

Complaint

106 F.T.C.

IN THE MATTER OF

WEIDER HEALTH AND FITNESS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF SECS. 5
AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9182. Complaint, July 26, 1984—Decision, Dec. 11, 1985*

This consent order requires a Woodland Hills, Calif. manufacturer and distributor of nutrient supplements and three corporate officers, among other things, to make refunds to purchasers of "Anabolic Mega-Pak" or "Dynamic Life Essence." If the refunds total less than \$400,000, respondents are required to donate the difference to fund research on the relationship of nutrition to muscle development. Respondents are required to publish notices of the refund offer in two bodybuilding magazines. Additionally, respondents are prohibited from: (1) making unsubstantiated claims that its products promote muscular development, produce human-growth hormone or that its products are unique; and (2) misrepresenting any scientific test, research article, survey or other scientific opinion or data as it applies to their products.

Appearances

For the Commission: *Michael L. Sirota* and *Timothy T. Hughes*.

For the respondents: *Kirkpatrick W. Dilling, Dilling, Dilling & Gronek*, Chicago, Ill.

COMPLAINT

The Federal Trade Commission, having reason to believe that Weider Health and Fitness, Inc., a corporation, and Joseph Weider, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated Sections 5 and 12 of the Federal Trade Commission Act, and that an action by it is in the public interest, issues this complaint and alleges that:

PARAGRAPH 1. Respondent Weider Health and Fitness, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business at 21100 Erwin Street, Woodland Hills, California.

Respondent Joseph Weider is an officer of the corporate respondent named herein. He has formulated, directed and controlled the acts and practices of the corporation, including all the acts and practices set forth below. His address is the same as that of the corporate respondent.

PAR. 2. Respondents are, and have been engaged in the manufac-

ture, offering for sale, promotion and distribution to the public of the nutrient supplements "Anabolic Mega-Pak" and "Dynamic Life Essence" and other foods, as "food" is defined in the Federal Trade Commission Act.

PAR. 3. Respondents have caused to be prepared and placed for publication and have caused the dissemination of advertising and promotional materials, including, but not limited to, the advertising and promotional materials referred to herein, to promote the sale of their nutrient supplements and other foods. As advertised, respondents' nutrient supplements and other foods are foods, as "food" is defined in the Federal Trade Commission Act.

PAR. 4. Respondents operate in various States of the United States and in the District of Columbia. Respondents' manufacturing, offering for sale, promoting and distributing of nutrient supplements and other foods, constitute the maintenance of a substantial course of trade in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. In the course and conduct of its business, respondents have disseminated and caused the dissemination of advertisements and promotional materials for nutrient supplements and other foods, by various means in or affecting commerce, including *inter alia*, placing advertisements in national magazines distributed through the mail and across state lines, for the purpose of inducing, and which were likely to induce, directly or indirectly, the purchase of respondents' nutrient supplements and foods.

PAR. 6. Typical statements in such advertisements and promotional materials, disseminated as previously described, but not necessarily inclusive thereof, are found in advertisements and promotional materials attached hereto as Exhibits A through E. Specifically, these advertisements and promotional materials contain the following statements:

A. In regard to the Anabolic Mega-Pak:

1. It is "scientifically created . . . for the creation of maximum fat-free muscle mass!"
2. It produces "faster-than-ever-before muscle growth."
3. It is "A Natural Steroid Replacement Kit You Can Live With. The only kit on the market scientifically created to replace steroids. . . ."
4. It can "produce gains that approximate, in a physiological way, the muscle-building effect caused by the dangerous drugs it was designed to replace."
5. "Over the course of a few months use, Joe Weider's revolutionary

new discovery could produce gains that approximate those of the most potent anabolic steroids—with virtually no negative side effects.”

6. “The most advanced benefit of using Joe Weider’s steroid replacement kit is that your muscle growth and development are long-lasting, not temporary like those derived from drugs.”

7. It can “stimulate the release of human growth hormone (hGH) from the pituitary gland,” “enabling manufacture of more muscle-building protein for solid, lasting muscle tissue.”

8. “[A]t great expense and effort Joe Weider assembled the world’s most reknowned [sic] nutritional biochemists, exercise physiologists and trainers, all committed to evolve the most effective steroid replacement that experience and science could provide.”

B. In regard to “Dynamic Life Essence”:

1. Life Essence is superior to “conventional protein sources to muscle up.”

2. “Life Essence Builds Bigger Muscles—Faster!”

3. “Life Essence gently activates anabolic activity by coaxing the pituitary gland to secrete greater amounts of growth hormones into the bloodstream.”

4. “Life Essence is unlike any other amino acid source in the world. So unique, in fact, that it has a worldwide patent pending.”

PAR. 7. Through the use, *inter alia*, of the statements referred to in Paragraph Six (A) through Six (B), and other representations contained in advertisements or promotional materials not specifically set forth herein, respondents have represented, and now represent, directly or by implication that:

A. A typical user of the “Anabolic Mega-Pak” and “Dynamic Life Essence” will achieve greater muscular development over the course of a few months of a weight training program than a non-user of these products, all other conditions remaining equal.

B. A typical user of the “Anabolic Mega-Pak” and “Dynamic Life Essence” will achieve at least the muscular development of the non-user of these products, but in a shorter period of time, all other conditions remaining equal.

C. A typical user of the “Anabolic Mega-Pak” and “Dynamic Life Essence” will achieve results equivalent to those results bodybuilders generally believe are achievable through use of anabolic steroids, *i.e.*, rapid and substantial muscular development.

D. The “Anabolic Mega-Pak” and “Dynamic Life Essence” will stimulate greater than normal production or release of human growth hormone, resulting in greater or faster muscular development.

E. "Dynamic Life Essence" is unlike any other amino acid source in the world, *i.e.*, it is unique.

F. The "Anabolic Mega-Pak" was developed by a team of the world's most renowned nutritional biochemists, exercise physiologists and trainers.

PAR. 8. In truth and in fact:

A. A typical user of the "Anabolic Mega-Pak" and "Dynamic Life Essence" will not achieve greater muscular development over a course of a few months of a weight training program than a non-user of these products, all other conditions remaining equal.

B. A typical user of the "Anabolic Mega-Pak" and "Dynamic Life Essence" will not achieve faster muscular development than a non-user of these products, all other conditions remaining equal.

C. A typical user of the "Anabolic Mega-Pak" and "Dynamic Life Essence" will not achieve results equivalent to those results body-builders generally believe are achievable through use of anabolic steroids.

D. The "Anabolic Mega-Pak" and "Dynamic Life Essence" will not stimulate greater than normal production or release of human growth hormone, resulting in greater or faster muscular development.

E. "Dynamic Life Essence" is similar, if not identical, to other amino acid sources in the world, *i.e.*, it is not unique.

F. The "Anabolic Mega-Pak" was not developed by a team of the world's most renowned nutritional biochemists, exercise physiologists and trainers.

Therefore, the representations set forth in Paragraph Seven are false and misleading.

