

Complaint

116 F.T.C.

IN THE MATTER OF

SHARPER IMAGE CORPORATION, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3443. Complaint, June 28, 1993--Decision, June 28, 1993*

This consent order prohibits, among other things, a San Francisco-based retail chain and mail order company and its president from making false or unsubstantiated advertising claims for a telephone tap detector (Tap Detector V), an exercise device (Chest Maximizer), and an anti-fatigue nutritional supplement (Essential Factors) or similar products.

Appearances

For the Commission: *C. Steven Baker* and *Alan E. Krause*.

For the respondents: *Vincent A. Ruiz, Gutierrez & Associates*,
San Francisco, CA.

COMPLAINT

The Federal Trade Commission, having reason to believe that Sharper Image Corporation, a corporation, and Richard Thalheimer, 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 Sharper Image Corporation is a Delaware corporation, with its office and principal place of business located at 650 Davis Street, San Francisco, California.

Respondent Richard Thalheimer is an officer and director of the corporate respondent. Individually or in concert with others, he formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this

complaint. His principal office or place of business is the same as that of the corporate respondent.

PAR. 2. Respondents have advertised, offered for sale, sold and distributed a product known as the Tap Detector V (previously known as the "Privacy Protector"), which product is advertised as a means of determining whether there is a tap on a telephone.

PAR. 3. Respondents have advertised, offered for sale, sold and distributed a product known as a Chest Maximizer, which product is advertised as a means of enhancing the effects of regular push-ups off the floor.

PAR. 4. Respondents have advertised, offered for sale, sold and distributed a product known as Essential Factors, which product is advertised as an anti-fatigue nutritional supplement. Essential Factors is a "food" or "drug" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

PAR. 5. The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

PAR. 6. Respondents have disseminated or caused to be disseminated advertisements for the Tap Detector V (previously known as the "Privacy Protector"), Chest Maximizer and Essential Factors, including, but not necessarily limited to, the attached Exhibits A-D. These advertisements contain the following statements:

1. "[The Tap Detector V's] Advanced circuitry even blocks extension phones from interfering with facsimile or computer modem transmissions." (Exhibit A)
2. "[The Tap Detector V is] FCC-approved." (Exhibit A)
3. "If you hired a detective agency to find a tap on your phone, that single service would cost about \$300. But you can guard the privacy of your line even more effectively with the Privacy Protector™ -- for just \$59." (Exhibit B)
4. "[The Chest Maximizer's] deep push-ups give you three times the results in fewer reps. . . ." (Exhibit C)
5. "Can you really get extra energy from a vitamin? This US-patented formula says yes. Oxy-Energizer™ is the first nutritional supplement ever to be granted a US patent. Supported by over 300 independent clinical trials, this anti-fatigue formula consistently demonstrates increases in stamina, endur-

ance, recovery time, and cardiovascular function -- results that simply can't be duplicated by any other nutritional supplement." (Exhibit D)

6. "The proof of patent #3,009,858. Oxy-Energizer contains a trade-secret blend of potassium, magnesium, and aspartic acid. People who take the formula feel more energetic throughout the day, especially at normal tired periods in midafternoon and early morning. Double-blind swimming, running, and aerobics studies consistently show improvements in stamina and endurance for subjects who regularly take the active ingredients in Oxy-Energizer. Taken daily, the formula can help you accomplish more at the office because you're not fighting tiredness. After work, you have more energy to enjoy sports or a late evening out. You may even feel less need for sleep (most test subjects do)." (Exhibit D)

PAR. 7. Through the use of the statements contained in the advertisements referred to in paragraph six, including but not necessarily limited to the advertisements attached as Exhibits A, B and D, respondents have represented, directly or by implication, that:

1. When the Tap Detector V is operational on a phone it prevents any extension phone from interfering with a data transmission on any other phone.
2. The Privacy Protector is more effective in detecting taps on a phone line than an inspection of the phone system by a detective.
3. The FCC has approved the Tap Detector V as effective.
4. The United States Government has accepted the active ingredient in Essential Factors as effective for relieving fatigue and providing extra energy.

