

IN THE MATTER OF

OLSEN LABORATORIES, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3556. Complaint, Feb. 6, 1995--Decision, Feb. 6, 1995*

This consent order prohibits, among other things, two Kansas-based firms and an official from making false claims for Eez-Away, an arthritis pain treatment, or similar products. The consent order requires the respondents to possess competent and reliable scientific evidence before making any health or medical benefit claim for any personal or household product or service they market in the future; requires them to clearly identify any future infomercial that they disseminate as paid advertising; and prohibits them from misusing endorsements.

Appearances

For the Commission: *Lesley Anne Fair* and *Beth M. Grossman*.

For the respondents: *Tish Pahl, Olsson, Frank & Weeda*,
Washington, D.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, and Peter F. Olsen, individually and as an officer and director of said corporations ("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 Olsen Laboratories, Inc. is a Delaware corporation, with its principal office and place of business at 11088 Alhambra Street, Leawood, Kansas.

Respondent Richfield Distributors, Inc. is a New York corporation, with its principal office and place of business at 11088 Alhambra Street, Leawood, Kansas.

Respondent Peter F. Olsen is an officer and director of Olsen Laboratories, Inc. and Richfield Distributors, Inc. Individually or in

concert with others, he formulates, directs and controls the acts and practices of Olsen Laboratories, Inc. and Richfield Distributors, Inc., including the acts and practices alleged in this complaint. His principal office and place of business is the same as that of the corporate respondents.

PAR. 2. Respondents have manufactured, advertised, labeled, offered for sale, sold, and distributed external analgesics, including Eez-Away Relief, to consumers. These products are "drugs" 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.

PAR. 4. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for Eez-Away Relief, including but not necessarily limited to the attached Exhibits A and B, transcriptions of the program-length television commercials (or "infomercials") entitled, respectively, "30 Minutes" and "Eez-Away the Pain." The aforesaid advertisements contain the following statements and depictions:

A. JULIA GABOR (Consumer endorser): "It is a miracle drug and I'm, I, uh, I know it is." (Exhibit A, p. 1)

B. SHELLY DUVALL (Anchor): "And we'll tell you about a recent breakthrough in the treatment of arthritis that has brought new hope to many chronic arthritis sufferers. Much new work is being done, and the good news is there's hope. Later on we'll tell you about a new arthritis remedy that could provide the much sought-after relief from pain. So if you or someone you love has arthritis, muscle or joint pain, please, stay tuned. The pain may soon be over." (Exhibit A, p. 3)

C. MARIE GIORDANO (Consumer endorser): "Well, I had my back, lower back pain for about three years, and it was just really so bad I couldn't walk. I had to take time off from work, and I was laid up for really two weeks at home on my back flat. I tried many things, and nothing really worked." (Exhibit A, pp. 4-5; Exhibit B, p. 3)

* * *

"When I first applied it, I had very little hope that anything was going to help me. I have arthritis, and I figured that was it. But it really made me comfortable after the pain was gone. I felt 'aahhh.'" (Exhibit A, p. 7; Exhibit B, p. 5)

D. DAVID FLYNN (Anchor): "We recently learned that some exciting new research is being done on a new type of pain reliever. We wanted to find out more."

SHELLY DUVALL: "We spoke with chiropractor Dr. John Panicali. We learned that he took part in a research study of a new arthritis treatment that's been getting a lot of attention." (Exhibit A, p. 5)

E. SHELLY DUVALL: "The new product tested by Dr. Panicali is called 'Eez-Away Relief.' When we spoke with him, he had been dispensing it for several months. And what were his findings?" (Exhibit A, p. 5)

DR. JOHN PANICALI (Chiropractor): "Patients that we've been working with for many months now have reached a certain point of relief, but at that point, we've reached a stone wall. So we tried this product on those patients. And patients are coming back and telling me, 'Doc, I don't know what that stuff was, but I'm getting further motion, I'm doing things now I never did before, for the first time I'm climbing stairs without pain, I can actually look over my shoulder when I back out of my driveway.'" (Exhibit A, p. 6; Exhibit B, p. 4)

F. DR. PANICALI: "The unique thing about Eez-Away Relief is that it absorbs through the skin surface at a faster rate than other products. But what's also unique is that once it's at the joint surface, it binds to tissues, ligaments and fats and stays within the joint for a much longer period of time, affording relief for a longer period, and pain-free motion." (Exhibit A, p. 6)

G. JOHN BOISE (Consumer endorser): "I tried it, every couple of hours for about three or four days, and the pain just disappeared completely. And so now I've been using it like once a week, and the pain just stays away; and I can start moving my hands a lot better than I ever used to be able to move them." (Exhibit A, p. 7; Exhibit B, p. 5)

* * *

"I've been trying a lot of different medications over the past two or three years trying to eliminate arthritis in my joints, and since I used Eez-Away, it just worked and it's like a miracle." (Exhibit A, p. 22; Exhibit B, p. 20)

H. DAVID FLYNN: "Shelly, these results are very impressive, but is it safe? Has it been properly tested?"

SHELLY DUVALL: "Absolutely, David. It's met all the FDA requirements, and it contains only ingredients that are recognized by the FDA itself to be both safe and effective for pain relief."

FLYNN: "But what's the big secret? Can we now buy it in stores?"

DUVALL: "Til now the only way to get some was to see one of the testing physicians like Dr. Panicali. Unfortunately, it's still not available in stores." (Exhibit A, pp. 7-8)

I. VOICE-OVER: "This breakthrough pain reliever is so new, so revolutionary, that it's not yet available in stores." (Exhibit A, pp. 9, 19 & 25; Exhibit B, pp. 6, 16 & 23)

J. VOICE-OVER: "At last, you won't have to live with that nagging pain in your hands, back, arms, elbows, knees and other joints. With Eez-Away, you'll regain the vitality you once had to enjoy life again with mobility and freedom. Simple pleasures like biking, fishing, tennis, and fun with your family will all return once the pain is gone." (Exhibit A, pp. 9, 20 & 26; Exhibit B, pp. 7, 17 & 23-24)

K. VOICE-OVER: "So if you have arthritis that won't go away, order Eez-Away now. It's guaranteed, so you have nothing to lose but the pain." (Exhibit A, pp. 11, 22 & 28; Exhibit B, pp. 9, 19 & 26)

L. UNIDENTIFIED CONSUMER ENDORSER: "I use it for about ten minutes, all over, and it has no odor. And I got dressed, and about ten minutes later I -- there was no pain. It was like I -- it was hard to believe that there was actually no pain." (Exhibit A, p. 12)

M. *Depiction: Close-up of assorted over-the-counter medications, including Bufferin, Mineral Ice, Excedrin, Ben Gay, Heet, Icy Hot, Tylenol, and Advil.*

DAVID FLYNN: "This is just a sampling of some of the pain remedies that we found in our local drugstore. There are literally aisles full of pills and ointments that claim to relieve pain. Shelly, what makes Eez-Away so different?"

SHELLY DUVALL: "Well, the people that we spoke to, David, said simply that these remedies just don't work the way that Eez-Away does. They've been searching for relief, they finally found it with this product." (Exhibit A, p. 13)

N. DAVID FLYNN: "Next we have a woman who was crippled by arthritis pain until she found Eez-Away."

SHELLY DUVALL: "This is the true story of Dee Sanchez." (Exhibit A, p. 13)

SHELLY DUVALL: ". . . a few short months ago she was suffering from severe chronic arthritis." (Exhibit A, p. 13)

SHELLY DUVALL: "Dee was in excruciating pain . . ." (Exhibit A, p. 14)

DEE SANCHEZ (Consumer endorser): "I had tried just about every type of rub, every type of cream that came on the market. I'd go buy it and give it a try. I'd tried a few, uh, I had an aunt that even made up some home remedies that were supposed to be from the old country that would help my arthritis and so forth. And nothing was doing any good."

SHELLY DUVALL (Exhibit A)/EILEEN FULTON (Exhibit B): "Then one day Dee's luck changed. Dee [She] was introduced to new Eez-Away Relief. The results were immediate and dramatic." (Exhibit A, pp. 14-15; Exhibit B, pp. 12-13)

O. SHELLY DUVALL: "[W]e have seen this same story again and again with other people. People who had lost mobility, stopped being active because of the pain. They were able to get up and enjoy life with the help of Eez-Away." (Exhibit A, p. 16)

P. SHELLY DUVALL: "Another physician taking part in the Eez-Away test program was Dr. Thomas Jackson of Vero Beach, Florida. He's a cardiologist with a special concern for the effects of arthritis on a person's general health." (Exhibit A, p. 16)

DR. THOMAS JACKSON (Cardiologist): "Minnie Benjamin has juvenile rheumatoid arthritis. Now juvenile rheumatoid arthritis begins in the teenage years. It can begin in childhood. She's had it for a long time. When I saw Minnie, she had a problem with her ankle and with her wrist and was unable to walk properly, limping, and had a splint on her hand. I gave her Eez-Away because I had used it in a few other instances. I mentioned to her to use it according to the directions. She came back the next morning, the splint was off and she wasn't limping. So I was really impressed with that overnight response. You know, it's rather fabulous, rather amazing to say the least."

