

04-21280

2. The Complaint states a claim upon which relief can be granted against the Defendants under Sections 5(a), 12, and 13(b) of the Federal Trade Commission Act ("FTC

§ 55.

any corporation, subsidiary, division, or other entity, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the following products,

in or affecting commerce, are hereby permanently enjoined from representing, in any manner

expressly or by implication, including through the use of endorsements or trade name, that:

- A. The 1-2-3 Diet Kit, or any dietary supplement, over-the-counter drug, or cosmetic, causes permanent weight loss; or

B. The 1-2-3 Diet Kit, or any dietary supplement, over-the-counter drug, or cosmetic, causes permanent weight loss; or

A. That any such product, service, or program:

1. Causes weight loss;

3. Suppresses appetite; or

B. About the benefits, performance, efficacy, safety, or side effects, of any such product, service, or program;

unless, at the time the representation is made, the representation is true, and they possess and rely

~~upon competent and reliable scientific evidence that substantiates the representation~~

under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and

labeling for such product by regulations promulgated by the Food and Drug

C. All funds paid pursuant to this Order must be deposited into a fund administered
by the Commission or its agent to be used for equitable relief, including but not

the government.

VI.

IT IS FURTHER ORDERED that:

A. The Commission's agreement to this Order, requiring that the Defendants be

liable for less than the full amount of damages is hereby

rendered immediately due and payable less any amounts already paid pursuant to Paragraph V of this Order. Interest computed at the rate prescribed in 28 U.S.C. § 1961 shall immediately begin to accrue on the balance. For the purposes of this Paragraph and any subsequent proceedings to enforce payment, the Defendants waive any right to contest any of the allegations in the Complaint filed in this action. *Provided however*, that in all other respects this Stipulated Final Order remains in full force and effect unless otherwise ordered by the Court.

provided further, that proceedings instituted under this Paragraph VI are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Order.

VII.

ACKNOWLEDGMENT OF RECEIPT OF ORDER

IT IS FURTHER ORDERED that Defendants, within five (5) business days of receipt of this Order as entered by the Court, must each execute and submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

IX.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order:

A. Within twenty (20) days of receipt of written notice from a representative of the

Commission, Defendants each must submit additional written reports, sworn to

employer, consultant, independent contractor, representative, agent, or employee

this Order. The person interviewed may have counsel present.

X.

COMPLIANCE REPORTING

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this

Order may be monitored:

A For a period of three (3) years from the date of entry of this Order

dissolution of a subsidiary, parent, or affiliate that engages in any acts or

XI.

RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of six (6) years from the date of entry of this Order, Defendant Kamarfu Enterprises, and its successors and assigns, and Defendant Fuentes in connection with any business whose (1) she is the president,

director of the business, or directly or indirectly manages or controls the business and (2) she

any third party) and any responses to those complaints or requests;

- E. Copies of all advertisements, promotional materials, sales scripts, training materials or other materials utilized in the... ..

remedy against any other persons or entities, including without limitation persons or entities who