

IN THE MATTER OF

LIFESTYLE FASCINATION, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3513. Complaint, Aug. 4, 1994--Decision, Aug. 4, 1994*

This consent order prohibits, among other things, a New Jersey-based corporation, its owner, and its general manager from making specified false representations for five products (a gasoline additive, an automobile retrofit device, an electric stimulation device, an electric acupuncture device, and pinhole eyeglasses), advertised in their catalog. It also prohibits the respondents from making any claim regarding the performance, safety, attributes, benefits, or efficacy of the electric and electronic products they market unless they possess competent and reliable scientific evidence that substantiates the representation. In addition, the consent order prohibits the respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test or study, and from misrepresenting that any endorsement or testimonial for health related products represents the typical or ordinary experiences of users.

Appearances

For the Commission: *Lesley A. Fair, Joel Winston, Loren Weinstein, C. Lee Peeler and Christian White.*

For the respondents: *Robert Ullman, Bass & Ullman, New York, N.Y.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Lifestyle Fascination, Inc., a corporation, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually ("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 Lifestyle Fascination, Inc. is a Delaware corporation with its office and principal place of business located at 12 Progress Place, Jackson, New Jersey. Respondent Eli Zabare is the owner, president and sole officer of the corporate

respondent. Respondent Simon Pantierer is the general manager of the corporate respondent. These individual respondents have their offices and principal places of business at 12 Progress Place, Jackson, New Jersey. Respondents Zabare and Pantierer formulate, direct, and control the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint.

PAR. 2. Respondents have advertised, offered for sale, sold, and distributed consumer products through their Lifestyle Fascination mail-order catalogue. These products include, but are not limited to, Fuelon, an automotive fuel additive; the Vitalizer, an automotive retrofit device; the Brain Tuner, a purported electro-stimulation device; the Rhythm, a purported electronic acupuncture device; and the Aerobic Eye Exercise Glasses, plastic eyeglasses with opaque lenses containing multiple pinholes. The Brain Tuner, the Rhythm, and the Aerobic Eye Exercise Glasses are devices within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

PAR. 3. 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.

Fuelon Fuel Additive

PAR. 4. Respondents have disseminated or have caused to be disseminated advertisements for Fuelon, including but not necessarily limited to the attached Exhibit A. This advertisement contains the following statements:

"Don't be held hostage by petroleum prices - Get 15% to 40% more miles per gallon with just one ounce of Fuelon, the miracle new fuel additive! One ounce in a tankful of gas (two ounces for diesel) will give your car or truck an internal engine tune-up every time you drive. Say goodbye to morning start-up problems. No more 'knocks' and 'pings' as your car climbs hills or overtakes on a highway. What's more: by making your fuel burn at peak efficiency, Fuelon will ensure that your car passes the yearly emissions inspection with ease - year after year."

PAR. 5. Through the use of the statements contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisement attached as Exhibit A, respondents have represented, directly or by implication, that:

A. Under normal driving conditions, when used as directed, consumers can increase their gas mileage by between 15% and 40% by adding one ounce of Fuelon to their gas tanks;

B. The use of Fuelon will ensure that a car will pass government emissions inspections.

PAR. 6. In truth and in fact:

A. Under normal driving conditions, when used as directed, consumers will not increase their gas mileage by between 15% and 40% by adding one ounce of Fuelon to their gas tanks;

B. The use of Fuelon will not ensure that a car will pass government emissions inspections.

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

PAR. 7. Through the use of the statements contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisement attached as Exhibit A, respondents have represented, directly or by implication, that the use of Fuelon provides the benefits of an engine tune up, including the elimination of morning start-up problems, and engine knocking and pinging.

PAR. 8. Through the use of the statements contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisement attached as Exhibit A, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraphs five and seven, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 9. In truth and in fact, at the time they made the representations set forth in paragraphs five and seven, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph eight was, and is, false and misleading.

