

IN THE MATTER OF

TV INC., ET AL.

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

Docket C-3296. Complaint, July 25, 1990—Decision, July 25, 1990

This consent order prohibits, among other things, a Largo, Fla. advertiser of bee pollen products from misrepresenting that any advertisement is an independent program and not an advertisement, from claiming that bee pollen will not cause allergic reactions, and from representing that the product has been used as an effective allergy treatment or analgesic. Respondents are required, for a period of ten years, to present, at the beginning of any television advertisement that is fifteen minutes or more in length and prior to any ordering instructions, a disclosure statement that the program is a paid advertisement. In addition, respondents are required to have competent and reliable scientific evidence for all future claims concerning any product's effect on the user's health or physical condition.

Appearances

For the Commission: *Brinley H. Williams* and *Mark D. Kindt*.

For the respondents: *James H. Sneed, McDermott, Will & Emery*,
Washington, D.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, "respondents," have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent TV Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office or principal place of business located at #7, 11100 66th Street North, Largo, Florida.

Respondent William Thompson is an officer of the corporate respondent named herein. He formulates, directs and controls the acts and practices of said corporate respondent, including the acts and

practices hereinafter set forth. His address is the same as that of said corporation.

PAR. 2. Respondents have advertised, offered for sale, sold or distributed food products, including bee pollen products (various products containing bee pollen, and/or bee propolis, and/or royal jelly) intended for human consumption.

PAR. 3. The acts and practices of respondents alleged in this complaint have been in or affecting commerce.

PAR. 4. Respondents have disseminated or caused to be disseminated advertisements for bee pollen products, which are "foods" within the meaning of Section 12 of the Federal Trade Commission Act, 15 U.S.C. 52. These advertisements have been disseminated by various means in or affecting commerce, including but not limited to television broadcasts transmitted across state lines, for the purpose of inducing the purchase of such foods by members of the public.

PAR. 5. Typical of respondent's advertisements, but not necessarily all-inclusive thereof, is the advertisement attached hereto as Exhibit A (the audio portion of which has been transcribed and attached hereto as Exhibit B). The aforesaid advertisement and others contain the following statements and depictions:

(A) Title of 30-minute television program: *TV Insiders*. (Exhibits A and B, audio and video portions of television commercial.)

(B) MR. INNEO: "Hello, my name is Vince Inneo, your inside information investigator. Welcome to this very special edition of *TV Insiders*. No matter what walk of life or what the subject, it's no secret that having inside information keeps you steps ahead of the others. That's why we're here. This installment is critically important. Many of you have written possibly the most valuable inside information we have yet uncovered. Here are some of the hundreds of letters asking us or telling us about a 73 year old Phoenix, Arizona man who many have claimed has rediscovered nature's formula for youth. Listen to some of these amazing stories." (Exhibits A and B, audio and video portions of television commercial.)

(C) MR. INNEO: "I may restate something. It's your cards and your letters alerting *TV Insiders* to new discoveries, interesting people and inside information. We need inside information. You tell me the stories and what you've heard; we will research it, investigate it, and then we will share our findings with everyone. If we use your information, we will send you a *TV Insider* investigator's card. This you can count on. So until next mission, this is your inside investigator, Vince Inneo, wishing you good health and God's blessings." (Exhibits A and B, audio and video portions of television commercial.)

(D) Statements and depictions of apparent, unpaid, spontaneous, and unscripted interviews between Vince Inneo and "Dr." Gary Null, Ms. Carol Brown, and Mr. Royden Brown. (Exhibits A and B, audio and video portions of television commercial.)

(E) Statements and depictions that users of bee pollen products have submitted

unsolicited testimonials to *TV Insiders* and that the testimonials presented on the program are fairly representative of general responses to bee pollen products. (Exhibits A and B, audio and video portions of television commercial.)

(F) "All materials, whether real or recreated, represent factual events." (Exhibit A, video portion of television commercial.)

PAR. 6. Through the use of the statements and depictions referred to in paragraph five, above, and others in advertisement and promotional materials not specifically set forth herein, respondents have represented, directly or by implication, that *TV Insiders* is not a paid-for advertisement, but rather is an independent and objective consumer or news program.

PAR. 7. In truth and in fact, *TV Insiders* is a paid-for advertisement and not an independent and objective consumer or news program.

Therefore, the representation set forth in paragraph six, above, was and is false and misleading.

PAR. 8. Typical of respondents' advertisements, but not necessarily all-inclusive thereof, are the advertisements attached hereto as Exhibit A (the audio portion of which has been transcribed and attached hereto as Exhibit B) and Exhibit C. The aforesaid advertisements and others contain the following statements and depictions:

(A) MR. NULL: "Bee pollen is one of the most perfect foods ever found in nature. In fact, it's probably the most concentrated in enzymes. You see, our body functions because of enzymes. You age because you don't produce enough enzymes. So one way to slow down the aging process is to have more enzyme-rich foods. Well, you can't get any better food than bee pollen because it's not cooked, it's not processed; it is loaded with vitamins, minerals, enzymes. In fact, there's one nutrient that it has that can help the inside of your body prevent the capillaries from aging." (Exhibits A and B, audio and video portions of television commercial.)

(B) MR. NULL: "So it's anti-aging." (Exhibits A and B, audio and video portions of television commercial.)

(C) MR. NULL: "There have been a lot of medical studies and scientific studies on the benefit of bee pollen and especially when it comes to aging." (Exhibits A and B, audio and video portions of television commercial.)