MINNIE BENJAMIN: "You see I'm not wearing my brace. And I hope I don't have to put it on anymore because the Eez-Away has helped me get rid of it." (Exhibit A, p. 17; Exhibit B, pp. 14-15)

Q. PHIL SABATO (Consumer endorser): "With this product, Eez-Away, I'm back to normal. I can walk again, I could bend down without being in pain, I could

climb up the ladder. I don't have the pain that I did in the past." (Exhibit A, p. 18; Exhibit B, p. 15)

R. SANDY DUVALL (Consumer endorser): "After using Eez-Away, I don't have any problems. I have no pain, and I don't think about it any more. It's really, uh, it's like a new lease on life." (Exhibit A, p. 18; Exhibit B, p. 15)

* * *

"I used it three or four times the first day. And by the third time I put it on, I had absolutely no pain in my hand at all." (Exhibit A, p. 24; Exhibit B, p. 22)

S. DAVID FLYNN: "Needless to say, we are impressed with this new product, so we spoke with the person who developed this revolutionary new pain remedy." (Exhibit A, p. 23) [EILEEN FULTON: "Now let's meet the man who developed this revolutionary pain remedy, Mr. Peter Olsen." (Exhibit B, p. 21)]

PETER OLSEN: "When we first developed Eez-Away, we knew it would relieve a lot of pain, and it has. Even doctors are amazed. As a matter of fact, we're so confident that we actually have a guarantee. Use the product for 30 days. If you're not satisfied, we'll return your money." (Exhibit A, p. 23; Exhibit B, p. 21)

PAR. 5. Through the use of the statements and depictions contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits A and B, respondents have represented, directly or by implication, that Eez-Away Relief is a new and unique product that is a major breakthrough in the treatment of arthritis pain.

PAR. 6. In truth and in fact, Eez-Away Relief is not a new and unique product that is a major breakthrough in the treatment of arthritis pain. Therefore, the representation set forth in paragraph five was, and is, false and misleading.

PAR. 7. Through the use of the statements and depictions 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 scientific research proves that Eez-Away Relief is effective for the rapid elimination of severe pain and physical disabilities caused by arthritis.

PAR. 8. In truth and in fact, scientific research does not prove that Eez-Away Relief is effective for the rapid elimination of severe pain and physical disabilities caused by arthritis. Therefore, the representation set forth in paragraph seven was, and is, false and misleading.

PAR. 9. Through the use of the statements and depictions contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisements attached

as Exhibits A and B, respondents have represented, directly or by implication, that:

A. Eez-Away Relief rapidly eliminates severe pain and physical disabilities caused by arthritis.

B. Eez-Away Relief provides long-term pain relief.

C. Eez-Away Relief significantly increases the range of motion in the affected joints of people with arthritis, including those with rheumatoid arthritis.

D. Eez-Away Relief is more effective than other over-the-counter medications in relieving arthritis pain.

PAR. 10. Through the use of the statements and depictions contained in the advertisements referred to in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits A and B, respondents have represented, directly or by implication, that at the time they made the representations set forth in paragraph 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 paragraph 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. Through the use of the statements and depictions 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 Eez-Away Relief relieves arthritis pain by penetrating through the skin to the affected joint.

PAR. 13. Through the use of the statements and depictions 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 representation set forth in paragraph twelve, respondents possessed and relied upon a reasonable basis that substantiated such representation.

PAR. 14. In truth and in fact, at the time they made the representation set forth in paragraph twelve, respondents did not possess and rely upon a reasonable basis that substantiated such

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

PAR. 15. Through the use of the statements and depictions contained in the advertisements set forth in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits A and B, respondents have represented, directly or by implication, that the testimonials or endorsements from consumers appearing in advertisements for Eez-Away Relief reflect the typical or ordinary experience of members of the public who use Eez-Away Relief.

PAR. 16. Through the use of the statements and depictions contained in the advertisements set forth in paragraph four, including but not necessarily limited to the advertisements attached as Exhibits A and B, respondents have represented, directly or by implication, that, at the time they made the representation set forth in paragraph fifteen, they possessed and relied upon a reasonable basis that substantiated such representation.

PAR. 17. In truth and in fact, at the time they made the representation set forth in paragraph fifteen, respondents did not possess and rely upon a reasonable basis that substantiated such representation. Therefore, the representation set forth in paragraph sixteen, was, and is, false and misleading.

PAR. 18. By and through the "30 Minutes" infomercial, a transcription of which is attached hereto as Exhibit A, respondents have represented, directly or by implication, that "30 Minutes" is an independent television program and is not paid commercial advertising.

PAR. 19. In truth and in fact, "30 Minutes" is not an independent television program and is paid commercial advertising. Therefore, the representation set forth in paragraph eighteen was, and is, false and misleading.

PAR. 20. 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.

Commissioner Azcuenaga recused.

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EXHIBIT A

30 MINUTES

Graphic:

This program is a paid for advertisement by Olsen Labs Inc.

Graphic:

The program you are about to see is true. The names of the people have not been changed and their statements have not been altered. We make this claim for your protection and in the interest of truth.

VOICE -OVER:

The program you are about to see is true. The names of the people have not been changed and their statements have not been altered. We make this claim for your protection and in the interest of truth.

MARIE GIORDANO:

It's a good feeling about yourself. You're able to smile again, be happy again.

UNIDENTIFIED WOMAN #1:

I'm very excited, yes, I'm very excited.

JULIA GABOR:

It is a miracle drug and I'm, I, uh, I know it is.

UNIDENTIFIED WOMAN # 2:

They want to borrow it, but no one's getting it.

SCOTT WALTER:

When I tried Eez-Away, I couldn't believe it.

SANDY DUVALL:

A product that says it will work that does work.

TOM BURKE:

And it works everytime.

DEE SANCHEZ:

Wow! That's all I can -- that's all I can do. Wow.

Depiction:

People playing tennis.

VOICE-OVER:

The good life. For most people it means free time, friendship, happiness and health.

Depiction:

Men fishing.

And, thanks to modern medicine, Americans are now living longer

Depiction:

Woman diving into pool.

with the opportunity of many more years of this good life.

Depiction:

People playing shuffleboard.

But tragically, there is one common disease that deprives millions of Americans of their chance at the good life -- Arthritis.

Depiction:

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Man pitching horseshoes.

Since the dawn of civilization, man has searched for a cure for this crippling disease,

Depiction:

People riding bicycles.

and today we continue that search on "30 Minutes".

Depiction:

Man and woman sitting at anchor news desk with a camera and cameraman off to the side.

Moves in to close-up of the two anchors

Large superimposed text: 30 Minutes

DAVID FLYNN:

Hello, I'm David Flynn.

SHELLY DUVALL:

And I'm Shelly Duvall, and welcome to another edition of "30 Minutes."

DAVID FLYNN:

Chances are that you or someone you know has arthritis. This painful disease affects nearly 40 million Americans. That's 1 in 7 people in this country.

SHELLY DUVALL:

Many of us associate arthritis with older people, but the fact is it strikes all ages, even children.

DAVID FLYNN:

There is still no cure for arthritis, and so many people who suffer from it are in a constant search for treatment that will bring them some relief. Today on "30 Minutes" we will take a look at how people are coping with this terrible disease.

SHELLY DUVALL:

And we'll tell you about a recent breakthrough in the treatment of arthritis that has brought new hope to many chronic arthritis sufferers. Much new work is being done, and the good news is there's hope. Later on we'll tell you about a new arthritis remedy that could provide the much sought-after relief from pain. So if you or someone you love has arthritis, muscle or joint pain, please, stay tuned. The pain may soon be over.

DAVID FLYNN:

Let's start at the beginning. What is arthritis and what do we know about it?

DAVID FLYNN (Voiceover):

The word arthritis is derived from Greek and literally means "inflamed joint."

Graphic:

ARTHRITIS

Inflamed Joint

DAVID FLYNN (V/O):

There are many types of arthritis, but the most common form is osteoarthritis

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DAVID FLYNN (V/O):

Most often characterized by redness, swelling, stiffness, and pain.

Graphic:

Osteoarthritis

Redness

Swelling

Stiffness

Pain

According to the Arthritis Foundation, every person over 60 probably has Osteoarthritis to some degree.

Graphic:

Every person over 60 probably has Osteoarthritis.

SHELLY DUVALL:

But the worst thing about arthritis is how it can ruin lives. People who were once strong and active are often reduced to helplessness and depression because of the constant pain.

JULIA GABOR:

Arthritis sufferer

I had arthritis so bad, I was in bed for 6 months, no exercise. I had to get up -- I was in a wheelchair.

SAMUEL GREEN:

Arthritis sufferer

I had arthritis in these hands so bad, it felt, it felt like somebody had a knife -- and then he rammed it in there [indicating his hand] and pulled it.

JANNIE BUHR:

Arthritis sufferer

It's very hard on me now with visiting the grandchildren. I do not stay very long with them, and I've always loved them, and planned to stay with them before, but I can't -- I just can't do it anymore.

MARIE GIORDANO:

Arthritis sufferer

Well, I had my back, lower back pain for about three years, and it was just really so bad I couldn't walk. I had to take time off from work, and I was laid up for really two weeks at home on my back flat. I tried many things, and nothing really worked.

DAVID FLYNN:

What can these people do? We recently learned that some exciting new research is being done on a new type of pain reliever. We wanted to find out more.

SHELLY DUVALL:

We spoke with chiropractor Dr. John Panicali. We learned that he took part in a research study of a new arthritis treatment that's been getting a lot of attention.

Depiction:

Dr. Panicali in examining room with patient.

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SHELLY DUVALL (V/O):

He sees many arthritis sufferers. We asked him why arthritis is such a difficult disease to treat.

