

IN THE MATTER OF

GREAT EARTH INTERNATIONAL, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF SECS. 5
AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3223, Complaint, Mar. 15, 1988—Decision, Mar. 15, 1988

This consent order prohibits, among other things, a Santa Ana, Calif.-based food supplements franchisor from making certain claims about the supplements' effectiveness. Respondent is also prohibited from using the name "Growth Hormone Releaser," "GHR," or any similar name unless it has substantiation that the product stimulates the body or pituitary gland to release significantly greater amounts of human growth hormone in users than in non-users.

Appearances

For the Commission: *Janice Frankle.*

For the respondent: *Michael Hart, Hart & Hart, Los Angeles, CA.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Great Earth International, Inc., a corporation, hereinafter referred to as respondent, has 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. Great Earth International, 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 1801 Parkcourt Place, Suite A, Santa Ana, California.

PAR. 2. Respondent is, and has been engaged in the manufacture, labeling, packaging, offering for sale, promotion, sale and distribution to the public of various nutrient supplements, such as "GHR Formula-P.M.," "L-Arginine," "L-Ornithine," and other foods, as "food" is defined in the Federal Trade Commission Act, and other products.

PAR. 3. Respondent has caused to be prepared and placed for publication and has caused the dissemination of various advertising and promotional materials, including, but not limited to, the advertising and promotional materials attached hereto as Exhibits A through I, to promote the sale of its nutrient supplements and other foods and other products. As advertised, respondent's nutrient supplements are

"food[s]," within the meaning of Section 12 of the Federal Trade Commission Act.

PAR. 4. Respondent operates in various states of the United States and in the District of Columbia. Respondent's manufacturing, labeling, packaging, offering for sale, promoting, sale and distribution of nutrient supplements and other foods and other products 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, respondent has disseminated and caused the dissemination of advertisements and promotional materials for nutrient supplements and other foods and other products by various means in or affecting commerce, including, *inter alia*, the placement of advertisements in newspapers and national magazines distributed through the mail and across state lines. Such advertisements and promotional materials were for the purpose of inducing, and were likely to induce, directly or indirectly, the purchase by the public of respondent's nutrient supplements and other foods and products.

PAR. 6. Typical examples of respondent's advertisements and promotional materials, disseminated as previously described, but not necessarily inclusive thereof, are the advertisements and promotional materials attached hereto as Exhibits A through I. Specifically, these advertisements and promotional materials have contained the following statements:

A. In regard to "GHR Formula-P.M.":

1. "How to get the body of your dreams while you sleep. When you go to sleep, GHR Formula-P.M. goes to work. How? Simply by helping your body do more of what it already does every night. About 90 minutes after you fall asleep, your pituitary gland begins releasing Growth Hormone, which burns fat and builds muscle. But in your adult years, less Growth Hormone is released and less fat is burned. GHR Formula-P.M. is taken at bedtime, permitting it to be digested and absorbed by about the same time your pituitary begins to work its nightly magic. The result is an increase in the amount of Growth Hormone in your bloodstream. In other words, GHR Formula-P.M. helps you start regaining your youthful metabolism and lean, firm figure overnight."

2. "When you go to sleep, GHR Formula-P.M. goes to work

- Burning away fat
- Building lean muscle tissue
- Firming
- Toning
- Shaping"

3. "The nutrients in GHR Formula-P.M. can stimulate the release of Growth Hormone and raise blood levels. This improves your body's ability to burn unwanted excess body fat and build lean muscle."