(D) MR. INNEO: "...if you, like the people we've heard from and talked to today, want to live a longer, healthier and more vital life, if you want that second chance at life, there is something we can do about it after all." (Exhibits A and B, audio and video portions of television commercial.)

(E) MR. BROWN: "Well, if I were you, I would get three things. First, I would get the Bee-Young tablets. Bee-Young tablets will prevent you from losing your memory. You certainly want to have your memory all the rest of your life. Loss of memory is the first step into the nursing home, and you certainly don't want to do that. The second thing I would get would be the Mountain-High Royal Jelly. Royal Jelly is the greatest rejuvenating and sex stamina food known to man. And you certainly want to

be sexually active all the rest of your life." (Exhibits A and B, audio and video portions of television commercial.)

(F) UNIDENTIFIED SPEAKER: "Pollen Energy 520 capsules restore that missing energy and 24-hour Royal Jelly tablets to keep sexually active at any age." (Exhibits A and B, audio and video portions of television commercial.)

(G) MR. INNEO: "For those people who are allergic to pollen, will they be able to use Mountain-High bee pollen?"

MR. BROWN: "Bee pollen, according to Leo N. Conway, M.D. in Denver, Colorado, an allergist, says that bee pollen is the best reliever of allergies that he's ever found. He's had over sixty thousand patients documented and 94 percent of them were completely relieved of the symptoms by ingesting the bee pollen."

MR. INNEO: "Never have pollen-related allergies again?"

MR. BROWN: "Never have pollen allergy symptoms again, rest of your life." (Exhibits A and B, audio and video portions of television commercial.)

(H) MR. INNEO: "I've heard from people that Mountain-High bee pollen helps them lose weight. Can you tell me how?"

MR. BROWN: "Well, Mountain-High bee pollen has all the nutrients you need for perfect health. So when you eat the Mountain-High bee pollen before each meal, it satisfies your appetite. As a result, you eat a little less food with each meal and you lose weight constantly as long as you're eating Mountain-High bee pollen." (Exhibits A and B, audio and video portions of television commercial.)

(I) "100% Natural Pain Relief—A Health Alternative to Aspirin" (Exhibit C.)

(J) "With just the right blend of Bee Pollen and amino acids in an herbal base, independent research at Energy Factors, Inc. of Florida provides evidence that Alpine Supreme Brand® Arthritis-Strength Pain Relief has what it takes for quick relief of headache or body pain. This food tablet may be taken like aspirin,..." (Exhibit C.)

PAR. 9. Through the use of the statements and depictions referred to in paragraph eight, above, and others in advertisements and promotional materials not specifically set forth herein, respondents have represented, directly or by implication, that:

(A) Consumption of any bee pollen product(s) can not result in an allergic reaction;

(B) Consumption of any bee pollen product(s) such as those advertised on *TV Insiders* has been used to successfully treat allergy patients;

(C) Alpine Supreme Brand Arthritis-Strength Pain Relief is an effective analgesic for human use; and

(D) Respondents possessed and relied upon a reasonable basis, consisting of competent and reliable scientific evidence, for the representations set forth in this paragraph.

PAR. 10. In truth and in fact:

(A) Consumption of bee pollen products can result in an allergic reaction;

(B) Consumption of bee pollen products such as those advertised on *TV Insiders* has not been used to successfully treat allergy patients;

(C) Alpine Supreme Brand Arthritis-Strength Pain Relief is not an effective analgesic for human use; and

(D) Respondents did not possess and rely upon a reasonable basis consisting of competent and reliable scientific evidence for making each representation set forth in paragraph nine.

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

PAR. 11. Through the use of the statements and depictions referred to in paragraph eight, above, and others in advertisements and promotional materials not specifically set forth herein, respondents have represented, directly or by implication, that:

(A) Consumption of any bee pollen product(s) such as those advertised on *TV Insiders* can cure, prevent, or alleviate allergy symptoms;

(B) Consumption of bee pollen products can slow, prevent or reverse the aging process;

(C) Consumption of bee pollen products can cure or prevent impotence and sexual dysfunction;

(D) Consumption of bee pollen products can promote weight loss; and

(E) Consumption of bee pollen products provides effective relief for pain, including arthritis, headache and "body pain."

PAR. 12. Through the use of the statements and depictions set forth in paragraph eight and others not specifically set forth herein, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraph eleven, respondents possessed and relied upon a reasonable basis, consisting of competent and reliable scientific evidence, for each such representation.

PAR. 13. In truth and in fact, at the time respondents made the representations set forth in paragraph eleven, they did not possess and rely upon a reasonable basis, consisting of competent and reliable scientific evidence, for making each such representation. Therefore, respondents' representation as set forth in paragraph twelve were and are false and misleading.

PAR. 14. The acts and practices of respondents as alleged in this complaint, and the placement in the hands of others of the means and instrumentalities by and through which others may have used said

acts and practices, constitute unfair and deceptive acts or practices in or affecting commerce, and the dissemination of false advertisements, in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

EXHIBIT A

Physical exhibit submitted by the Commission—Video tape containing television commercial.

EXHIBIT B

Transcript of video tape containing television commercial:

United States Federal Trade Commission

In Re: *TV Insiders*, Video Tape

MR. INNEO: Hello. I'm Vince Inneo, your inside information investigator. Welcome to this very special edition of *TV Insiders*.

No matter what walk of life or what the subject, it's no secret that having inside information keeps you steps ahead of the others. That's why we're here. This installment is critically important. Many of you have written possibly the most valuable inside information we have yet uncovered.

