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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of	)	
	)	**FILE NO. C-**
JOHN MATTHEW DWYER III,	)	
a/k/a Matthew Dwyer,	)	**AGREEMENT CONTAINING**
	)	**CONSENT ORDER**
Individually.	)	
	)	

The Federal Trade Commission ("Commission") has conducted an investigation of certain acts and practices of John Matthew Dwy

withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such

that is intended to be ingested, and is not represented to be used as a conventional food or as a sole item of a meal or the diet.

5. "Food" and "Drug" mean as defined in Section 15 of the FTC Act, 15 U.S.C. § 55.

6. "Reliably Reported," for a human clinical test or study ("test"), means a report of the test has been published in a peer-reviewed journal, and such published report provides sufficient information about the test for experts in the relevant field to assess the reliability of the results.

7. The term "including" in this Order shall mean "without limitation."

8. The terms "and" and "or" in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

I.

III.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, partnership, subsidiary, division, licensee, affiliate, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication:

A. The existence, contents, validity, results, conclusions, or interpretations of any test, study, or research; or

B. That the efficacy of such product has been clinically or scientifically proven.

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 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 or permitted under Sections 303-304 of the Food and Drug Administration Modernization Act of 1997.

V.

IT IS FURTHER ORDERED that, with regard to any human clinical test or study ("test") upon which respondent relies to substantiate any claim covered by this Order, respondent shall secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, including, but not necessarily limited to:

A. All protocols and protocol amendments, reports, articles, write-ups, or other accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or any other person not employed by the research entity;

B. All documents referring or relating to recruitment; randomization; instructions, including oral instructions, to participants; and participant compliance;

C. Documents sufficient to identify all test participants, including any participants who did not complete the test, and all communications with any participants relating to the test; all raw data collected from participants enrolled in the test,

including any participants who did not complete the test; source documents for such data; any data dictionaries

responsibilities with respect to the subject matter of this Order, and shall secure from each such person a signed and dated statement acknowledging receipt of the Order. Delivery shall occur to current personnel within thirty (30) days after date of service of this Order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

Signed this ____ day of _____, 2014.

By: _____
John Matthew Dwyer III, individually

By: _____
Christine L. DeLorme
Elizabeth Nach
Counsel for the Federal Trade Commission

APPROVED:

_____
Mary K0_71ngle