fifteen (15) business days after the period for purchasers to respond to the Notice of Refund Offer has expired.

D. No information other than that form mutually agreed upon by the Parties, shall be included in or added to the Notice of Refund Offer, nor shall any other material be transmitted therewith. The envelope containing the Notice of Refund Offer shall be in the form set forth in Attachment B to this order.

1
2
3

monies by the total number of consumers who cashed checks or received credit card
refunds in the first round (subtracting the total amount of their first round refund
checks). In no case, however, would any second round consumer receive more than





1 Defendants shall maintain and upon request make available to the Commission for inspection and

IX.

1
2 IT IS FURTHER ORDERED that the Commission is authorized to monitor the compliance
3 of Defendants with this Order by all lawful means, including but not limited to the following
4 means:

RETENTION OF JURISDICTION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

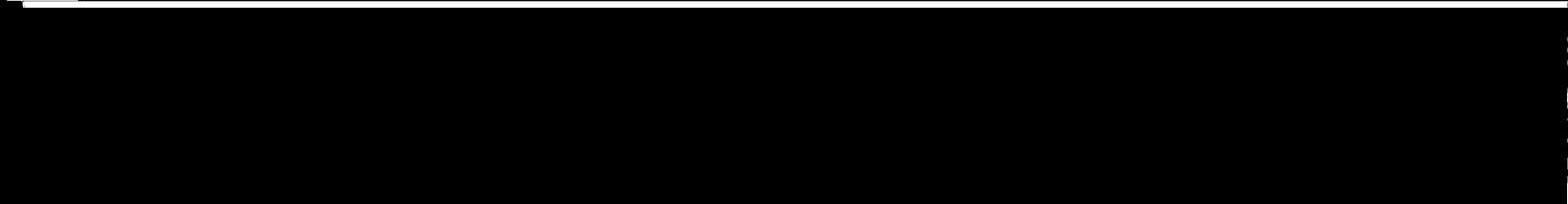
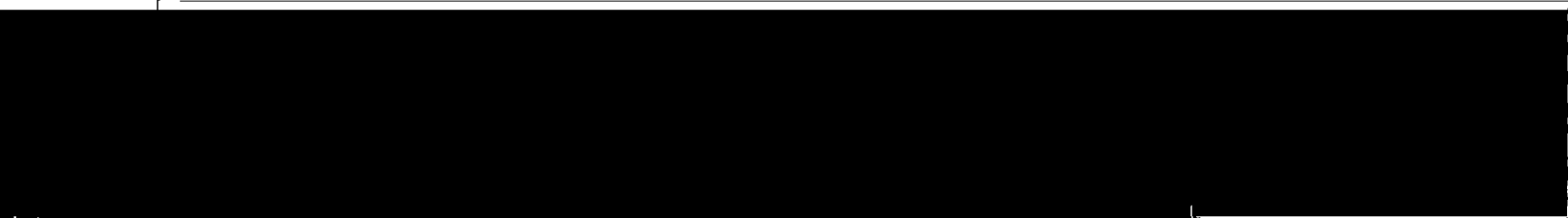
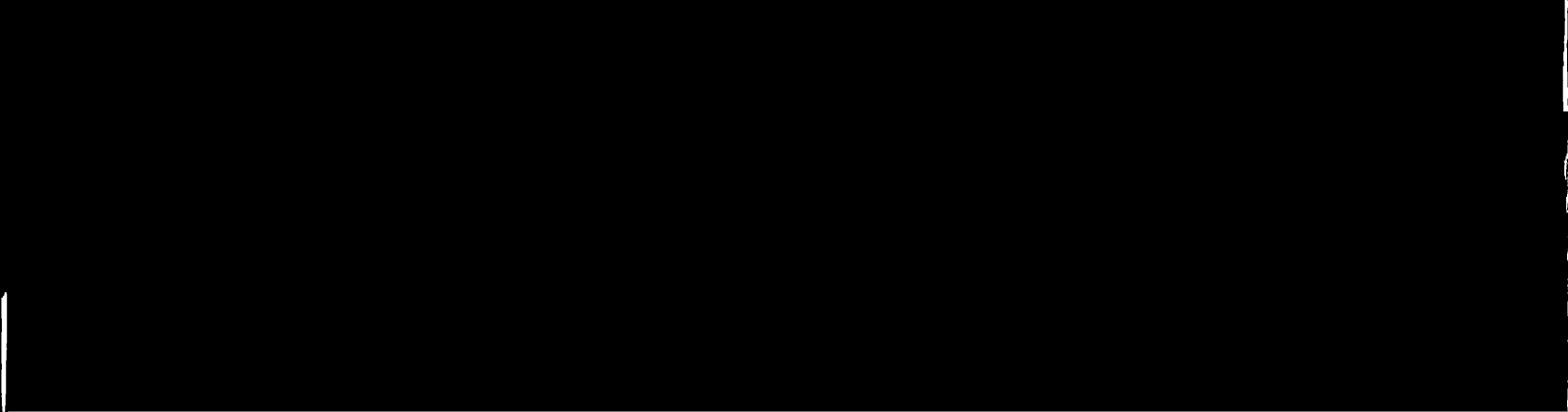
[REDACTED]

