

Cancer Tea Formula; Nose and Throat Cancer Tea Formula; Prostate Cancer Tea Formula; Skin Cancer Tea Formula; Special Tea Formula; Stomach Cancer Tea Formula; Tongue Cancer and Oral Cancer Tea Formula; and Uterus and Cervical Cancer Tea Formula. Respondent has advertised and offered the products for sale through the Internet site www.HerbsForCancer.com.

4. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, the following Tea Formulas are “drugs” as defined in Section 15(c) of the FTC Act, 15 U.S.C. § 55(c): Bladder Cancer Tea Formula; Bone Cancer Tea Formula; Breast Cancer Tea Formula; Colon Cancer Tea Formula; Esophageal Cancer Tea Formula; Leukemia Tea Formula; Liver Cancer Tea Formula; Lung Cancer Tea Formula; Malignant Lymphoma Tea Formula; Nasal Cancer Tea Formula; Nose and Throat Cancer Tea Formula; Prostate Cancer Tea Formula; Skin Cancer Tea Formula; Special Tea Formula; Stomach Cancer Tea Formula; Tongue Cancer and Oral Cancer Tea Formula; and Uterus and Cervical Cancer Tea Formula (collectively “Cancer Tea Formulas”).

5. To induce consumers to purchase the Cancer Tea Formulas, Respondent has disseminated, or caused to be disseminated, advertisements, including but not limited to the following statements and depictions, among others, on Respondent’s website, the pertinent parts of which are attached hereto as Exhibit A:

A. [H]elp the body fight the cancer . . . [these] Chinese herbs have been used for thousands of years to strengthen the body and fight disease and are very safe. Our formulas are created to target the organ or area where the cancer is, and help bring t the and f4g

for(ted as areatd to the)]TJTdiff9(ncerpondt)19(yprpose the c)10(ance)EExa. 5.
A

D.

decreasing the spread of cancer. These herbs also dissipate nodules and tumors.... Studies have been done on each and every one of these herbs to prove they have anti-cancer properties.... Remember, Chinese herbs have been around for thousands of years and have been tested over and over unlike new medicines.... These herbs in this formula will assist in the fight against cancer and will do no harm to the body. (Exhibit A at 17).

- K. Malignant Lymphoma Tea Formula. Taking this herbal formula is one of the best ways in the course of treatments for destroying the cancer cells. . . . Along with

- P. The Tongue Cancer and Oral Cancer Tea Formula treats and cures tongue cancer and oral cancer; and
- Q. The Uterus and Cervical Cancer Tea Formula treats and cures uterine and cervical cancer.

7. Through the means described in Paragraph 5, including the statements and depictions contained in the advertisements attached as Exhibit A, among others, Respondent has represented, expressly or by implication, that she possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 6 at the time the representations were made.

8. In truth and in fact, Respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 6 at the time the representations were made. Therefore, the representation set forth in Paragraph 7 was, and is, false and misleading.

9. Through the means described in Paragraph 5, including the statements and depictions contained in the advertisements attached as Exhibit A, among others, Respondent has represented, expressly or by implication, that:

- A. The Lung Cancer Tea Formula has been scientifically proven to treat and cure The Tongue Cancer and Oral Cancer Tea Formula has been scientifically proven at and cure tongue cancer and oral cancer

CA. The Uterus and Cervical Cancer Tea Formula has been scientifically proven to treat and cure uterine and cervical cancer.

- Br. The Lung Cancer Tea Formula has been scientifically proven to treat and cure lung cancer and the Tongue Cancer and Oral Cancer Tea Formula has been scientifically proven to treat and cure tongue cancer and oral cancer.

Proceedings on the charges asserted against the respondent named in this complaint will be held before an Administrative Law Judge (ALJ) of the Federal Trade Commission, under Part 3 of the Commission's Rules of Practice, 16 C.F.R. Part 3. A copy of Part 3 of the Rules is enclosed with this complaint.

