

IN THE MATTER OF

NATURE'S CLEANSER, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3450. Complaint, July 12, 1993--Decision, July 12, 1993*

This consent order prohibits, among other things, a California-based corporation, that markets herbal products, and its officer from making the alleged false claims, and requires them to offer full refunds to all consumers who purchased the products. The order requires the respondents to have competent and reliable scientific evidence to substantiate any future claims regarding the performance, benefits or effectiveness of any food, drug or device.

Appearances

For the Commission: *Linda K. Badger and Matthew Gold.*

For the respondents: *Jeffrey A. Babener, Babener & Associates,*
Portland, OR.

COMPLAINT

The Federal Trade Commission, having reason to believe that Nature's Cleanser, Inc., a corporation, and Donald Douglas-Torry, 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. (a) Nature's Cleanser, Inc. is an Illinois corporation. It has its principal office and place of business at 345 North Maple Drive, Suite 385, Beverly Hills, California.

(b) Donald Douglas-Torry is an officer of the corporate respondent. 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 and place of business is the same as that of the corporate respondent.

(c) Respondents cooperate and act together in carrying out the acts and practices alleged in this complaint.

PAR. 2. Respondents are engaged in the promotion, offering for sale, sale, and distribution to the public of herbal tablets known as "Nature's Cleanser Weight Controlled Longevity Formula," "Nature's Cleanser Bowel Management Formula," and other products promoted to assist in cleansing or evacuating the eliminative organs, such as the colon (hereinafter collectively, referred to as "Nature's Cleanser"). Respondents also are engaged in the promotion, offering for sale, sale, and distribution to the public of herbal tablets known as "Lady's Comfort PMS/Menopause Formula" (hereinafter referred to as "Lady's Comfort"). As advertised, each of these products is a "drug" within the meaning of Section 12 of the Federal Trade Commission Act.

PAR. 3. In the course and conduct of their business, respondents have disseminated and caused the dissemination of advertising and promotional materials, including, but not limited to, the advertising and promotional materials referred to herein, to promote the sale of Nature's Cleanser and Lady's Comfort.

PAR. 4. Respondents operate in various states of the United States and in the District of Columbia. Respondents' labeling, packaging, offering for sale, promoting, advertising, sale and distribution of Nature's Cleanser and Lady's Comfort 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. Respondents' advertisements and promotional materials for Nature's Cleanser include, but are not necessarily limited to, the advertisements and promotional materials attached hereto as Exhibits A through C. Specifically, these advertisements and promotional materials, as well as oral communications with consumers, have contained the following statements:

(a) "Rid your body of constipation forever by moving it on through. Eliminate the natural way after every meal." (Exhibit A)

(b) "Control your weight immediately without dieting or watching calories by eliminating waste such as fatty tissue, cellulite, toxins, mucus, hardened fecal matter and harmful drug residues." (Exhibit A)

(c) "Here are (unfortunately) the world's three best kept secrets to a weight controlled long life - follow them as your breath to life: 1) Waste elimination is weight elimination ... (Exhibit B)

(d) "Fennel [is] an appetite suppressant." (Exhibit B)

(e) "Psyllium Seed is the bulking agent that causes the sweeping effect, cleaning off the walls, floors and ceiling of the colon, although it is not itself an herbal laxative [sic]." (Exhibit B)

(f) "Cascara Sagrada returns the peristalsis action to the colon that causes us to eliminate. It is never habit forming." (Exhibit B)

(g) "If you wish to eliminate at a more rapid rate, more tablets can be taken without ill effect." (Exhibit B)

(h) "It was during this time, in the early sixties, that Mr. Douglas-Torry made his discovery. He found that certain combination of herbs, synergistically combined and balanced in a unique formula, reduced and controlled weight immediately without dieting or watching calories. The formula addressed the monumental problems of the elimination of body waste (fatty tissue, cellulite, mucus, toxins, hardened fecal matter) and how the eliminative organs (colon, lungs, skin, kidney, menstrual cycle in women) when eliminating this waste properly, reduce and control weight immediately." (Exhibit C)

(i) Nature's Cleanser is not a laxative. (Oral Statement)

PAR. 6. Through the use of the statements set forth in paragraph five, and other statements contained in advertisements and promotional materials, as well as through oral statements to consumers, not specifically set forth therein, respondents have represented, directly or by implication, that:

(a) Nature's Cleanser can be taken in any dosage without causing adverse health effects.