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4. "The special formula of Amino Acids in GHR Formula-P.M. can help raise your body's metabolic rate naturally."
5. "[M]any . . . athletes turn to anabolic steroids to accomplish their goals. GHR Formula-P.M. is a safe natural alternative for athletes. As a natural anabolic supplement it will help athletes to build lean muscle tissue and burn body fat."
6. "Lose While You SNOOZE."
7. "Many products claim to help you burn fat while you sleep but few really can. Most just don't contain the right balance of nutrients to properly stimulate the release of Growth Hormone. But GHR Formula-P.M. does! It's scientifically formulated for maximum effectiveness. **It really works!**"
8. "You can lose fat plus firm and tone your muscles without lifting a finger."
9. "Hunger Free Diet"
10. "Now you can have the firm, fat-free physique of youth with GHR Formula-P.M."
11. "Avoid Starvation Diets"

B. In regard to "L-Ornithine" and "L-Arginine":

1. "Two Amino Acids shown to help burn fat and build muscle when taken in combination."
2. "Sleep away fat! Life Extension proponents now claim rapid weight loss is possible, while you sleep, by supplementing your diet with these fat burning, muscle building amino acids."
3. "THE MUSCLE BUILDING FAT BURNING HELPERS."
4. "They help speed up healing and protect against physical and mental fatigue."

C. In regard to "L-Ornithine" only:

1. "An amino acid that functions in the body as a growth hormone and immune system stimulator. Helps protect against fatigue."

PAR. 7. Through the use, *inter alia*, of the statements set forth in paragraph six (A) through six (C), and other statements contained in advertisements or promotional materials not specifically set forth herein, respondent has represented, and now represents, directly or by implication, that:

A. GHR Formula-P.M. will:

1. Stimulate the pituitary gland to release greater amounts of human growth hormone in users of the product than in non-users of the product.
2. Alter human metabolism in such a way that the metabolism of users of the product will function in a manner similar to the metabolism of youth.
3. Burn fat, build lean muscle tissue or firm, tone or shape muscles.
4. Help athletes or muscle builders achieve results similar to the results these individuals generally believe are achievable through use of anabolic steroids, e.g., rapid and substantial muscular development.

5. Taken before sleep, will promote greater weight loss during sleep in users of the product than in non-users of the product.

B. "L-Ornithine" or "L-Arginine," or both, will:

1. Stimulate the pituitary gland to release greater amount of human growth hormone in users of the products than in non-users of these products.

2. Promote greater burning of fat or building of muscle in users of these products than in non-users of these products.

3. Promote more rapid healing and greater protection against physical and mental fatigue in users of these products than in non-users of these products.

4. Promote greater stimulation of the immune system and greater protection against fatigue in users of these products than in non-users of these products.

PAR. 8. In truth and in fact:

A. GHR Formula-P.M. will not:

1. Stimulate the pituitary gland to release greater amounts of human growth hormone in users of the product than in non-users of the product.

2. Alter human metabolism in such a way that the metabolism of users will function in a manner similar to the metabolism of youth.

3. Burn fat, build lean muscle tissue or firm, tone or shape muscles.

4. Help athletes or muscle builders achieve results similar to the results these individuals generally believe are achievable through the use of anabolic steroids, e.g., rapid and substantial muscular development.

5. Taken before sleep, promote greater weight loss during sleep in users of the product than in non-users of the product.

B. "L-Ornithine" or "L-Arginine," or both, will not:

1. Stimulate the pituitary gland to release greater amounts of human growth hormone in users of these products than in non-users of these products.

2. Promote greater burning of fat or building of muscle in users of these products than in non-users of these products.

3. Promote more rapid healing and greater protection against physical and mental fatigue in users of these products than in non-users of these products.

4. Promote greater stimulation of the immune system or greater protection against fatigue in users of these products than in non-users of these products.

Therefore, the representations set forth in paragraph seven were, and are, false and misleading.

PAR. 9. Through the use, *inter alia*, of the representations set forth in paragraph seven, and other representations contained in advertisements or promotional materials not specifically set forth herein, respondent has represented and now represents, directly or by implication, that at the time of making the representations set forth in paragraph seven respondent has possessed and relied upon a reasonable basis for these representations.