PAR. 9. Through the use, *inter alia*, of the statements referred to in Paragraph Six (A) through Six (B), and other representations contained in advertisements or promotional materials not specifically set forth herein, respondents have represented and now represent, directly or by implication, that at the time of making the representations respondents have possessed and relied upon a reasonable basis for the representations.

PAR. 10. In truth and in fact, at the time of the initial dissemination of those representations and each subsequent dissemination, respondents did not possess and rely upon a reasonable basis for making such representations. Therefore, the representation set forth in Paragraph Nine was, and is, false and misleading.

PAR. 11. Respondents' dissemination of the aforesaid representation and the placement in the hands of others of means and instrumentalities by and through which others may have used the

aforesaid representations have had, and now have, the capacity and tendency to mislead consumers and to induce such consumers to purchase respondents' nutrient supplements and foods.

PAR. 12. The aforesaid acts or practices of respondents, were and are to the prejudice and injury of the public and constituted and now constitute unfair and deceptive acts or practices in or affecting commerce in violation of Section 5 of the Federal Trade Commission Act and false advertisements in violation of Section 12 of the Federal Trade Commission Act.

ATTACHMENT A

Take Your Body Beyond Steroids.

Now! The Secret is Out!

JOE WEIDER'S ANABOLIC MEGA-PAK

A Natural Steroid Replacement Kit You Can Live With.

The only kit on the market scientifically created to replace steroids for the creation of maximum fat-free muscle mass! Stimulates release of the growth hormone, strengthens your body, and aids recuperation to assure dynamic, faster-than-ever-before muscle growth. All natural!

DRUGS, BLESSING AND CURSE.

Joe Weider, like all great coaches and trainers, recognizes that drugs have been both a blessing and a curse for mankind. He is aware of the potential for drug abuse in sports—the reality of trying to win fame, money or self-gratification at any cost has made drug use a serious problem in many sports. Joe Weider found the problem particularly paradoxical: Bodybuilding is a sport where health, strength, overall fitness, high-energy, muscular development and maintenance are the primary goals; these are virtually unattainable when bodybuilders resort to dangerous pharmaceutical aids such as anabolic steroids.

Joe Weider has spent his life developing the sport of bodybuilding, and he decided to do something about the use of these unhealthy drugs. At stake is the ideal of health and vitality so important to the bodybuilding lifestyle. At best, anabolic steroids are not the wonder drug they have been touted to be. They prematurely age muscle cells, cause testicular shrinkage, impotence, paranoid or extremely aggressive behavior, and a host of serious coronary and liver problems which can prove fatal. Their muscle-building effects are temporary—affecting temporary muscle gains and a false kind of strength that disappears quickly when drug use is discontinued. This kind of "let-down" is both demoralizing and potentially dangerous to the body's delicately balanced endocrine system.

TACKLING THE PROBLEM.

Joe Weider's message about the great benefits of the bodybuilding lifestyle could not be spread as long as this dangerous trend continued. That's why Joe took action. His directive was clear, he wanted a steroid replacement that worked! No false hopes. No promises that couldn't be kept. Not only would this product work, but work dramatically, as well or better than anabolic steroids but without their inherent dangers. So at great expense and effort Joe Weider assembled the world's most renowned

nutritional biochemists, exercise physiologists and trainers, all committed to evolve the most effective steroid replacement that experience and science could provide. Joe worked them for well over a year to develop a scientific alternative to dangerous and counterproductive drugs.

JOE WEIDER'S SOLUTION.

The result? A combination of natural ingredients so outstanding that its anabolic muscle-building effect could produce gains that approximate, in a physiological way, the muscle building effect caused by the dangerous drugs it was designed to replace.

"It's Great! Now, I can go into my high-intensity mass building routines without worry or stress."

Tom Platz.



That's not all! Over the course of a few months use, Joe Weider's revolutionary new discovery could produce gains that approximate those of the most potent anabolic steroids—with virtually no negative side effects. Joe's steroid replacement is designed to work naturally, as food does. How? By stimulating the body's own natural anabolic capabilities! The most advanced benefit of using Joe Weider's steroid replacement kit is that your muscle growth and development are long-lasting, not temporary like those derived from drugs.

SCIENCE AT WORK FOR YOU.

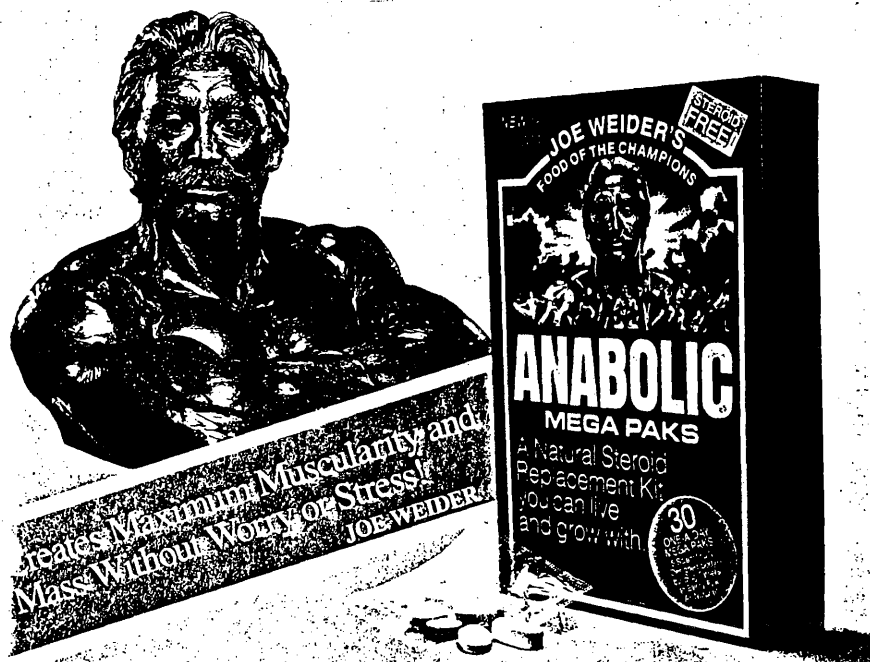
The scientists who helped Joe Weider formulate his steroid replacement paks realized that food supplements alone could not produce an anabolic effect in the human body. But the careful arrangement of ingredients, combined with precise scheduling of their intake could cause a strong anabolic effect similar to that of

steroids. Because Joe Weider's ingredients are foods rather than drugs, a lasting anabolic effect could safely be achieved without the harmful side effects generated by drugs. Because nutrients interact on a biochemical level, the Weider scientists had to discover a way to combine these ingredients so they would complement one another to produce a climate within the muscle cells that exceeds their normal anabolic capacity. Furthermore, to register maximum effect this increased anabolic activity should occur in the cells precisely at the time of greatest need. These all-important requirements were met. The result is a food supplement that far exceeds any food ever made in its ability to create a positive anabolic state.

THE WEIDER SECRET.