DR. JOHN PANICALI:
Doctor of Chiropractic

I find that the worst thing about arthritis is that about half the people give up. They feel that once they have it, there is nothing that can be done. And that's not necessarily true. We find that they give up on life; they become depressed. Their exercise and their activity is limited. A lot of older patients start to gain weight because they're less active. So it's a -- it's a disease that affects the body, but I find that in more cases it affects the mind.

Depiction:

Dr. Panicali applying, and explaining to patient in examining room how to apply, Eez-Away.

SHELLY DUVALL (V/O):

The new product tested by Dr. Panicali is called "Eez-Away Relief." When we spoke with him, he had been dispensing it for several months. And what were his findings?

DR. PANICALI:

Patients that we've been working with for many months now have reached a certain point of relief, but at that point, we've reached a stone wall. So we tried this product on those patients. And patients are coming back and telling me, "Doc, I don't know what that stuff was, but I'm getting further motion, I'm doing things now I never did before, for the first time I'm climbing stairs without pain, I can actually look over my shoulder when I back out of my driveway." The product is natural. There's no side effects. There's no way at all this product can harm you.

Depiction:

Dr. Panicali, in front of a panel of x-rays, examining x-rays and pointing things out to patient.

DR. PANICALI (V/O):

The unique thing about Eez-Away Relief is that it absorbs through the skin surface at a faster rate than other products. But what's also unique is that once it's at the joint surface, it binds to tissues, ligaments and fats and stays within the joint for a much longer period of time, affording relief for a longer period, and pain-free motion.

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DR. PANICALI:
Doctor of Chiropractic

The best thing I find with Eez-Away Relief is that patients can return to their normal lifestyle. Patients have found that they can go on. They can do activities around the house; they can go back to their normal lifestyle, perform activities that they thought were long gone.

Depiction:

Dr. Panicali applying Eez-Away to a patient's shoulder and explaining how to use the product.

SHELLY DUVALL (V/O):

Dr. Panicali introduced many of his patients to Eez-Away Relief. We asked a few of them for their reviews.

PAT MURANO:
Businessman

I'm the type of guy, just like you are. I don't believe everything somebody tells me, unless I try it, for myself. I've tried the product, Eez-Away Relief. I know it works.

JOHN BOISE:
Plant Manager

I tried it, every couple of hours for about three or four days, and the pain just disappeared completely. And so now I've been using it like once a week, and the pain just stays away; and I can start moving my hands a lot better than I ever used to be able to move them.

PATRICIA ROBINSON:
Travel Agent

I couldn't put up my hair. I couldn't lift up my arms. I couldn't do anything with my right arm. And I started using Eez-Away and I can now lift it.

MARIE GIORDANO:
Teacher's Aide

When I first applied it, I had very little hope that anything was going to help me. I have arthritis, and I figured that was it. But it really made me comfortable after the pain was gone. I felt "aahhh."

SHELLY DUVALL:

I want you to know that these folks have not been paid to endorse this product. They're real people who've had real results. We found that Eez-Away is giving people a lot of hope, even people who've tried it all.

DAVID FLYNN:

Shelly, these results are very impressive, but is it safe? Has it been properly tested?

SHELLY DUVALL:

Absolutely, David. It's met all the FDA requirements, and it contains only ingredients that are recognized by the FDA itself to be both safe and effective for pain relief.

DAVID FLYNN:

But what's the big secret? Can we now buy it in stores?

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SHELLY DUVALL:

Til now the only way to get some was to see one of the testing physicians like Dr. Panicali. Unfortunately, it's still not available in stores.

DAVID FLYNN:

We've got to take a break, but when we come back, we'll talk with the person who developed this revolutionary new pain remedy.

SHELLY DUVALL (V/O):

And we'll spend a day in the life of an arthritis sufferer, when "30 Minutes" continues.

Depiction:

Child runs and jumps into Dee

Sanchez's arms.

DEE SANCHEZ (V/O):

This just works. I put it on, and I don't hurt.

DEE SANCHEZ:

It's everything I could ever have asked for, and it's given me back my life.

Superimposed text:

EEZ-AWAY Gets Results

COMMERCIAL INSERT

Graphic:

ATTENTION!

ARTHRITIS SUFFERERS

VOICE-OVER:

Attention arthritis sufferers, the program you are now watching features a powerful Arthritis Treatment called Eez-Away Relief.

Graphic:

(Scrolling down the screen) The program that you are now watching features a powerful Arthritis Treatment called EEZ-AWAY RELIEF.

This breakthrough pain reliever is so new, so revolutionary, that it's not yet available in stores.

However, if you or someone you love suffer from chronic aches, pains or stiffness, we have wonderful news.

Depiction:

Dr. Panicali rubbing Eez-Away on a woman's hand in an examining room

Superimposed text on close up of woman's hand:

Aches

Pains

Stiffness

For a limited time only the makers of Eez-Away are offering this amazing new pain remedy directly to you through this introductory TV offer.

Graphic:

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Arm bent at 90 degree angle, with the elbow enhanced in red. A bottle of Eez-Away comes from the right of the screen and then tips toward the reddened elbow, the top flips up, the red disappears, the top closes and the bottle comes to stand at the right hand side of the screen.

At last, you won't have to live with that nagging pain in your hands, back, arms, elbows, knees and other joints. With Eez-Away, you'll regain the vitality you once had to enjoy life again with mobility and freedom. Simple pleasures like biking, fishing, tennis, and fun with your family will all return once the pain is gone.

Depictions:

Screen, divided into four quadrants, with pictures of people bicycling, fishing, playing tennis, and swimming

Superimposed text:

Biking

Fishing

Tennis

Just apply Eez-Away to the painful area and soon you'll feel the power, the relief. Eez-Away is patented, and has no messy residue or strong medicine smell, and it's not taken internally so it won't upset your stomach like some pain relievers.

Depiction:

Man in locker room applying Eez-Away to his knee

Superimposed text:

Easy To Use

And doctors recommend it as safe, even on sensitive skin.

Depiction:

Dr. Panicali applying Eez-Away to patient's shoulder in examining room.

Superimposed text:

No Mess

No Strong Smell

With your order, you get an 8 oz. bottle of EEZ-AWAY Relief. That's a full 30 day supply.

We'll also include this beautiful, "Natural Care Workbook." It's 60 pages of valuable

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information to give you strength and to keep you limber once the pain is gone.

Depiction:

Close up of the front cover of booklet. On the cover is a stop sign with the words "THE PAIN STOPS HERE." Some of the contents of the book are shown, including drawings of exercises, someone receiving a massage, and three progressively smaller profiles of the human body.

This \$11.95 value is yours absolutely free.

Plus, if you call now, we'll also include another 8-oz. bottle of Eez-Away. Perfect for your purse or briefcase. It's a \$24.95 value free, just for trying Eez-Away.

The entire Eez-Away package, including 2 8-oz. bottles plus the natural care workbook, would cost over \$60.00 if sold separately. But now, through this special TV offer, you pay only \$39.95.

We're so confident that Eez-Away Relief will work for you, that we're offering a complete money back guarantee.

Superimposed text:

30 DAY GUARANTEE

1-800-938-2828

If you're not convinced that Eez-Away is the most effective pain remedy that you've ever tried, return it for a full refund.

So if you have arthritis that won't go away, order Eez-Away now. It's guaranteed, so you have nothing to lose but the pain. Call now.

Graphic:

Call

1 - 800 -938 -2828

\$39.95 + \$5.95 Shipping & Handling

EEZ - AWAY

P.O. Box A

Lincoln, KS 67455

ALLOW 4 TO 6 WEEKS FOR DELIVERY

OLSEN LABS, INC., 115 WEST ELM ST, LINCOLN, KS 67455

Have your credit card or checkbook ready and call 1-800-938-2828. A \$57.00 value for just \$39.95, plus \$5.95 shipping and handling. Call 1-800-938-2828 or send your check or money order to EEZ-AWAY, P.O. Box A, Lincoln, KS 67455, or call 1-800-938-2828.

END COMMERCIAL INSERT

Complaint

119 F.T.C.

JANNIE BUHR: Now, I can move the knee without any pain to it. I'm always surprised that I can use them and there's no pain. I mean, you know, I sit down, I lay down, I don't have the pain that I always had.

UNIDENTIFIED WOMAN #3: I use it for about ten minutes, all over, and it has no odor. And I got dressed, and about ten minutes later I -- there was no pain. It was like I -- it was hard to believe that there was actually no pain.

SAMUEL GREEN: But now that I use this Eez-Away, see, you can see for yourself [opening and closing his hands].

JULIA GABOR: But I just used it on my shoulder and I think that I knew that would help my shoulder within, within a week. I was, oh, I thought it was a miracle drug.

UNIDENTIFIED WOMAN #1: Since I've been using Eez-Away, I have a better grip, and I can do my laundry better, I can do my housework much better, and I can also comb my hair much better, because I couldn't raise my hand or hold a grip on the comb to comb my hair.

UNIDENTIFIED WOMAN #2: [Shuffling a deck of cards] And at one time I was not able to shuffle a deck of cards as I'm doing now. Since I've used Eez-Away, I'm able to shuffle the cards on my own with have -- without having someone do it for me. And it's the greatest thing to know that you can do it on your own.

Depiction:
The two anchors sitting behind a news desk.
To the left is a camera and cameraman.
Large superimposed text: 30 Minutes

Depiction:
Close-up of assorted over-the-counter medications, including Bufferin, Mineral Ice, Excedrin, Ben Gay, Heet, Icy Hot, Tylenol, and Advil.