PAR. 10. In truth and in fact, at the time of making the representations set forth in paragraph seven, respondent did not possess and rely upon a reasonable basis for making the representations. Therefore, the representation set forth in paragraph nine was, and is, false and misleading.

PAR. 11. The aforesaid acts or practices of respondent 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.

EXHIBIT A

**GHR FORMULA
P.M.****EACH TABLET PROVIDES:**

L-Ornithine.....	500 mg.	Six tablets provide:	3000 mg.
L-Tryptophan.....	167 mg.		1000 mg.
Glycine.....	667 mg.		4000 mg.
Vitamin B-6.....	15 mg.		90 mg.
(Pyridoxine HCl)			
Niacinamide.....	40 mg.		240 mg.

No sugar, salt, starch, yeast, artificial coloring,
flavoring, or preservatives added.

Components in this product are derived from
natural sources.

Natural Protective Coating Utilized.



your neighborhood
vitamin information center

GREAT EARTH VITAMINS #55
169 W. JACKSON BLVD.
CHICAGO, ILLINOIS 60603
(312) 939-2777

©Great Earth International, Inc., 1984

**GHR
FORMULA
P.M.**

*another great new product
for your good health.*



GHR FORMULA-P.M.

How can GHR Formula-P.M. help me burn fat and increase muscle?

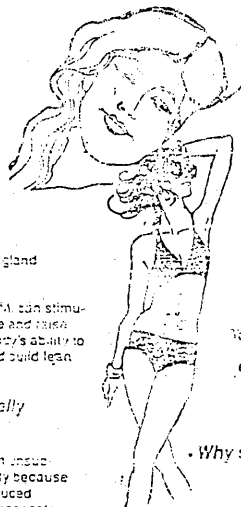
Human Growth hormone is stored in the pituitary gland. It helps us convert fat into muscles and energy, but as we grow out of our childhood years, the release of Growth hormone from the pituitary gland slows dramatically.

The nutrients in GHR Formula-P.M. can stimulate the release of Growth hormone and raise blood levels. This improves your body's ability to burn unwanted excess body fat and build lean muscle.

Can GHR Formula-P.M. really help me lose weight?

If you have tried dieting and been unsuccessful, you may be having difficulty because of a reduced metabolism. Most reduced calorie diets cause the body to compensate by slowing metabolism. Thus, weight loss slows down or stops.

The special formula of Amino Acids in GHR Formula-P.M. can help raise your body's metabolic rate naturally, and will make you more successful in your weight loss program. By supplementing your daily diet with GHR Formula-P.M., you will maximize your body's ability to burn off stored fat and excess calories.



What else can GHR Formula-P.M. do for my muscles?

Many serious athletes are concerned with increasing their muscle mass and minimizing body fat. Unfortunately, many of these athletes turn to anabolic steroids to accomplish their goals.

GHR Formula-P.M. is a safe natural alternative for athletes as a natural anabolic supplement. It will help athletes to build lean muscle mass and burn fat. It is taken regularly in conjunction with a sound exercise program. It can enhance the development of lean body mass.

Why should I take GHR Formula-P.M. before bedtime?

The natural release of Growth hormone occurs normally about 90 minutes after falling asleep. Taking GHR Formula-P.M. before bedtime will allow it to be digested and absorbed in time for it to coincide with the natural release cycle of Growth hormone, thus maximizing the amount released.

What else should I take with GHR Formula-P.M.?

If you are trying to lose weight, try our Hunger Free™ Diet Pack to help you control hunger during the day. Should body building be your goal, you should consider our Great Body™ Protein Powder and a program of supplements specifically designed for your accelerated muscle development.

Both dieters and athletes need a sound basic nutritional supplement program like our NSP™ to ensure nutritional support for the extra demands they place on their bodies.