The Vitalizer Automobile Retrofit Device

PAR. 10. Respondents have disseminated or have caused to be disseminated advertisements for the Vitalizer automobile retrofit

device, including but not necessarily limited to the attached Exhibit B. This advertisement contains the following statements:

"Now your car can get that 'winning-edge' with increased performance and fuel economy while reducing polluting emissions! Go with this secret of race car drivers-Vitalizer is currently used by race car drivers to help provide a winning edge through increased power and mileage. Now, after years of research, you can benefit from this much need [sic] breakthrough in combustion vehicle engineering with Vitalizer! . . . But don't just take my word for it, listen to the experts. I'm sitting here with stacks of testimonials and documentation from engineers, mechanics, state emission control stations, trade publications, trucking firms, auto centers, city bus operators and folks like you and me. Even radio station KFOX in Encino, California tested Vitalizer on 16 vehicles! Vitalizer was tested for years on old vehicles as well as new ones. Here's what all this means to you: You are absolutely guaranteed to get up to 23% more miles per gallon, cut exhaust emissions up to 90%, increase engine power - faster acceleration and top-end speed or your money back!"

PAR. 11. Through the use of the statements contained in the advertisements referred to in paragraph ten, including but not necessarily limited to the advertisement attached as Exhibit B, respondents have represented, directly or by implication, that:

A. Under normal driving conditions, when used as directed, an appreciable number of consumers will increase their gas mileage by 23%, or close to 23%, when the Vitalizer is installed in their automobiles;

B. Under normal driving conditions, when used as directed, an appreciable number of consumers will obtain reduced exhaust emissions of 90%, or close to 90%, when the Vitalizer is installed in their automobiles;

C. Tests, research and expert evaluations prove that the Vitalizer reduces polluting emissions by up to 90% and increases fuel economy by up to 23%.

PAR. 12. In truth and in fact:

A. Under normal driving conditions, when used as directed, in few, if any, cases will consumers increase their gas mileage by 23%, or close to 23%, when the Vitalizer is installed in their automobiles;

B. Under normal driving conditions, when used as directed, in few, if any, cases will consumers reduce their exhaust emissions by

90%, or close to 90%, when the Vitalizer is installed in their automobiles;

C. Tests, research and expert evaluations do not prove that the Vitalizer reduces polluting exhaust emissions by up to 90% or increases fuel economy by up to 23%.

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

PAR. 13. Through the use of the statements contained in the advertisements referred to in paragraph ten, including but not necessarily limited to the advertisement attached as Exhibit B, respondents have represented, directly or by implication, that use of the Vitalizer will increase engine power, including faster acceleration and top-end speed.

PAR. 14. Through the use of the statements contained in the advertisements referred to in paragraph ten, including but not necessarily limited to the advertisement attached as Exhibit B, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraphs eleven and thirteen, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 15. In truth and in fact, at the time they made the representations set forth in paragraphs eleven and thirteen, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph fourteen was, and is, false and misleading.

The Brain Tuner Electro-Stimulation Device

PAR. 16. Respondents have disseminated or have caused to be disseminated advertisements for the Brain Tuner electro-stimulation device, including but not necessarily limited to the attached Exhibit C. This advertisement contains the following statements:

"Increase your I.Q., expand your creativity and feel totally relaxed in just 40 minutes! If you're looking for the ultimate in self-improvement techniques that promises to be easy, quick and highly effective, here is something exciting you should know about. . . . It is called the Brain Tuner. . . . Everyone is different and not all people respond to the same frequencies. So Engineer/Physicist Bob Peck designed the Brain Tuner so that it would produce 256 simultaneous frequencies all known to be beneficial for the natural stimulation of the brain's neurotransmitters.