DAVID FLYNN: This is just a sampling of some of the pain remedies that we found in our local drugstore. There are literally aisles full of pills and ointments that claim to relieve pain. Shelly, what makes Eez-Away so different?

SHELLY DUVALL: Well, the people that we spoke to, David, said simply that these remedies just don't work the way that Eez-Away does. They've been

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Complaint

searching for relief, they finally found it with this product.

DAVID FLYNN:

Next we have a woman who was crippled by arthritis pain until she found Eez-Away.

SHELLY DUVALL:

This is the true story of Dee Sanchez.

Depiction:

Dee Sanchez outside at a picnic.

SHELLY DUVALL (V/O):

Dee Sanchez lives in Lynnford, New Jersey. She's married and the mother of two girls. From these pictures you wouldn't know that a few short months ago she was suffering from severe chronic arthritis.

DEE SANCHEZ:

I just plain hurt. Sometimes I just wanted to sit down and cry because it was so frustrating because I couldn't -- I couldn't do all the things that were me. The simple things. To a lot of people it wouldn't matter. Cleaning my house, taking curtains down and washing them, hanging them back up. I couldn't do that.

SHELLY DUVALL (V/O):

Dee was in excruciating pain, and it wasn't only she that was suffering. The deterioration of Dee's physical and mental state was taking its toll on her family as well.

Depiction:

Sanchez's husband and daughters outside at a picnic table.

FRANK SANCHEZ:

We have a family that's close, and yet all want to do things together, and no fault to Dee on this thing, if I were in pain constantly, your nerves were on edge, and things that would not irritate someone normally, I mean the slightest little thing can, can set off an argument when none need have come. You tend to overreact when you're hurting.

VANESSA SANCHEZ:

She'd be, like, complaining, start dropping stuff, and, like, we'd ask to help, and she'd say, 'No! I can get it!' She'd tell us to go away.

FRANK SANCHEZ:

You react two ways. One with anger at yourself because you can't do anything about and probably frustration. Uh, with her -- but combined with her irritability it only made matters worse.

SHELLY DUVALL (V/O):

Dee was desperate, her life was falling apart. She tried everything.

DEE SANCHEZ:

I had tried just about every type of rub, every type of cream that came on the market. I'd go

Complaint

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SHELLY DUVALL (V/O):

buy it and give it a try. I'd tried a few, uh, I had an aunt that even made up some home remedies that were supposed to be from the old country that would help my arthritis and so forth. And nothing was doing any good.

Then one day Dee's luck changed. Dee was introduced to new Eez-Away Relief.

Depiction:

Sanchez pouring Eez-Away on to cotton ball and rubbing onto her shoulder.

The results were immediate and dramatic.

DEE SANCHEZ:

I think the first thing I noticed was just when I woke up in the morning just to [stretching] you know, you automatically stretch and I could stretch. I'm cooking again, my house is spotless again. I can clean.

DEE SANCHEZ (V/O):

I can fix my little one's hair every morning before she goes to school,

Depiction:

Sanchez braiding her daughter's hair. and sew,

Depiction:

Sanchez sewing on a button.

and scrub my floor the old fashioned way even though the kids laugh at me for doing it.

Depiction:

Sanchez mopping her floor.

I mean I can, I can hug my husband, and he can grab me all he wants. It doesn't hurt anymore.

Depiction:

Sanchez brushing her hair in front of the mirror and her husband comes and hugs her from behind

DEE SANCHEZ:

Everything that I've ever done,

it's -- it's back again.

Depiction:

Sanchez and family taking a walk.

SHELLY DUVALL (V/O)

Yes, Dee Sanchez is a happy woman today, enjoying life again. She's regained her health and her spirits, and her relationship with her family is better than ever.

Depiction:

Daughter jumping into Sanchez's arms and Sanchez catching her.

What does she think of Eez-Away Relief?

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Complaint

DEE SANCHEZ:

Wow! Here I am and I work, and I'm, I'm me again. I'm Dee. And that's the best thing I can say, I'm me again.

DAVID FLYNN:

This stuff must be very powerful.

SHELLY DUVALL:

Well, David, it certainly worked for Dee Sanchez. Her story is so inspiring, but we have seen this same story again and again with other people. People who had lost mobility, stopped being active because of the pain. They were able to get up and enjoy life with the help of Eez-Away.

Depiction:

Dr. Jackson examining Minnie Benjamin's wrist.

SHELLY DUVALL (V/O):

Another physician taking part in the Eez-Away test program was Dr. Thomas Jackson of Vero Beach, Florida. He's a cardiologist with a special concern for the effects of arthritis on a person's general health.

DR. THOMAS JACKSON:
Cardiologist

The arthritis is dangerous when -- when people tend to become sedentary. When they sit down and they tend to not move, and they tend not to walk, and not to exercise, they are limiting the-- their longevity, really. They don't do quite as well as people that are out there, active, and they're doing things. People who are older, many times feel, uh, young as long as they can do the things that, uh, younger people do.

I've had an opportunity to -- to give some samples, to see some people get responses, and to notice smiles on their faces and flexible joints. That's been good. That's been very good.

Depiction:

Dr. Jackson, in examining room, removing splint from Minnie Benjamin's wrist.

DR. JACKSON (V/O):

Minnie Benjamin has juvenile rheumatoid arthritis. Now juvenile rheumatoid arthritis begins in the teenage years. It can begin in childhood. She's had it for a long time. When I saw Minnie, she had a problem with her ankle and with her wrist and was unable to walk properly, limping, and had a splint on her hand. I gave her Eez-Away because I had used it in a few other instances. I mentioned to her to use it according to the directions.

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DR. JACKSON:

She came back the next morning, the splint was off and she wasn't limping.

So I was really impressed with that overnight response. You know, it's rather fabulous, rather amazing to say the least.

MINNIE BENJAMIN:
Medical technician

You see I'm not wearing my brace And I hope I don't have to put it on anymore because the Eez-Away has helped me get rid of it.

DAVID FLYNN:

Do you have arthritis? We'll tell you how to find out when 30 Minutes continues.

Depiction:

Two anchors sitting at desk, camera and cameraman off to the left

DR. THOMAS JACKSON:
Cardiologist

I'm not going to put my reputation on the line for -- for something that's -- that I am not convinced will be of a benefit of my patients. I'm certainly not going to recommend something that's going to harm them. It works! With this product, Eez-Away, I'm back to normal. I can walk again, I could bend down without being in pain, I could climb up the ladder. I don't have the pain that I did in the past.

SCOTT WALTER:
Business owner

I really used Eez-Away quite a bit -- for two hours straight, and in that two hours time, I was able to bring my finger down and touch my hand. So I was, I was impressed by that. And I stayed with the product and now I've got the mobility where I can close my hand, I'm able to use my hand, close my fist, I'm able to write, and I'm free to work with my hands again.

SANDY DUVALL:
Communications Specialist

After using Eez-Away, I don't have any problems. I have no pain, and I don't think about it any more. It's really, uh, it's like a new lease on life.

TOM BURKE:
Business Executive

Before the product, I could only open and close very slowly. Ever since I've been using it now I have full use of the hand [opening and closing hand]. I was out playing football with the kids yesterday, because now I can catch and throw the football. And as long as I use it, I got no fear.

COMMERCIAL INSERT

Graphic:

ATTENTION!

ARTHRITIS SUFFERERS

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Complaint

VOICE-OVER:

Attention arthritis sufferers, the program you are now watching features a powerful Arthritis Treatment called Eez-Away Relief.

Graphic:

(Scrolling down the screen) The program that you are now watching features a powerful Arthritis Treatment called EEZ-AWAY RELIEF.

This breakthrough pain reliever is so new, so revolutionary, that it's not yet available in stores.

However, if you or someone you love suffer from chronic aches, pains or stiffness, we have wonderful news.

Depiction:

Dr. Panicali rubbing Eez-Away on a woman's hand in an examining room

Superimposed text on close up of woman's hand:

Aches

Pains

Stiffness

For a limited time only the makers of Eez-Away are offering this amazing new pain remedy directly to you through this introductory TV offer.

Graphic:

Arm bent at 90 degree angle, with the elbow enhanced in red. A bottle of Eez-Away comes from the right of the screen and then tips toward the reddened elbow, the top flips up, the red disappears, the top closes and the bottle comes to stand at the right hand side of the screen.

At last, you won't have to live with that nagging pain in your hands, back, arms, elbows, knees and other joints. With Eez-Away, you'll regain the vitality you once had to enjoy life again with mobility and freedom. Simple pleasures like biking, fishing, tennis, and fun with your family will all return once the pain is gone.

Depictions:

Screen, divided into four quadrants, with pictures of people bicycling, fishing, playing tennis, and swimming

Superimposed text:

Biking,

Complaint

119 F.T.C.

Fishing

Tennis

Just apply Eez-Away to the painful area and soon you'll feel the power, the relief. Eez-Away is patented, and has no messy residue or strong medicine smell, and it's not taken internally so it won't upset your stomach like some pain relievers.

Depiction:

Man in locker room applying Eez-Away to his knee

Superimposed text:

Easy To Use

And doctors recommend it as safe, even on sensitive skin.

Depiction:

Dr. Panicali applying Eez-Away to patient's shoulder in examining room.

Superimposed text:

No Mess

No Strong Smell

With your order, you get an 8 oz. bottle of EEZ-AWAY Relief. That's a full 30 day supply.