PAR. 8. In truth and in fact:

1. When the Tap Detector V is operational on a phone it does not prevent any extension phone from interfering with a data transmission on any other phone.
2. The Privacy Protector is not more effective in detecting taps on a phone line than an inspection of the phone system by a detective.
3. The FCC has not approved the Tap Detector V as effective.

4. The United States Government has not accepted the active ingredient in Essential Factors to be effective for relieving fatigue and providing extra energy.

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

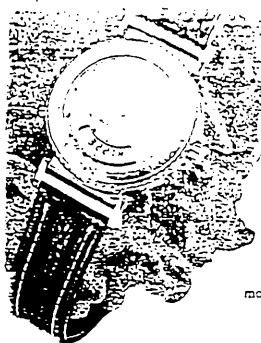
PAR. 9. Through the use of the statements contained in the advertisements referred to in paragraph six, including but not necessarily limited to the advertisement attached as Exhibit C, respondents have represented, directly or by implication, that the use of the Chest Maximizer will produce three times the results that a person would get by doing fewer regular push-ups off the floor.

PAR. 10. Through the use of the statements contained in the advertisements referred to in paragraph six, including but not necessarily limited to the advertisements attached as Exhibits A-D, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraphs seven and nine, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 11. In truth and in fact, at the time they made the representations set forth in paragraphs seven and nine, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph ten was, and is, false and misleading.

PAR. 12. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices and the making of false advertisements in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

EXHIBIT A



Casio calculators:

Casio's new alarm and stopwatch over your wrist and extreme ocean resistance for diving and comfortable band make it the perfect watch of sailing, a trip to the cabin or relaxed weekend at home.

Analog elegance.
Digital convenience.

For those who admire traditional timepieces, this watch with luminous hands and position markers—both durable and gold. But at the base of the dial, a small curved liquid crystal display gives you all the modern conveniences.

Hourly and daily alarms remind you of appointments and wake you in time for early morning meetings. Dual-time feature gives you

Classic watches — without being over-
board. Now Classic adds Classic design.
Oversized.

Classic Chronograph
#PC0710 \$199 (\$350)

Fourteen-karat symbol of your personal style.

In ancient times, a philosopher wrote that every woman reflected four distinct qualities: romance, energy, nostalgia, and mystery. To symbolize these different styles, Sharper Image jewelry designers create four distinctive rings from rich 14K gold. The one your eye is drawn to first may say which quality is strongest in you.

The romantic Pearl Ring evokes an oyster opening its shell to offer its treasure. The 36mm cultured pearl (bornstone for June) reflects light in the open setting.

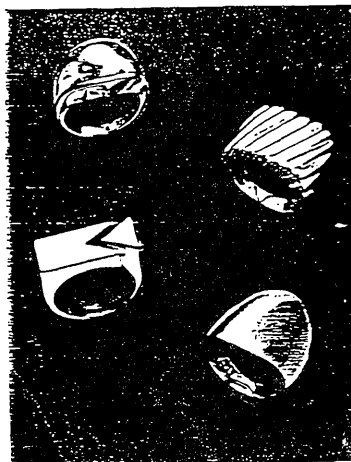
The geometric lines of the Arrow Ring inspire feelings of drive and energy. The chevron shape is cut from a flattened strip of gold, which is then wrapped into ring form.

The Cigar Band Ring recalls the age when men gave cigar bands to their daughters to wear. Although nostalgic in inspiration, the metal-toned snape has a clean, contemporary look. It can be engraved by your jeweler or left smooth.

On the top of the Ridged Ring, a step pattern is repeated in a complex, twisting motion that reflects light. The ridges appear to wrap completely around the finger. Or do they? That's the mystery of this unusual ring.

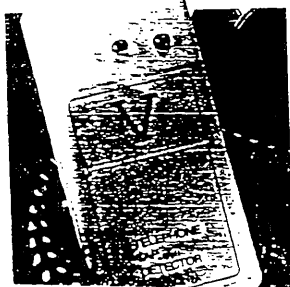
All rings are available in full and half sizes 4-8. Select one today as a trademark of your personal style.

- Ladies 14K Gold Rings**
- | | | |
|------------|--------|--------------|
| Pearl | FTG168 | \$299 (5.50) |
| Arrow | FTG159 | \$349 (5.50) |
| Cigar Band | FTG167 | \$299 (5.50) |
| Rings | FTG169 | \$299 (5.50) |



You always get the best price.