Scientific research into substances that exert an anabolic effect on the human body was thoroughly reviewed to determine the exact combination of nutrients, dosages and intake schedules. Joe Weider found the secret! While others claim that their formulas produce anabolic effects, the truth is that they failed to look beyond their principal ingredients into the complex biochemical interactions that occur after the product is ingested! There's the secret to Joe Weider's ANABOLIC MEGA-PAK! Weider's unique blend of ornithine and arginine is combined with the exact compounds necessary for the biochemical transformation of these powerful amino acids.

Scientists have known for years that certain amino acids (ornithine and arginine in particular, after being biochemically transformed to spermine, have the capability to stimulate the release of human growth hormone (hGH) from the pituitary gland. The Weider scientists discovered that certain mineral catalysts are required to ignite and maintain the transformation process until there is enough spermine change to trigger hGH release. Ornithine and arginine change to spermidine and finally spermine by interaction with exact ratios of magnesium, methionine, potassium, calcium and niacinamide. No other product on the market incorporates these important steps.



MUSCLE GROWTH TIMETABLE.

After spermine gently stimulates hGH release, this powerful hormone exerts its anabolic effect on the ribosomes of the muscle cells retaining greater amounts of nitrogen, enabling manufacture of more muscle-building protein for solid, lasting muscle tissue. Moreover fat deposits are mobilized, utilized as fuel for energy, thus causing reductions in bodyfat.

A research shows hGH is more efficiently released during periods of great anabolic activity in the body. Two such periods crucial to muscle growth exist after training, particularly after the intense, vigorous training bodybuilders typically undergo, and during the hours after awakening.

Scientific research also suggests that all the amino acids essential to growth must be present during critical growth periods. The ANABOLIC PAK has this and more! Weider scientists have added LIFE ESSENCE, a unique and powerful blend of free-form amino acids (not egg, milk or soy, and hydrolyzed germ used in liquid preparations), to the ANABOLIC PAK to assure this all-important requirement. The incredible effects of increasing your body's production of hGH also has multi-dimensional effects, synergistically improving human performance. These are functions that no anabolic steroid can provide.

HOW YOU USE IT.

To assure maximum anabolic activity, the Weider ANABOLIC PAK should be used as follows:

Morning: Normal meal supplemented with Joe Weider's "Good Life" MULTIVITAMIN PAK and DYNAMIC MUSCLE BUILDER protein powder fortified with a teaspoon of LIFE ESSENCE (mixed with cup of milk or juice).

Lunch: Normal meal fortified with teaspoon of

LIFE ESSENCE (mixed with cup of milk or juice).

Before workout: Joe Weider's PRESTRESS FORMULA drink.

Immediately after workout: Weider's ANABOLIC PAK and a light meal fortified with 2 teaspoons of LIFE ESSENCE (mixed with milk or juice).

Evening meal: Same as morning.

SHARE THE SECRET!

WEIDER HEALTH & FITNESS (DEPT. 31 AMIN)

21100 ERWIN ST., WOODLAND HILLS, CA 91367

Thanks Joe! For letting me use your revolutionary new *Anabolic Mega Paks*. Because of your tireless efforts I no longer need to take chances with steroids. Like the Super Stars, my muscles and strength will grow faster than I ever imagined, safely and naturally, without worry or stress. Count me in as one of your up-and-coming Super Stars by rushing me your new *Anabolic Mega Paks* today!

☐ (AMP 30) 30 Day Supply \$24.95 ☐ (AMP 60) 60 Day Supply * \$44.00

*SPECIAL INTRODUCTORY OFFER MAIL ORDER ONLY

I've enclosed \$_____ plus \$1.50 for postage and handling. Sorry no C.O.D.s.

California, New Jersey and Missouri residents add appropriate sales tax.

Name _____

Address _____

City _____ State _____ Zip _____

Credit card customers call (800) 423-5713. In California (800) 382-3399. These numbers are for orders only; no inquiries. Similar products are available in Canada. Contact: Weider Institute, 2875 Bates Road, Montreal, P.Q. H3S1B7

Complaint

ATTACHMENT B



A new age begins...with the awesome power of Life Essence.

If you're looking for a new source of energy, look no further than Life Essence. A new age

Life Essence - pure free amino acids. The essence of protein. Amino acids are the building blocks of the human body. They are the raw materials for the synthesis of all the body's proteins, enzymes, hormones, and antibodies. Without the body's supply of amino acids, the body's ability to build and repair itself is severely compromised.

[illegible]

development and needing for muscle
work, quickly and smoothly, releasing
you to build your own muscle tissue
without added body fat

Life Essence - Unlike any other animal
it is alone in the world. So alone
that it has a worldwide presence
in the form of a natural energy
that pervades the entire earth. It is
this energy that is the source of
all life on earth.

No wonder Life Essence is the most
valuable and most powerful
energy in the universe.

Life Essence is the most powerful
energy in the universe.

Life Essence
100 Capsules \$24.95
100 Grams (Powder) \$24.95

LIFE ESSENCE
Available at your local health food store
Small quantities available in 2 oz. jars for \$2.99. Call 800-555-1822
WEIGER NUTRITION, 285 BAYVIEW BLVD., SUITE 100, NEW YORK, NY 10022



"LIFE ESSENCE:
so revolutionary,
it has a
worldwide
patent pending."

AWESOME POWER!



A NEW AGE BEGINS...WITH THE POWER OF LIFE ESSENCE

IT'S MADE OF THE SAME SUBSTANCE AS HUMAN MUSCLE!

Now, bodybuilders and anybody interested in maintaining their highest level of personal strength can come to the vital source of it all: Life Essence. Life Essence is a combination of pure amino acids — exactly the same ones that go into production of muscle tissue. Life Essence has no fat, no carbohydrates, no additives of any kind. You don't even digest it! Life Essence is so pure, you assimilate it immediately — so it's unlike all other muscle building foods which are far less effective because of inefficiencies in digestion.

The diagram at right shows an electron micrograph of human skeletal muscle. The thin strands of protein and other muscle cell components are comprised of chains of amino acids. The same pure, free amino acids furnished with Life Essence.



HOW LIFE ESSENCE BUILDS UP HUMAN MUSCLES

Exercise results in muscular stress. This stress causes a great craving within the muscle for life's building blocks in the form of pure, free amino acids — exactly like those found in Life Essence. When Life Essence is absorbed into the bloodstream, its amino acids quickly and efficiently find their way into muscle cells, seeking out the areas where they are needed most. Once there, an amazing natural chemical process occurs. The amino acids reassemble into complex protein molecules which cause rapid muscle development and cellular recuperation. But Life Essence does even more.

IT EVEN ACTIVATES ANABOLIC ACTIVITY!

Beyond everything else, Life Essence gently activates anabolic activity by coaxing the pituitary gland to secrete greater amounts of

growth hormones into the bloodstream. These powerful hormones enhance the entire natural bodybuilding process, building your muscles quickly, insuring continued growth, definition and strength at levels far beyond those achievable with inferior protein sources.

ENTER THE NEW AGE OF POWER

Whether you are a bodybuilder, athlete or just a person who wants to keep fit, experience the awesome power of Life Essence and put it to work for you! It's the beginning of a new age of health, power and self-satisfaction.