We'll also include this beautiful, "Natural Care Workbook."

It's 60 pages of valuable information to give you strength and to keep you limber once the pain is gone.

Depiction:

Close up of the front cover of booklet. On the cover is a stop sign with the words "THE PAIN STOPS HERE." Some of the contents of the book are shown, including drawings of exercises, someone receiving a massage, and three progressively smaller profiles of the human body.

This \$11.95 value is yours absolutely free.

Plus, if you call now, we'll also include another 8-oz. bottle of Eez-Away. Perfect for your purse or briefcase. It's a \$24.95 value free, just for trying Eez-Away.

The entire Eez-Away package, including 2 8-oz. bottles plus the natural care workbook, would cost over \$60.00 if sold separately. But now, through this special TV offer, you pay only \$39.95.

161

Complaint

We're so confident that Eez-Away Relief will work for you, that we're offering a complete money back guarantee.

Superimposed text:

30 DAY GUARANTEE

1-800-938-2828

If you're not convinced that Eez-Away is the most effective pain remedy that you've ever tried, return it for a full refund.

So if you have arthritis that won't go away, order Eez-Away now. It's guaranteed, so you have nothing to lose but the pain. Call now.

Graphic:

Call

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\$39.95 + \$5.95 Shipping & Handling

EEZ-AWAY

P.O. Box A

Lincoln, KS 67455

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END COMMERCIAL INSERT
UNIDENTIFIED WOMAN #2:

It changed my life in the sense where I'm independent again. Where I can do for myself. I can tie my shoe. I can put my own stockings on, I don't need help to do that anymore. I can button my own clothes and comb my own hair, and it's making me feel like a woman again.

JOHN BOISE:

I've been trying a lot of different medications over the past two or three years trying to eliminate arthritis in my joints, and since I used Eez-Away, it just worked and it's like a miracle.

MARIE GIORDANO:

I wish everybody could feel the same relief that I felt three weeks ago when I first applied it. It's a wonderful feeling knowing that there is something out there that can work and it does work, it's positive thinking. And I would recommend it to everyone.

Depiction:

Complaint

119 F.T.C.

Two anchors sitting at news desk with camera and cameraman to left of screen.
 Superimposed text:
 30 Minutes

DAVID FLYNN: Needless to say, we are impressed with this new product, so we spoke with the person who developed this revolutionary new pain remedy.

PETER OLSEN:
 Developer of Eez-Away When we first developed Eez-Away, we knew it would relieve a lot of pain, and it has. Even doctors are amazed. As a matter of fact, we're so confident that we actually have a guarantee. Use the product for 30 days. If you're not satisfied, we'll return your money.

SHELLY DUVALL: Do you have arthritis? Here are the warning signs.

SHELLY DUVALL (V/O): Swelling in one or more joints.
 Early morning stiffness.
 Recurring pain or tenderness in any one joint.
 Inability to move a joint normally.
 Obvious redness and warmth in a joint.
 Unexpected weight loss, fever or weakness combined with joint pain.

Graphic:
Arthritis Warning-Signs
 Swelling
 Stiffness
 Pain or Tenderness
 Inability to Move Normally
 Redness and Warmth
 Weight Loss or Fever
 Weakness with Pain

DAVID FLYNN: If you have symptoms, you should begin to treat them immediately. Arthritis can be controlled, but the sooner you start, the better.

DR. THOMAS JACKSON:
 Cardiologist This medication is safe, topical, and will be able to get around many of the problems that we have not been able to get around before. Uh, it's going to make an impact, I believe, in the way we treat arthritis in the future.

JOHN BOISE: Sometimes my hands got so bad that literally I would have to take some time off from work because I couldn't stand the pain in my knuckles. Uh, now it's no problem. I have no pain whatsoever, my hands are fine, and I, I can go back to work and enjoy it and make a living.

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Complaint

SANDY DUVALL:

I followed the directions. It was real easy to put on, the smell didn't knock me out. And I used it three or four times the first day. And by the third time I put it on, I had absolutely no pain in my hand at all.

DR. PANICALI:
Doctor of Chiropractic

Eez-Away Relief is a perfect example that you should never give up. Patients that suffer from daily pain, there's something out there that can help you. I thank God that this is something that can bring these patients relief.

DEE SANCHEZ:

Who knows what my life would have been like? I could still be walking around in such pain that's totally unnecessary. So, anybody that is watching this, try it. It's worth it.

COMMERCIAL INSERT

Graphic:

ATTENTION!

ARTHRITIS SUFFERERS

VOICE-OVER:

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Complaint

119 F.T.C.

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Superimposed text:

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Fishing

Tennis

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Depiction:

Man in locker room applying Eez-Away to his knee

Superimposed text:

Easy To Use

And doctors recommend it as safe, even on sensitive skin.

Depiction:

Dr. Panicali applying Eez-Away to patient's shoulder in examining room.

Superimposed text:

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No Strong Smell

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Depiction:

Close up of the front cover of booklet. On the cover is a stop sign with the words "THE

161

Complaint

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END COMMERCIAL INSERT

DAVID FLYNN:

I hope you've enjoyed this 30 Minutes. And I hope we've shown you that you don't need to sit still for arthritis pain any longer.

Complaint

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Superimposed text at bottom of screen:

1-800-938-2828

SHELLY DUVALL:

Yes. Now you can fight back. It's your life, don't feel old before your time. If you have chronic pain, find a remedy that works for you and begin treatment right away. You'll be glad you did.

DAVID FLYNN:

Good luck, and we'll see you next time on "30 Minutes."

SHELLY DUVALL:

Good bye.

Depiction:

The two anchors sitting at the desk with a camera and cameraman in the left part of the screen.

Superimposed text:

Network Marketing International, Inc. (c) 1991.

Graphic:

This program has been a paid for advertisement by Olsen Labs Inc.

All rights reserved.

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EXHIBIT B

EEZ-AWAY THE PAIN

VOICE-OVER: This program is a paid for advertisement by Olsen Labs, Incorporated.

Graphic:
This program is a paid for advertisement by Olsen Labs, Inc.

EILEEN FULTON: Hi there, I'm Eileen Fulton. Oh, yes, I play that character on a daytime soap opera. Now if you or someone you know is suffering from arthritis, joint or muscle pain, I've got the best news for you, it's called Eez-Away Relief, and believe me, it works and it works fast, and I know because I use it and I just love it. Now please stay tuned because we're gonna tell you more.

MARIE GIORDANO: It's a good feeling about yourself. You're able to smile again, be happy again.

UNIDENTIFIED WOMAN #1: I'm very excited, yes, I'm very excited.

UNIDENTIFIED WOMAN #2: They wanna borrow it, but no one's getting it.

SCOTT WALTER: When I tried Eez-Away, I couldn't believe it.

SANDY DUVALL: A product that says it'll work that does work.

TOM BURKE: And it works every time.

DEE SANCHEZ: Wow! That's all, that's all I can do. Wow.

VOICE-OVER: This is the good life. For most people it means free time, friendship, happiness and good health. We all want to stay active no matter what our age, but tragically there is one common ailment that deprives many of us of this good life -- Arthritis.

Depictions:
People playing tennis, shuffleboard, horseshoes, fishing, swimming, and biking.

VOICE-OVER: Stay tuned, for in the next few moments, you'll learn about a fabulous new arthritis pain remedy called Eez-Away Relief.

Graphic:
EEZ-AWAY THE PAIN
We welcome you now to "EEZ-AWAY THE PAIN," with your host, one of daytime TV's most popular stars, Eileen Fulton.

EILEEN FULTON: Oh, for over 30 years I've been playing this real fun character on a daytime soap opera. I've seen a lot of changes since then. Television's come a long way, well so have I. Look, I'm not a teenager anymore, thank

Complaint

119 F.T.C.

goodness for that. But I have to admit, I have noticed some little aches and pains. My doctor said it's arthritis.

I'm sorry to say that there's no cure for arthritis just yet, but we can control the symptoms now, can't we. Many of us would just do anything to get rid of some of these aches and pains. Of course there's some of us who have serious arthritis, and that can be crippling.

I want you to listen to some of these stories.

JULIA GABOR:
Arthritis Sufferer

I had arthritis so bad. I was in bed for 6 months, no exercise. I had to get up, I was in a wheelchair.

SAMUEL GREEN:
Arthritis Sufferer

I had arthritis in these hands so bad it felt, it felt like somebody had a knife and then he'd rammed it in there [indicating his hand], then pulled it.

JANNIE BUHR:
Arthritis Sufferer

It's very hard on me now with visiting the grandchildren. I do not stay very long with them and I've always loved them and planned to stay with them before. But I can't, I just can't do it anymore.

MARIE GIORDANO:
Arthritis Sufferer

Well, I had my back, lower back pain for about three years, and it was just really so bad I couldn't walk. I had to take time off from work, and I was laid up for really two weeks at home on my back flat. I tried many things, and nothing really worked.

EILEEN FULTON:

Well, I certainly wasn't about to let that happen to me. I'm having too much fun to let a little arthritis slow me down. I have spent years searching for something that could relieve the pain so I could continue doing all the things I love to do. Finally, I found the answer, and it's called Eez-Away Relief. And it is amazing because it really does work, and it works fast. That's why I'm so excited to be telling you about this wonderful product. So stay tuned, because later, we'll tell you how you can get some of this amazing pain reliever for your very own self.

But first, let's hear from chiropractor Dr. John Panicali. He's been dispensing Eez-Away Relief to his patients for several years. We asked him why arthritis is so difficult to treat.

Depiction:

Dr. Panicali with patient in examining room.

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DR. JOHN PANICALI:
Doctor of Chiropractic

I find that the worst thing about arthritis is that half the people give up. They feel that once they have it there's nothing that can be done, and that's not necessarily true. We find that they give up on life. They become depressed, their exercise and their activity is limited. A lot of older patients start to gain weight because they are less active. So, it's a disease that affects the body, but I find that in more cases it affects the mind.

Depiction:

Dr. Panicali applying Eez-Away to a patient's shoulder and instructing patient on how to use the product.

EILEEN FULTON:

DR. PANICALI:

Dr. Panicali has had great results with Eez-Away Relief, but let him tell you himself.

Patients that we've been working with for many months now have reached a certain point of relief, but at that point, we've reached a stone wall. So we tried this product on those patients. And patients are coming back and telling me, "Doc, I don't know what that stuff was, but I'm getting further motion, I'm doing things now I never did before, for the first time I'm climbing stairs without pain, I can actually look over my shoulder when I back out of my driveway." The product is natural. There's no side effects. There's no way at all this product can harm you.

The best thing I find with Eez-Away Relief is that patients can return to their normal lifestyle. Patients have found that they can go on, they can do activities around the house, they can go back to their normal lifestyle, perform activities that they thought were long gone.

Depiction:

Dr. Panicali applying Eez-Away to a patient's shoulder and instructing patient on how to use product.

EILEEN FULTON:

Dr. Panicali introduced many of his patients to Eez-Away Relief. We asked a few of them for their reviews:

PAT MURANO:
Businessman

I'm the type of guy, just like you are, I don't believe everything somebody tells me unless I try it for myself. I've tried the product, Eez-Away Relief, I know it works.

Complaint

119 F.T.C.

JOHN BOISE:
Plant Manager

I tried it, every couple of hours for about three or four days, and the pain just disappeared completely. And so now I've been using it like once a week, and the pain just stays away; and I can start moving my hands a lot better than I ever used to be able to move them.

PATRICIA ROBINSON:
Travel Agent

I couldn't put up my hair. I couldn't lift my arms, I couldn't do anything with my right arm. And I started using the Eez-Away and I can now lift it.

MARIE GIORDANO:
Teacher's Aide

When I first applied it, I had very little hope that anything was going to help me. I have arthritis, and I figured that was it. But it really made me comfortable after the pain was gone. I felt "aahhh."

EILEEN FULTON:

I want you to know these folks have not been paid to endorse this product. They're real people who've had real results. Eez-Away is giving a lot of people hope. Even people who've tried it all. Before I tried Eez-Away, I wanted to know if it was completely safe. I can assure you that Eez-Away meets with all FDA requirements and it contains only ingredients that are recognized by the FDA as both safe and effective for pain relief. Now, right now we're going to take a moment to tell you once more how you can order Eez-Away for your very own, so you stay tuned.

DEE SANCHEZ:

This just worked. I put it on and I don't hurt - it's everything I could have ever have asked for, it's given me back my life.

Superimposed text:

EEZ-AWAY gets results.

COMMERCIAL INSERT

Graphic:

Attention! Arthritis Sufferers.

The program that you are now watching features a powerful arthritis treatment called EEZ-AWAY RELIEF.

VOICE-OVER:

Attention arthritis sufferers, the program you are now watching features a powerful arthritis remedy called Eez-Away Relief.

This breakthrough pain reliever is so new, so revolutionary, that it's not yet available in stores.

However, if you or someone you love suffers from chronic aches, pain or stiffness we have wonderful news.

Depiction:

161

Complaint

Dr. Panicali rubbing Eez-Away on a woman's hand in the examining room.

Superimposed text on close up of woman's hand:

Aches

Pains

Stiffness

For a limited time only, the makers of Eez-Away are offering this new pain remedy directly to you through this special introductory TV offer.

At last, you won't have to live with that nagging pain in your hands, back, arms, elbows, knees and other joints.

Graphic:

Arm bent at 90 degree angle, with the elbow enhanced in red. A bottle of Eez-Away comes from the right of the screen and tips toward the reddened elbow, the top flips up, the red disappears, the top closes and the bottle comes to stand at the right hand side of the screen.

Superimposed text:

Hands

Back

Elbows

Knees

Other Joints

With Eez-Away, you'll regain the vitality you once had to enjoy life again with mobility and freedom. Simple pleasures like biking, fishing, tennis, and fun with your family will all return once the pain is gone.

Depiction:

Screen, divided into four quadrants, with pictures of people bicycling, fishing, playing tennis, and swimming

Superimposed text:

Biking

Fishing

Tennis

Just apply Eez-Away to the painful area and soon you'll feel the power, the relief.

Depiction:

Man in locker room applying Eez-Away.

Superimposed text:

Easy to use.

Complaint

119 F.T.C.

Eez-Away is patented. It has no messy residue or strong medicine smell, and it's not taken internally so it won't upset your stomach like some pain relievers.

Depiction:

Dr. Panicali applying Eez-Away to woman's shoulder in examining room.

Superimposed text:

No mess

No strong smell

And doctors recommend it as safe even for sensitive skin.

Depiction:

Dr. Panicali giving bottle of Eez-Away to patient.

With your order you get two 8 oz. bottles of Eez-Away Relief. That's a full 60 day supply.

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We're so confident that Eez-Away will work for you that we offer a complete money back guarantee.

Superimposed text:

161

Complaint

30 Day Guarantee.

If you're not convinced that Eez-Away is the most effective pain remedy you've ever tried, return it for a full refund and keep the arthritis workbook as our gift to you.

Superimposed text (appears above Guarantee, in smaller type): Individual Results May Vary
So if you have arthritis that won't go away, order Eez-Away now. It's guaranteed, so you have nothing to lose but the pain. Call now.

Superimposed text:

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Graphic:

EEZ-AWAY RELIEF \$29.95 *plus \$5.95 shipping,*

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Sun Valley, CA 91352

1-800-674-5700

allow 1-3 weeks delivery

30 day money back guarantee

Stop the pain. Enjoy life again with Eez-Away. With this special offer, you get two bottles of Eez-Away and a natural care workbook packed with information and exercises to keep you limber and build strength. Call now and get a third bottle free to share. The entire 80 dollar Eez-Away package can be yours for just \$29.95 plus shipping. There's no risk. You have nothing to lose but the pain. Use your credit card and call 1-800-647-5700. Or mail check or money order to EEZ-AWAY.

END COMMERCIAL INSERT

Superimposed text:

(displayed during all of the following testimonials)

1-800-674-5700

JANNIE BUHR:

Now, I can move the knee without any pain to it. I'm always surprised that I can use them and there's no pain, I, you know, I sit down, I lay down. I don't have the pain that I always had.

SCOTT WALTER:

I stayed with the product and now I've got the mobility where I can close my hand, I'm able to use my hand, close my fist, able to write and free to work with my hands again.

SAMUEL GREEN:

But now that I use this Eez-Away, see, you can see for yourself [moving hands].

Complaint

119 F.T.C.

JULIA GABOR:

Well I just used it on my shoulder and I think I knew that that was helping my shoulder within, within a week.

UNIDENTIFIED WOMAN 1:

Since I've been using Eez-Away, I have a better grip and I can do my laundry better. I can do my housework much better and I can also comb my hair much better because I couldn't raise my hand or hold a grip on the comb to comb my hair.

UNIDENTIFIED WOMAN #2:

[Shuffling cards] And at one time I wasn't able to shuffle a deck of cards, as I'm doing now, since I've used Eez-Away I'm able to shuffle the cards on my own without having someone do it for me, and it's the greatest thing to know that you can do it on your own.

VOICE-OVER:

We welcome you back to "EEZ-AWAY THE PAIN," with you host, one of daytime TV's most popular stars, Eileen Fulton.

Graphic:

Eez-Away the Pain

With

Eileen Fulton

EILEEN FULTON:

When you're in pain, sometimes the slightest little movement can be so difficult. And if you're like I am, you'll search everywhere trying to find the right medication. And there's so many things on the market today, so what makes Eez-Away so different? Well, for me it works and from the testimony of all these other people, you see I'm not by myself. Now I want you to meet a woman who has really suffered terribly from arthritis pain until she found Eez-Away. This is the true story of Dee Sanchez.

Depiction:

Sanchez family having a picnic.

Dee Sanchez lives in Lindhurst, New Jersey, she's married and the mother of two girls. From these pictures, you wouldn't know that just a few short months ago she was suffering from severe chronic arthritis.

DEE SANCHEZ:

I just plain hurt. Sometimes I just wanted to sit down and cry because it was so frustrating, because I couldn't, I couldn't do all the things that were me. They're simple things, to a lot of people, it wouldn't matter. Cleaning my house, taking the curtains down, washing

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Complaint

them, hanging them back up. I couldn't do that.

EILEEN FULTON: Dee was in excruciating pain. And it wasn't only she who was suffering. The deterioration of Dee's physical and mental state was taking it's toll on her family as well.

FRANK SANCHEZ: We have a, a family that's close and yet we all want to do things together and, no fault to Dee on this thing, if I were in pain constantly, uh, your nerves are on edge and things that would not irritate someone normally the slightest little thing can, can set off an argument when none need to have come -- you tend to overreact when you're hurting.

VANESSA SANCHEZ: She'd be like complaining, she kept dropping stuff, and like we'd ask to help, and she'd say "No I can get it!" And she'd just tell us to go away.

FRANK SANCHEZ: You react in two ways, one with anger at yourself because you can't do anything about it, and probably frustration with her, combined with her irritability, it only made matters worse.

EILEEN FULTON: Dee was desperate, her life was falling apart. She tried everything.

Superimposed text:
The program you are watching is a paid advertisement for Eez-Away Relief.

DEE SANCHEZ: I had tried just about every type of rub, every type of cream that came on the market. I'd go buy it and give it a try. I'd tried a few, uh, I had an aunt who even made up some home remedies that were supposed to be from the old country that would help my arthritis and so forth. And nothing was doing any good.

Depiction:
Dee pouring Eez-Away onto a cotton ball and applying to her shoulders.

EILEEN FULTON: Then one day Dee's luck changed. She was introduced to new Eez-Away Relief. The results were immediate and dramatic.

DEE SANCHEZ: I think the first thing I noticed was just that I woke up in the morning just to, you know you automatically stretch, and I could stretch. I'm cooking again, my house is spotless again, I can clean, I can fix my little one's hair every morning before she goes to school, sew, and scrub my floors the old fashioned way even

Complaint

119 F.T.C.

though the kids laugh at me for doing it, I can I mean I can hug my husband and he can grab me all he wants - it doesn't hurt anymore, everything that I've ever done, it's back again. Depictions:

EILEEN FULTON:

Dee sewing, mopping, doing her hair and her daughter's and hugging her husband. Yes, Dee Sanchez is a happy woman today. Enjoying life again. She's regained her health, and her spirit and her relationship with her family is better than ever. What does she think of Eez-Away Relief?

DEE SANCHEZ:

Wow! Here I am and I work and I'm, I'm me again, I'm Dee and that's the best thing I can say, I'm me again.

EILEEN FULTON:

[Playing piano] Do you know, when my arthritis flares up I can't even play this simplest little piece, and it breaks my heart because I really love the piano. But now that I have my Eez-Away, there's no stopping me, no sir. If you have pain that limits your activity, don't you wait another minute--Eez-Away really does work. But don't just take it from me, here's another doctor who's become an Eez-Away believer.

Depiction:

Dr. Jackson, in an examining room, examining Minnie Benjamin's wrist.

This is Doctor Thomas Jackson of Vero Beach, Florida. He's a cardiologist with special concern for the effects of arthritis on a person's general health.

DR. JACKSON:
Cardiologist

Arthritis is dangerous when, when people tend to become sedentary, when they sit down and they tend to not move, they tend not to walk, not to exercise. They are limiting the, their longevity, really, they don't do quite as well as people that are out there, active, and they're doing things. People who are older, many times, feel, uh, young as long as they can do the things that, uh, younger people do. I've had an opportunity to, to give some samples, to see some people get responses and to notice smiles on their faces and flexible joints. That's been good, that's been very good.

Depiction:

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Complaint

MINNIE BENJAMIN:
Medical Technician

PHIL SABATO:
Science Teacher

SCOTT WALTER:
Business Owner

JULIA GABOR:
Arthritis Sufferer

SANDY DUVALL:
Communications Specialist

TOM BURKE:
Business Executive

DR. JACKSON:

Doctor Jackson, in examining room, removing wrist splint from Minnie Benjamin.

Minnie Benjamin has juvenile rheumatoid arthritis. Now juvenile rheumatoid arthritis begins in the teenage years. It can begin in childhood. She's had it for a long time. When I saw Minnie, she had a problem with her ankle and with her wrist and was unable to walk properly, limping, and had a splint on her hand. I gave her Eez-Away because I had used it in a few other instances. I mentioned to her to use it according to the directions. She came back the next morning, the splint was off and she wasn't limping.

So I was really impressed with that overnight response. You know, it's rather fabulous, rather amazing to say the least.

You see I'm not wearing my brace. And I hope I don't have to put it on anymore because the Eez-Away has helped me get rid of it.

With this product, Eez-Away, I'm back to normal. I can walk again, I could bend down without being in pain, I could climb up the ladder. I don't have the pain that I did in the past.

I really used Eez-Away quite a bit for two hours straight, and in that two hours time I was able to bring my finger down and touch my hand. So I was, I was impressed by that. I'm very satisfied with it and I intend to use it until even, until I forget that I even have that grab pain every now and then.

After using Eez-Away, I don't have any problems. I have no pain, and I don't think about it anymore. It's really, uh, it's like a new lease on life.

Before the product I could only open and close very slowly. But since I've been using it, I have full use of the hands. [Opens and closes his hands]. I was out playing football with the kids yesterday, because now I can catch and throw the football and as long as I use it I got my freedom.

I'm not going to put my reputation on the line or for something that I am not convinced will be of a benefit to my patients. And I'm certainly not going to recommend something that's gonna harm them. It works. It's simple.

Complaint

119 F.T.C.

EILEEN FULTON:

COMMERCIAL INSERT

VOICE-OVER:

It is effective. The proof is in the pudding. All I say is try the pudding, you know, taste it for yourself, try it.

Eez-Away is so easy to use, I'll show you how in just a minute. But first, here's another chance to order Eez-Away through our introductory TV offer.

Graphic:

Attention! Arthritis Sufferers.

The program that you are now watching features a powerful arthritis treatment called EEZ-AWAY RELIEF.

Attention arthritis sufferers, the program you are now watching features a powerful arthritis remedy called Eez-Away Relief.

This breakthrough pain reliever is so new, so revolutionary, that it's not yet available in stores.

However, if you or someone you love suffers from chronic aches, pain or stiffness we have wonderful news.

Depiction:

Dr. Panicali rubbing Eez-Away on a woman's hand in the examining room.

Superimposed text on close up of woman's hand:

Aches

Pains

Stiffness

For a limited time only, the makers of Eez-Away are offering this new pain remedy directly to you through this special introductory TV offer.

At last, you won't have to live with that nagging pain in your hands, back, arms, elbows, knees and other joints.

Graphic:

Arm bent at 90 degree angle, with the elbow enhanced in red. A bottle of Eez-Away comes from the right of the screen and tips toward the reddened elbow, the top flips up, the red disappears, the top closes and the bottle comes to stand at the right hand side of the screen.

Superimposed text:

Hands

Back

Elbows

Knees

161

Complaint

Other Joints

With Eez-Away, you'll regain the vitality you once had to enjoy life again with mobility and freedom. Simple pleasures like biking, fishing, tennis, and fun with your family will all return once the pain is gone.

Depiction:

Screen, divided into four quadrants, with pictures of people bicycling, fishing, playing tennis, and swimming

Superimposed text:

Biking

Fishing

Tennis

Just apply Eez-Away to the painful area and soon you'll feel the power, the relief.

Depiction:

Man in locker room applying Eez-Away.

Superimposed text:

Easy to use.

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Dr. Panicali applying Eez-Away to woman's shoulder in examining room.

Superimposed text:

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No strong smell

And doctors recommend it as safe even for sensitive skin.

Depiction:

Dr. Panicali giving bottle of Eez-Away to patient.

With your order you get two 8 oz. bottles of Eez-Away Relief. That's a full 60 day supply. Plus, when you call we'll also send you this valuable guide to natural arthritis treatment: "The Pain Stops Here." It shows you how exercise, diet, posture and more can fight the affects of arthritis and put you in control again. It's an \$11.95 value, but it can be yours free just for trying Eez-Away.

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Complaint

119 F.T.C.

one. This "pass-along" bottle makes a great gift and it's yours absolutely free if you call now.

When you order you'll get two 8 oz. bottles of Eez-Away plus the free "pass-along" bottle for a total of three bottles of Eez-Away Relief. That's a 90 day supply. Plus, you also get the arthritis care workbook, "The Pain Stops Here," absolutely free.

The entire package including all this would cost over 80 dollars if sold separately, but now through this special TV offer, it can be yours for \$29.95. That's a savings of over 50 dollars. Now save money while you stop the pain just pennies a day for Eez-Away Relief.

We're so confident that Eez-Away will work for you that we offer a complete money back guarantee.

Superimposed text: 30 Day Guarantee.

If you're not convinced that Eez-Away is the most effective pain remedy you've ever tried, return it for a full refund and keep the arthritis workbook as our gift to you.

Superimposed text (appears above Guarantee, in smaller type): Individual Results May Vary
So if you have arthritis that won't go away, order Eez-Away now. It's guaranteed, so you have nothing to lose but the pain. Call now.

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Graphic:

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10847 Sherman Way *CA residents add sales tax*

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1-800-674-5700

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Complaint

call 1-800-647-5700. Or mail check or money order to EEZ-AWAY.

END COMMERCIAL INSERT

Superimposed text:

(displayed during all of the following testimonials)

1-800-674-5700

UNIDENTIFIED WOMAN #2:

It's changed my life in the sense where I'm independent again, where I can do for myself, I can tie my shoe, I can put my own stockings on, I don't need help to do that anymore. I can button my own clothes and comb my own hair and it's making me feel like a woman again.

JOHN BOISE:

I've been trying a lot of different medications over the past two or three years trying to eliminate arthritis in my joints, and since I used Eez-Away, it just worked and it's like a miracle.

JULIA GABOR:

I'm very grateful that somebody told me about it. It's nothing to keep secret.

SCOTT WALTER:

Listen, I gotta tell you right now, you'd better line up and you'd better start signing up, because this stuff works.

MARIE GIORDANO:

I wish everybody could feel the same relief that I felt 3 weeks ago when I first applied it. It's a wonderful feeling knowing that there is something out there that can work and it does work. It's positive thinking, and I would recommend it to everyone.

VOICE-OVER:

We welcome you back to "EEZ-AWAY THE PAIN," with your host, one of daytime TV's most popular stars, Eileen Fulton.

Graphic:

Eez-Away the Pain

With

Eileen Fulton

EILEEN FULTON:

I'm getting ready to go out, and I'm going to dance all night long with the help of Eez-Away. Not so long ago, I couldn't do that, but now I'm just going to apply Eez-Away. It works so fast and it lasts so long, now I'm going to have a wonderful time. Now let's meet the man who developed this revolutionary pain remedy, Mr. Peter Olsen.

PETER OLSEN:

Developer of Eez-Away

When we first developed Eez-Away, we knew it would relieve a lot of pain, and it has. Even doctors are amazed. As a matter of fact,

Complaint

119 F.T.C.

DR. JACKSON:
Cardiologist

we're so confident that we actually have a guarantee. Use the product for 30 days. If you're not satisfied, we'll return your money. This medication is safe, topical, and will be able to get around many of the problems that we have not been able to get around before. It's going to make an impact, I believe, in the way we treat arthritis in the future.

JOHN BOISE:

Sometimes my hands got so bad that literally I would have to take some time off from work because I couldn't stand the pain in my knuckles. Now there's no problem, I have no pain whatsoever, my hands are fine, and I can go back to work and enjoy it and make a living.

SANDY DUVALL:

I followed the directions. It was really easy to put on, the smell didn't knock me out. And I used it three or four times the first day. And by the third time I put it on, I had absolutely no pain in my hand at all.

DR. PANICALI:
Doctor of Chiropractic

Eez-Away Relief is a perfect example that you should never give up. Patients that suffer from daily pain, there's something out there that can help you. I thank God that this is something that can bring these patients relief. Who knows what my life would have been like I could still be walking around in such pain that's totally unnecessary. So anybody that is watching this, try it, it's worth it.

DEE SANCHEZ:

EILEEN FULTON:

With this money back guarantee, what are you waiting for? If you have arthritis you simply must try Eez-Away. By not treating your arthritis, you actually may be making it worse. Here again is the information on how to order yours.

COMMERCIAL INSERT

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Complaint

119 F.T.C.

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END COMMERCIAL INSERT

EILEEN FULTON:

Well, I certainly hope you've enjoyed our show today. I have had a good time doing it for you. And I hope we've helped you realize you don't have to sit still for arthritis pain anymore, not now that we have Eez-Away. So yes, yes, you can fight back, so do. It's your life.

Superimposed text (from here until end):

1-800-647-5700

Don't feel old before your time. If you have pain, try Eez-Away right now. Boy you'll be so glad you did. Well, I have to go, so good luck to you and bye.

Depiction:

Complaint

119 F.T.C.

Eileen Fulton getting into limousine and driving away from mansion.

Superimposed text:

Presented by Olsen Labs, Inc.

Produced by New Look Production.

Copyright 1993. Olsen Labs, Inc.

Graphic:

This program is a paid for advertisement by Olsen Labs, Inc.

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 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 violations of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by 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 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 Olsen Laboratories, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its principal office and place of business located at 11088 Alhambra Street, Leawood, Kansas.

Respondent Richfield Distributors, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal office and place of business located at 11088 Alhambra Street, Leawood, Kansas.

Respondent Peter F. Olsen is an officer and director of Olsen Laboratories, Inc. and Richfield Distributors, Inc. He formulates, directs and controls the acts and practices of Olsen Laboratories, Inc.

and Richfield Distributors, Inc., and his address is the same as that of said corporations.

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, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of Eez-Away Relief 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 the product is a new or unique method of treatment for arthritis pain or is a breakthrough in the treatment of arthritis pain.

For purposes of this provision, "substantially similar product" shall mean any external analgesic that contains menthol as the active ingredient.

II.

It is further ordered, That respondents, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any drug in or affecting commerce, as "drug" and "commerce" are defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. The product rapidly eliminates severe pain and physical disabilities suffered by those persons with arthritis or other similar conditions; or

B. The product provides long-term pain relief; or

C. The product increases the range of motion in the affected joints of those persons with arthritis or other similar conditions; or

D. The product is more effective than other products in relieving pain or in treating the symptoms of those persons with arthritis or other similar conditions; or

E. The product relieves the pain of those persons with arthritis or other similar conditions by penetrating through the skin to the affected joint;

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 provision, "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 representation covered by subparts A, B and D of this Part and any representation covered by subpart C of this Part other than a representation that the product may temporarily increase the range of motion in the affected joints of people with arthritis by temporarily relieving minor pain in those joints, "competent and reliable scientific evidence" shall mean adequate and well-controlled, double-blind clinical testing conforming to acceptable designs and protocols and conducted by a person or persons qualified by training and experience to conduct such testing.

III.

It is further ordered, That respondents, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any corporation,

subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service for personal or household use in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication, about the health or medical benefits of any such product or service 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 provision, "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.

IV.

It is further ordered, That respondents, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service for personal or household use, 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 such product or service is a new or unique method of treatment for any disease or condition, or is a breakthrough in the treatment of any disease or condition.

V.

It is further ordered, That respondents, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents,

representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service for personal or household use, 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, the existence, contents, validity, results, conclusions or interpretations of any test or study.

VI.

It is further ordered, That respondents, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service for personal or household use, 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 any endorsement (as "endorsement" is defined in 16 CFR 255.0(b)) of such product or service represents the typical or ordinary experience of members of the public who use such product or service, unless respondents, at the time of making such representation, possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation. For purposes of this provision, "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, however, that respondents may use such endorsements if the statements or depictions that comprise the endorsements are true and accurate, and if respondents disclose clearly and prominently and in close proximity to the endorsement what the generally expected performance would be in the depicted

circumstances or the limited applicability of the endorser's experience to what consumers may generally expect to achieve, that is, that consumers should not expect to experience similar results.

VII.

It is further ordered, That respondents, Olsen Laboratories, Inc. and Richfield Distributors, Inc., corporations, their successors and assigns, and their officers; and Peter F. Olsen, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from creating, producing, selling, or disseminating:

A. Any advertisement that misrepresents, directly or by implication, that it is not a paid advertisement;

B. Any commercial or video advertisement fifteen (15) minutes in length or longer or intended to fill a broadcasting or cablecasting time slot of fifteen (15) minutes in length or longer that does not display visually, in a clear and prominent manner and for a length of time sufficient for an ordinary consumer to read, within the first thirty (30) seconds of the commercial and immediately before each presentation of ordering instructions for the product or service, the following disclosure:

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

Provided that, for the purposes of this provision, the oral or visual presentation of a telephone number or address for viewers to contact to place an order for the product or service shall be deemed to be a presentation of ordering instructions so as to require the display of the disclosure provided herein.

VIII.

Nothing in this order shall prohibit respondent from making any representation for any drug that is permitted in labeling for any such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration.

IX.

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 materials that were relied upon in disseminating such representation; and

B. 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.

X.

It is further ordered, That respondents Olsen Laboratories, Inc. and Richfield Distributors, Inc. shall notify the Commission at least thirty (30) days prior to any proposed change in their corporate structure, 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 corporate change that may affect compliance obligations arising out of this order.

XI.

It is further ordered, That respondents Olsen Laboratories, Inc. and Richfield Distributors, Inc. shall:

A. Within thirty (30) days of service of this order, provide a copy of this order to each of their 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 their 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 who are associated with it or any subsidiary, successor, or assign, within three (3) days after the person assumes his or her position.

XII.

It is further ordered, That respondent Peter F. Olsen shall, for a period of seven (7) 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. Each notice of affiliation with any new business or employment shall include the 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.

XIII.

It is further ordered, That respondents 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.

Commissioner Azcuenaga recused.

IN THE MATTER OF

AMERICAN HOME PRODUCTS CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT AND SEC. 5 OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-3557. Complaint, Feb. 14, 1995--Decision, Feb. 14, 1995*

This consent order requires, among other things, the New Jersey-based corporation to divest its tetanus and diphtheria vaccine business to a Commission-approved buyer; to license Cyanamid's rotavirus vaccine research to a Commission-approved licensee; and to change a previously established licensing agreement to ensure that it does not obtain certain competitively sensitive information. The consent order also prohibits, for ten years, the respondent from acquiring any interest in any entity engaged in the clinical development, manufacture, or sale of tetanus, diphtheria, or rotavirus vaccines in the United States without prior Commission approval.

Appearances

For the Commission: *Claudia Higgins, Ann Malester and Mary Lou Steptoe.*

For the respondent: *Michael Sohn, Arnold & Porter, Washington, D.C. Kenneth Logan, Simpson, Thacher & Bartlett, New York, N.Y. Kenneth Prince, Sherman & Sterling, New York, N.Y.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission ("Commission"), having reason to believe that respondent, American Home Products Corporation ("AHP"), a corporation subject to the jurisdiction of the Commission, has agreed to acquire all of the voting stock of American Cyanamid Company ("Cyanamid"), a corporation subject to the jurisdiction of the Commission, in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act as amended, ("FTC Act"), 15 U.S.C. 45; and it appearing to the Commission that a proceeding in respect thereof