Here are some of the hundreds of letters asking us or telling us about a 73-year-old Phoenix, Arizona man who many of you have claimed has rediscovered nature's formula for youth. Listen to some of these amazing stories.

REV. D.A.L.'s LETTER: I had arthritis in a very painful state in my left foot to the extent that I was limping quite noticeably. Now the arthritic pain has vanished completely. I am now able to walk normally.

PAT PATTEN, HOMEMAKER: I've been using it about a year now. I had dry patches on my face, they are gone. My energy level has increased. I feel great all over. Even my fingernails have grown. It's been a godsend.

FROM DR. F.M.'s LETTER: It helped me a lot. I'm telling the patients that are interested in their health, Keep up the good work.

MR. INNEO: These are only a sampling of the letters from people around the world who want to share this information.

Here is one from Mr. Magnice Beanson in Iceland. He writes that his health had deteriorated to being confined 24 hours a day to a wheelchair. However, today he has regained his health, has left the wheelchair behind, exercises and works a ten-hour day and he is 70 years old.

Mrs. Ragner Breeford of Norway writes of how she suffered ten to twelve days every month with PMS. She would be bedridden for several days at a time. Now she is free of pain for the first time of her adult life. Some have written books. Nohl Johnson's autobiography tells us that at the age of 70 he was about to be committed to a nursing home because he could no longer care for himself. But something

happened. Eighteen years later at the age of 88 he is now participating in the 26-mile New York Marathon and leads a healthy, happy and more vital life.

Look at these letters from advocates the world over who are sharing this discovery, hundreds of them, all documented and some quoted in this book "The World's Only Perfect Food."

But this is the most exciting, a copy of December's Parade Magazine. President Ronald Reagan was asked how he keeps so youthful and why he doesn't have gray hair. The President said his secret comes from something he obtains in Phoenix, Arizona.

President Reagan is the only president I can remember who looks so good, if not better, after eight years as President of the United States in what many claim to be the world's toughest job.

Think about this for a second. Presidents Johnson, Nixon, Ford and Carter all seem to have aged after only four years in the White House.

Stay with me as we fly to Phoenix to meet this mysterious man and uncover the Reagan secret.

But first, let me share with you this interview I had earlier with Miss Carol Brown. Miss Brown was the liaison in the Reagan White House.

MR. INNEO: Hi, Carol. I'm Vince Inneo from TV Insiders.

MS. BROWN: Hi, Vince. It's nice to meet you. Have a seat.

MR. INNEO: Thank you. We have letters from people all over the world telling us that former President Reagan and Mrs. Reagan know about something that reportedly makes people live longer and healthier lives. As liaison to the White House in this area, do you know about this and are you able to talk about it?

MS. BROWN: Yes. I'll be happy to tell you anything you need to know.

MR. INNEO: Is it true then? Is there really something to all this?

MS. BROWN: It's absolutely true.

MR. INNEO: And former President Ronald Reagan and Mrs. Reagan are ardent advocates?

MS. BROWN: That's also true. I have a letter here from Mrs. Reagan and her picture. She's a wonderful lady.

MR. INNEO: Okay. Carol, what is it? What is the Reagan secret?

MS. BROWN: It's Bee Pollen much of which comes from mountainous areas.

MR. INNEO: Bee Pollen will really do all this for you?

MS. BROWN: That and more.

MR. INNEO: Now, you say mountainous areas of the world. Does this really make a difference?

MS. BROWN: Oh, yes. Bee Pollen from high altitudes is much richer there and more potent. Just ask Dr. Gary Null. He knows everything Bee Pollen can do for you.

MR. INNEO: Who else knows about this secret?

MS. BROWN: The Queen of England and the Royal family have been consuming Bee Pollen products for generations. In a recent January article they reported about Lady Di's consumption of Royal Jelly.

MR. INNEO: Can I walk into any health food store and purchase Mountain-High Bee Pollen?

MS. BROWN: Mountain-High Bee Pollen is rather an exclusive item and you must contact the maker directly.

MR. INNEO: Well, thank you, Carol. This inside information has really been of tremendous help to us. I appreciate the time that you spent with us.

MS. BROWN: Thank you. It's been my pleasure.

MR. INNEO: Now you know why we're going to Phoenix. Mountain-High Bee Pollen. Listen to what health and nutritional expert Dr. Gary Null has to say about it.

In the last 20 years Gary Null has written not less than 51 books, three of which are presently on the best seller's list. He is a research scientist in the field of nutrition and publishes the Natural Living Newsletter. He's a world class lecturer at colleges and universities. He has appeared on such shows as the Phil Donahue Show, the Tonight and Today shows and has his own radio and TV shows.

He is also a health food columnist for national publications.

Materials from his investigations have been used by 20/20 and 60 Minutes.

Gary Null knows his stuff. He practices what he preaches. Via satellite this is my Insider interview with Dr. Gary Null.

Gary, this is Vince Inneo with TV Insiders. Thank you for giving us the opportunity to talk to you.

MR. NULL: Thank you very much for inviting me. I'm happy to share any information on Bee Pollen that might help the people in the audience. What questions do you have?

MR. INNEO: To be very honest with you, Gary, until the Insider team received so many letters about Mountain-High Bee Pollen's Company, I'd never heard of it. My question is why, if Mountain-High Bee Pollen is supposed to be so good for you, why haven't we heard more about it?