FOR OUR POLICE MATCHING PROGRAM
SEE ORDER FORM FOR DETAILS



When you're talking, who's listening?

Tan Detector V7 detects the line test changes in the immediate vicinity by outside mechanical parts of telephone crossing over a home extension. It is warning about a crossing of the line. An amper meter also tests the whether the extension phone has been used during hook, and the green light indicates when the line is clear. It is not a safety even though this device is not

from interfering with business or of
puter modem transmissions.
Just 12" x 12" x 4" in size, the
is a perfect for use at home, while
whoever you travel. No patterns,
needs, USB and PC-to-PC
One-year warranty.
Order today and keep all your
personal data private.
R. Tan Detector V.
1-800-850-8500 4-11

2. Gas Detection:

Complaint

EXHIBIT B



What's inside this
this cereal fluid from
the paper detector has
30 seconds this is not
of discoloration stain
mauc.

Fluid is non toxic - non
Works with most paper - in color
Large enough area to use 5" x 7"

This is the same success story. Order today, and penetrate the veil of secrecy to protect your personal and business secrets.

■ Large X-ray Sprav
#EDT008
Wh. = \$29. Now \$24. (3.50)

Continued on next page

When you're talking, who's listening?

If you hired a detective agency to find a person on your phone, that single service would add about \$300. But you can guard the privacy of your own conversations with a Private Protector™ for just \$85. Private Protector insures in seconds when your phone and laptop work with standard modular connections. And it never interferes with normal phone operation, detecting any changes in line impedance, audio signal, and red warning light alert to outside mechanical taps and eavesdropping over a home extension. You can tune the sensitivity to an optimum!

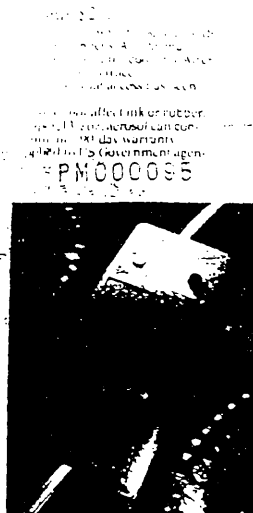
detection level for your phone lines. Green light advises you when line is clear.

Our exclusive model builds in advanced circuitry to block extension phones from interfering with facsimile and computer modem transmissions.

Just 3 1/2" x 2" x 1/4" and 2 oz., it slips into your pocket for use at home, office, or wherever you travel. Longer 6' phone cord is easier to connect. Uses phone line voltage - no battery is needed. US-made and FCC approved. One-year warranty.

Order the Privacy Protector today, and keep all your private calls private.

■ Privacy Protector #EHO400 \$59 (4.00)



Invisible speakers that fill your room with sound.

Now just £599 with trade-in.

Now you can enjoy the impact and sound of the most powerful speakers without investing in expensive, high power amplifiers and room-dominating speakers.

In place of the large vibrating wood or conventional speakers, the patented Bose AM-5 Acoustimass™ System launches sound into your room using air masses. The *acoustic masses* reinforce the bass, while cancelling harmonic distortion. Even at high volume levels, bass notes are clear and distortion free. Besides, the bass is omnidirectional, you can place the tweeter-sized module anywhere in your room, even under this furniture.

Latest triumph in Bose research.

All the sound appears to come from two tiny cube speakers. Each pair contains two 2 1/2" wide-range speakers, reproducing all the frequencies above 130 Hz. You hear the natural balance of direct and reflected sound of a live performance. For spacious symphonic pieces rotate the cube speakers outward. For ensembles or soloists, turn the cubes toward you.

With their greatly reduced distortion, these speakers lack the full potential of today's wide dynamic-range sound system such as compact discs. They handle up to 100 watts, with built-in protection circuitry.

Cubic arrays measure 77/114 x 3 1/2 W x 4 1/2 H; each 4 lb. per ft. base module measures 77/114 x 12 1/2 W x 20 1/2 D. Lengths 27/36 ft. for 2/3 ft. sections. Weights and other details (see construction) based on a 150 lb. per sq. ft. load.

\$100 trade-in offer from Bose.

