

0423127

2. Respondent Nutramerica Corporation (“Nutramerica”) is a Delaware corporation with its principal office or place of business at 35 Melanie Way, Whippany, New Jersey 07981.
3. Respondent Trimspa, Inc. (“Trimspa”) is a New Jersey corporation with its principal office or place of business at 35 Melanie Way, Whippany, New Jersey 07981.
4. Respondent Alexander Szynalski a/k/a Alexander Goen (“Szynalski”) is an officer of GTC, Nutramerica, and Trimspa. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of GTC, Nutramerica, and Trimspa, including the acts and practices alleged in this complaint. His principal office or place of business i

Video: *Cars racing on a track.*
Super: "TRIMSPA EPHEDRA FREE FORMULA
Use as part of a diet and exercise
program. Results not typical.
Testimonials have lost weight on various TrimSpa formulas."

Woman #1: "You think that's fast? Try TrimSpa."

Woman #2 with:
inset fatter photo
of herself "I've lost 57 pounds."

Woman #3 with:
inset fatter photo
of herself "TrimSpa has driven me to lose 25 pounds."

Man #1: "I've lost 8 pounds in 4 weeks."

Man #2 with:
inset fatter photo
of himself "I lost 18 pounds in 6 weeks on ephedra free TrimSpa."

Man #3: "TrimSpa works for my team."

Woman #2: "The results are unbelievable."

Woman #1: "Get the attention you deserve."

Video: Super: "1-800-TRIMSPA
TRIMSPA.COM"

Woman #3: "TrimSpa putting you on the fast track to become all
you've ever envied."

Exhibit A (30-second television advertisement)

b.

Video

Audio

John Daly swinging a golf club.

*Red band through center of screen with white “ticker tape” text scrolling across for approximately 21 seconds of the commercial: “BREAKING NEWS
..... BREAKING NEWS
..... BREAKING NEWS”*

John Daly riding a motorcycle.

John Daly on a golf course.

*Super: “John Daly
PGA Tour’s Longest
Driver*

*Ticker tape text: “...
BREAKING NEWS
ANNA NICOLE SMITH HAS
LOST 30 LBS WITH TRIMSPA
COMPLETELY EPHEDRA
FREE!...”*

*Super in white on a black
background: “TRIMSPA®
EPHEDRA FREE FORMULA
Super: Use as part of a diet and
exercise program.
Results not typical.”*

Woman: “Hey check out John Daly’s new golf cart.”

John Daly: “TrimSpa has driven me to lose 32 pounds.”

Woman on a golf course holding a flag pole with inset fatter photo of herself.

Woman on a golf course putting with inset fatter photo of herself.

Man on a golf course driving with inset fatter photo of himself.

John Daly: “These are my new friends.”

John Daly: “Jerrica down 25 pounds”

John Daly: “Karla Odell lost 57 pounds”

John Daly: “And Jon Daniels over 100

pounds”

John Daly taking swings on a golf course.

John Daly: “All with TrimSpa. Patented TrimSpa”

John Daly: “Your high speed dream body diet pill.”

Super: 1-800-TRIMSPA
TRIMSPA.COM

John Daly: “Completely ephedra free. Call 1-800-TrimSpa or visit trimspa.com”

John Daly: “When it comes to getting your dream body, it’s a gimmee.”

Exhibit B (30-second television advertisement)

c. Video: *Woman with motorcycle posing and moving seductively.*

Super: “Diet and exercise improve results. Results not typica

Radio Advertisements

- d. . . . If Anna Nicole Smith with her outrageous appetite lost 40 pounds to recapture her super-model days with TrimSpa Completely Ephedra Free . . . guess what TrimSpa's High Speed Dream Body Diet Pill can do for you!

You and your TrimSpa hot Dream Body will look mighty good next to a cool million dollars at the 2003 Radio Music Awards on Monday, October 27th on NBC.

Exhibit D (60-second radio advertisement)

- e. Howard Stern: Trimspa love it. Big fan. Super model Anna Nicole Smith. You know you forget she used to be a supermodel and then she got fat.

Robin Quivers: Yeah she used to model jeans as a matter of fact.

Howard Stern: Star Magazine did a thing on. – They had a shock-o-meter and the shock was that Anna Nicole Smith had lost 85 pounds.

Robin Quivers: That is shocking . . . that she had 85 to lose.

Howard Stern: TrimSpa formula X32 – boy is that good stuff. 2004 – you want your dream body – well here's your dream body diet pill. They're going to help you lose all that weight, just by taking a little pill. TrimSpa formula X32. It's got a secret ingredient used for centuries by African bushmen to suppress hunger during long hunting trips when food was scarce. That's the truth. That's how TrimSpa came about. It is an amazing formula. You don't see any fat African bushmen, I'll tell you that. Order your dream body now at TrimSpa.com. Call 1-800-TrimSpa.

Man talking in gibberish.

Howard Stern: Thank you sir. Here's the inventor of it.

Gibberish continues.

Howard Stern: TrimSpa. Available at Walgreens, RiteAid, and GNC. TrimSpa be all you ever envied. Lose all the weight – shock some people yourself this year – just like Anna Nicole Smith did.

Exhibit E (Radio advertisement)

- f. Announcer: We know you've seen how amazing supermodel and actress Anna Nicole Smith looks since the number one selling diet pill in the country, TrimSpa X32, helped her lose 69 pounds!

What you might not know is that people just like you are also making their "ultimate comebacks" with the help of the Dream Body Diet Pill . . . people like Kipp Cowen, who, at age 37, was at least 100 pounds overweight. Fortunately, when his girlfriend recommended TrimSpa X32, Kipp listened.