(b) Nature's Cleanser does not contain a laxative.

(c) Nature's Cleanser contains an appetite suppressant.

(d) Nature's Cleanser is effective in weight control.

(e) Nature's Cleanser is effective in weight loss.

(f) Nature's Cleanser is effective in weight loss or weight control without a decrease in caloric intake.

PAR. 7. In truth and in fact:

(a) Nature's Cleanser, at some dosage, can cause adverse health effects.

(b) Nature's Cleanser does contain a laxative, in that at least one ingredient is categorized as a laxative by the Food and Drug Administration.

(c) Nature's Cleanser does not contain an appetite suppressant.

(d) Nature's Cleanser is not effective in weight control.

(e) Nature's Cleanser is not effective in weight loss.

(f) Nature's Cleanser is not effective in weight loss or weight control without a decrease in caloric intake.

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

PAR. 8. Respondents' advertisements and promotional materials for Lady's Comfort include, but are not necessarily limited to, the advertisements and promotional materials attached hereto as Exhibits D through F. Specifically, these advertisements and promotional materials have contained the following statements:

(a) "No woman should suffer from PMS or menstrual cramps. PMS and menstrual cramps are unnatural." (Exhibit D)

(b) "Stop the discomfort associated with menopause. Hot flashes, sweats, etc." (Exhibit D)

(c) "Prolong the period of fertility." (Exhibit D)

(d) "Relieve Pre Menstrual Tension!!! by balancing hormones in the body through a unique combination of herbs that are completely whole and natural. Nature's Cleanser P.M.S. Formula puts natural hormones back into the body." (Exhibit E)

(e) "Pre Menstrual Syndrome is unnatural and occurs solely because of body waste. Pre Menstrual Tension will be remedied by using Nature's Cleanser Pre Menstrual Tension formula. The Bowel Management and Tissue Cleansing, Weight Control Longevity, Herbal Maintenance Formula is a perfect complement for total body cleansing. These two formulae will rid the body of old cellulite and stop new cellulite buildup." (Exhibit F)

(f) "P.M.S. is literally extra waste trapped in the blood stream, shocking the entire body into a nervous fit. This waste cannot escape through the colon, because we are usually constipated. So the body has to wait for the menstrual cycle to come

around in order to relieve itself of this trapped waste. Meanwhile the body may try to send this extra waste through the skin. This is how pimples, warts, etc. are formed. But since the skin is not sufficient enough to rid the body of the large amount of waste we take in daily, drastic physical changes (cramps) and psychological reactions (mood swings) occur. Nature's Cleanser P.M.S./Menopause Formula puts natural hormones back into the body that have been offset through years of body abuse. It's simple - when you put the natural female hormones back balance is restored." (Exhibit F)

(g) "Nature's Cleanser P.M.S./Menopause Formula performs a myriad of functions, one of the most important being alleviating any discomfort associated with menopause (hot flashes, etc.); it also prolongs the period between fertility and change of life which should occur between the ages of sixty (60) to sixty-five (65). Nature's Cleanser Herbal Hormones is a natural alternative to the widely applied use of synthetic estrogen and progesterone." (Exhibit F)

PAR. 9. Through the use of the statements set forth in paragraph eight, and other statements contained in advertisements and promotional materials not specifically set forth therein, respondents have represented, directly or by implication, that Lady's Comfort:

- (a) Replaces hormones in the human body.
- (b) Is an effective alternative to synthetic hormones.
- (c) Prolongs a woman's period of fertility.
- (d) Helps remove cellulite and prevents the formation of new cellulite.