Bring your old speakers into any Sharper Image store, and Best will give you \$100 toward the purchase of Best Acoustimass Speakers. But you must act quickly: this offer expires May 1, 1989.

Writes Stereo Review: "Side-by-side with speakers making three to five times as much in A.M. consistently produced more exciting and livelier sound." Call now to order.

■ Bose A-M-S Speaker Systems
• EJS501 \$699 (US\$500)



EXHIBIT C

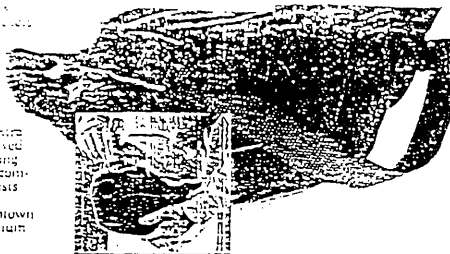
Problems of early systems in classroom teacher

The group is headed by a young man, a graduate of the "People's University" in Moscow, who has been studying the principles of "socialism with a Russian face" and is now working on the development of a new system of social organization. The group is composed of young people who are interested in the development of a new system of social organization. The group is composed of young people who are interested in the development of a new system of social organization.

A distinctive, V-neck, secured, weathered boards the outside pocket. With the same color, you have quick access to your bus pass or tourist guide. Climb in your wallet or traveler's checks, and the thin boards extra security on crowded streets or subways. Same old, plain-old leather with much commitment to work. Smart-looking nylon cut zippers. Box measures 14 1/2" x 6 1/2" x 2 1/2". Wide, comfortable nylon belt buckles securely adjust, with waist up to 46".

This snappy pack goes from mountain trails to downtown streets with equal style—at a remarkable price for premium leather.

!! Leather Family Pack #FKT141 \$29 (3.50)



Fewer push-ups. Faster results.

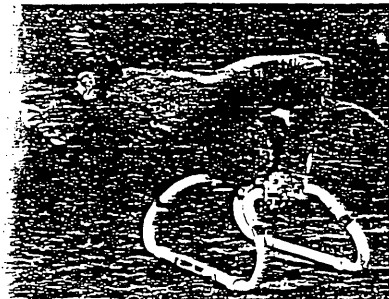
2. Do a regular push-up. Now try one on Erez's Chest Maximizer and feel the difference on your pectoral muscles. In 9 minutes, your chest muscles stretch to their full extension, increasing blood flow and contract powerfully as your arms push through a constant motion. These chest push-ups give you three times the results in fewer reps—so even on your busiest days you can still find time to work out.

New spring-loaded adjustment pins make it easy to set up the Chest Maximizer for different exercises. By varying the width of the grips you can concentrate on different muscle groups and get the balanced upper-body workout recommended for stronger sports performance.

High-density neoprene handgrips are common for comfort. Rubberized prevent slipping. Heavy-gauge steel frame measures 36L x 13D x 9H in. One-year warranty.

Order Excel's Chest Maximizer today and build the powerful upper body you want—without straining your waist.

Excel Chess: Maximizer #FEN31: \$35 (5.00)



For phone orders, please call:
800 344-1111
 Monday-Friday 9 a.m.-5 p.m. Eastern Time Only
 Saturday 9 a.m.-5 p.m. Eastern Time Only

Lifeline makes the full-body workout fully portable.

The Lifetime Gym turns ordinary stretching into serious exercise—and gives you a complete workout at home or on the road. Just roll out this compact gym system into a 151" x 74" x 40" case, and it folds into your car, house or carry-on.

Adjust the spring resistance to any lightly closing door, and you can perform over 15 different aerobic and toning exercises for your torso, neck, arms, chest, back, and shoulders. Flexible, shock-absorbing, and strongest available, it provides progressive, variable resistance throughout the full range of motion. Unlike lifting, with weights, strength doesn't increase at the end of the stroke, so no "burning" during the return. By using the included bar and handles, you'll feel the toning and advanced muscle-tubing exercises from a completely different perspective.

Choose the material to fit and secure your waist, and you can run in place for an hour. Or wrap it around your ankles for toe curling, and leg exercises such as crunches, sit-ups, and planks. It's also a 30-minute VHS workout included, showing you how to get the most out of the exerciser. It's only \$14.95, plus shipping and a six-month warranty.