WEIDER HEALTH & FITNESS, 21100 Erwin Street, Woodland Hills CA 91367

Return the order checked below. I enclose \$_____ plus \$1.50 for each item No C.O.D. in California residents add 6% sales tax.

☐ 100 Capsules ... \$24.95

☐ 100 Grams (Powder) ... \$24.95

Name _____ Age _____ ☐ Male ☐ Female

Address _____ City _____ State _____ Zip _____

Charge my ☐ MasterCard ☐ Visa Expiration date _____ Bank No. _____

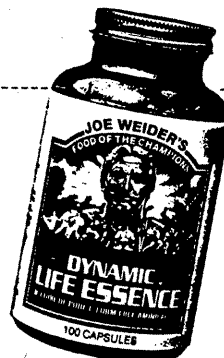
Account No. _____ Signature _____

Or call toll-free Weider Hot Line (MasterCard or Visa customers only). 1-800-423-5713. In California call 1-800-387-3399. These numbers are order-taking lines only, no inquiries.

In Canada: Weider Institute, 2675 Baines Road, Montreal.

MS-187 Also available at your local health food store.

LIFE ESSENCE
AWESOME!



ATTACHMENT D

Take Your Body Beyond Steroids. Now! The Secret is Out!

JOE WEIDER'S ANABOLIC MEGA PAK

A Natural Steroid Replacement Kit You Can Live With.

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DRUGS: BLESSING AND CURSE

Joe Weider, like all great coaches and trainers, recognizes that drugs have been both a blessing and a curse for mankind. He is aware of the potential for drug abuse in sports — the reality of trying to win fame, money or self-gratification at any cost has made drug use a serious problem in many sports. Joe Weider found the problem particularly paradoxical: Bodybuilding is a sport where health, strength, overall fitness, high energy, muscular development and maintenance are the primary goals; these are virtually unattainable when bodybuilders resort to dangerous pharmaceutical aids such as anabolic steroids.

Joe Weider has spent his life developing the sport of bodybuilding, and he decided to do something about the use of these unhealthy drugs. At stake is the ideal of health and vitality so important to the bodybuilding lifestyle. At best, anabolic steroids are not the wonder drug they have been touted to be. They prematurely age muscle cells, cause testicular shrinkage, impotence, paranoid or extremely aggressive behavior, and a host of serious coronary and liver problems which can prove fatal. Their muscle-building effects are transitory — affecting temporary muscle gains and a false kind of strength that disappears quickly when drug use is discontinued. This kind of "let-down" is both demoralizing and potentially dangerous to the body's delicately balanced endocrine system.

TACKLING THE PROBLEM

Joe Weider's message about the great benefits of the bodybuilding lifestyle could not be spread as long as this dangerous trend continued. That's why Joe took action. His directive was clear, he wanted a steroid replacement that worked! No false hopes. No promises that couldn't be kept. Not only would this product work, but work dramatically, as well or better than anabolic steroids but without their inherent dangers. So at great expense and effort Joe Weider assembled the world's most renowned nutritional biochemists, exercise physiologists and trainers, all committed to develop the most effective steroid replacement that experience and science could provide. Joe worked with them for well over a year to develop a scientific alternative to dangerous and counterproductive drugs.

JOE WEIDER'S SOLUTION

The result? A combination of natural ingredients so outstanding that its anabolic muscle-building effect could produce gains that approximate, in a physiological way, the muscle-building effect caused by the dangerous drugs it was designed to replace.

"It's Great! Now I can go into my high-intensity mass building routine without worry or stress."

Tom Platz.



That's not all! Over the course of a few months use, Joe Weider's revolutionary new discovery could produce gains that approximate those of the most potent anabolic steroids — with virtually no negative side effects. Joe's steroid replacement is designed to work naturally, as food does. How? By stimulating the body's own natural anabolic capabilities! The most advanced benefit of using Joe Weider's steroid replacement kit is that your muscle growth and development are long-lasting, not temporary like those derived from drugs.

SCIENTIFICALLY PROVEN

The scientists who helped Joe Weider formulate his steroid replacement paks realized that food supplements alone could not produce an anabolic effect in the human body. But the careful arrangement of ingredients, combined with precise scheduling of their intake, could cause a strong anabolic effect similar to that of steroids. Because Joe Weider's ingredients are foods rather than drugs, a lasting anabolic effect could safely be achieved without the harmful side effects generated by drugs. Because nutrients interact on a biochemical level, the Weider scientists had to discover a way to combine these ingredients so they would complement one another to produce a climate within the muscle cells that exceeds their normal anabolic capacity. Furthermore, to register maximum effect this increased anabolic activity should occur in the cells precisely at the time of greatest need. These all-important requirements were met. The result is a food supplement that could exceed any food ever made in its ability to create a positive anabolic state.

THE WEIDER SECRET

Scientific research into substances that exert an anabolic effect on the human body was thoroughly reviewed to determine the exact combination of nutrients, dosages and intake schedules. Joe Weider found the secret! While others claim that their formulas produce anabolic effects, the truth is that they failed to look beyond their principal ingredients into the complex biochemical interactions that occur after the product is ingested! There's the secret to Joe Weider's ANABOLIC MEGA PAK! Weider's unique blend of ornithine and arginine is combined with the exact compounds necessary for the biochemical transformation of these powerful amino acids.

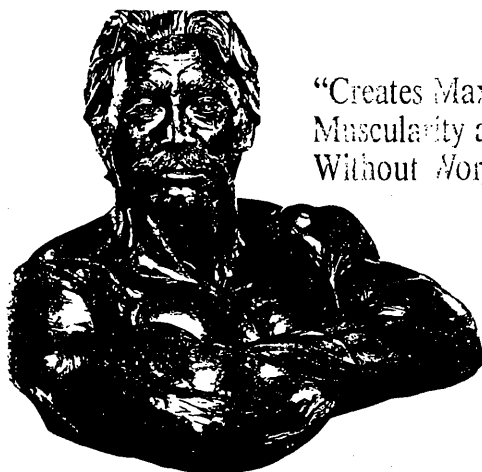
Scientists have known for years that certain amino acids (ornithine and arginine in particular), after being biochemically transformed to spermine, have the ability to stimulate the release of human growth hormone (hGH) from the pituitary gland. The Weider scientists discovered that certain mineral catalysts are required to ignite and maintain the transformation process until there is enough spermine change to trigger hGH release. Ornithine and arginine change to spermidine and finally spermine by interaction with exact ratios of magnesium, methionine, potassium, calcium and niacinamide. No other product on the market incorporates these important steps.

MUSCLE GROWTH TIME TABLE

After spermine gently stimulates hGH release, this powerful hormone exerts its anabolic effect on the ribosomes of the muscle cells retaining greater amounts of nitrogen, enabling manufacture of more muscle-building protein for solid, lasting muscle tissue. Moreover fat deposits are mobilized, utilized as fuel for energy, thus causing reductions in bodyfat.

In addition to the hGH-stimulating amino acids, ornithine and arginine, Joe Weider has supplied your anabolic pak with a generous portion of his incredible new product, LIFE ESSENCE, a blend of all of the free form amino acids that are necessary to support muscular growth. Without these amino acids being available at the right time, there would be no growth.