PAR. 10. In truth and in fact, Lady's Comfort:

- (a) Does not replace hormones in the human body.
- (b) Is not an effective alternative to synthetic hormones.
- (c) Does not prolong a woman's period of fertility.
- (d) Does not help remove cellulite or prevent the formation of new cellulite.

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

PAR. 11. Through the use of the statements set forth in paragraph eight, and other statements contained in advertisements and

promotional materials not specifically set forth therein, respondents have represented, directly or by implication, that Lady's Comfort:

- (a) Relieves menstrual cramps and other discomfort associated with the menstrual cycle.
- (b) Relieves discomfort associated with menopause.

PAR. 12. Through the use of the statements set forth in paragraph five and paragraph eight, and other statements contained in advertisements and promotional materials not specifically set forth herein, respondents have represented, directly or by implication, that at the time of making the representations set forth in paragraph six, paragraph nine and paragraph eleven, they possessed and relied upon a reasonable basis for those representations.

PAR. 13. In truth and in fact, at the time of making the representations set forth in paragraph six, paragraph nine and paragraph eleven, respondents did not possess and rely upon a reasonable basis for making the representations. Therefore, the representation set forth in paragraph twelve was, and is, false and misleading.

PAR. 14. The aforesaid acts or practices of respondents were and are to the prejudice and injury of the public and constituted and now constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) and false advertisements in violation of Section 12 of the Federal Trade Commission Act.

Complaint

116 F.T.C.

EXHIBIT A



Nature's Cleanser

- Rid your body of constipation forever by moving it on through. Eliminate the natural way after each meal.
- Control your weight immediately without dieting or watching calories by *eliminating waste* such as fatty tissue, cellulite, toxins, mucus, hardened fecal matter and harmful drug residues.
- This 100% natural herbal formula will enhance your beauty from within.

(213) 824-5223 1-800-CLEANSE

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Complaint

EXHIBIT B

C-3450
B141971

EXHIBIT B

Waste Elimination
the
Waste Elimination

*A major contribution of health that will help the body eliminate harmful
food matter, waste, toxic matter, venous, poisonous, etc.*

*This formula can be taken when the body needs an invigorating and the
Waste Elimination formula.*

*Constitution is the greatest reason today for our ailments, if you do not
cleanse the system there is surely no way to achieve health.*

The Waste Elimination contains the following:

*Cassia (Sage) contains the powerful action to the system (the movement
that causes us to eliminate). Its ultimate aim is to remove the waste to the
point where it no longer needs the 'Cassia (Sage)' but will need by its
own motion. It is a waste body-forming.*

*Pyridine (Salt) is the building agent that causes the sweeping effect, clearing
off the waste from the surface of the system, although it is not itself a waste-forming.*

*These two specific ingredients help everybody, and in particular, the
condition of all those.*

*Directions: Take one tablet in the morning before meals, but least 15 days
before, and one tablet in the evening before meals. Put on the all day.*

*If you want to eliminate all a more rapid rate, more tablets may be taken
without ill effect. The further information, call.*

*Nature's Cleanser
9700 N. Canyon Dr., Suite 1033
Beverly Hills, California 92010
(213) 877-2222*



*Nature's Cleanser
Waste Elimination
Help, Rid Your
Body of Contaminants*

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EXHIBIT B

EXHIBIT B, cont'd

C-3450
B141971*Nature's Cleanser**For a weight controlled longevity**with clear skin, clear eyes and shiny hair,**with the ideal glow of health inside and outside.*

Waste elimination is of paramount importance, and yet the elimination of body waste is hardly ever mentioned by the medical establishments of our society. We eliminate waste from our houses by the millions of times daily, but we hold onto the waste in our bodies for years, either through ignorance or laziness, as if it were a vital part of us, to the extent that we literally become poisoned daily by our own waste. Our bodies possess the world's greatest waste disposal system. Too many years of eating processed foods, many of us have become stopped up constipated.