A tiny ten hertz signal enters the brain and speeds up the production and turnover rate of serotonin - a neurotransmitter that acts as a stimulant to the nervous system. The Brain Tuner simply coaxes the brain to restore it's [sic] own chemical balance. The body heals itself. The neurotransmitter beta endorphin normalizes in about 40 minutes - which is the body's own built in pain killer. According to articles published by scientific and medical journals and OMNI Magazine, other results commonly reported by users of the Brain Tuner are increased energy levels and improved concentration, increased endorphin production for pain control, decreases in worry, depression and anxiety, normalized sleep patterns, reduced sleep requirements, more vivid and lucid dreams, improvement in both short term and long term memory, and reduced psychophysiological craving and withdrawal symptoms from drugs and alcohol. All this may sound hard to believe but the technical data that exists to support these claims is overwhelming (a 12 page bibliography of over 350 medical articles came with our research materials). I.Q. gains of 20 to 30 points! A published report from the University of Wisconsin Medical College reports I.Q. gains of 20 to 30 points after stimulation originally intended to reduce student final exam anxiety. This was replicated by the University of Louisiana and is now generally accepted. Stimulation appears to enhance neural efficiency which shortens access time to answers. Although no medical claims can be made until FDA certification, full satisfaction is guaranteed or your money back.

PAR. 17. Through the use of the statements contained in the advertisements referred to in paragraph sixteen, including but not necessarily limited to the advertisement attached as Exhibit C, respondents have represented, directly or by implication, that scientific studies prove that the use of the Brain Tuner:

- A. Increases one's I.Q. by 20 to 30 points;
- B. Increases energy levels;
- C. Improves concentration;
- D. Controls pain;
- E. Reduces depression and anxiety;
- F. Normalizes sleep patterns and reduces sleep requirements;
- G. Improves short term and long term memory; and
- H. Reduces psychophysiological cravings for and withdrawal symptoms from drugs and alcohol.

PAR. 18. In truth and in fact, scientific studies do not prove that use of the Brain Tuner:

- A. Increases one's I.Q. by 20 to 30 points;
- B. Increases energy levels;
- C. Improves concentration;

- D. Controls pain;
- E. Reduces depression and anxiety;
- F. Normalizes sleep patterns and reduces sleep requirements;
- G. Improves short term and long term memory; and
- H. Reduces psychophysiological cravings for and withdrawal symptoms from drugs and alcohol.

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

PAR. 19. Through the use of the statements contained in the advertisements referred to in paragraph sixteen, including but not necessarily limited to the advertisement attached as Exhibit C, respondents have represented, directly or by implication, that use of the Brain Tuner:

- A. Increases one's I.Q. by 20 to 30 points;
- B. Increases energy levels;
- C. Improves concentration;
- D. Controls pain;
- E. Reduces depression and anxiety;
- F. Normalizes sleep patterns and reduces sleep requirements;
- G. Improves short term and long term memory; and
- H. Reduces psychophysiological cravings for and withdrawal symptoms from drugs and alcohol.

PAR. 20. Through the use of the statements contained in the advertisements referred to in paragraph sixteen, including but not necessarily limited to the advertisement attached as Exhibit C, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraphs seventeen and nineteen, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 21. In truth and in fact, at the time they made the representations set forth in paragraphs seventeen and nineteen, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph twenty was, and is, false and misleading.

The Rhythm Electronic Acupuncture Device

PAR. 22. Respondents have disseminated or have caused to be disseminated advertisements for the Rhythm electronic acupuncture device, including but not necessarily limited to the attached Exhibit D. This advertisement contains the following statements:

"Electronic acupuncture with slimming effect[.] The Rhythm - your electronic pain killer and body toner[.] Rhythm combines traditional Chinese Acupuncture treatment with modern electronic technology. Electronic acupuncture is sweeping the country. The Rhythm is the most powerful most advanced instrument ever developed for home use. Touch it to specific body points to gain relief from muscle, digestive, and nervous ailments And because the Rhythm caused [sic] muscle contractions . . . just like normal exercise, it will help you tone up. Latest reports from leading hospitals suggest that such treatment will also reduce craving for sugar and other add-weight foods (as reported on the CBS News; July 6, 1990). This will further aid in restoring the trimmer you. Does it really work? Our suggestion: when you have a backache, a headache, fatigue, a muscle pain, stiff shoulders, insomnia, or any of the other conditions for which acupuncture has achieved its reputation, Try It. . . . (Most of the people in our own office have bought one[.] They tell us they wouldn't part with it.)"