Kipp: Hi, my name is Kip[p] Cowen, I'm from Dallas, Texas and in less than four months I have lost 59 pounds taking TrimSpa X32.

Announcer: And then there's the experience of Dichele Lutz, a lucky lady who couldn't be happier about "losing big" in Vegas!

Dichelle: Hello, my name is Dichelle Lutz. I'm from Las Vegas, Nevada and I have lost 78 pounds in seven months using TrimSpa X32.

Announcer: Come on, see what X32 can do for you. Order TrimSpa X32 today! Call 1-800-TrimSpa or go to TrimSpa.com or find it at GNC, Walgreens and Rite Aid! TrimSpa is available.

Exhibit F (60-second radio advertisement)

Print Advertisements6

...
**The Secret Ingredients
Behind TrimSpa® COMPLETELY
EPHEDRA FREE Formula X32**

Hoodia Gordonii Cactus

The perfect solution for unwanted cravings and big appetites, this natural appetite suppressant stops hunger and leaves you feeling satisfied with less food, longer.

...
2003 TrimSpa Results not typical. Not for use by or sale to persons under 18 years of age. Healthy diet accompanied by exercising can only improve results. These statements have not been evaluated by the Food and Drug Administration. Not intended to treat, prevent, mitigate, or cure disease. Call 1-800-TRIMSPA or visit www.trimspa.com for use, guarantee details and requirements. Consult physician before using. Read the label and follow directions. Do not use any of these products if pregnant or nursing. ...

Exhibit G (Product info sheet for events)

h.

**“I’M BACK!
THANKS TRIMSPA®!”**
– Anna Nicole Smith

ANNA, HOTTER THAN EVER...

... and she looks *amazing*! When the rumors began to fly that Anna Nicole lost an incredible amount of weight on a patented diet pill, the public was skeptical. We all watched her battle her weight in the past – without long-term success. But when her amazing “Before” and “After” pictures were released, we found ourselves embracing a new THIN Anna Nicole. Looking more beautiful than she ever has. Guess what? She even got back to her modeling days within only 12 weeks – this blond bombshell vows this is the real Anna Nicole. She found something that finally worked when nothing else did.

So what is it?

[Depictions: Photographs of Anna Nicole Smith labeled “Before” and “After: 8/27/03” with the caption “Anna Nicole Smith’s After Pictures Taken On August 27, 2003, Just 12 Weeks After Taking TrimSpa® X32”]

**TRIMSPA® Worked for
Anna Nicole because ...**

Patented TrimSpa® COMPLETELY EPHEDRA FREE Formula X32 contains the super appetite suppressant secret used by African tribesman for thousands of years to destroy hunger during long hunting trips – TrimSpa® COMPLETELY EPHEDRA FREE Formula X32 makes the impossible, possible. Its makes losing 30, 50, even 70 pounds (or however many pounds you need to lose) painless -

Anna Nicole is proof that you can get your DREAM BODY™ and lose the weight. If it worked for Anna, TrimSpa® *COMPLETELY* EPHEDRA FREE Formula X32 can work for you, too!

Anna's making the ultimate comeback! When are you going to make yours?

...

TrimSpa
Be Envied.™

©2003 TrimSpa® Results not typical. Not for use by or sale to persons under 18 years of age. Healthy diet accompanied by exercising can only improve results. These statements have not been evaluated by the Food and Drug Administration. Not intended to treat, prevent, mitigate, or cure disease. Call 1-800-TRIMSPA or visit www.trimspa.com for use, guarantee details and requirements. Consult physician before using. Read the label and follow directions. Do not use if pregnant or nursing. If you are allergic to shellfish consult your doctor before deciding to take Glucosamine. Models have been compensated for photos. All models have become hotter and sexier (lost weight) using TrimSpa® products. . . .

Exhibit H (Magazine advertisement)

Internet Advertising

i. **The Word Is Out . . .**

Anna Nicole Smith

[Depictions: Photographs of Anna Nicole Smith labeled "Before TRIMSPA" and "and After"

Well, now you not only know her fabulous secret, you're at the perfect place to discover how it can help **you** to lose *all* the weight and get the attention you deserve . . . just like Anna! So don't waste another moment! Click **HERE** to find out more about **TRIMSPA X32** and start making *your* ultimate comeback **right now!**

The statements contained on this site have not been evaluated by the Food and Drug Administration. Not intended to diagnose, treat, prevent, mitigate or cure any disease. Testimonial results not typical. Your actual results may vary. Please read product labels before purchasing product. Please check with your physician before starting any weight loss program. Read the label and follow directions.

Exhibit I (www.trimspa.com – Frequently Asked Questions page – June 2004)

k.

TRIMSPA® X32 Testimonials

Last year I gained 21 pounds! I was miserable and hated the way I looked. I decided to take control of my

© 2004 TRIMSPA. All rights reserved.

The statements contained on this site have not been evaluated by the Food and Drug Administration. Not intended to diagnose, treat, prevent, mitigate or cure any disease. Testimonial results not typical. Your actual results may vary. Please read product labels before purchasing product. Please check with your physician before starting any weight loss program. Read the label and follow directions.

Exhibit I (www.trimspa.com – TrimSpa X32 Testimonials page – June 2004)

1.

TRIMSPA® X32

This formula was created to help achieve a sexier you ...

Ingredients

Hoodia (Hoo-dee-uh Gore-doh-nee) is a natural appetite suppressant, used
Gordonii for generations by South African tribesmen to stave off hunger
during long hunting expeditions. . . .

Exhibit I (www.trimspa.com – TrimSpa X32 Ingredients page)

8. Through the means described in Paragraph 7,

11. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting comme