MR. NULL: The reason that we haven't heard more about Bee Pollen is that we have taken a pharmaceutical look at disease, we haven't emphasized wellness, and it's only now that we're beginning to examine the role of vitamins and minerals, Vitamin C and Vitamin E and B-6 and even some of the exotic nutrients like Conizon Q-10, Germanian and Carnitine for our good health.

Well, if there is not a way of profiting by exclusively being able to patent a product and market it under your own brand name, then why promote it? You don't want something that everyone can find that's inexpensive—Bee Pollen's inexpensive, Royal Jelly's inexpensive—that's readily available, but also there's not a supply enough for everyone. That's why the pharmaceutical industry has not jumped on the bandwagon. With a drug you can take even an herb, and you can make a chemical extract.

And here's something you should know. This substantiates Bee Pollen's importance. Time and again they've tried to chemically in a laboratory duplicate Bee Pollen and Royal Jelly, and they have failed every time. They can't get the same results, which is telling us that nature provided the Bee Pollen and Royal Jelly was some intrinsic factor, some mysterious factor, that science cannot duplicate. And that's why it's so perfect.

But again you don't have enough Bee Pollen and you don't have enough Royal Jelly to feed everyone who can benefit from it. So it's kind of an Insiders' health secret.

MR. INNEO: What exactly is Bee Pollen?

MR. NULL: Bee Pollen is one of the most perfect foods ever found in nature. In fact, it's probably the most concentrated in enzymes. You see, our body functions because of enzymes. You age because you don't produce enough enzymes. So one way to slow down the aging process is to have more enzyme-rich foods. That's why fresh juices and raw foods are better than over-processed and cooked foods.

Well, you can't get any better food than Bee Pollen because it's not cooked, it's not processed; it is loaded with vitamins, minerals, enzymes. In fact, there's one nutrient that it has that can help the inside of your body prevent the capillaries from aging.

Did you ever notice when you hit at yourself you bruise? Well, it could be a deficiency of biofabnoids, and one way of getting the biofabnoids is through Bee Pollen because you're getting rutin.

Rutin has been shown to help the fergilities capillaries. Therefore, you don't get those little splotches on the legs and wherever you might bruise. So it's anti-aging.

Now, the bees go out, they collect from these beautiful flowers, they collect the pollen. They bring the pollen back, and 60 percent to 70 percent is kept for the person collecting it and 30 percent is allowed to remain with the bees because that's what they eat. Because after all, as good as it is for humans, it's the life thread for the bees, and that's what we benefit from.

MR. INNEO: TV Insiders' investigation team has seen letters from people throughout the world claiming they not only look and feel younger, but their friends and family have noticed changes. Is it reasonable for people to really expect to live longer and healthier lives by adding Mountain-High Bee Pollen to their daily regimen?

MR. NULL: I think it's entirely reasonable. Gloria Swanson, the famous actress who's a very good friend of mine, she looked magnificent with no facelifts. Her skin, if you saw her up close, her hands and her face were very, very smooth, almost like a baby's. She had Bee Pollen and Royal Jelly twice a day, and she would rely and say, Gary, this is part of my secret. It wasn't the only thing, but it was a primary part.

And throughout centuries people who have lived around bee hives or who have been the aviary keepers, people who have farmed bees, these are the people who have had really long, vital lives and have looked better.

And Loni Anderson commented in an article that one of the reasons she keeps her health, along with a good diet and the exercise, is she includes Bee Pollen.

MR. INNEO: Okay. Let me put it to you directly. I start using Mountain-High Bee Pollen today, what can I look forward to? What can I honestly expect?

MR. NULL: I think reasonably we could expect to enhance our overall well-being. It's not always easy to measure because some of the changes are subtle.

For instance, when you're ten years older and you've been eating right and you've been exercising and you've been taking the Bee Pollen or Royal Jelly and you don't look the same age as your contemporaries, when you don't feel the same way, when you have boundless energy, when you don't go through those up-and-downs, those peaks and valleys that you normally would, when instead of needing a cup of coffee, you have sustained energy, when your sex life is improved, do you ascribe that just to Bee Pollen?

Well, you can ascribe some of it possibly to Bee Pollen. It certainly will do two things. It will certainly enhance our overall well-being because we are what we eat, we're what we breathe, we're what we drink and we're what we think. Positive living, positive diet and a positive amount of Bee Pollen, I feel, enhances the total quality of life.

MR. INNEO: The Insiders' message is becoming clear. If you do nothing else, if you can't or won't exercise, if you're interested in your well-being but you're not willing to jump on the health food mega-vitamin bandwagon, if you're concerned about the side effects of adding unnatural, manufactured or artificial vitamins or chemical supplements to your diet, if you, like the other people we've heard from and spoken to,

want to live longer, healthier and happier lives, if you want that second chance at life, there is something you can do.

I'll be right back after this message.

UNIDENTIFIED SPEAKER: Mountain-High Bee Pollen is available exclusively from the maker. It is not sold in stores. Call now to receive your whole 30-day supply of Mountain-High Bee-Young Wafers. Stay young and alert throughout your life. Pollen Energy 520 capsules restore that missing energy and 24-hour Royal Jelly tablets to keep sexually active at any age.

Also receive as our gift a President's and a First Lady's lunch bar. To start feeling young, energetic and vital again, simply take one Bee-Young Wafer and one Pollen Energy 520 capsule with each meal. Take one Royal Jelly capsule before bedtime. Unlock nutrient shortages in your body and reawaken parts of your system long neglected.

By special arrangements with the producers of TV Insiders, you will receive this 62.35 value for only 39.95 plus 3.50 postage and special handling.