PAR. 23. Through the use of the statements contained in the advertisements referred to in paragraph twenty-two, including but not necessarily limited to the advertisement attached as Exhibit D, respondents have represented, directly or by implication, that:

- A. Use of the Rhythm relieves muscle, digestive, and nervous ailments;
- B. Use of the Rhythm tones muscles;
- C. Use of the Rhythm helps the user lose weight by reducing the craving for sugar and other high caloric foods;
- D. Use of the Rhythm relieves backaches, headaches, muscle pain, stiff shoulders, insomnia, and fatigue.

PAR. 24. Through the use of the statements contained in the advertisements referred to in paragraph twenty-two, including but not necessarily limited to the advertisement attached as Exhibit D, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraph twenty-three, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 25. In truth and in fact, at the time they made the representations set forth in paragraph twenty-three, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph twenty-four was, and is, false and misleading.

The Aerobic Eye Exercise Glasses

PAR. 26. Respondents have disseminated or caused to be disseminated advertisements for the Aerobic Eye Exercise Glasses, including but not necessarily limited to the attached Exhibit E. This advertisement contains the following statements:

"If you are reading this through glasses, maybe you could throw them away! . . . The developers of these incredible Aerobic Eye Exercise Glasses have files filled with letters like this - letters testifying to almost miraculous rescues of failing eyesight . . . The lenses of these glasses are precision-pierced with hundreds of tiny apertures that admit only parallel light. This allows the retina to focus while the eye muscles remain totally relaxed! Remove your prescription glasses; put on the exercise glasses; do your hobby or watch TV. You will be astonished to find your eyes focusing without effort, without your glasses! Do that for 20 minutes daily and each day you will become less and less dependent on your prescription glasses!" [Testimonial: "I received your vision kit. . . September 1987 and began using it immediately. By December 1987, I no longer needed my prescription lenses. I had worn glasses for 25 years."]

PAR. 27. Through the use of the statements contained in the advertisements referred to in paragraph twenty-six, including but not necessarily limited to the advertisement attached as Exhibit E, respondents have represented, directly or by implication, that:

A. Wearing the Aerobic Eye Exercise Glasses results in a long-term improvement in the vision of persons with vision problems;

B. The Aerobic Eye Exercise Glasses, while being worn, are an adequate substitute for prescription glasses or contact lenses to improve vision;

C. The testimonial contained in the advertisement reflects the typical or ordinary experiences of consumers who have used the Aerobic Eye Exercise Glasses, in terms of long-term improvement in vision.

PAR. 28. In truth and in fact:

A. Wearing the Aerobic Eye Exercise Glasses will not result in a long-term improvement in the vision of persons with vision problems;

B. The Aerobic Eye Exercise glasses, while being worn, are not an adequate substitute for prescription glasses or contact lenses to improve vision;

C. The testimonial contained in the advertisement does not reflect the typical or ordinary experiences of consumers who have used the Aerobic Eye Exercise Glasses, in terms of long-term improvement in vision.

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

PAR. 29. Through the use of the statements contained in the advertisements referred to in paragraph twenty-six, including but not necessarily limited to the advertisement attached as Exhibit E, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraph twenty-seven, respondents possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 30. In truth and in fact, at the time they made the representations set forth in paragraph twenty-seven, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph twenty-nine, was, and is, false and misleading.

PAR. 31. 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.

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Complaint

EXHIBIT A



**Don't be held
hostage by
petroleum prices - Get 15%
to 40% more miles per
gallon with just one ounce
of Fuelon, the miracle new
fuel additive!**

One ounce in a tankful of gas (two ounces for diesel) will give your car or truck an internal engine tune-up every time you drive. Say goodbye to morning start-up problems. No more "knocks" and "pings" as your car climbs hills or overtakes on a highway. What's more: by making your fuel burn at peak efficiency, Fuelon will ensure that your car passes the yearly emissions inspection with ease - year after year.

Just one bottle of Fuelon is enough to treat 480 gallons of gas (treats 256 gallons of diesel fuel). Fuelon's pour-o-matic spout makes dispensing the right amount easy every time. You owe it to yourself to get a bottle of Fuelon and see that this amazing product will do for your car's engine and your fuel budget. 32 oz. bottle.