Quarterly or seasonal restrictions and a six-month warranty.
 • **WARRANTY:** A business has to buy any tools you from the
 company, which is a waste of money and time on a half-yearly

[illegible]

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Complaint

EXHIBIT D

Can you really get extra energy from a vitamin?

This US-patented formula says yes.

Oxy-Energizer is the first nutritional supplement ever formulated in the US patent. Supported by 100% independent clinical trials, this anti-fatigue formula consistently demonstrates increases in stamina, endurance, recovery time, and overall actual production—results that simply can't be duplicated by any other nutritional supplement.



Once provided only to professional athletes like Kathy Smith, Essential Factors™ with the patented Oxy-Energizer is now available through The Sharper Image.

The proof of patent #3,009,858.

Oxy-Energizer contains a trade-secret blend of potassium, magnesium, and aspartic acid. Double-blind swimming, running, and aerobics studies consistently show improvements in stamina and endurance of subjects who regularly used these ingredients. Taken daily, the formula continuously accomplishes more at the office because you're not fighting tiredness. After work, you have more energy to enjoy sports or a late evening out.

Because vitamins and minerals amplify the effects of Oxy-Energizer, the manufacturer supplies the energy formula with the most potent nutritional supplement you can buy. Oxy-Energizer is derived completely from non-allergenic, vitamin and mineral-free, natural sources—the rarest and most expensive ingredients available. It is the only adult vitamins and minerals supplement you can buy.

Nutrients are absorbed, not flushed away.

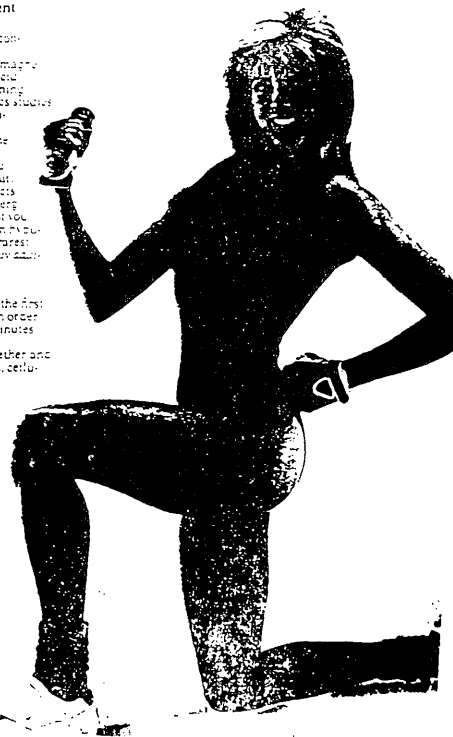
Vitamins and minerals can only be absorbed in the first part of the digestive system, just past the stomach. In order to be effective, a supplement must fully dissolve in minutes prior to reaching this small area.

Most multivitamins are made by "gluing" together and compressing bits of nutrient matter. But the binders, cellulose and dyes prevent your body from breaking down the vitamins. The sudden flash of heat produced in the digestive process actually destroys many nutrients.

Even so, Essential Factors with Oxy-Energizer begins absorbing its ingredients, purchased in small amounts to avoid high blood levels. Ingredients are microencapsulated into an extra-fine pH-balanced powder and inserted into capsules in a 100% moisture process. The gelatin capsule dis-

solves in 10 minutes, releasing the nutrients into the bloodstream. The result is a steady, continuous flow of nutrients to the cells, where they can be used immediately. This is the only way to get the maximum benefit from a nutritional supplement.

Essential Factors with Oxy-Energizer
60-day Supply #EW360 \$79.40
120-day Supply #EW360 \$149.80



Where Kathy Smith gets extra energy.

Star of eight best-selling workout videos, fitness authority Kathy Smith can use all the energy she can get. She's also NBC TODAY Show fitness correspondent, a health club owner, and a new mother. (Her latest video, *Pregnancy Workout*, shows how to exercise safely during pregnancy.) For over five years, a physician's Essential Factors with Oxy-Energizer has helped her maintain her energy.

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 Chicago 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 procedures prescribed in Section 2.34 of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Sharper Image Corporation, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business at 650 Davis Street, San Francisco, California.

