

jurisdiction over all parties and that venue lies exclusively in

this district.

2. There is good cause to believe that Defendants have engaged in and are likely to engage in acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Section 4 of the ~~Robinson-Patman Act~~ ~~15 U.S.C. § 14~~

("ROSCA"), 15 U.S.C. § 8403, and that the FTC therefore is likely to prevail on the merits of this action. As demonstrated by the consumer declarations, copies of websites, transcripts of calls

means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and

audible portions of the communication even if the representation requiring the disclosure is made in only one means.

b. A visual disclosure by its size, contrast, location,

the length of time it appears, and other characteristics,

must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

c. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily

other data or data compilations from which information can be obtained directly or, if necessary, after translation into a

separate document within the meaning of the term.

5. "Material" means likely to affect a Person's choice of, or conduct regarding, goods or services.

6. "Negative Option Feature" means in an offer or agreement

to sell or provide any good or service, a provision under which the Person's silence or failure to take an affirmative action to reject a good or service or to cancel the agreement is interpreted by the seller or provider as acceptance or continuing

9. "SafeRenew Customer" means any Person identified in Defendants' records as enrolled in SafeRenew or any other program with a Negative Option Feature.

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

I.

BAN ON NEGATIVE OPTION SALES

IT IS THEREFORE ORDERED that Defendants are hereby restrained and enjoined from, directly or indirectly, advertising, marketing, promoting, offering for sale, or selling any goods or services with a Negative Option Feature. If

connection with the advertising, marketing, promotion, offering for sale, or sale of any goods or services, are **hereby restrained and enjoined from** making misrepresentations, expressly or by implication:

- A. That Defendants are representatives of, related to, associated with, vetted by, or in any way affiliated with a local, state, or federal government authority, such as the



IV.

PROHIBITIONS CONCERNING THREATS

IT IS FURTHER ORDERED that Defendants, Defendants' officers,

concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the advertising, marketing, promotion, offering for sale, ~~or sale of any goods or services~~ are hereby restrained

and enjoined from utilizing threats of government action,

~~expressly or by implication in communications with consumers~~

VI.

FINANCIAL INSTITUTIONS HOLDING ASSETS

IT IS FURTHER ORDERED that any financial or brokerage institution, credit card processing company, payment processor,

depository bank, merchant bank, acquiring bank, business entity, or Person that (a) holds, controls, or maintains custody of any account or Asset of any Defendant (b) holds, controls, or

maintains custody of any Asset associated with credit or debit card charges, including but not limited to reserve funds held by payment processors, made on behalf of any Defendant or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Defendant, or of which any Defendant is an officer, director, member, or manager, or (c) has held, controlled, or maintained custody of any such account or

copies of all local, state, provincial, and federal income and property tax returns, with attachments and schedules, as called for by the instructions to the financial statements.

VIII.

REPATRIATION OF FOREIGN ASSETS AND DOCUMENTS

IT IS FURTHER ORDERED that, within ten (10) days following the service of this Order, each Defendant shall:

A. Provide the Commission with a full accounting of all Documents and Assets outside of the United States that are: (1) titled in the name, individually or jointly, of any Defendant; (2) held by any person or entity for the benefit of any Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Defendant;

~~B. Transfer to the territory of the United States all~~

Documents and Assets located in foreign countries that are: (1) titled in the name individually or jointly of any Defendant; (2) held by any person or entity for the benefit of any Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Defendant.

~~of the business entity, (2) the name of the business entity,~~

officers, directors, principals, managers, and employees; and (4) a detailed description of the business entity's intended activities.

XII.

PROHIBITION ON RELEASE OF CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other Persons in active



XIX.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

SO ORDERED, this 29th day of September, 2016.



WILLIAM J. ZLOCH
United States District Judge

Copies Furnished:

All Counsel of Record