You are notified that the opportunity is afforded you to file with the Commission an answer to this complaint on or before the twentieth (20th) day after service of it upon you. An answer in which the allegations of the complaint are contested shall contain a concise statement of the facts constituting each ground of the defense; and specific admission, denial, or explanation of each fact alleged in the complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the complaint not thus answered shall be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that you admit all of the material allegations to be true. Such an answer shall constitute a waiver of hearings as to the facts alleged in the complaint, and together with the complaint will provide a record basis on which the ALJ shall file an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding. In such answer you may, however, reserve the right to submit proposed findings and conclusions and the right to appeal the initial decision to the Commission under Section 3.52 of the Commission's Rules of Practice for Adjudicative Proceedings.

Failure to answer within the time above provided shall be deemed to constitute a waiver of your right to appear and contest the allegations of the complaint and shall authorize the ALJ, without further notice to you, to find the facts to be as alleged in the complaint and to enter an initial decision containing such findings, appropriate conclusions, and order.

The ALJ will schedule an initial prehearing scheduling conference to be held not later than 7 days after the last answer is filed by any party named as a respondent in the complaint. Unless otherwise directed by the ALJ, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the prehearing scheduling conference, and Rule 3.31(b) obligates counsel for each party, within 5 days of receiving a respondent's answer, to make certain initial disclosures without awaiting a formal discovery request.

Notice is hereby given to the respondent named in this complaint that a hearing before the ALJ on the charges set forth in this complaint will begin on December 16, 2008, at 10:00 a.m., or such other date and time as determined by the ALJ, in Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. At the hearing, you will have the right under the Federal Trade Commission Act to appear and show cause why an order

should not be entered requiring you to cease and desist from the violations of law charged in this complaint.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint. If, however, the Commission should conclude from record facts developed in any adjudicative proceedings in this matter that the proposed order provisions might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary or appropriate.

Moreover, the Commission has reason to believe that, if the facts are found as alleged in the complaint, it may be necessary and appropriate for the Commission to seek relief to redress injury to consumers, or other persons, partnerships, or corporations, in the form of restitution for past, present, and future consumers and such other types of relief as are set forth in Section 19(b) of the Federal Trade Commission Act. The Commission will determine whether to apply to a court for such relief on the basis of the adjudicative proceedings in this matter and such other factors as are relevant to consider the necessity and appropriateness of such action.

ORDER

For purposes of this Order, the following definitions shall apply:

1. Unless otherwise specified, "Respondent" shall mean Mary T. Spohn dba Herbs For Cancer.
2. "Cancer Tea Formulas" shall mean Respondent's Bladder Cancer Tea Formula, Bone Cancer Tea Formula, Breast Cancer Tea Formula, Colon Cancer Tea Formula, Esophageal Cancer Tea Formula, Leukemia Tea Formula, Liver Cancer Tea Formula, Lung Cancer Tea Formula, Malignant Lymphoma Tea Formula, Nasal Cancer Tea Formula, Nose and Throat Cancer Tea Formula, Prostate Cancer Tea Formula, Skin Cancer Tea Formula, Special Tea Formula, Stomach Cancer Tea Formula, Tongue Cancer and Oral Cancer Tea Formula, or Uterus and Cervical Cancer Tea Formula.
3. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
4. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield

5. “Covered product or service” shall mean any dietary supplement, food, drug, including, but not limited to any Cancer Tea Formula, device, or any health-related service or program.
6. “Endorsement” shall mean as defined in 16 C.F.R. § 255.0(b).
7. “Food,” “drug,” and “device,” shall mean “food,” “drug,” and “device” as defined in Section 15 of the FTC Act, 15 U.S.C. § 55.

I.

IT IS ORDERED that Respondent, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of any Cancer Tea Formula or any substantially similar product or any other covered product or service, in or affecting commerce, shall not represent, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration, that any such product is effective in treating or curing any type of cancer, unless the representation is true, non-misleading, and, at the time it is made, Respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

II.