#ELE226 - Gas Extender - \$39.95

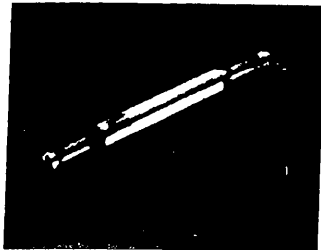
#ELE227 - Diesel Extender - \$39.95

Exhibit A

Complaint

118 F.T.C.

EXHIBIT B



**Now your car can get that "winning-edge"
with increased performance and fuel economy
while reducing polluting emissions!**

Go with this secret of race car drivers - Vitalizer is currently used by race car drivers to help provide a winning edge through increased power and mileage. Now, after years of research, you can benefit from this much need breakthrough in combustion vehicle engineering with Vitalizer!

It's hard to believe that this easy to install (installs in 20 minutes right on your fuel line and has no moving parts) state-of-the-art marvel can really do so much. But don't just take my word for it, listen to the experts.

I'm sitting here with stacks of testimonials and documentation from engineers, mechanics, state emission control stations, trade publications, trucking firms, auto centers, city

bus operators and folks like you and me. Even Radio Station KFOX in Encino, California tested Vitalizer on 16 vehicles! Vitalizer was tested for years on old vehicles as well as new ones.

Here's what all this means to you: You are absolutely guaranteed to get up to 23% more miles per gallon, cut exhaust emissions up to 90%, increase engine power - faster acceleration and top-end speed or your money back!

You have nothing to lose and plenty to gain with Vitalizer!

#EVT888 - Vitalizer, 4-6 cylinder engines - a wise investment at only \$139.95

#EVT889 - Vitalizer, for 8 cylinder engines - \$139.95

Exhibit B

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Complaint

EXHIBIT C

Increase your I.Q., expand your creativity and feel totally relaxed in just 40 minutes!

If you're looking for the ultimate in self-improvement techniques that promises to be easy, quick and highly effective, here's something exciting you should know about

The Brain Tuner (BT-5+)

It is called the Brain Tuner (BT-5+) and it is an experimental research instrument that provides minute electrical stimulation through stethoscope shaped electrodes behind the ears.

Apparently very low levels of pulsed electrical current have major effects upon the highest functions of the brain. The BT-5+ transmits a tiny electrical signal that appears to harmonize with natural brain rhythms to produce a feeling of mild stimulation but the sensation felt by most individuals is reportedly one of complete relaxation even if high stress, anxiety, or depression is present.

How does it work?

Everyone is different and not all people respond to the same frequencies. So Engineer/Physicist Bob Peck designed the Brain Tuner so that it would produce over 256 simultaneous frequencies all known to be beneficial for the natural stimulation of the brain's neurotransmitters.

A tiny ten hertz signal enters the brain and speeds up the production and turnover rate of serotonin - a neurotransmitter that acts as a stimulant to the nervous system. The Brain Tuner simply coaxes the brain to restore its own chemical balance. The body heals itself. The neurotransmitter beta endorphin normalizes in about 40 minutes - which is the body's own built in pain killer.

According to articles published by scientific and medical journals and OMNI Magazine, other results commonly reported by users of the Brain Tuner are increased energy levels and improved concentration, increased endorphin production for pain control, decreases in worry, depression and anxiety, nor-

malized sleep patterns, reduced sleep requirements, more vivid and lucid dreams, improvement in both short term and long term memory, and reduced psychophysiological craving and withdrawal symptoms from drugs and alcohol.

All this may sound hard to believe but the technical data that exists to support these claims is overwhelming (a 12 page bibliography of over 350 medical articles came with our research materials).

I.Q. gains of 20 to 30 points!

A published report from the University of Wisconsin Medical College reports I.Q. gains of 20 to 30 points after stimulation originally intended to reduce student final exam anxiety. This was replicated by the University of Louisiana and is now generally accepted. Stimulation appears to enhance neural efficiency which shortens access time to answers.