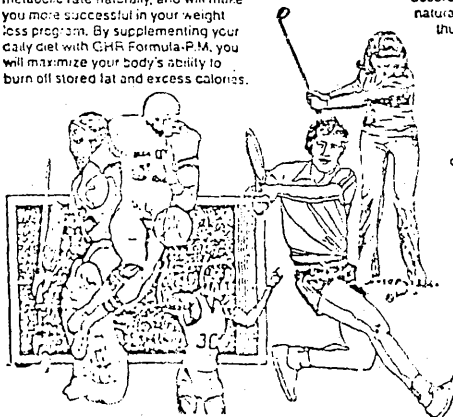


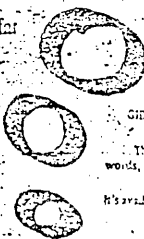
EXHIBIT B

How to get the body of your dreams while you sleep



When you go to sleep, GHR formula-PM goes to work

- Burning away fat
- Building lean muscle tissue
- Firming
- Toning
- Shaping



about 90 minutes after you fall asleep, your body begins releasing Growth Hormone, which burns fat and builds muscle. But in your adult years, less Growth Hormone is released and less fat is burned. GHR Formula-PM is taken at bedtime, permitting it to be absorbed and absorbed by about the same time your pituitary begins to work to highly manage. The result is to increase in the amount of Growth Hormone in your bloodstream. In other words, GHR Formula-PM helps you start retaining your youthful metabolism and lean, firming the body right. It's available only at Great Earth Vitamins, so come in today. We'll help you wake up to the body you've been dreaming of.

12.99
50 tabs

GREAT EARTH VITAMINS

Offers good thru 12/31/85 at participating stores only.



1721 SHERMAN AVENUE, EVANSTON
(between Lincoln and Clark Streets)
• 475-0235

CHICAGO
• 55 W. DIVERSEY • 58 E. CHICAGO AVE • 300 N. MICHIGAN AVE • 1100 N. LA SALLE
291-1211 • 847-7101 • 471-0260 • 471-0261
DELIVERY AVAILABLE IN THE L.O.O.F. AREA. CALL ANY OF OUR STORES FOR INFORMATION.



180 Stores Nationwide to Serve You • Satisfaction Guarantee • Free Vitamin Consultation

A PUBLIC RELATIONS COMPANY

March 21, 1985

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EXHIBIT C



SLEEP AWAY FAT!

AMAZING NEW FORMULA LETS YOU LOSE FAT WHILE YOU SNOOZE

- BURN OFF BODY FAT!
- BUILD LEAN MUSCLE TISSUE!
- FIRM AND TONE YOUR BODY!
- REGAIN YOUR YOUTHFUL METABOLISM!
- AVOID STARVATION DIETS!

NOW, WITH GHR FORMULA-P.M.

AVAILABLE EXCLUSIVELY AT GREAT EARTH VITAMIN STORES.

Taken at bedtime, this special synergistic combination of amino acids and vitamins works to burn up body fat while you sleep more lean muscle tissue. You lose fat plus firm and tone your body!

This amazing new formula stimulates the release of Growth Hormone while you sleep which improves your body's ability to burn off body fat. If you've been unsuccessful at dieting you may be having difficulty because of a reduced metabolism. GHR FORMULA-P.M. can help raise your body's metabolic rate naturally! By increasing your level of Growth Hormone you can have the firm fat-free look of youth!

Many products claim to help you burn fat while you sleep but few really can. Most just don't contain the right balance of nutrients to properly stimulate the release of Growth Hormone. But GHR FORMULA-P.M. does! It's scientifically formulated for maximum effectiveness. *it really works!*



GHR FORMULA-P.M.
Lose while you snooze!

12.99
60 tablets



HUNGER FREE™ DIET PACK
Attack hunger all day!

16.99
42 packets
3 tabs per packet

Three special tablets with all natural ingredients: 1) GREAT SHAPE helps you feel full and reduces water retention. 2) SUPPRESSED™ controls your hunger. 3) LIPOTROPIC FORMULA helps emulsify fats.