[REDACTED]

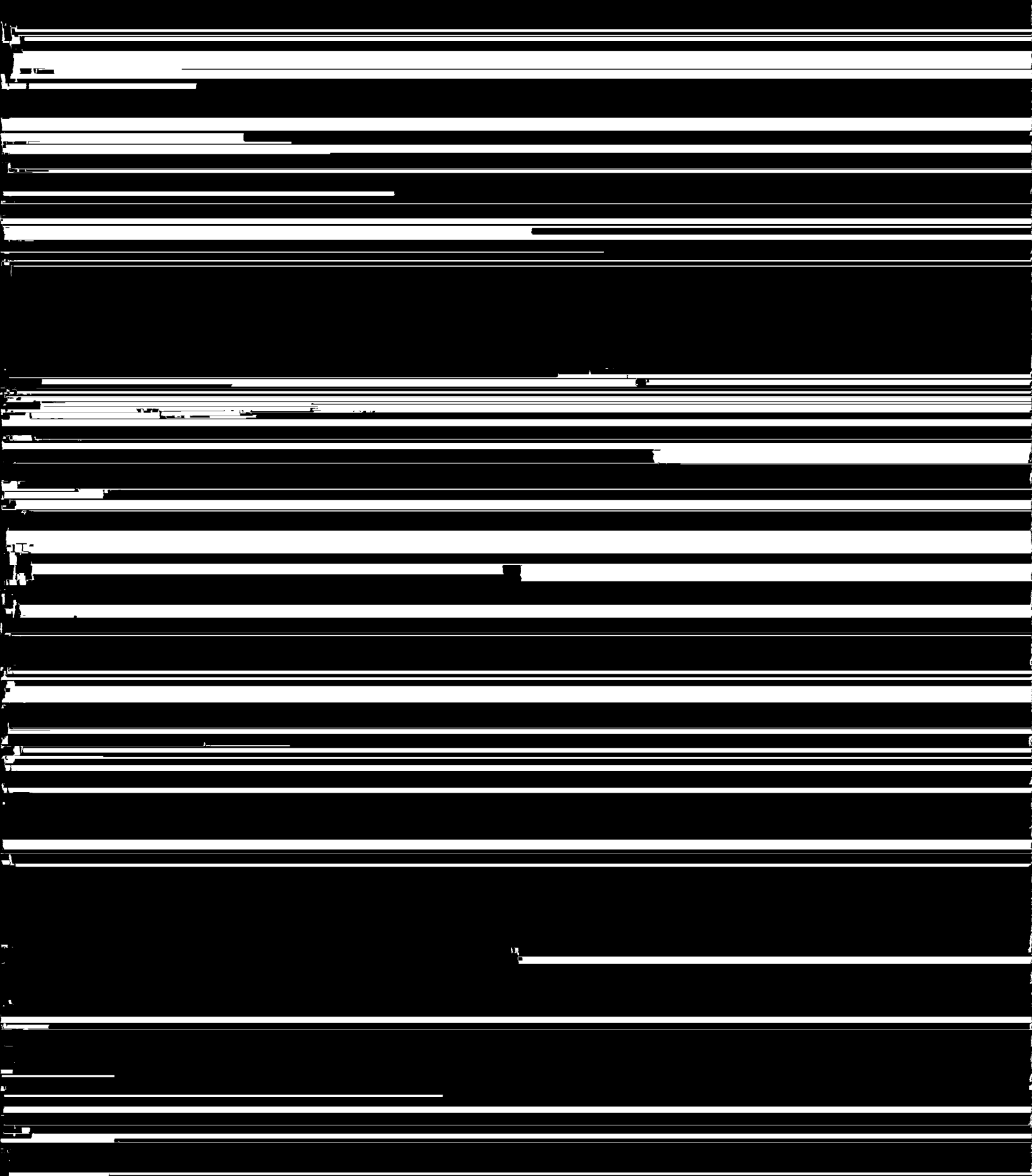
[REDACTED]

1
2
3
4
5
6

ATTACHMENT A - LETTER



ATTACHMENT B - REFINANCE NOTICE LETTER ENVELOPE



ATTACHMENT C - REFUND CHECK ENVELOPE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Forwarding and Return Postage Guaranteed: [address of consumer refund administrator]