Although no medical claims can be made until FDA certification, full satisfaction is guaranteed or your money back. The Brain Tuner is completely safe and there are no side-effects such as those caused by drugs or pharmaceuticals. It looks like a Walkman (pocket size, 1" x 3-5/8" x 4.5"), and weighs 4.6 oz. with self contained, externally replaceable transistor radio battery available anywhere. Other models have sold for \$600-\$1,000. Order your Brain Tuner (BT-5+) today! Only \$249.95!

#EBT600 - Brain Tuner (BT-5+) - Only \$249.95!



Exhibit C

Complaint

118 F.T.C.

EXHIBIT D

Electronic Acupuncture with slimming effect
The Rhythm - your electronic pain killer & body toner

Rhythm combines traditional Chinese Acupuncture treatment with modern electronic technology.

Electronic acupuncture is sweeping the country. The Rhythm is the most powerful most advanced instrument ever developed for home use. Touch it to specific body points to gain relief from muscle, digestive, and nervous ailments. You'll feel the "pulsing," a light flashes in synchronization. Soon you'll know exactly how intense and how long each "treatment" should be. And because the Rhythm caused muscle contractions...just like normal exercise, it will help you to ne up. Latest reports from leading hospitals suggest that such treatment will

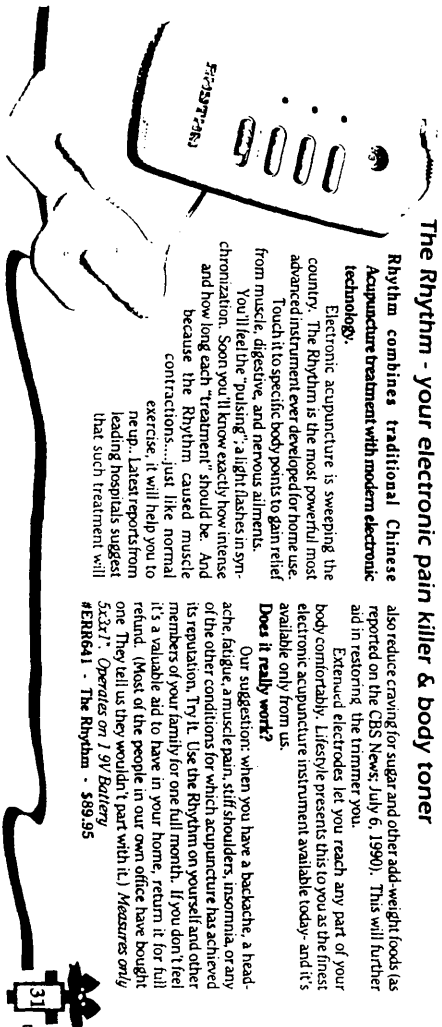
also reduce craving for sugar and other add-weight foods (as reported on the CBS News, July 6, 1990). This will further aid in re-toning the trimmer you.

Extended electrodes let you reach any part of your body comfortably. Lifestyle presents this to you as the finest electronic acupuncture instrument available today - and it's available only from us.

Does it really work?

Our suggestion: when you have a headache, a headache, fatigue, muscle pain, stiff shoulders, insomnia or any of the other conditions for which acupuncture has achieved its reputation, try it. Use the Rhythm on yourself and other members of your family for one full month. If you don't feel it's a valuable aid to have in your home, return it for full refund. (Most of the people in our own office have bought one. They tell us they wouldn't part with it.) *Measures only 5.3x7". Operates on 19V Battery.*

#ERR641 - The Rhythm - \$89.95

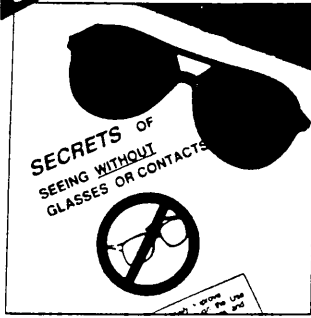


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Complaint

EXHIBIT E

NEW *If you are reading this through glasses, maybe you could throw them away!*



SECRETS OF SEEING WITHOUT GLASSES OR CONTACTS

"I received your vision kit...September 1987 and began using it immediately, by December 1987 I no longer needed my prescription lenses. I had worn glasses for 25 years."
Val Dewane, Valders, WI

The developers of these incredible Aerobic Eye Exercise Glasses have files filled with letters like this - letters testifying to almost miraculous rescues of failing eyesight; relief from eyestrain, headaches, tension!