In our colons we carry waste (hardened fecal matter) that in most instances has been in our bodies since childhood. This old fecal waste, similar in consistency to lye rubber, surrounds the walls of the colon, and removes the protective coating on the colon wall, and allows the waste to leak right into the blood stream. Doctors began to chase shadows because the blood touched every cell in the body and the waste now affects the entire organism. If you do not clean the colon there is simply no way to have optimum health, and the more you eat and drink, the more waste you produce. The waste is not eliminated, it is placed back to an array of parasites and worms, and these waste-laden eliminations is the waste of us eliminate. We literally eliminate through a tunnel of waste that surrounds the walls of the colon. At times the tunnel is the size of a pencil, at times the tunnel is completely closed. Because we have one bowel movement in the course of the day leads us to believe we are not constipated, when in fact if you don't eliminate soon after each meal you are constipated. Our elimination system is built upon our digestive system which explains why bulbers eat and eliminate at the same time.

Waste in the form of mucus, health's greatest villain, is the main cause of our diseases. There is nothing more detrimental to our health than mucus. Mucus is the glue that holds acidic mucus that goes to the sore throat in the common cold. Mucus comes in all con- sistencies throughout the body, from the soft mucus in the stool to the hard mucus in the common cold, to the hardened "clay" (glue) consistency of the mucus when we carry pneumonia. The greatest contributors of mucus are processed foods, meats, sugar, dairy products. This makes it all the more important if we include these foods to get rid of the mucus they cause.

Processed foods (with all the life giving forces taken out) keep us totally constipated. Through years of eating processed foods, and through years of chemical abuse of our bodies, the generations are becoming weaker and weaker. By not reading the labels on our foods we consume, we never learn what chemicals we are putting in our bodies. Most of these chemicals never leave our systems, or I should say we never work on them to get our system. A diurnal array of waste and parasites poisons our bodies daily, causing all kinds of

of these, two out of three will die. The main organ that is getting cancer today is none other than our own cesspool, the stopped-up system, meant to perform as the most amazing sewage system. Removing the old waste from the colon and cleansing the blood at the same time cause some unbelievably good things. But if it is the waste! We need to take responsibility for our own health and not rely totally on the health care offered by the medical establishment.

Herbs are Nature's "Natural Cleanser" for mankind. Every part of this earth has herbs that provide a remedy for diseases. There is an herb for every disease that man has. *Nature's Cleanser* is a carefully selected combination of herbs that stimulate reproduction of the cells in the colon, and thus eliminate the waste that causes disease. It is the best most vitamins find their source in the herb kingdom. There are too many side effects from prescribed medicines (drugs), and these are increased even greater if a person has more than one ailment. Herbs do not leave built up residues in the system that produce side effects. Herbs are the world's oldest medicine.

Here are (unfortunately) the world's three best kept secrets to a weight controlled long life—follow them as your breath to life.

1) Waste elimination is weight elimination

2) Eat foods that have life in them (Raw vegetables, fruits, whole grains, sprouts, nuts and seeds)

3) Stay close to "God's Medicine" (Herbs)

Follow as many of the above steps as possible. Includes *Nature's Cleanser* in your style and get rid of waste by regulating your eliminative system.

If you eat meat, be a successful meat eater, get rid of toxins and waste residues immediately. The commercially grown animals are shot with hormones to make them grow faster. But their food is full of antibiotics to suppress their diseases (this is why the Europeans refuse to purchase our meat products). Our meats are full of nitrates, colorings and a host of parasites. Keep the bacteria and parasites count down. Some of these toxins never leave systems. If you eat meat, be sure to buy it in reputable health stores that carry meat products that are grown in the natural way, and aren't laden with all these unnatural additives.

One of the major benefits of herbs is to purify and cleanse the body. A person will live as long as his blood stream is a fit place for his life force to reside. Unfortunately our food has to learn to tolerate and accommodate this poisonous waste. This is what we have to accept as optimum health; this is why disease occurs. The toleration of poisonous waste is the state of health most of us are in when we receive our bill of health from the established health care.