Window Envelope

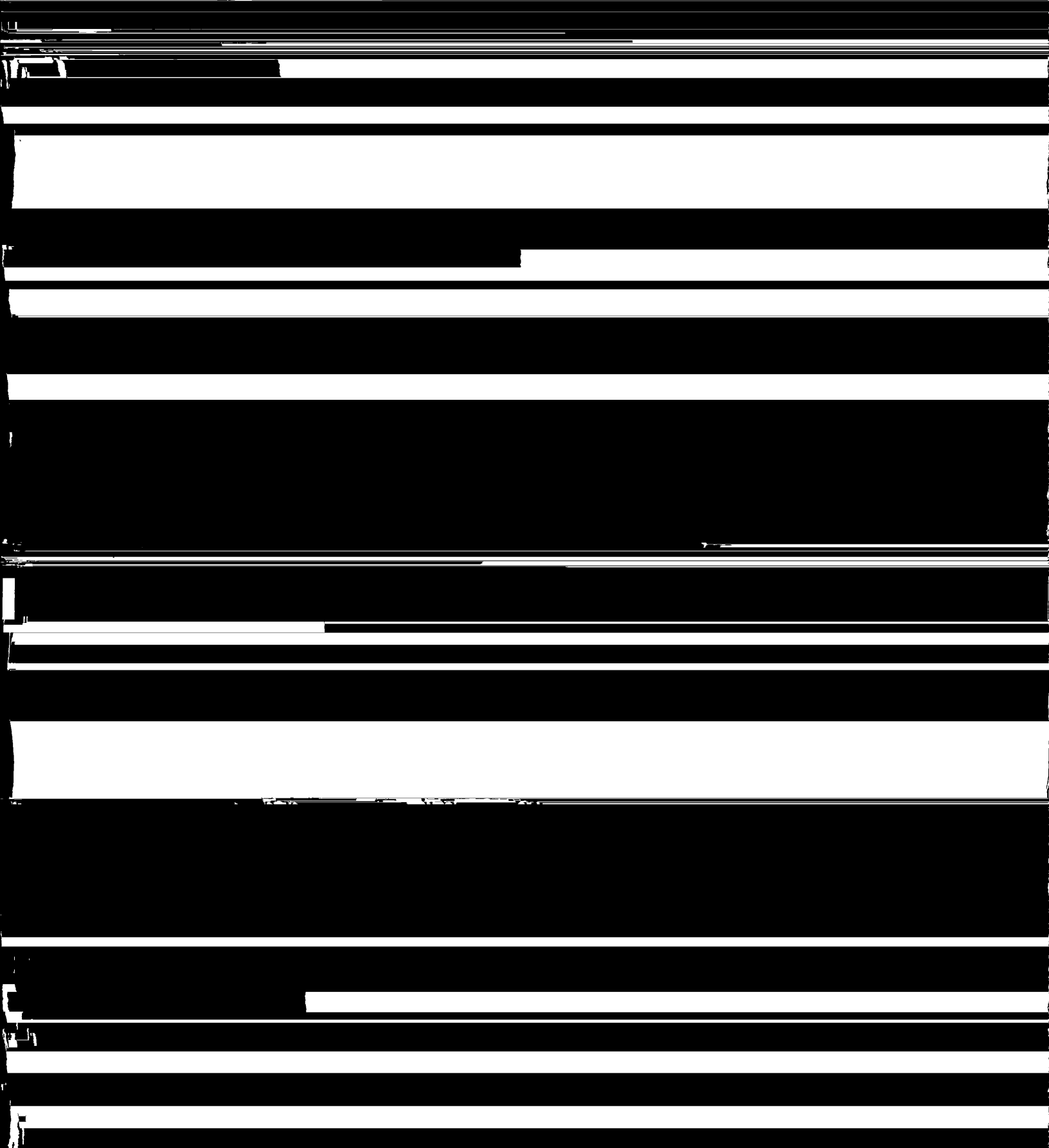
(indicates a check is enclosed)