Another powerful — yet totally natural — anabolic agent was added to the Weider Anabolic Pak. It is Serenoa — derived from saw palmetto berries. And it works! Better than any other herbs claimed to have anabolic characteristics, and far better than any form of animal glandular extracts. With Weider, you get the best available products.



**"Creates Maximum
Muscularity and Mass
Without Worry or Stress!"**
JOE WEIDER

All of the ingredients of Weider's ANABOLIC MEGA PAK are designed to act together in stimulating anabolism through the conversion of your body's natural testosterone into hydrotestosterone, and by stimulating the anabolic functions of cellular RNA and DNA — the muscles' genetic workhorses — further increasing your muscle-building capability! So, there you have it! Improved strength and muscle growth *nutritionally!*

The incredible effect of increasing your body's production of hGH also has multi-dimensional effects, synergistically improving human performance. These are functions that no anabolic steroid can provide.

How You Use It:

To assure maximum anabolic activity, the Weider ANABOLIC PAK should be used as follows:

Morning:

• **Breakfast:** Eat a normal meal supplemented with WEIDER'S GOOD LIFE multivitamin-mineral pak and DYNAMIC MUSCLE BUILDER protein powder fortified with a teaspoon or 5 capsules of LIFE ESSENCE free form amino acids. On days when you will not work out, take one ANABOLIC MEGA PAK immediately upon rising — about 30-60 minutes before breakfast.

• **Lunch:** Eat a normal meal fortified with a glass of Joe Weider's MUSCLE BUILDER protein powder.

• **30 minutes before workouts:** Joe Weider's PRE-STRESS formula and one ANABOLIC MEGA PAK. Taken this way, your ANABOLIC PAK ingredients will be available for improved anabolism when the most critical need for growth and development occurs — immediately after your workout!

• **During workout:** Take one serving of Joe Weider's CARBO ENERGIZER powder drink during your workout at the time when you feel your energy level starts to drop. (You may also take some of your CARBO ENERGIZER drink after the workout to aid recuperation, as well as before the workout to build energy levels.)

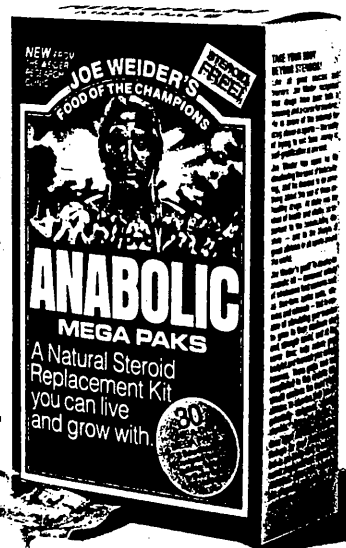
• **Immediately after workouts:** Eat a light small meal rich in protein and fortified with a teaspoon or 5 capsules of LIFE ESSENCE. This will greatly assist your recuperation process.

• **Evening meal:** Eat a normal meal supplemented with DYNAMIC MUSCLE BUILDER protein powder fortified with a teaspoon or 5 capsules of LIFE ESSENCE.

If you're **ONLY** interested in obtaining the benefits of Joe Weider's ANABOLIC MEGA PAK, without the help of any other supplements, follow these simple instructions for maximum muscularity and recuperation:

On workout days: About 30 minutes before working out, take Weider's ANABOLIC MEGA PAK. This will ensure that the ingredients are working anabolically when your muscles demand it most — during and immediately after workout. If you are feeling tired and lethargic, you may wish to take your ANABOLIC MEGA PAK with your favorite carbohydrate-rich fruit juice. This will give you added vigor and energy for your workout.

On non-workout days: Immediately upon awakening, take your Weider's ANABOLIC MEGA PAK with some water. Wait about 30 minutes before eating your breakfast.



SHARE THE SECRET!

(Patent Pending)

WEIDER HEALTH & FITNESS DEPT. MFAMPOB
21100 ERWIN STREET, WOODLAND HILLS, CA 91367

Thank, Joe! For letting me use your revolutionary new *Anabolic Mega Paks*. Because of your tireless efforts I no longer need to take chances with steroids. Take the Super Stars, my muscles and strength will grow faster than I ever imagined, safely and naturally, without worry or stress. Count me in as one of your up-and-coming Super Stars by rushing me your new *Anabolic Mega Paks* today!

☐ (ANMP) 30 Day Supply \$24.95 ☐ 60 Day Supply* \$44.00

*SPECIAL INTRODUCTORY OFFER MAIL ORDER ONLY

I've enclosed \$_____ plus \$1.50 per item for postage and handling. Sorry no C.O.D.s

(California and Missouri residents add applicable sales tax)

Name _____

Address _____

City _____

State _____

Zip _____

Credit card customers call (800) 421-1713. In California (800) 582-3399. These numbers are for orders only; no inquiries. Similar products are available in Canada. Contact: Weider Institute, 2875 Bates Rd., Montreal, P.Q. H3J5B7

Complaint

ATTACHMENT E

AWESOME POWER!



A NEW AGE BEGINS...WITH THE POWER OF LIFE ESSENCE

IT'S MADE OF THE SAME SUBSTANCE AS HUMAN MUSCLE!

Now, bodybuilders and anybody interested in maintaining their highest level of personal strength can come to the vital source of it all: Life Essence. Life Essence is a combination of pure amino acids -- exactly the same ones that go into production of muscle tissue. Life Essence has no fat, no carbohydrates, no additives of any kind. You don't even digest it! Life Essence is so pure, you assimilate it immediately -- so it's unlike all other muscle building foods which are far less effective because of inefficiencies in digestion.

The diagram at right shows an electron micrograph of human skeletal muscle. The thin strands of protein and other muscle cell components are composed of chains of amino acids. The same pure free amino acids furnished with Life Essence.



HOW LIFE ESSENCE BUILDS UP HUMAN MUSCLES

Exercise results in muscular stress. This stress causes a great craving within the muscle for life's building blocks in the form of pure, free amino acids -- exactly like those found in Life Essence. When Life Essence is absorbed into the bloodstream, its amino acids quickly and efficiently find their way into muscle cells, seeking out the areas where they are needed most. Once there, an amazing natural chemical process occurs. The amino acids reassemble into complex protein molecules which cause rapid muscle development and cellular recuperation. But Life Essence does even more.

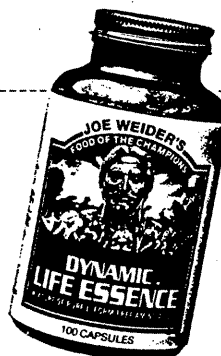
IT EVEN ACTIVATES ANABOLIC ACTIVITY!

Beyond everything else, Life Essence gently activates anabolic activity by coaxing the pituitary gland to secrete greater amounts of

growth hormones into the bloodstream. These powerful hormones enhance the entire natural bodybuilding process, building your muscles quickly, insuring continued growth, definition and strength at levels far beyond those achievable with inferior protein sources.

ENTER THE NEW AGE OF POWER.