Every 30 days we have new blood, every 11 months we have new cells, and every 2 years we have new bone, but most often we resist change. We resist change, we resist change, we resist change. How we build our houses today will decide how they will weather the storms of tomorrow.

EXHIBIT C

kidney, menstrual cycle in women) when eliminating this waste properly, reduce and control weight immediately.

[illegible][illegible][illegible]

Don't forget to...

...subscribe to Nature's Circle,
first and only one of its kind in America that
dedicates exclusively to the serious issue of
dead recycling with the entire body and the
issue of cleansing of the entire body and the
production of a manipulated body waste.

Donald
Douglas-Jerry

EXHIBIT C
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When big city movers and shakers want to clean up their act, they turn to "Health Guru" DONALD DOUGLASS JORRY. Donald has been a health advisor and "coach" to over 3,000 people including high profile models, television and movie celebrities, industry execs and studio heads. He's the top industry expert in the world.

As an international symphonic conductor with a Masters in the Symphonic Conducting from the University of Southern California and another Masters degree in Conducting from the Chigiana Music Academy in Siena, Italy and a Doctorate from the Royal Academy of Music in Stockholm, Sweden, he has a knowledge of herbs and the healing

Donald has spanned the globe sharing his musical talents and knowledge with his fellow Scandinavians, has always been known for their long been known for their musical talents and knowledge. He's proof that taking the time to share your talents and knowledge is a win-win situation.

[illegible]

Donald's physician, Dr. Leander, a thorough herbalist, used the energy to the study of herbs and their properties. The elderly Dr. Leander was able to heal Donald balance herbs specifically. Donald's physician, Dr. Leander, a thorough herbalist, used the energy to the study of herbs and their properties. The elderly Dr. Leander was able to heal Donald balance herbs specifically. Donald's physician, Dr. Leander, a thorough herbalist, used the energy to the study of herbs and their properties. The elderly Dr. Leander was able to heal Donald balance herbs specifically.

[illegible]

EXHIBIT D



"Nature's Cleanser's" Ladies Comfort

- No woman should suffer from PMS or menstrual cramps.
- PMS and menstrual cramps are unnatural.
- Stop the discomfort associated with menopause, hot flashes, sweats, etc.
- Prolong the period of fertility.
- A 100% natural formula.

MasterCard Visa AmEx Accepted
(800) C L E A N S E

EXHIBIT E

Contessa Regard de Rougemont

The *Pantheist* Journal contains the following book.

Beyblitz *Darius*
Blue Cabal *Deep One*
Cybermen *Ginger Root*
Cosmic Legends *Rat Rapping*
 Squarrows

Contributions contribute to the security of Po Manchu's Taiwan. These conditions can also be provided by using Nelson's Classroom. Master Maintenance Program (Might Love, Taiwan Classroom, Longevity and Great Management Towards!)

Directions: Take two tablets twice a day or as needed. For severe cases take two to four tablets three times a day.

Nature's Cleanser
210 N. Canon Dr., Suite 1055
Beverly Hills, California 90210
(213) 221-5222

Notes: Clearer products are first supplements. We make no natural dyes.



Complaint

116 F.T.C.

EXHIBIT F

C-3450
B141971

Men have one extra channel of elimination - the uterus. Because of this extra waste-bearing eliminative organ, women should be purer than men. The eliminative capacity of the uterus is stunted, not only by accumulated waste stuck in the fallopian tubes, but also by excess waste locked in the transverse colon which collapses on top of the uterus and fallopian tubes, trapping parts of the menstrual cycle inside the body causing cellulite. Cellulite is nothing more than waste from unfinished menstrual cycles that falls below the uterus, right into the hips and buttocks area. Men can't have cellulite because they don't have a menstrual cycle. Unfortunately, because of the stunted capacity of the uterus (an extra channel of elimination) to rid the body of enormous amounts of wastes once a month, women generally carry more waste in their bodies than men.