1

ATTACHMENT D - AFFIDAVIT

2

IN THE UNITED STATES DISTRICT COURT



1
2
3
4
5
6
7
8
9
10
11
12

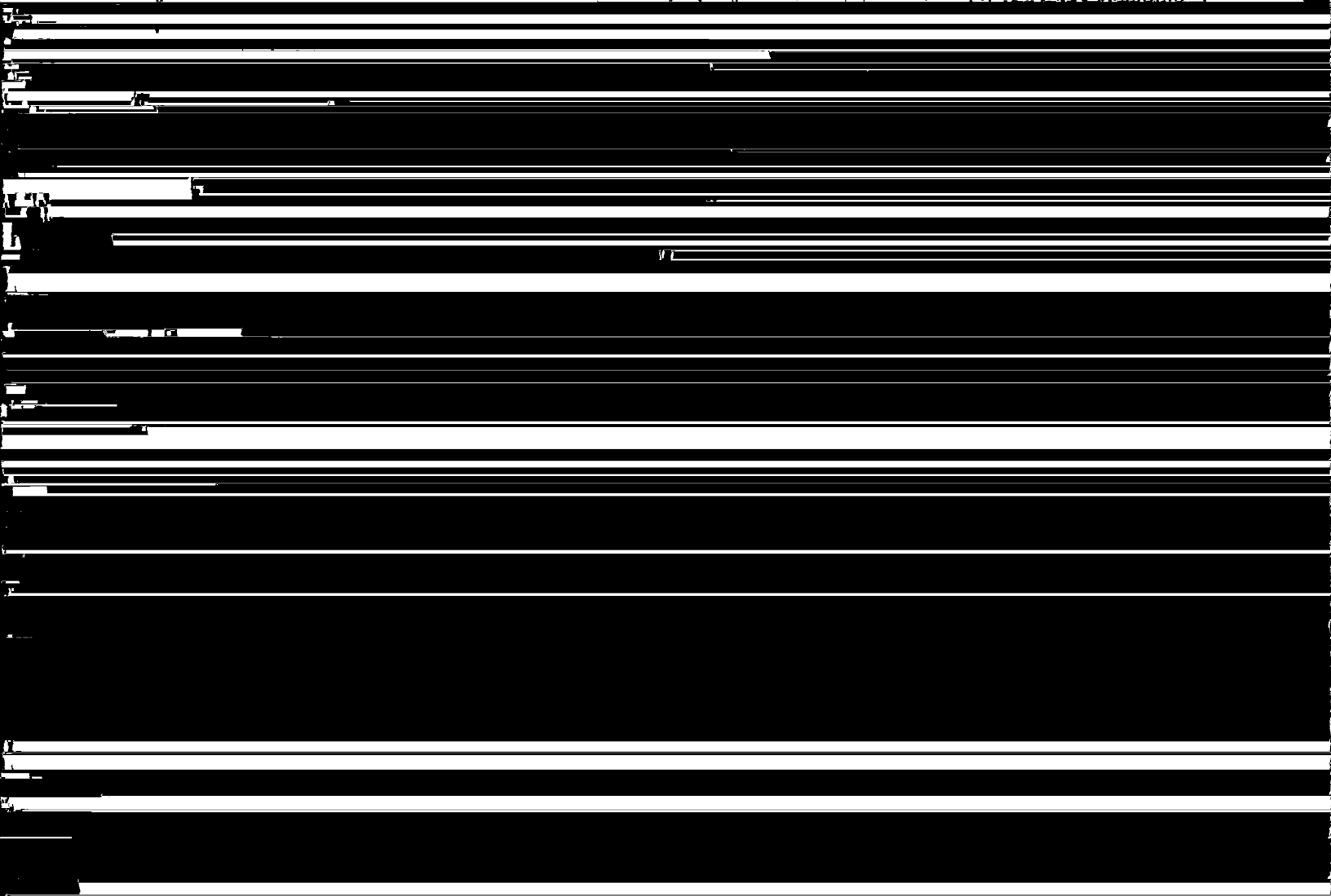
I hereby declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct. Executed on (date) _____, at (city, state) _____
_____.

William R. Brooks

STATE OF NORTH CAROLINA

COUNTY OF _____

BEFORE ME this day personally appeared William R. Brooks, who being first duly sworn,



**C L I F F O R D
C H A N C E**

CLIFFORD CHANCE US LLP

THE WILLIAM P ROGERS BUILDING
2001 K STREET NW
WASHINGTON DC 20006 1001

TEL +1 202 912 5000
FAX +1 202 912 6000
www.cliffordchance.com

Leiv H. Blad Jr.
Partner

DIRECT TEL +1 202 912 5122
DIRECT FAX +1 202 912 6000
leiv_blad@cliffordchance.com

C H A N C E

Elaine Kolish
December 23, 2002

Page 3

Chem and SMI will submit all print and broadcast advertising to outside counsel before such advertising is published for the purpose of obtaining a legal opinion that such advertising complies with Parts I, II, and III of the Order.

Oil-Chem and SMI request guidance from the ETC regarding its response to the claims set





UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Enforcement
Bureau of Consumer Protection

December 26, 2002

Oil-Chem Research Corp.

