UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

BASIC RESEARCH, LLC	)
A.G. WATERHOUSE, LLC	)
KLEIN-BECKER USA, LLC	)
NUTRASPORT, LLC	)
SÖVAGE DERMALOGIC LABORATORIES, LLC	)
BAN, LLC d/b/a BASIC RESEARCH, LLC	)
OLD BASIC RESEARCH, LLC,	) Docket No. 9318
BASIC RESEARCH, A.G. WATERHOUSE,	)
KLEIN-BECKER USA, NUTRA SPORT, and	)

For the reasons set forth below, the motions for a more definite statement are DENIED and Respondent Friedlander's motion to dismiss complaint for lack of definiteness is DENIED.

II.   ARGUMENTS OF THE PARTIES

Respondents claim that the Complaint fails to provide a clear and concise statement

Gibson, 355 U.S. 41, 47 (1957)).

"Under Section 3.11(b) of the Federal Trade Rules of Practice, a motion for a more definite statement is not granted unless the complaint is ambiguous or more information is necessary in order to enable the respondents to prepare a responsive answer to the complaint." *In*

Trailer Co., 53 F.T.C. 1269, 1270 (1956); *In re Kroger Company,* 1977 FTC LEXIS 133, *1 (Aug. 12, 1977). Rule 3.11(c) is similar to Federal Rule of Civil Procedure 12(e) which allows

these terms are used in their ordinary meanings. Respondents have failed to demonstrate that the terms "rapid," "substantial," "clinical testing," and "visibly obvious" as used in the Complaint are not sufficient to inform Respondents of the types of acts or practices alleged with reasonable definiteness as required by Rule 3.11.

Respondents rely on *McHenry v. Renne* to support their argument for more definite

more definite statement was over fifty pages long