Men is literally extra waste trapped in the blood stream, shocking the entire body into a nervous fit. This waste cannot escape through the colon, because we are usually constipated. So the body has to wait for the menstrual cycle to come around in order to relieve itself of this trapped waste. Meanwhile the body may try to send this extra waste through the skin. This is how pimples, warts, etc. are formed. But since the skin is not sufficient enough to rid the body of the large amount of waste we take in daily, drastic physical changes (cramps) and psychological reactions (mood swings) occur.

Nature's Cleanse Pills is *Menopause Formula*. *Menopause Formula* puts natural hormones back into the body that have been chafed through years of body abuse. Its simple - when you put the natural female hormones back balance is restored.

Nature's Cleanse Pills is *Menopause Formula* performs a myriad of functions, one of the most important being alleviating any discomfort associated with menopause (hot flashes, etc.). It also prolongs the period between fertility and the age of the which should occur between the ages of sixty (60) to sixty-five (65). *Nature's Cleanse Pills* Hormones is a natural alternative to the widely applied use of synthetic estrogen and progesterone.

Nature's Cleanse Pills
Menopause Formula

For two solid weeks prior to the Menstrual Cycle, the body dumps an extra load of waste into an already heavily taxed blood stream. The outcome is the Menstrual Syndrome.

The blood stream circulates through the body nine times a minute when we are awake and four to five times a minute when we are asleep. Excess waste is dumped into the blood stream during the two week prologue to the menstrual cycle. This excess waste joins up with an already toxic blood stream and now the new and old waste circulate the system nine times a minute, racing over the nervous system setting the nervous system on fire.

This extra load of toxic waste dumped into the blood stream is the result of a polluted body. The body becomes polluted as a result of the consumption of foods laced with chemicals, drugs we take, and waste leaking from a congested system into the blood stream. No woman should ever suffer from P.M.S. or Menstrual Syndrome. It is caused by the body's inability to rid itself of toxic waste. The body will be remedied by using *Nature's Cleanse Pills*. *Nature's Cleanse Pills* is *Menopause Formula*. *Menopause Formula* is a perfect complement for total body cleansing. These two formulas will rid the body of old cellulite and stop new cellulite buildup.

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 the complaint which the San Francisco 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 attorneys, 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 the 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 Nature's Cleanser, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois with its office and principal place of business located at 345 North Maple Drive, Suite 385, Beverly Hills, California.

2. Respondent Donald Douglas-Torry is an officer of the corporate respondent. His principal office and place of business is the same as that of the corporate respondent.

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

DEFINITIONS

For the purposes of this order, the following definitions shall apply:

A. The term “*Nature’s Cleanser*” means the herbal formulae known as “Weight Controlled Longevity Formula,” and “Nature’s Cleanser Bowel Management Formula,” as marketed by Nature’s Cleanser, Inc.

B. The term “*Lady’s Comfort*” means the herbal formula known as “Lady’s Comfort PMS/Menopause Formula,” as marketed by Nature’s Cleanser, Inc.

I.

It is ordered, That respondent Nature’s Cleanser, Inc., a corporation, its successors and assigns, and its officers, and respondent Donald Douglas-Torry, individually and as an officer of said corporation, and respondents’ representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of Nature’s Cleanser, or any product containing substantially similar ingredients, 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. Such product can be taken in any dosage without causing adverse health effects;

B. Such product does not contain a laxative;

- C. Such product contains an appetite suppressant;
- D. Such product is effective in weight control;
- E. Such product is effective in weight loss; or
- F. Such product is effective in weight loss or weight control without a decrease in caloric intake.

II.

It is further ordered, That respondent Nature's Cleanser, Inc., a corporation, its successors and assigns, and its officers, and respondent Donald Douglas-Torry, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with advertising, promotion, offering for sale, sale or distribution of Lady's Comfort, or any product containing substantially similar ingredients, 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 such product, or any ingredient of such product:

- A. Replaces hormones in the human body;
- B. Is an effective alternative to synthetic hormones;
- C. Prolongs a woman's period of fertility; or
- D. Helps remove cellulite or prevents the formation of new cellulite.

