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**UNITED STATES OF AMERICA**
**FEDERAL TRADE COMMISSION**

**COMMISSIONERS:** **Edith Ramirez, Chairwoman**
**Julie Brill**
**Maureen K. Ohlhausen**
**Joshua D. Wright**
**Terrell McSweeny**

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| **In the Matter of** | ) | |
| | ) | **DOCKET NO. C-4457** |
| **FORU™ INTERNATIONAL CORPORATION,** | ) | |
| **formerly known as** | ) | **DECISION AND ORDER** |
| **GENEWIZE LIFE SCIENCES, INC.** | ) | |
| | ) | |

The Federal Trade Commission ("Commission") having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the respondent with violation of the Federal Trade Commission Act, 15 U.S.C. § 45 *et seq.*; and

The respondent, its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order ("consent agreement"), which includes: a statement by the respondent that it neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in the consent agreement, and only for purposes of this action, admits the facts necessary to establish jurisdiction; and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the Federal Trade Commission Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such consent agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, and having duly considered the comments filed thereafter by interested persons pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent foru™ International Corporation ("foru"), formerly known as GeneWize Life Sciences, Inc., is a Delaware corporation with its principal office or place of business at 1231 Greenway Drive, Suite 200, Irving, Texas 75038.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and this proceeding is in the public interest.

## ORDER

## DEFINITIONS

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

1. Unless otherwise specified, "respondent" means foru™ International Corporation, formerly known as GeneWize Life Sciences, Inc., its successors and assigns, and its officers, agents, representatives, and employees.

2. "Commerce" means as defined in Section 4 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 44.

3. "Covered Product" means any drug, food, or cosmetic that is: (a) customized or personalized for a consumer based on that consumer's DNA or SNP (single nucleotide polymorphism) assessment, including, but not limited to, LifeMap ME DNA Customized Nutritional Supplements, GeneWize Nutritional Supplements, LifeMap ME DNA Customized Skin Repair Serum, foru™ Core Plus, GeneWize Customized Skin Repair Serum, and foru™ Skin Repair Serum; or (b) promoted to modulate the effect of genes.

4. "Covered Assessment" means any genetic test or assessment, including, but not limited to, the Healthy Aging Assessment and LifeMap Healthy Aging Assessment.

5. "Essentially Equivalent Product" means a product that contains the identical ingredients, except for inactive ingredients (*e.g.*, binders, colors, fillers, excipients), in the same form and dosage, and with the same route of administration (*e.g.*, orally, sublingually), as the Covered Product; *provided that* the Covered Product may contain additional ingredients if reliable scientific evidence generally accepted by experts in the field demonstrates that the amount and combination of additional ingredients is unlikely to impede or inhibit the effectiveness of the ingredients in the Essentially Equivalent Product.

6. "Drug" means as defined in Section 15(c) of the FTC Act, 15 U.S.C. § 55(c).

7. "Food" means as defined in Section 15(b) of the FTC Act, 15 U.S.C. § 55(b).

8. "Cosmetic" means as defined in Section 15(e) of the FTC Act, 15 U.S.C. § 55(e).

9. "Adequate and well-controlled human clinical study" means a human clinical study that: is randomized and adequately controlled; utilizes valid end points generally recognized by

disease, arthritis, or insomnia, unless the representation is non-misleading and, at the time the representation is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates that the representation is true. For purposes of this Part I, "competent and reliable scientific evidence" shall consist of at least two adequate and well-controlled human clinical studies of the Covered Product, or of an Essentially Equivalent Product, conducted by different researchers, independently of each other, that conform to acceptable designs and protocols and whose results, when considered in light of the entire body of relevant and reliable scientific evidence, are sufficient to substantiate that the representation is true; *provided that*, if the respondent represents that such product is effective in the diagnosis, cure, mitigation, treatment, prevention, or the reduction of risk of disease for persons with a particular genetic variation or single nucleotide polymorphism ("SNP"), then studies required under this Part I shall be conducted on human subjects with such genetic variation or SNP. Respondent shall have the burden of proving that a product satisfies the definition of an Essentially Equivalent Product.

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B.

1. No later than thirty (30) days after the date of service of this order, and, on a semi-annual basis thereafter, respondent shall determine those affiliates that generate the most sales for respondent. For respondent's top fifty (50) revenue-generating affiliates, respondent shall:

   (a) Monitor and review each affiliate's web sites on at least a monthly basis at times not disclosed in advance to its affiliates and in a manner reasonably calculated not to disclose the source of the monitoring activity at the time it is being conducted; and

   (b) Conduct online monitoring and review of the Internet on at least a monthly basis, including, but not limited to, social networks such as Facebook, microsites such as Twitter, and video sites such as YouTube, for any representations by such affiliates.

2. For the remainder of respondent's affiliates, no later than thirty (30) days after the date of service of this order, and, on a semi-annual basis thereafter, respondent shall select a random sample of fifty (50) affiliates. Respondent shall:

   (a) Monitor and review each of these randomly selected affiliates' web sites on at least a monthly basis at times not disclosed in advance to its affiliates and in a manner reasonably calculated not to disclose the source of the monitoring activity at the time it is being conducted; and

   (b) Conduct online monitoring and review of the Internet on at least a monthly basis, including, but not limited to, social networks such as Facebook, microsites such as Twitter, and video sites such as YouTube, for any representations by such affiliates.

B. Within seven (7) days of reasonably concluding that an affiliate has made representations that the affiliate knew or should have known violated Parts I, II, or III of this order, respondent shall terminate the affiliate from any affiliate program and cease payment to the affiliate; *provided, however*, that nothing in this subpart

VII.

XII.

IT IS FURTHER ORDERED that respondent foru™ International Corporation, and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change

*Provided, further*, that if such complaint is dismissed or a federal court rules that respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or