The lenses of these glasses are precision-pierced with hundreds of tiny apertures that admit only parallel light. This allows the retina to focus while the eye muscles remain totally relaxed!

Remove your prescription glasses; put on the exercise glasses; do your hobby or watch TV. You will be astonished to find your eyes focusing without effort, without your glasses! Do that for 20 minutes daily and each day you will become less and less dependent on your prescription glasses! Glasses adjust for fit. Kit includes complete instructions and an eye chart to check your daily progress. The best investment you will ever make!

#LEE100 - Aerobic Eye Exercise Glasses kit - \$39.95

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 Bureau of Consumer Protection 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, or that the facts as alleged in such complaint, other than jurisdictional facts, are true, 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 a 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 Lifestyle Fascination, Inc. 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 12 Progress Place, Jackson, New Jersey.

Respondent Eli Zabare is the owner and sole officer of Lifestyle Fascination, Inc. He formulated, directed, and controlled the acts and practices of said corporation, and his principal office and place of business is located at the above stated address.

Respondent Simon Pantierer is the general manager of Lifestyle Fascination, Inc. He formulated, directed, and controlled the acts and practices of said corporation, and his principal office and place of business is located at the above stated address.

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

ORDER

I.

It is ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives 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 Fuelon, or any substantially similar fuel additive device, 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. Under normal driving conditions, when used as directed, consumers can increase their gas mileage by between 15% and 40% by adding such product to their gas tanks; or

B. The use of such product will ensure that a car will pass government emissions inspections.

II.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives 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 the Vitalizer, or any substantially similar automobile retrofit device, 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. Under normal driving conditions, when used as directed, consumers will increase their gas mileage by 23%, or up to 23%, when such product is installed in their automobiles; or

B. Under normal driving conditions, when used as directed, consumers can obtain reduced exhaust emissions of 90%, or up to 90%, when such product is installed in their automobiles.

III.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives 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 Aerobic Eye Exercise Glasses, or any other eyeglasses with opaque lenses and multiple pinholes, 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. Wearing such product results in long-term improvement in the vision of persons with vision problems; or

B. Such product, while being worn, is an adequate substitute for prescription glasses or contact lenses to improve vision.

IV.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents agents, representatives 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 product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, the existence, contents, validity, results, conclusions or interpretations of any test or study.

V.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives 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 automotive fuel economy product, including but not limited to any automobile gasoline additive, engine oil additive, or automobile retrofit device (as "automobile retrofit device" is defined in Section 511 of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2011) 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 use of such device will or may result in fuel economy improvement, unless, and only to the extent, respondents possess and rely on competent and reliable scientific tests which substantiate the representations, such as:

A. Chassis dynamometer tests done according to procedures that simulate typical urban and highway driving patterns, such as the then current urban and highway driving test schedules established by the Environmental Protection Agency; or

B. Track or road tests done according to procedures that simulate urban and highway driving patterns, such as the then current procedures established in the Society of Engineers J1082b test protocol.

Respondents shall, when using the results of any tests required by this Part, clearly and conspicuously disclose the limitations upon the applicability of the results to any automobile, truck, recreational vehicle, or other motor vehicle. Where the results of such tests are used in connection with the representation of fuel economy-improvement expressed in miles per gallon (or liter), miles per tankful, or percentage, or where the representation of the benefit is expressed as a monetary saving in dollars or percentages, all advertising and other promotional materials that contain the representation must also clearly and conspicuously disclose the following disclaimer: "REMINDER: Your actual saving may vary.

It depends on the kind of driving you do, how you drive, and the condition of your car.”

VI.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents’ agents, representatives 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 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. Use of such product can or will have any effect on the user’s intelligence; energy levels; muscle strength or tone; weight; mental concentration; pain; depression or anxiety; sleep patterns or requirements; short or long term memory; cravings for or withdrawal symptoms from drugs or alcohol; or any other effect on health or the structure or function of the human body; or

B. Use of such product can or will have any effect on acceleration, power, engine condition, exhaust emissions, or any other aspect of automobile performance;

unless at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates such 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 have 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.