III.

It is further ordered, That respondent Nature's Cleanser, Inc., a corporation, its successors and assigns, and its officers, and respondent Donald Douglas-Torry, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any food, drug, or device, as

those terms are defined in Section 15 of the FTC Act, 15 U.S.C. 55, in or affecting commerce, as “commerce” is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, regarding the performance, benefits, efficacy or lack of adverse effects of any such product, unless at the time of making such representation respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purpose 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.

Provided that, with respect to any drug products, if the Food and Drug Administration promulgates any final standard that establishes conditions under which such product is safe and effective under the Food, Drug and Cosmetic Act, then in lieu of the above, respondents may rely upon scientific evidence that fully conforms to such final standard as a reasonable basis for said representation.

IV.

It is further ordered, That respondents are jointly and severally liable for consumer redress to those consumers who purchased Nature’s Cleanser or Lady’s Comfort from respondents no later than May 25, 1992 (hereinafter referred to as “eligible consumers”), and shall within five (5) days from the date of service of this order, mail Exhibit 1, attached hereto, via first class mail, offering a full refund to each eligible consumer. No information other than that contained in Exhibit 1 shall be included or added, nor shall any other material be transmitted therewith. The outside of the envelope transmitting Exhibit 1 shall prominently and conspicuously display the words “REFUND OFFER ENCLOSED.” If, within forty-five (45) days from the date of service of this order, an eligible consumer requests a refund by returning the letter referenced in Exhibit 1, or by

otherwise communicating to respondents via mail, telephone, or in any other manner his or her request for a refund, respondents shall send a check for the full refund to the eligible consumer within sixty (60) days from the date of service of this order. Respondents shall pay all costs associated with administering this consumer redress, including, but not limited to, first class postage. If for any reason, an eligible consumer does not communicate his or her request for a refund within forty-five (45) days from the date of service of this order, then, in lieu of making direct consumer redress, the purchase amount attributed to the eligible consumer shall be paid by respondents to the United States Treasury within sixty (60) days from the date of service of this order. Furthermore, if for any reason, a copy of Exhibit 1 sent to any eligible consumer is returned to respondents as undeliverable, the purchase amount attributed to the eligible consumer shall be paid by respondents to the United States Treasury within sixty (60) days from the date of service of this order. All payments to the United States Treasury shall be by certified or cashiers check made payable to the Treasurer of the United States, and delivered to: The Office of Consumer Litigation, Civil Division, U.S. Department of Justice, Washington, D.C. for appropriate disposition. The respondents, or their successors and assigns, shall for a period of three (3) years from the date this order becomes final, maintain and make available upon request to the Federal Trade Commission for inspection and copying all records necessary to show compliance with this provision, including, but not limited to, the relevant customer lists, copies of Exhibit 1 sent to consumers, and evidence of payments made to eligible consumers or to the United States Treasury. No portion of the payment herein described shall be deemed a payment of any fine, penalty, or punitive assessment.

V.

It is further ordered, That for five (5) years after the last date of dissemination of any representation covered by this order, respondents, or their successors and assigns, shall maintain and upon

request make available to the Federal Trade Commission for inspection and copying:

A. All advertisements, promotional materials, documents, or other materials relating to such representation;

B. All materials that were relied upon in disseminating such representation; and

C. All tests, reports, studies, surveys, demonstrations or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

VI.

It is further ordered, That respondents shall notify the Commission at least thirty (30) days prior to 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.

VII.

It is further ordered, That the individual respondent shall, for a period of five (5) years after the date of service of this order upon him, promptly notify the Commission, in writing, of his discontinuance of his present business or employment and of his affiliation with a new business or employment. For each such new affiliation, the notice shall include the name and address of the new business or employment, a statement of the nature of the new business or employment, and a description of respondent's duties and responsibilities in connection with the new business or employment.

VIII.