MAINTAIN™ DHEA COMPLEX
Maintain your weight loss

FREE 60 tablets

When you purchase GHR FORMULA-P.M. and the HUNGER FREE DIET PACK, we'll give you MAINTAIN™ FREE!

Eat as you normally would and keep those extra pounds off! MAINTAIN™ prevents excess calories from turning to unwanted fat. Your body just burns them off!

GREAT EARTH® VITAMINS

now, it's possible to...

LOSE WHILE YOU SNOOZE!

NEW!

Sleep away fat with
GREAT EARTH[®] VITAMIN'S new
GHR FORMULA-P.M.

*Now, new maximum strength GHR FORMULA-P.M.
available only at GREAT EARTH VITAMIN STORES.*

1299
60 tabs



While you sleep, this special synergy combination of amino acids and vitamins works to burn body fat and helps you to develop more lean muscle tissue. You can lose fat plus firm and tone your muscles without lifting a finger!

This fantastic formula works by stimulating the natural release of Growth Hormone while you are sleeping. It is Growth Hormone which is responsible for a youthful metabolism and muscle tone. Now you can have the firm, fat-free physique of youth with GHR FORMULA — P.M.

GREAT EARTH[®]
VITAMIN STORES
OVER 75 STORES NATIONWIDE TO SERVE YOUR SATISFACTION GUARANTEED

Offer good thru / / at participating stores only

EXHIBIT E

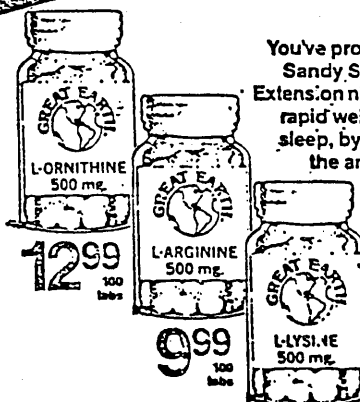
"Life Extension" proponents now claim it's possible to...

SLEEP AWAY FAT!

Trim while you sleep with GREAT EARTH'S special offer on the "Life Extension" diet.

You've probably seen Durk Pearson and Sandy Shaw on TV discussing the Life Extension night time diet. They're claiming rapid weight loss is possible, while you sleep, by supplementing your diet with the amino acids known to stimulate the human growth hormone.

Save big on this program now by getting FREE L-Lysine with the purchase of L-Ornithine and L-Arginine in the 1299 size.



1299 100 tabs
999 100 tabs
FREE! 100 tabs

GREAT EARTH
VITAMIN STORES

OVER 150 STORES NATIONWIDE TO SERVE YOUR SATISFACTION GUARANTEE

PRICES MAY VARY
Prices in effect 10/1/77 at participating stores only

SINGLE PRODUCT NO. 27 No. 91501

AMAZING DIET BREAKTHROUGH!

Let's you maintain your ideal weight!

AND IT'S YOURS FREE!

When you purchase Great Earth's Vitamin Stores' new Snooze and Lose, Hunger Free Diet.

ATTACK HUNGER ALL DAY!
HUNGER FREE™ DIET PACK

1699 42 packets
3 tabs per packet

Three special tablets with all natural ingredients:
1. GREAT SHAPE® helps you feel full and reduces water retention. 2. SUPPRESEZE™ controls hunger. 3. LIPO TROPIC FORMULA helps emulsify fats.

LOSE WHILE YOU SNOOZE!
GHR FORMULA - P.M.

1299 60 tabs

SLEEP AWAY FAT! While you sleep this special synergistic combination of amino acids and vitamins works to burn up body fat and helps you develop more lean muscle tissue.

MORE SPECIALS	
VITAMIN C 500 mg. TIMED RELEASE 199 limit 2 100 tabs with natural rose hips	NATURAL E OXY E COMPLEX 200 IU. 199 Our best 30 tabs
ZINC 15 mg. from Zinc Gluconate 149	LECITHIN CAPSULES 19 grain 199

EXHIBIT G

SLEEP AWAY FAT!