Have your credit card handy and call now 1-800-423-1800. 1-800-423-1800. That's 1-800-423-1800. Call now.

MR. INNEO: Welcome back to TV Insiders and our conversation with Dr. Gary Null.

Gary, is Mountain-High Bee Pollen a drug, and are there any side effects to worry about?

MR. NULL: Oh, absolutely not. Bee Pollen is not a drug. It's 100 percent natural. It's organic. It's loaded with good nutrition. The only side effect of eating Bee Pollen is improved well-being.

MR. INNEO: Can you cite specific medical or scientific studies which are proof positive that Mountain-High Bee Pollen leads to a longer, healthier life?

MR. NULL: There have been a lot of medical studies and scientific studies on the benefit of Bee Pollen and especially when it comes to the aging.

One of the men who first studied Bee Pollen was a man named Dr. Price. And Dr. Price studied a group of people called the Hunzacs. The Hunzacs lived in an area called Hunza.

Now, if you remember Hilton's movie, Lost Horizons, the movie with Ronald Colburn, well, that Shaggy-la was actually a real place, it was called Hunza. Now, that doesn't mean everything that was in the movie actually happened, but it was based upon real people and those people still exist today. There's some 70,000 who live at an altitude of 10,000 feet in that area of the world, and they have as a part of their diet, and I know because I've interviewed the Premier, the ruler's family Sietkon, and he told me about what they eat, and they eat almost everyday Bee Pollen and Royal Jelly.

So there you had a whole culture that benefited over the centuries, the last 2,000 years, from eating this.

MR. INNEO: With all due respect, isn't there an age level where sexual dysfunction is automatic no matter what you do?

MR. NULL: There is no age to where the sexual apparatus diminishes or dies.

MR. INNEO: Our inside information shows that some Bee Pollen could be better than others. Can Mountain-High Bee Pollen make this claim? Is it really the best?

MR. NULL: No Bee Pollen is the same; please keep that in mind. Much of the pollen in the United States is from the Florida and Texas area, in California where a lot of pesticides can be used and pesticides can get on the Bee Pollen.

The best Bee Pollen comes from your mountainous areas, the mountains of Arizona, the mountains of Wisconsin, of the high area of Indiana, where you have very little pesticides or none at all. In fact, in some of the states they've forbidden pesticides because of the dairy law, which is good, and so you want that. Also the bees are heartier at a higher altitude.

MR. INNEO: So you were saying that Bee Pollen from the mountains is the best?

MR. NULL: The mountainous area is the best.

MR. INNEO: Why would you recommend that people use Mountain-High Bee Pollen over other nutritional supplements?

MR. NULL: Because you're starting off with the best. You're starting off with the most potent, the most balanced, the most whole food that we could take in as a nutritional supplement, and then all the other changes you make in addition to that are only going to enhance your total well-being.

MR. INNEO: Gary, sum up the Insider information for us.

MR. NULL: There is something to this that the American public is not aware of that the rest of the world seems to be taking and has been for a long time. We should be allowed in on this very important nutrient.

MR. INNEO: Thank you for being our guest today, Dr. Null. Your inside information has been invaluable.

MR. NULL: Thank you.

MR. INNEO: As I said, Dr. Gary Null is the authority on health and nutrition. He really does know his stuff.

UNIDENTIFIED SPEAKER: Please fasten your seat belt. We are now arriving in Phoenix.

MR. INNEO: Now we're going to meet who developed Mountain-High Bee Pollen. His name is Mr. Royden Brown. Mr. Brown.

MR. BROWN: Yes, sir.

MR. INNEO: Hi, Mr. Brown. My name is Vince Inneo with TV Insiders. How are you, sir?

MR. BROWN: I'm perfect, thank you, sir. Would you have a chair?

MR. INNEO: Thank you. According to what we found out about you, you've really come up with something. Can you tell us when you learned about the effects of Mountain-High Bee Pollen?

MR. BROWN: It was in 1943 in the Officers Madison, London, England. I was a pilot at the RAF at the time. Another pilot gave me an article in some newspaper, and I think it was the London Sunday Times, about Bee Pollen. It described this miraculous food that had all the nutrients you needed for perfect health, and it would do everything for you. Well, frankly, I must admit I didn't think any food was that good food.

MR. INNEO: Mountain-High Bee Pollen does all that?

MR. BROWN: Yes, sir. It's a marvelous food. If it has all the nutrients, and I know it does, for perfect health, it will do everything for you. It will move you toward perfect health. It's mentioned 68 times in the Bible. It was given to the original Jesus Christ after the resurrection and that was symbolically, in my opinion, that every person on earth should make Bee Pollen a staple part of their diet every day of their life.

MR. INNEO: I understand former President Ronald Reagan is one of your best customers?

MR. BROWN: He certainly is. He's been eating Bee Pollen since 1961, and we've been furnishing the Bee Pollen since he was governor. He's the best specimen I know of that's what Bee Pollen does for you.

President Reagan has had the toughest job in the world. He's had the most responsibility than anybody in the world. He was shot and near death, and look where he is; he's in perfect health, sharp as a tack. Bee Pollen, perfect example of ingesting Bee Pollen.

MR. INNEO: Why haven't we heard more about Mountain-High Bee Pollen?

MR. BROWN: Because Mountain-High Bee Pollen is a food and not a drug. It can't be patented. There's not 50 or 100 times markup in the price of it, so the pharmaceutical companies can't make money on selling Bee Pollen. That's why we haven't heard about it.