Whether you're a bodybuilder or anyone who wants to stay in the best of health, you really should grasp the awesome power of Life Essence and put it to work for you. It's the beginning of a new age of health, power and self-satisfaction. Life Essence, the Mr. and Miss Olympians use it, shouldn't you?



WEIDER HEALTH & FITNESS, 21100 Erwin Street, Woodland Hills, CA 91367 DEPT. FFLE08

150 Capsules \$24.95 100 Grams (Powder) \$26.95

Name _____ Address _____ City _____ State _____ Zip _____

Charge my ☐ MasterCard ☐ Visa ☐ Expiration date _____ Signature _____

Account No. _____ Bank No. _____

Or call toll-free Weider Hot Line (MasterCard or Visa customers only: 1-800-423-5713. In California call 1-800-387-3399. These numbers are under-tolling lines only; no inquiries in Canada. Weider Institute, 2815 Bates Road, Montreal, PQ H3S 1B7. Also available at your local health food store.

(Patent Pending)
LIFE ESSENCE
AWESOME!

DECISION AND ORDER

The Commission having heretofore issued its complaint charging the respondents named in the caption hereof with violation of Sections 5 and 12 of the Federal Trade Commission Act, as amended, and the respondents having been served with a copy of that complaint, together with a notice of contemplated relief; and

The respondents, their attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with Section 3.25(c) of its Rules; and

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the comments filed thereafter by interested persons pursuant to Section 3.25(f) of its Rules, now in further conformity with the procedure prescribed in Section 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Weider Health and Fitness, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 21100 Erwin Street, Woodland Hills, State of California.

Respondent Joseph Weider is an officer of the corporate respondent Weider Health and Fitness, Inc. He has formulated, directed and controlled the acts and practices of that corporation. His address is the same as that of Weider Health and Fitness, Inc.

Respondent M.L.E. Holding Co., Ltd., is a corporation organized, existing and doing business under and by virtue of the laws of the Province of Quebec, Canada, with its office and principal place of business at 2875 Bates Road, Montreal, Quebec, Canada H3S 1B3. M.L.E. Holding Co., Ltd., owns Weider Health and Fitness, Inc. It has the authority to formulate, direct and control the acts and practices of Weider Health and Fitness, Inc., and derives significant financial

benefits from the allegedly deceptive acts and practices of Weider Health and Fitness, Inc.

Respondent Ben Weider is the President of M.L.E. Holding Co., Ltd., and has voting control of all shares of that corporation. In addition, he was a member of the Board of Directors of Weider Health and Fitness, Inc., until June 1, 1983. He has the authority to control the acts and practices of Weider Health and Fitness, Inc. His address is the same as that of M.L.E. Holding Co., Ltd.

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

ORDER

I

It is ordered, That respondents Weider Health and Fitness, Inc., a corporation, its successors and assigns, and its officers, Joseph Weider, individually and as an officer of Weider Health and Fitness, Inc., M.L.E. Holding Co. Ltd., a corporation, its successors and assigns, and its officers, Ben Weider, individually, as a former director of Weider Health and Fitness, Inc. and as an officer of M.L.E. Holding Co. Ltd., and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with manufacturing, labeling, packaging, offering for sale, selling, distributing or advertising the nutrient supplements known from 1983 to 1985 as "Anabolic Mega-Pak" and "Dynamic Life Essence" or of any other food of substantially similar composition, in or affecting commerce, as "food" and "commerce" are defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

A. A typical user of any such food will achieve greater or faster muscular development than a non-user;

B. A typical user of any such food will achieve results similar to or superior to those results bodybuilders generally believe are achievable through use of anabolic steroids, e.g., rapid and substantial muscular development;

C. Any such food will stimulate greater production or release of human growth hormone, resulting in greater or faster muscular development in users than in non-users;

D. The nutrient supplement known from 1983 to 1985 as "Dynamic Life Essence" or any other food of substantially similar composition

is unlike any other amino acid source in the world, *e.g.*, it is unique; or

E. The nutrient supplement known from 1983 to 1985 as "Anabolic Mega-Pak" or any other food of substantially similar composition was developed by a team of the world's most renowned nutritional biochemists, exercise physiologists and trainers, unless it was so developed.

II

It is further ordered, That respondents, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with manufacturing, labeling, packaging, offering for sale, selling, distributing or advertising any nutrient supplement or other food, in or affecting commerce, as "food" and "commerce" are defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

A. A typical user of any such nutrient supplement or other food will achieve greater or faster muscular development than a non-user;

B. A typical user of any such nutrient supplement or other food will achieve results similar to or superior to those results bodybuilders generally believe are achievable through use of anabolic steroids, *e.g.*, rapid and substantial muscular development;

C. Any such nutrient supplement or other food will stimulate production or release of human growth hormone or any other bodily substance that affects or is represented to affect muscular development;

D. Any such nutrient supplement or other food is unique; or

E. Any such nutrient supplement or other food was developed, approved, tested or endorsed by any person(s) having the particular qualifications, status, reputation or expertise claimed unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. *Competent and reliable scientific evidence* shall mean for purposes of this order any test, analysis, research, study, survey or other evidence that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession or science to yield accurate and reliable results.

III

It is further ordered, That respondents, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with manufacturing, labeling, packaging, offering for sale, selling, distributing or advertising any nutrient supplement or other food, in or affecting commerce, as "food" and "commerce" are defined in the Federal Trade Commission Act, marketed to assist users in achieving greater or faster muscular growth or development than non-users, do forthwith cease and desist from misrepresenting in any manner, directly or by implication, the purpose, content, sample, reliability, results or conclusions of any scientific test, research article, survey or any other scientific opinion or data.

IV

It is further ordered, That respondents shall, within 30 days of service of this order, send a Notice Letter, Refund Form and Notarized Statement by first class mail, in an envelope, as described below, in all material respects consistent with, but not necessarily identical to, the materials attached to this order as Appendices A and B, and no other information, to all consumer mail order purchasers of the Anabolic Mega-Pak or Dynamic Life Essence, or both, whose orders Weider Health and Fitness, Inc. received on or before October 5, 1984, to all consumer telephone purchasers whose orders were received on or before September 30, 1984, to all consumers who answered respondents' Anabolic Mega-Pak questionnaire that appeared in the September 1984 issue of *Muscle and Fitness* magazine, to all current subscribers of *Muscle and Fitness* or *Flex* magazines, and to all consumers who call or write to respondents requesting information about this order. In addition, respondents shall send a pre-paid self-addressed return envelope, as described below, to all consumers to whom notice shall be sent by first class mail, except those consumers who are current subscribers to *Muscle and Fitness* or *Flex* magazine. Respondents are not required to send duplicate notice materials if a consumer falls within more than one of the foregoing categories.