AMAZING NEW FORMULA LETS YOU LOSE FAT WHILE YOU SNOOZE



- BURN OFF BODY FAT!
- BUILD LEAN MUSCLE TISSUE!
- FIRM AND TONE YOUR BODY!
- REGAIN YOUR YOUTHFUL METABOLISM!
- AVOID STARVATION DIETS!

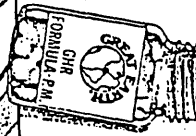
**NOW, WITH GHR FORMULA-P.M.,
AVAILABLE EXCLUSIVELY
AT GREAT EARTH VITAMIN STORES.**

When you sleep, your body is still working hard to burn off fat and build lean muscle tissue. You need the right formula to help you sleep better and burn off fat.

This special formula to stimulate the release of Growth Hormone while you are sleeping will improve your body's ability to burn off body fat. If you've been unsuccessful at dieting or are having difficulty because of a reduced metabolism, GHR FORMULA-P.M. can help. It helps your body's metabolic rate naturally by increasing your level of Growth Hormone you can burn off fat and build lean muscle.

Many products claim to help you burn fat while you sleep but few really can. Most just don't provide the right balance of nutrients to properly stimulate the release of Growth Hormone. But GHR FORMULA-P.M. does! It's scientifically formulated for maximum effectiveness. It's the only formula.

GHR FORMULA-P.M.



12.99
60 TABLETS

GREAT EARTH VITAMINS

STORES NATIONWIDE TO SERVE YOU • YOUR NATURAL DIET HEADQUARTERS

© 1988 G.E.V. 12-88



VITAMIN STORES

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EXHIBIT H

L-ORNITHINE
500 mg.
helps build muscles.
burn fat

1199
100 tabs

An amino acid that functions in the body as a growth hormone and immune system stimulator. Helps protect against fatigue.

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EXHIBIT I

HIGHEST QUALITY VITAMINS AT DOWN TO EARTH PRICES

GREAT EARTH VITAMIN STORES

TRAINED STAFF OF NUTRITION PROFESSIONALS TO SERVE YOU!

THE WHOLESALE SOURCE FOR VITAMINS AT DISCOUNT PRICES

L-ORNITHINE 500 mg. 1199 100 tabs

L-ARGININE 500 mg. 899 100 tabs

L-Arginine and L-Ornithine are amino acids which function in the body as growth hormone and immune system stimulators. They aid the body in building muscle and burning off fat. They help speed up healing and protect against physical and mental fatigue.

L-Ornithine is twice as potent as L-Arginine.

OVER 100 STORES NATIONWIDE TO SERVE YOUR SATISFACTION GUARANTEED

Prices in effect 10 / 1 at participating stores only

MAY SINGLE PRODUCT AD 3 col x 7" 891415

DECISION AND ORDER

The Federal Trade 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 of complaint which the Chicago Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent, its attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent 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 Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, 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 Great Earth International, 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 1801 Parkcourt Place, Suite A, in the City of Santa Ana, State of California.

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

ORDER

I.

It is ordered, That respondent Great Earth International, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufac-

turing, labeling, packaging, offering for sale, selling, advertising or distributing of the nutrient supplements known from 1983 to 1987 as "GHR Formula-PM" (presently known as "Tri-Amino Plus P.M."), "L-Arginine," "L-Ornithine," or any other food of substantially similar composition, or any other free form amino acid nutrient supplement containing arginine, ornithine, tryptophane, glycine, or any combination thereof, 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 any such food will:

A. Stimulate greater production or release of human growth hormone in users of such product than in non-users.

B. Alter human metabolism in such a way that the metabolism of users of such product will function in a manner similar to the metabolism of youth.