VII.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare,

individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives 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 consumer electric or electronic product 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, safety, attributes, benefits, or efficacy of such product, unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence, which, when appropriate, must be competent and reliable scientific evidence, that substantiates such representation. Provided that, the terms of this Part shall not apply to the advertising, promotion, offering for sale, sale, or distribution of any television; videocassette, audio cassette, or compact disc player or recorder; radio; stereo component; telephone; shaver; vacuum cleaner; kitchen appliance; hair grooming appliance; binoculars; exercise equipment; or camera. Further provided that, nothing in this Part shall be construed as exempting from this order any product otherwise subject to the terms of any other Part of this order.

VIII.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives 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 product represented, directly or by implication, or intended to have any effect on health or the structure or function of the human body, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that any endorsement (as "endorsement" is defined in 16 CFR 255.0(b)) of any such product represents the typical or ordinary experience of members of the public who use such product, unless such is the fact.

IX.

It is further ordered, That respondents Lifestyle Fascination, Inc., a corporation, its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, and respondents' agents, representatives and employees, shall, for three (3) years from the date of the last dissemination of each representation which is subject to this order, maintain and upon reasonable request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon by respondent(s) in disseminating any representation covered by this order; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in any respondent's possession or control that contradict, qualify, or call into question such representation, or the basis upon which respondent relied for such representation, including complaints from consumers.

X.

It is further ordered, That respondent Lifestyle Fascination, Inc., or its successors and assigns, shall:

A. Within thirty (30) days after service of this order, provide a copy of this order to each of its current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this order; and

B. For a period of five (5) years from the date of entry of this order, provide a copy of this order to each of its principals, officers, directors, and managers, and to all personnel, agents, and/or representatives having sales, advertising, or policy responsibility with respect to the subject matter of this order within three (3) days after the person commences his or her responsibilities.

XI.

It is further ordered, That respondents Eli Zabare and Simon Pantierer, for a period of ten (10) years from the date of entry of this

order, notify the Commission within thirty (30) days of the discontinuance of his present business or employment and of his affiliation with any new business or employment which involves the sale of consumer products. Each notice of affiliation with any new business or employment shall include respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his duties and responsibilities.

XII.

It is further ordered, That respondents Lifestyle Fascination, Inc., its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate respondent, including but not limited to dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, or any other change in the corporation which may affect compliance obligations arising under this order.

XIII.

It is further ordered, That respondents Lifestyle Fascination, Inc., its successors and assigns, and its officers, Eli Zabare, individually and as an officer of said corporation, and Simon Pantierer, individually, shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade 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.

IN THE MATTER OF

AMOCO CHEMICAL COMPANY, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3514. Complaint, Aug. 9, 1994--Decision, Aug. 9, 1994*

This consent order prohibits, among other things, two Delaware corporations from misrepresenting the extent to which any polystyrene cup, plate, and other food service product or packaging material is capable of being recycled or the extent to which recycling collection programs are available, and from representing that such products offer any environmental benefit unless the respondents possess competent and reliable scientific evidence that substantiates the claim.

Appearances

For the Commission: *C. Steven Baker* and *Timothy T. Hughes*.

For the respondents: *Pro se*.

COMPLAINT

The Federal Trade Commission, having reason to believe that Amoco Chemical Company, a corporation, and Amoco Foam Products Company, a 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. Respondents are Delaware corporations. Amoco Chemical Company dominates and controls the acts and practices of its wholly-owned subsidiary, Amoco Foam Products Company. Amoco Chemical Company has its principal offices or place of business at 200 East Randolph Drive, Chicago, Illinois. Amoco Foam Products Company has its principal offices or place of business at 400 Northridge Road, Atlanta, Georgia.

PAR. 2. Respondents have manufactured, advertised, labeled, offered for sale, sold, and distributed polystyrene products, including plates, cups, and other food service polystyrene products to the public under the trade name "Snacker," and under private labels. Respondents have also manufactured, advertised, labeled, offered for