The envelope that contains the Notice Letter, Refund Form, Notarized Statement and return envelope mailed to consumers shall contain in the upper left hand corner the following return address:

Federal Trade Commission/
Weider Refund Agreement
21100 Erwin Street
Woodland Hills, CA 91367

The envelope mailed to consumers shall also have the words "ADDRESS CORRECTION REQUESTED" and "RETURN POSTAGE GUARANTEED" in the upper left hand corner. For each Notice Letter for which respondents receive a corrected address, respondents shall within twenty-one (21) business days after respondents have received the corrected address send the Notice Letter, Refund Form, Notarized Statement and return envelope, addressed to the original addressee with the corrected address.

The pre-paid self-addressed return envelope shall contain the following words on the outside of the envelope under, on or below the envelope seal flap:

**MAKE SURE YOU HAVE ENCLOSED
YOUR REFUND FORM AND**

(for those who didn't purchase by mail or telephone from Weider)

**ONE OF THE THREE WAYS OF SHOWING
PROOF OF PURCHASE**

V

It is further ordered, That respondents shall place, at least twice in the first four (4) months after the date of service of this order, and cause to be disseminated in the national full-circulation editions of both *Muscle and Fitness* and *Flex* magazines:

(1) a prominently placed, conspicuously printed, black on white half page version of the Notice Letter attached to this order as Appendix A, or a half page Notice Letter in all material respects consistent with the NOTICE LETTER attached to this order as Appendix A; and

(2) a REFUND FORM and NOTARIZED STATEMENT form in all material respects consistent with those forms as they appear in Appendix B with the top half of the page containing the Notice Letter (Appendix A) separated from the bottom half by a dotted line and the bottom half containing the Refund Form and Notarized Statement.

VI

It is further ordered, That respondents shall in the manner described below offer reimbursement of the total purchase price paid for these products, (including costs of postage, handling and tax) to any mail order consumer purchaser of Anabolic Mega-Pak, Dynamic Life Essence, or both, whose orders Weider Health and Fitness, Inc. received on or before October 5, 1984, and to any consumer who purchased such product(s) on or before September 30, 1984.

Respondents shall mail refund checks, and no other information, within sixty (60) days of the closing date for receipt of both refund requests and proper evidence of purchase, for the total purchase price (including costs of postage, handling and tax) to those purchasers eligible to receive reimbursement who make requests and provide proper evidence of purchase on or before the closing date. Respondents shall reimburse each customer who is eligible for a refund and who did not use a postage-paid return envelope furnished by respondents to request a refund, an additional twenty-two cents (\$.22). The dollar amount of reimbursements shall be based on Weider Health and Fitness, Inc.'s suggested retail price for Anabolic Mega-Pak and Dynamic Life Essence if records of actual purchase prices are not available. For purposes of this Order the "closing date" for receipt of refund requests shall be the last day of the month following the month in which magazines containing the second notice are offered for sale. For purposes of this order, *proper evidence of purchase* shall mean:

- (1) for mail order purchases from respondents, respondents' own sales records of purchase orders received on or before October 5, 1984;
- (2) for telephone purchases from respondents, respondents' own sales records of purchase orders received on or before September 30, 1984;
- (3) for purchases of Anabolic Mega-Pak or Dynamic Life Essence by any other means,
 - (a) the portion of the Anabolic Mega-Pak box, or Dynamic Life Essence bottle label that contains the batch control numbers issued for those products on or before July 29, 1984; or
 - (b) copies of a receipt, invoice, credit card record or both sides of a cancelled check, dated on or before September 30, 1984, that indicate the specific product(s) purchased; or
 - (c) the NOTARIZED STATEMENT form attached to this order as part of Appendix B, or a form in all material respects consistent with the form attached as part of Appendix B. A Notarized Statement shall not be deemed "proper evidence of purchase" for more than two boxes of Anabolic Mega-Pak and two bottles of Dynamic Life Essence.

If respondents' own sales records do not confirm the amount a consumer claims to have purchased by mail order or telephone from respondents, respondents shall immediately notify the consumer of the consumer's right to verify the purchase with the same "proper evidence of purchase" available to other consumer purchasers, and shall, at the time all other refund checks are mailed, mail refund checks to such consumers in the amount that sales records do confirm.

VII

It is further ordered, That if the total of the amount of reimbursement respondents pay to purchasers of the Anabolic Mega-Pak or Dynamic Life Essence, or both, plus the amount respondents pay in postage for mailing of the Notice Letters, return envelopes and refund checks is less than Four Hundred Thousand Dollars (\$400,000.00), then respondents shall in the manner described below donate an amount equal to the difference between the total of the amount paid in reimbursements and Four Hundred Thousand Dollars (\$400,000.00), minus the amount paid for first class postage, to a university, foundation or research institute to which the National Science Foundation awarded program grants or contracts in Fiscal Year 1981 or any year thereafter for research in the fields of physiology, cell or molecular biology. The donation shall be payable in four equal installments over a four year period, the first payment to be made within one hundred and twenty (120) days of issuing the final reimbursement checks and each subsequent payment to be made no later than every twelve months thereafter. Such funds shall be designated "for the purpose of research on the relationship of nutrition to muscle development." Respondents may divide such funds between no more than two (2) recipients. Respondents' donation shall have no conditions attached thereto, including but not limited to retaining any proprietary interest in the results of the recipient's research or requiring the donation recipient to publish in any of respondents' magazines. No portion of these funds may be used to compensate any person, or his or her agent(s), who has been employed by, has consulted for, or has received remuneration from respondents at any time prior to the date of service of this order. In the event of default in any payment, which default continues for ten (10) days beyond the due date of payment, the entire remaining amount shall immediately become due, and be placed in escrow under control of the Federal Trade Commission for the benefit of the university, foundation or research institute previously designated by respondents to receive the funds.

VIII

It is further ordered, That whenever, in any publication that respondents own or control, respondents identify themselves as the funding source for the research referred to in Paragraph VII, they shall also state clearly and conspicuously that the funding was provided pursuant to settlement agreement with the Federal Trade Commission.

mission resulting from a complaint issued by the Federal Trade Commission.

IX

It is further ordered, That respondents shall, for at least two (2) years after the date of the last dissemination of the representation, maintain and upon request make available to the Federal Trade Commission at a place it designates for inspection and copying copies of:

1. All materials that respondents relied upon in disseminating any representation covered by this order.
2. All test reports, studies, surveys, or demonstrations in their possession or control or of which they have knowledge that contradict any representation of respondents that is covered by this order.
3. All materials evidencing respondents' compliance with Paragraph VII above.

X

It is further ordered, That respondents shall for at least two (2) years after service of this order, maintain and upon request make available to the Federal Trade Commission at a place it designates for inspection and copying copies of:

1. Records evidencing the number and cost of Notice Letters sent to the U.S. Postal Service for mailing and the actual cost for mailing the return envelopes referred to in Paragraph IV above and the refund checks referred to in Paragraph VI above.
2. All Notice Letters returned to the respondents as undeliverable.
3. The name and last known address of each purchaser of the Anabolic Mega-Pak and/or Dynamic Life Essence, or both, who was sent the Notice Letter and the address to which any subsequent Notice Letter to that purchaser was sent.
4. A copy of each Refund Form, returned to respondents.
5. The name and last known address of each purchaser of the Anabolic Mega-Pak or Dynamic Life Essence, or both, who received reimbursement and the amount of such reimbursement.
6. The name and last known address of each purchaser of the Anabolic Mega-Pak or Dynamic Life Essence, or both, who requested reimbursement, was refused and the reason for each refusal to reimburse.