It is further ordered, That respondents shall, within ten (10) days from the date of service of this order upon them, distribute a copy of this order to any individual or entity who is involved in the preparation and placement of advertisements or promotional materials, or communicates with customers or prospective customers regarding the efficacy of any product covered by this order.

IX.

It is further ordered, That, for five (5) years from the date of issuance of this order, the corporate respondent, its successors and assigns, and the individual respondent, shall cause a copy of Exhibit 2 to be distributed to each purchaser for resale of any product covered by this order, to each managerial employee of respondents, and to each salesperson of respondents' products, whether they are independent sales agents or employees of respondents.

X.

It is further ordered, That respondents shall, within sixty (60) days from the date of service of this order upon them, 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 this order.

EXHIBIT 1

DATE

CUSTOMER NAME
CUSTOMER ADDRESS

Dear Mr./ Ms. Mrs.:

Our records indicate that you have purchased our Nature's Cleanser or Lady's Comfort herbal products. The Federal Trade Commission challenged as inaccurate or unsubstantiated the following advertising claims for these products:

1. that Nature's Cleanser is effective in weight loss or control, or contains an appetite suppressant;
2. that Nature's Cleanser does not contain ingredients with laxative properties;
3. that Nature's Cleanser will have no adverse health effects regardless of how much is consumed;
4. that Lady's Comfort prolongs fertility, is a substitute for hormones, or helps remove or prevent the formation of cellulite;
5. that Lady's Comfort relieves menstrual cramps and other discomforts associated with the menstrual cycle or relieves discomfort associated with menopause.

Nature's Cleanser denies the Federal Trade Commission's charges. But to settle the case, we have entered into an agreement with the FTC which does not admit of any liability on our part. We will send refunds to anyone who was not fully satisfied with the product.

Our records indicated product purchases of \$_____. If you wish a refund, please fill in the form below and return it to us in the enclosed stamped envelope. You do not need to return the products or a proof of purchase to receive a refund. We must receive your refund request by [date 45 days from service of the Order]. You should receive your refund by [date 70 days from service of the Order]. If you have any questions, please call us at [corporate respondent's phone number].

Sincerely

Donald Douglas-Torry
President

Please check one of the following:

_____ Please send my refund.

_____ I am a satisfied customer and do not wish a refund.

Customer's signature

EXHIBIT 2

Pursuant to a consent agreement with the Federal Trade Commission and in addition to other company policies regarding medical claims, it is a company policy that neither the company nor its distributors shall represent as to the following products, or one with substantially similar ingredients:

1. that Nature's Cleanser is effective in weight loss or control, or contains an appetite suppressant,
2. that Nature's Cleanser does not contain ingredients with laxative properties,
3. that Nature's Cleanser will have no adverse health effects regardless of how much is consumed,
4. that Lady's Comfort prolongs fertility, is a substitute for hormones, or helps remove or prevent the formation of cellulite.

Neither the company nor its distributors will make representations for products if they have no competent and reliable scientific basis for the representations.

Complaint

116 F.T.C.

IN THE MATTER OF

ION SYSTEMS, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3451. Complaint, July 29, 1993--Decision July 29, 1993*

This consent order prohibits, among other things, a California corporation from misrepresenting the contents, validity, results, conclusions or interpretations of any test or study with respect to the NO-RAD System or any other radon-remediation device, or from knowingly selling components of the system to others who make unsubstantiated performance claims about them. The consent order requires the respondent to have competent and reliable scientific evidence to substantiate representations it makes about any performance characteristics of any radon-remediation device.

Appearances

For the Commission: *Phoebe D. Morse* and *Pamela A. Wood*.

For the respondent: *Mark Ostrau, Fenwick & West*, Palo Alto, CA.

COMPLAINT

The Federal Trade Commission, having reason to believe that respondent Ion Systems, Inc., a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it would be in the public interest, hereby issues its complaint stating its charges as follows:

PARAGRAPH 1. Respondent Ion Systems, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California. Respondent's office and principal place of business is located at 2546 Tenth Street, Berkeley, California.