Respondent Richard Thalheimer is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his principal office and place of business is located at the above stated address.

2. The acts and practices of the respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act.

3. 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 Sharper Image Corporation, a corporation, its successors and assigns, and its officers and directors; and Richard Thalheimer, individually and as an officer and director of said corporation, and respondents' 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 the Tap Detector V (previously known as the "Privacy Protector"), or any substantially similar product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. Any such product will prevent any extension telephone from interfering with a data transmission on any other phone; or

B. Any such product is more effective in detecting taps on a telephone line than an inspection of the phone system by a detective.

It is further ordered, That respondents Sharper Image Corporation, a corporation, its successors and assigns, and its officers and directors; and Richard Thalheimer, individually and as an officer and director of said corporation, and respondents' 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 the Chest Maximizer, or any exercise product, in or affecting commerce, as "commerce" is defined in the

Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. The use of the Chest Maximizer will produce three times the results that a person would get by doing fewer regular push ups off the floor; or

B. Such product can achieve any result superior or comparable to that achieved with any other product or exercise;

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

III.

It is further ordered, That respondents Sharper Image Corporation, a corporation, its successors and assigns, and its officers and directors; and Richard Thalheimer, individually and as an officer and director of said corporation, and respondents' 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 misrepresenting, in any manner, directly or by implication, that:

A. The FCC has approved the Tap Detector as effective;

B. Essential Factors with Oxy-Energizer has been accepted by the United States Government, or any agency or division thereof, as effective for relieving fatigue or providing extra energy; or

C. Any such product has been accepted or approved by the United States Government, or any agency or division thereof, as effective.

IV.

It is further ordered, That for five (5) years after the date of the last dissemination of any representations covered by this order, respondents, or their successors and assigns, shall maintain in written form and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials which come into their possession from a vendor or any other source and that were relied upon in disseminating such representation; and

B. All materials, tests, reports, studies, surveys, demonstrations or other evidence which come into their possession or control from a vendor or any other source that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

V.

It is further ordered, That respondents shall, within thirty (30) days after the date of service upon them of this order, and for three (3) years thereafter, distribute a copy of this order to each current and future officer, employee, agent and/or representative engaged in the preparation or placement of advertising or other promotional materials covered by this order and shall obtain from each such person a signed statement acknowledging receipt of the order.

VI.

It is further ordered, That respondents and their successors and assigns shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolu-

tion, 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 under this order and that respondents shall require, as a condition precedent to the closing of any sale or other disposition of all or substantial part of their assets, 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 the order.

VII.

It is further ordered, That for a period of five (5) years from the date of service of this order, the individual respondent named herein shall promptly notify the Commission in the event of the discontinuance of his present business or employment and of each affiliation with a new business or employment which involves the retail sale of consumer products through mail order catalogs, each such notice to include the individual respondent's new business address and a statement of the nature of the business or employment in which said respondent is newly engaged as well as a description of said respondent's duties and responsibilities in connection with the business or employment.

VIII.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the requirements of this order.

IN THE MATTER OF
THE RIGHT START, INC., ET AL.

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

Docket C-3444. Complaint, June 30, 1993--Decision, June 30, 1993

This consent order prohibits, among other things, a California-based mail-order company, and its president, from making false and unsubstantiated advertising claims regarding the "Air Purifier," a small electric air filter, and the "Travel Tray," a foam board tray that is used to hold children's snacks and toys when they are riding in an automobile. The respondents are prohibited from representing that the use of any air filtering device can reduce the risk, alleviate, prevent, or cure respiratory problems, unless the representations are substantiated by competent and reliable scientific evidence. In addition, the company is prohibited from representing that any product it sells has been approved or endorsed, unless the endorsement is supported by an objective test conducted by qualified persons.

Appearances

For the Commission: *C. Steven Baker* and *Catherine R. Fuller*.
For the respondents: *John Rawls, Blanc, Williams, Johnston & Kronstadt*, Los Angeles, CA.

COMPLAINT

The Federal Trade Commission, having reason to believe that The Right Start, Inc. ("Right Start"), a corporation, and Stanley M. Fridstein, 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 Right Start is a California corporation, with its principal office or place of business located at 5334 Sterling Center Drive, Thousand Oaks, California.