XI

It is further ordered, That the corporate respondents shall for ten (10) years following service of this order, notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation that may affect compliance obligations arising out of the order, or of any change in the positions or responsibilities of Joseph Weider or Ben Weider in regard to any corporation or subsidiary of which they are an officer.

XII

It is further ordered, That the individual respondents named herein shall promptly notify the Commission of their discontinuance of their present business or employment and of their affiliation with a new business or employment engaged in the manufacturing, labeling, packaging, offering for sale, selling, distributing or advertising of any foods, physical fitness products or publications relating thereto, or the offering for sale, selling, distributing or advertising of any services relating to any foods or physical fitness, and, for a period of five (5) years from the date of service of this order, shall promptly notify the Commission of each affiliation with any such new business or employment, each such notice to include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business of employment.

XIII

It is further ordered, That respondents shall, within sixty (60) days after service of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

APPENDIX A

NOTICE TO CUSTOMERS WHO MAY HAVE BOUGHT ANABOLIC MEGA-PAK
OR DYNAMIC LIFE ESSENCE

Weider Health & Fitness, Inc. (Weider) has recently entered into a consent agreement with the Federal Trade Commission (FTC) regarding its advertising for the "Anabolic Mega-Pak" and "Dynamic Life Essence." Weider has entered into this agreement for settlement purposes only and does not admit that it has violated the law.

This agreement contains four main provisions:

- 1) Weider's advertising will not claim that the Anabolic Mega-Pak or Dynamic Life Essence will cause greater or faster muscular development;
- 2) Weider will support all advertising claims for its food supplements with competent and reliable scientific proof;
- 3) Weider will offer refunds to eligible consumers who purchased Anabolic Mega-Pak or Dynamic Life Essence. To determine if you are eligible, complete and send in the attached form. You do *not* have to return unused portions of either product to qualify for a refund; and
- 4) Weider will fund research on the relationship of nutrition to muscle development. The amount of funding will be based on the refunds made in connection with this offer.

If you bought any of these products by mail or telephone from Weider Health & Fitness, Inc., just fill out the enclosed REFUND FORM. We will check it against our records of your purchases and the total amount you paid for them and then determine your eligibility. *This refund offer expires on (to be inserted).*

If you bought any of these products at a store, health club, etc., you may prove that you purchased them in one of three ways. Just enclose in an envelope the REFUND FORM and one of the following:

1. An original or copy of the receipt, invoice or credit card record or both sides of a cancelled check that indicates the specific product(s) you bought, *OR*
2. The portion of the Anabolic Mega-Pak box or the label of the Dynamic Life Essence bottle, that contains the blue 4 or 7-digit batch number (not the 10-digit UPC number), *OR*
3. A completed NOTARIZED STATEMENT,

AND mail the REFUND FORM and one of the three types of proof of purchase to:

Federal Trade Commission/
Weider Refund Agreement
21100 Erwin Street
Woodland Hills, California 91367

Weider Health & Fitness, Inc. will refund your postage if you are eligible to receive a refund.

Weider looks forward to serving you in the future.

Yours truly,
WEIDER HEALTH & FITNESS, INC.

By _____
Joe Weider

Decision and Order

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APPENDIX B

REFUND FORM

Please determine my eligibility for a refund and if I am eligible send me a refund for my purchases of (number) box(es) of Anabolic Mega-Pak and/or (number) bottle(s) of Dynamic Life Essence that I made on (date(s))

_____	_____
Name	
_____	_____
Signature	Address

If you bought the Anabolic Mega-Pak and/or Dynamic Life Essence by mail or telephone from Weider and if you want a refund from Weider STOP here. You don't have to fill out or mail in anything else unless you also want refunds for purchases made at a store, health club, etc.

This refund offer expires on [to be inserted].

If you bought the Anabolic Mega-Pak and/or Dynamic Life Essence at a store, health club, etc., fill out and mail to us the REFUND FORM above, AND enclose:

1. An original or copy of the receipt, invoice credit card record or both sides of the cancelled check, that indicates the specific product(s) you bought, OR
2. The portion of the Anabolic Mega-Pak box or the label of the Dynamic Life Essence bottle, that contains the blue 4 or 7-digit batch control number (not the 10-digit UPC number), OR
3. A completed NOTARIZED STATEMENT.

NOTARIZED STATEMENT

State of _____)
 _____) SS
 County of _____)

I, (Your Name—Printed or typed) , being duly sworn on oath state as follows:

1) That I bought (number) box(es) of Anabolic Mega-Pak at the following places on the following dates:

and (number) bottle(s) of Dynamic Life Essence at the following places on the following dates:

2) That these facts are true and correct to the best of my knowledge.

 (Your Signature)

Sworn and subscribed before me this
 _____ day of _____, 198____.

 Notary Signature

IN THE MATTER OF
GENERAL MILLS FUN GROUP, INC.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket C-2965. Consent Order, May 15, 1979—Modifying Order, Dec. 11, 1985

The Federal Trade Commission has released General Mills, Inc. from its responsibilities under a 1979 consent order that prohibited misrepresentations in advertising by its toy producing subsidiary, but has said the order remains binding on the subsidiary's successor (93 F.T.C. 749). General Mills intends to spin off its toy-producing subsidiary, General Mills Fun Group, Inc., as an independent company called Kenner Parker Toys, Inc., and has no intention of reentering the toy business following the corporate action.

ORDER REOPENING THE PROCEEDING AND
MODIFYING CEASE AND DESIST ORDER

On September 20, 1985, General Mills, Inc.'s (Petitioner) request to reopen and modify the consent order entered against General Mills Fun Group, Inc. (respondent) by the Commission on May 15, 1979 [93 F.T.C. 749], in the above-captioned matter was placed on the public record for 30 days pursuant to Rule 2.51(c) of the Commission's Procedures and Rules of Practice. That order proscribes representing the performance, operation, use, size, or appearance of toys or related products which (1) cannot be duplicated by children in ordinary use; or (2) through the use of any commercial production technique misrepresents to children these characteristics, or (3) fails to disclose the need for human or mechanical assistance, when such failure, in the context of the advertisement as a whole, misrepresents to children such toy's performance or operation. Part III of that order applies the same proscriptions against Petitioner if it should engage in the advertising of toys, directly or through a subsidiary other than respondent. A second provision of Part III would make Petitioner liable for any penalties or other legal or equitable relief under the order if for any reason respondent or other subsidiary advertising toys while owned by Petitioner is not amenable to suit or execution of full judgment.

The respondent, General Mills Fun Group, Inc., through a series of name changes has become Kenner Parker Toys Inc. (Kenner Parker or respondent). On November 7, 1985, Petitioner spun-off Kenner Parker as a free-standing corporate entity that is now independent of Petitioner through a distribution of Kenner Parker's stock to Petitioner's stockholders of record. The newly independent Kenner Park-