IT IS ORDERED that Respondent, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of any Cancer Tea Formula or any substantially similar product or any other covered product or service, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of a product name or endorsement, about the absolute or comparative benefits, performance, efficacy, safety, or side effects of such covered product or service, unless the representation is true, non-misleading, and, at the time it is made, Respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

III.

IT IS ORDERED that Respondent, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the advertising, promotion, offering for sale, or sale of any covered product or service, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, including through the use of a product name or endorsement, the existence, contents, validity, results, conclusions, or interpretations of any test or study.

IV.

IT IS FURTHER ORDERED that:

A. Nothing in this order shall prohibit Respondent from making any representation for any drug that is permitted in labeling for such drug 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 Drug Administration; and

B. Nothing in this order shall prohibit Respondent from making any representation for any product that is specifically permitted in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990; and

C. Nothing in this order shall prohibit Respondent from making any representation for any device that is permitted in labeling for such device under any new medical device application approved by the Food and Drug Administration.

V.

IT IS FURTHER ORDERED that:

A. Respondent shall, within seven (7) days after the date of service of this order, deliver to the Commission a list, in the form of a sworn affidavit, of all consumers who purchased any Cancer Tea Formula, on or after January 1, 2005, through the date of service of this order. Such list shall include each consumer's name and address, the product(s) purchased, and, if available, the consumer's telephone number and email address;

B. Within forty-five (45) days after the date of service of this order, respondent shall send by first class mail, postage prepaid, an exact copy of the notice attached as Attachment A to all persons identified in Part V.A. The face of the envelope enclosing the notice shall be an exact copy of Attachment B. The mailing shall not include any other documents; and

C. Except as provided in this order, respondent, and her officers, agents, servants, employees, attorneys and representatives shall not sell, rent, lease, transfer, or otherwise disclose the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to respondent, at any time prior to issuance of this order, in connection with the purchase of any Cancer Tea Formula.

,h ,

X.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of this order, whichever comes later; _____

A A A

[Form of Letter]

[to be sent by first class mail and printed on letterhead of Herbs For Cancer]

[Name and address of recipient] [Date]

Dear [Recipient]:

Our records show that you bought _____ from our website _____ . We are writing to tell you that the Federal Trade Commission (“FTC”) has found that our advertising claims for these products were false or unsubstantiated, and has issued an Order prohibiting us from making those claims in the future. The Order entered against us also requires that we send you the following information about the scientific evidence on these products.

Very little scientific research has been done concerning the above noted products as a treatments or cures for cancer in humans. The scientific studies that have been done do not demonstrate that these products, or the ingredients in these products, are effective when used as treatments for cancer.

It is very important that you talk to your doctor or health care provider before using *any* alternative or herbal product, including the products named above. Speaking with your doctor is important to make sure that all aspects of your medical treatment work together. Things that seem safe, such as certain foods, herbs, or pills, may interfere or affect your cancer or other medical treatment, or other medicines you might be taking. Some herbs or other complementary or alternative treatments may keep your medicines from doing what they are supposed to do, or could be harmful when taken with other medicines or in high doses. It also is very important that you talk to your doctor or health care provider before you decide to take any alternative or herbal product, including the products named above, instead of taking conventional cancer treatments that have been scientifically proven to be safe and effective in humans.

If you would like further information about complementary and alternative treatments for cancer, the following Internet web sites may be helpful:

1. The National Cancer Institute: www.cancer.gov/cancertopics/pdq; or
2. The National Center for Complementary and Alternative Medicines: www.nccam.nih.gov

You also can contact the National Cancer Institute’s Cancer Information Service at 1-800-4-CANCER or 1-800-422-6237.

Sincerely,

Herbs For Cancer

A A B

_____ [Form for Face of Envelope]

Herbs For Cancer/HerbsForCancer.com
[address]

[name and address of purchaser]