MR. INNEO: For those people who are allergic to pollen, will they be able to use Mountain-High Bee Pollen?

MR. BROWN: Bee Pollen according to Leo N. Kogoin, M.D. in Denver, Colorado, an allergist, says that Bee Pollen is the best reliever of allergies that he's ever found. He's had over 60 thousand patients documented and 94 percent of them were completely relieved of the symptoms by ingesting the Bee Pollen.

MR. INNEO: Never have pollen-related allergies again?

MR. BROWN: Never have pollen allergy symptoms again, rest of their life.

MR. INNEO: Mr. Brown, what if someone were taking vitamins, would they have to continue them or will Mountain-High Bee Pollen alone be enough?

MR. BROWN: Well, the only problem with the individual taking vitamins, he doesn't know how much Vitamin C to take or how much Vitamin E. If you take Bee Pollen, it's all in the Bee Pollen. God made Bee Pollen the perfect balance of perfect nutrients of all the nutrients, so you don't need to take vitamins when you take Bee Pollen.

MR. INNEO: I've heard from people that Mountain-High Bee Pollen helps them lose weight. Can you tell me how?

MR. BROWN: Well, Mountain-High Bee Pollen has all the nutrients you need for perfect health. So when you eat the Mountain-High Bee Pollen before each meal, it satisfies your appetite. As a result, you eat a little less food with each meal you eat and you lose weight constantly as long as you're eating Mountain-High Bee Pollen.

MR. INNEO: I have never taken Mountain-High Bee Pollen. Start me off. I mean, what do I get?

MR. BROWN: Well, if I were you, I would get three things. First, I would get the Bee-Young tablets. Bee-Young tablets will prevent you from losing your memory. You certainly want to have your memory all the rest of your life. Loss of memory is the first step into the nursing home, and you certainly don't want to do that.

The second thing I would get would be the Mountain-High Royal Jelly. Royal Jelly is the greatest rejuvenating and sex standard food known to man. And you certainly want to be active sexually all the rest of your life.

The third thing you want to get is the Pollen Energy 520 capsules. The Mountain-High Bee Pollen is the greatest energy source, greatest energy food known to man.

With these three things, I guarantee you that you will have a higher quality of life the last half of your life than you had the first half.

MR. INNEO: Thank you, Mr. Brown. I really thank you for giving TV Insiders this inside information. Not only has it been inspirational to me, but I'm sure motivational not only to myself but to our viewers. Thank you again from all of us.

MR. BROWN: Any time. My pleasure.

MR. INNEO: That was simply amazing. I told you in the beginning that this edition of TV Insiders would be critically important. The message is clear. If you do nothing else, if you can't or won't exercise, if you're interested in your well-being but you're not willing to jump on the health food mega-vitamin bandwagon, if you're concerned about adding unnatural manufactured or artificial vitamins or chemical supplements to your diet, if you like the people we've heard from and talked to today, want to live a longer, healthier and more vital life, if you want that second chance at life, there is something we can do about it after all.

UNIDENTIFIED SPEAKER: Mountain-High Bee Pollen is available exclusively from the maker. It is not sold in stores. Call now to receive your whole 30-day supply of Mountain-High Bee-Young Wafers. Stay young and alert throughout your life. Pollen Energy 520 capsules restore that missing energy, and 24-hour Royal Jelly tablets to keep sexually active at any age. Also receive as our gift a President's and a First Lady's lunch bar.

To start feeling young, energetic and vital again, simply take one Bee-Young Wafer and one Pollen Energy 520 capsule with each meal. Take one Royal Jelly capsule before bedtime. Unlock nutrient shortages in your body and reawaken parts of your system long neglected.

By special arrangements with the producers of TV Insiders, you will receive this 62.35 value for only 39.95 plus 3.50 postage and special handling.

Have your credit card handy and call now 1-800-423-1800. 1-800-423-1800. That's 1-800-423-1800. Call now.

FROM MRS. V.M.O.'s LETTER: I'm a senior citizen and I thought I felt good, but now I feel wonderful. I'm never tired. Mountain-High Bee Pollen is the best money I ever spent.

FRITS FORRER: Every year I used to suffer from ragweed allergies. I tried everything; nothing worked. I used to hate the fall season.

Since I'm in health insurance, it really looks bad when I'm sick. Now my allergies disappeared. It's been wonderful and I owe my recovery to Bee Pollen.

MYRNA HAAG: I compete in Triatholons. I just finished the Hawaiian Iron Man, which is a two-and-a-half-mile ocean swim, 112-mile bike ride and a 26-mile run. I don't believe in any kind of diets. Diets really don't work for me. What worked for me was Mountain-High Bee Pollen. It worked great during Iron Man.

FROM REV. D.A.L.'s LETTER: I had arthritis in a very painful state in my left foot to the extent that I was limping quite noticeably. After eating Mountain-High Bee Pollen, the arthritic pain vanished completely. Now I'm able to walk normally.

FROM DR. F.M.'s LETTER: Mountain-High Bee Pollen helped me a lot. I'm telling most of the patients that are interested in good health, Keep up the good work.

UNIDENTIFIED SPEAKER: Mountain-High Bee Pollen is available exclusively from the maker. It is not sold in stores. Call now to receive your whole 30-day supply of Mountain-High Bee-Young Wafers. Stay young and alert throughout your life. Pollen Energy 520 capsules restore that missing energy and 24-hour Royal Jelly tablets to keep sexual active at any age.