C. Help users achieve results similar to or superior to the results these users generally believe are achievable through use of anabolic steroids, *e.g.*, rapid or substantial muscular development.

D. Promote greater weight loss during sleep in users of such product than in non-users of such product, when consumed before sleep.

E. Promote greater burning of fat or building, firming, toning or shaping of muscle in users of such product than in non-users.

F. Promote more rapid healing and greater protection against physical and mental fatigue in users of such product than in non-users.

G. Promote greater stimulation of the immune system and greater protection against fatigue in users of such product than in non-users.

II.

It is further ordered, That respondent Great Earth International, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, packaging, offering for sale, selling, advertising or distributing of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any such product will:

A. Beneficially affect, cure, prevent or reduce the risk of any disease or any other undesirable physical, mental or emotional state or condition;

B. Improve or strengthen any bodily part, organ, system, function or ability;

C. Eliminate, inhibit, reduce or otherwise neutralize or render harmless any harmful substance or organism that may be found in the body or environment; or

D. Assist or enable a user to lose or control weight or fat, or suppress appetite

unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation. "*Competent and reliable*" shall mean for purposes of this order tests, analyses, research, studies or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted by others in that profession or science to yield accurate and reliable results.

III.

It is further ordered, That respondent Great Earth International, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from using the name "Growth Hormone Releaser," "GHR" or any other name of similar meaning as a brand name or description for any product, unless such product stimulates the body to produce, or the pituitary gland to release, significantly greater amounts of human growth hormone in users than in non-users and, at the time of using such name, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation inherent in use of such name.

IV.

It is further ordered, That respondent, its successors and assigns, shall, for at least three (3) years after the last dissemination of the representation, maintain and upon reasonable request make available to the Federal Trade Commission at a place it designates for inspection and copying copies of:

A. All materials that respondent relied upon in making any representation covered by this order.

B. All test reports, studies, surveys, or demonstrations in its possession or control that contradict any such representation.

V.

It is further ordered, That respondent shall notify the Commission within thirty (30) days before any changes in the respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change which may affect compliance obligations arising out of this order.

VI.

It is further ordered, That respondent 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.

IN THE MATTER OF

THE B.F. GOODRICH COMPANY, ET AL.

FINAL ORDER, OPINION, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT AND SEC. 5 OF THE FEDERAL TRADE
COMMISSION ACT

Docket 9159. Complaint, Jan. 4, 1982—Final Order, Mar. 15, 1988

This final order requires Goodrich, a corporation with its principal place of business in Akron, Ohio, to divest the vinyl chloride monomer (VCM) plant, in La Porte, Texas, at no minimum price, to a Commission-approved acquirer and also to provide all supporting material to the acquirer. Diamond Shamrock Chemicals Company is prohibited from interfering with the divestiture and, for five years, must continue to supply all utilities, services, and supplies to the acquirer. In addition, Goodrich must, for 10 years, receive FTC approval before acquiring any interest in any producer of VCM located in the United States. The Commission also dismissed part of the complaint concerning the polyvinyl chloride (PVC) market.

Appearances

For the Commission: *Rhett Krulla.*

For the respondents: *Tom D. Smith, Jones, Day, Reavis & Pogue,*
Washington, D.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that respondents, The B.F. Goodrich Company, Diamond Shamrock Corporation and Diamond Shamrock Plastics Corporation, corporations subject to the jurisdiction of the Federal Trade Commission, have entered into an agreement, described in paragraph 11 herein, that, if consummated, would violate the provisions of Section 7 of the Clayton Act, as amended (15 U.S.C. 18), and Section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. 45); that said agreement and the actions of respondents to implement that agreement constitute violations of Section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. 45); and it appearing to the Commission that a proceeding in respect thereof would be in the public interest, the Commission hereby issues its complaint, pursuant to Section 11 of the Clayton Act (15 U.S.C. 21) and Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)), stating its charges as follows: