

FILED SOUTHERN DIVISION

1 | 5. Defendants have entered into this Order freely and without coercion. They
2 | further acknowledge that they have read the provisions of this Order and are
3 | prepared to abide by them.

4 | 6. Defendants do not admit any of the allegations set forth in the Complaint
5 | other than immaterial facts. No admission is made by the defendants of any

1 || goods. instruments. equipment. fixtures. general intangibles. effects. leaseholds.

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1 computer records, and other data compilations from which information can be
2 obtained and translated, if necessary, through detection devices into reasonably
3 usable form. A draft or non-identical copy is a separate document within the
4 meaning of the term.

5 8. **“Domain name”** is defined in 15 U.S.C. § 7702(4), and means any
6 alphanumeric designation which is registered with or assigned by any domain
7 name registrar, domain name registry, or other domain name registration authority
8 as part of an electronic address on the Internet.

9 9 **“Endorsement”** is defined as stated in 16 C.F.R. § 255.0(b)

1. I, restrained and enjoined from making or assisting others in...

[Redacted line]

[Redacted line]

[Redacted line]

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1 C. Misrepresenting the existence, contents, validity, results, conclusions,
2 or interpretations of any test, study, or research;

3 D. Making any representation about the health benefits, performance,
4 efficacy, or safety of any such product or service unless the representation is true
5 and not misleading, and unless, at the time it is made, Defendants possess and rely
6 upon competent and reliable scientific evidence that substantiates the
7 representation; and

8 E. Misrepresenting that the order pages on Web sites marketing any such
9 product are secured using SSL encryption technology and/or that credit card
10 numbers and other personal information entered by consumers on the order pages
11 cannot be seen by others when transmitted.

12 13 II. DISCLOSURE OF CUSTOMER LISTS

14 **IT IS FURTHER ORDERED** that Defendants and their officers, agents,
15 servants, employees, and all other persons or entities in active concert or
16 participation with them who receive actual notice of this Order by personal
17 service, facsimile or otherwise, are hereby permanently restrained and enjoined
18 from selling, renting, leasing, transferring, or otherwise disclosing the name,
19 address, telephone number, credit card number, bank account number, email
20 address, or other identifying information of any person who paid any money to any
21 Defendant at any time prior to entry of this Order, in connection with the
22 manufacturing, labeling, marketing, advertising, promotion, offering for sale, sale,
23 or distribution of any HGH-related product or other covered product or service.
24 ***Provided, however,*** that Defendants may disclose such identifying information to
25 a law enforcement agency or as required by any law, regulation, or court order.

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III. MONITORING BY DEFENDANTS FOR COMPLIANCE

IT IS FURTHER ORDERED that [REDACTED]

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[REDACTED]

3 Total Merchant Services - see footnote 1

1 Defendants shall be notified as to how the funds are disbursed but shall have no
2 right to challenge the FTC's choice of remedies under this Section.

3 C. The FTC and Defendants acknowledge and agree as follows:

- 4 1. No portion of this judgment for equitable monetary relief shall
5 be deemed a fine, penalty, punitive assessment, or forfeiture;
- 6 2. The facts as alleged in the Complaint filed in this action shall
7 be taken as true for purposes of any subsequent proceedings to
8 enforce payments required by this Section, including, but not
9 limited to, a non-dischargeability complaint filed in a
10 bankruptcy proceeding; and
- 11 3. In accordance with 31 U.S.C. § 7701, Defendants shall, unless
12 they have done so already, furnish the FTC their tax

1 contain material information upon which Plaintiff relied in negotiating and
2 agreeing to the terms of this Order.

3 B. If, upon motion by Plaintiff, this Court finds that any Defendant
4 failed to disclose any material asset, or materially misrepresented the value of any
5 asset, or made any other material misrepresentation in or omission from the
6 Financial Statements, the Court shall terminate the suspension of the monetary

7 ~~judgment against the offending Defendant.~~ ~~11/11/11~~ ~~11/11/11~~ ~~11/11/11~~ ~~11/11/11~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VIII. DISTRIBUTION OF ORDER BY DEFENDANTS

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IT IS FURTHER ORDERED that, for a period of five (5) years from the

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date of entry of this Order, Defendant shall be prohibited from

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1 **IX. RECORDKEEPING**

2 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from the
3 date of entry of this Order, Defendants and their officers, agents, servants,
4 employees, and all other persons or entities in active concert or participation with
5 them who receive actual notice of this Order by personal service, facsimile or
6 otherwise, are hereby restrained and enjoined from failing to create and retain the
7 following records, in connection with any business that any Defendant manages or
8 controls, directly or indirectly, or in which any Defendant holds a majority
9 ownership interest, if the business is engaged in, or assists others engaged in, the
10 manufacturing, labeling, marketing, advertising, promotion, offering for sale, sale,
11 or distribution of any HGH-related product or other covered product or service:

12 A. Accounting records that reflect the cost of goods or services sold,
13 revenues generated, and the disbursement of such revenues;

14 B. Personnel records accurately reflecting, for each person employed in
15 any capacity by such business, including as an independent contractor, the
16 person's name, address, telephone number, job title or position, date upon which
17 ~~the person commenced work and date and reason for the person's termination, if~~

1 | documents obtained, created, or generated, or which in any way relate to the
2 | requirements, provisions or terms of this Order, copies of signed and dated
3 | acknowledgments of receipt of this Order required by Section VIII of this Order,
4 | and all reports submitted to the FTC pursuant to this Order.
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X COMPLIANCE REPORTING BY DEFENDANTS

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ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the

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2. For each Defendant:

- a. A copy of each acknowledgment of receipt of this Order, obtained pursuant to Section VIII;
- b. Any other changes required to be reported under Paragraph A of this Section;

1 A. Within ten (10) days of receipt of written notice from a representative
2 of the FTC, Defendants Lei Lu, NHP, and NSMG shall submit additional written
3 reports, sworn to under penalty of perjury; produce documents for inspection and
4 copying; appear for deposition; and/or provide entry during normal business hours
5 to any business location in such Defendant's possession or direct or indirect
6 control to inspect the business operation;

7 B. The FTC is authorized to monitor compliance with this Order by all
8 other lawful means, including but not limited to the following:

- 9 1. Obtaining discovery from any person, without further leave of
10 court, using the procedures prescribed by Fed. R. Civ. P. 30,
11 31, 33, 34, 36, and 45;
- 12 2. Posing as consumers to Defendants, Defendants' employees, or

XII. COOPERATION WITH FTC COUNSEL

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IT IS FURTHER ORDERED that Defendants shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC's Complaint, cooperate in good faith with the FTC and appear, or, in the case of NHP or NSMG, cause its officers, employees, representatives, or agents to appear, at such

[REDACTED]

VII. DETENTION OF JURISDICTION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

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I hereby certify that I caused the foregoing document to be served on all

[REDACTED]

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