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MR. INNEO: I may restate something. It's your cards and your letters alerting TV Insiders to new discoveries, interesting people and inside information. We need inside information. You tell me the stories and what you've heard, we will research it, investigate it, and then we will share your findings with everyone. If we use your information, we will send you a TV Insider investigator's card. This you can count on.

So until next mission, this is your inside investigator, Vince Inneo, wishing you good health and God's blessings.

CERTIFICATE

I, Sheri L. Foster, a Stenographic Reporter, do hereby certify that I listened to an audiotape of the foregoing proceedings in its entirety; that I wrote the same in stenotypy, which was subsequently transcribed into typewriting by means of computer-aided transcription under my direction; and that the foregoing Transcript is a true and correct transcript of my stenotype notes.

Signed this 14th day of June, 1989.

/s/

Sheri L. Foster
Mizanin Reporting Service
540 Terminal Tower
Cleveland, OH 44118



VOLUME ONE, ISSUE THREE

\$2.50

OCTOBER, 1989



100% Natural Pain Relief A Healthy Alternative to Aspirin

Is headache pain ruining your day? For some, this is a simple problem to solve. But for those who suffer adverse reactions to any chemical pain-relievers like aspirin, a simple headache can become quite an ordeal. Which is worse, a throbbing headache or an upset stomach? There must be a better way.

There is. Alpine Supreme® Arthritis-Strength Pain Relief may be used as a substitute for aspirin, or other namebrand analgesics. Devoted Bee Pollen enthusiasts say this non-chemical product works fast and naturally to help relieve pain throughout

the body. For those who suffer from chronic pain but dislike harsh chemical pain-relievers, or for those who are averse to traditional non-prescription medicines, Arthritis-Strength Pain Relief may be just the ticket for a pain-free existence.

With just the right blend of Bee Pollen and amino acids in an herbal base, independent research at Energy Factors, Inc. of Florida provides evidence that Alpine Supreme Brand® Arthritis-Strength Pain Relief has what it takes for quick relief of headache or body pain. This food tablet may be taken like aspirin, although it is always recommended that any Bee Pollen product be taken with or after a meal.

For the months of October and November only, buy Alpine Supreme Brand® Arthritis-Strength Pain Relief at a special two-for-one price with a thirty day money-back guarantee. What have you got to lose, except the pain?

Introducing Alpine Supreme Brand®

You may have noticed a few changes around here already. The newsletter, twice as big and bursting with valuable discounts now appears monthly. Our new catalog is even more attractive and informative than before. (If you don't already have your complimentary copy, write to us.) And you'll be seeing less of the name Mountain-High and more of our improved product line Alpine Supreme Brand® Bee Pollen.

We are proud to introduce to you our superior line of Bee Pollen products. The names may have changed, but our dedication to quality is still virtually the same, just the purest Bee Pollen available. We have searched long and hard to come up with a product line even better than our Mountain-High, and we have finally done it. We believe Alpine Supreme Brand® is the finest, purest Bee Pollen on the market today, and you are sure to notice the difference. With a fresh, new look and a bold, new package, Alpine Supreme Brand® surpasses even our own Mountain-High Bee Pollen in quality and taste. Try it.

Everything is changing, except the price. We are improving the quality of our health foods, but the prices will remain the same. More for your dollar, because we feel you deserve it.

We will be introducing the new brand as it becomes available, so keep an eye out for it. And watch out for all-new health food products to be added to our catalog soon. We are growing to serve you better. Thanks for your patronage.

WHAT'S INSIDE?
• TWO-FOR-ONE SALE
Arthritis-Strength Pain Relief
• BEE POLLEN IN
THE BIBLE
• DR. SCHECHTER
Answers Your Questions
• NOW EIGHT FULL
PAGES EVERY MONTH!

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Cleveland Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; 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 aforesaid draft of 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 Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have 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. Proposed respondent TV Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office or principal place of business located at #7, 11100 66th Street North, Largo, Florida.

Proposed respondent William Thompson is an officer of the corporate respondent named herein. He formulates, directs and controls the acts and practices of said corporate respondent, including the acts and practices hereinafter set forth. His address is the same as that of said corporation.

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

The following definition shall apply throughout this order:

Bee pollen product(s) means any product(s) intended for human consumption consisting in whole or in part of bee pollen, and/or bee propolis, and/or royal jelly in any form.

I.

It is ordered, That respondents TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any product or service in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from creating, producing, selling or disseminating:

(A) Any commercial or other advertisement for any such product or service that misrepresents, directly or by implication, that it is an independent program and not a paid advertisement; and

(B) For a period of ten (10) years from the date of service of this order, any commercial or other advertisement for any such product or service fifteen (15) minutes in length or longer or intended to fill a broadcasting time slot of fifteen (15) minutes in length or longer that does not display visually, in a clear and prominent manner, within the first thirty (30) seconds of the commercial and immediately before each presentation of ordering instructions for the product or service, the following disclosure:

THE PROGRAM YOU ARE WATCHING
IS A PAID ADVERTISEMENT FOR
[THE PRODUCT OR SERVICE].

Provided, however, that if more than two products or services are advertised, the following disclosure may be used:

THE PROGRAM YOU ARE WATCHING
IS A PAID ADVERTISEMENT FOR THE
PRODUCTS/SERVICES OF [NAME OF ADVERTISER].

II.

It is further ordered, That respondents TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any bee pollen product(s) 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:

(A) That consumption of any bee pollen product(s) cannot or will not result in an allergic reaction;

(B) That consumption of any bee pollen product(s) such as those advertised on *TV Insiders* has been used to successfully treat allergy patients; and

(C) That Alpine Supreme Brand Arthritis-Strength Pain Relief, or any other product of substantially similar composition or possessing substantially similar properties, is an effective analgesic.

III.

It is further ordered, That respondents TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution 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:

(A) Consumption of any bee pollen product(s) cures, prevents, or alleviates any allergy symptoms;

(B) Consumption of any bee pollen product(s) slows, prevents, or reverses the aging process;

(C) Consumption of any bee pollen product(s) cures or prevents impotence or sexual dysfunction;

(D) Consumption of any bee pollen product(s) promotes weight loss;

(E) It is an effective analgesic; and

(F) It will have any effect on the user's health or physical condition; *unless*, at the time such representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of the order, for any test, analysis, research, study or other evidence to be "competent and reliable," the test, analysis, research, study or other evidence shall be conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant profession to yield accurate and reliable results.

IV.

It is further ordered, That respondents TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, their successors and assigns, shall, in the manner and subject to the conditions described below, notify the purchasers of bee pollen products who ordered after viewing, in whole or in part, the advertisement entitled *TV Insiders*:

(A) Within thirty (30) days after service of this order, respondents shall send, by first-class mail, to each person who purchased bee pollen products from them prior to the date of service of this order, a copy of the letter set forth in Appendix A.

(B) The envelope in which all of the above materials are sent shall have as its return address:

FTC/TV Inc. Notification Program
[—Street Address—]
[—City, State, ZIP Code—]

(C) No other information or materials shall be included in the mailings required by this paragraph.

V.

It is further ordered, That respondent TV Inc., a corporation, shall distribute a copy of this order to each of its operating divisions and to each officer and other person responsible for the preparation or review of advertising materials at the time this order becomes effective.

VI.

It is further ordered, That respondent TV Inc., a corporation, shall, for at least three (3) years after service of this order, maintain and make available to Federal Trade Commission upon request, for inspection and copying, at a place designated by the Commission, complete records regarding respondent's compliance with this order, such records to include, but not be limited to:

(A) The name and last known address of each purchaser to whom a Notice letter was sent; and

(B) All Notice letters returned as undeliverable.

VII.

It is further ordered, That for a period of three (3) years from the date that a representation covered by this order is last disseminated, respondents TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, shall maintain and upon request make available to the Commission for inspection and copying all advertising, promotional and/or sales materials containing the representations covered in this order, and all materials that were relied upon to substantiate such representations and all test reports, studies, surveys, demonstrations or other evidence in respondents' possession or control, that contradict, qualify, or call into question such representations or the basis upon which respondents relied in making such representations.

VIII.

It is further ordered, That respondent TV Inc., a corporation, shall:

(A) Notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate 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 in the corporation which may affect compliance obligations arising out of this order; and

(B) Require, as a condition precedent to the closing of the sale or other disposition of 50 percent of the stock or assets of TV Inc., that the acquiring party file with the Commission, prior to the closing of

such sale or other disposition, a written agreement to be bound by the provisions of this order.

IX.

It is further ordered, That respondents TV Inc., a corporation, and William Thompson, individually and as an officer of said corporation, shall within one hundred twenty (120) 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, including but not limited to the names and addresses of all recipients of materials pursuant to Part IV of this order.

APPENDIX A

[TV INC., LETTERHEAD]

IMPORTANT NOTICE

[Date]

[Customer Name
Address
City, State ZIP Code]

Dear

We at TV Inc. have voluntarily entered into an agreement with the Federal Trade Commission. We have agreed to a cease and desist order under which we are writing to each of our purchasers of bee pollen products. The purpose of this letter is to inform you that, according to the FTC, claims that consumption of bee pollen products cannot cause an allergic reaction, and that bee pollen can cure allergies are false. According to the FTC, the other health claims made for bee pollen products are unsubstantiated by competent and reliable scientific evidence. We also agree with the FTC that you should be notified that the television program *TV Insiders* is a commercial advertisement for bee pollen, and not an independent consumer or news program.

Sincerely,

William Thompson
President
TV Inc.

IN THE MATTER OF
AMERICAN INSTITUTE OF CERTIFIED
PUBLIC ACCOUNTANTS

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

Docket C-3297. Complaint, July 26, 1990—Decision, July 26, 1990

This consent order prohibits, among other things, the American Institute of Certified Public Accountants (AICPA) from restricting CPAs from providing professional services for a contingent fee or a disclosed commission to any person for whom the CPA is involved in any particular situation is not also performing an attest service. Respondent also is prohibited from restricting CPAs' use of referral fees that are disclosed and from preventing CPAs' use of truthful, nondeceptive advertising, solicitation, or trade names. In addition, AICPA is required to distribute a copy of the order and any revised ethics rules to its members.

Appearances

For the Commission: *Anthony L. Joseph* and *Michael D. McNeely*.

For the respondent: *Louis A. Craco, Willkie, Farr & Gallagher*,
New York, N.Y.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the American Institute of Certified Public Accountants, a corporation, has violated the provisions of Section 5 of the Federal Trade Commission Act, and it appearing to the Federal Trade Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues this complaint, stating its charges as follows:

PARAGRAPH 1. Respondent American Institute of Certified Public Accountants ("respondent" or "AICPA") is a corporation formed pursuant to the laws of the District of Columbia. Respondent is a voluntary association of approximately 264,000 certified public accountants ("CPAs"), who comprise approximately three-quarters of the CPAs in the United States. Its principal business office is located at 1211 Avenue of the Americas, New York, New York.