

Complaint

123 F.T.C.

IN THE MATTER OF

VICTORIA BIE

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

Docket C-3708. Complaint, Jan. 22, 1997--Decision, Jan. 22, 1997

This consent order prohibits, among other things, a California-based dietary supplement manufacturer, Victoria Bie d/b/a Body Gold, from making certain claims for dietary supplements, without competent and reliable scientific evidence to support them; from misrepresenting the results of any test, study or research; and from representing that any testimonial or endorsement is the typical experience of users of the advertised product, unless the claim is substantiated or the respondent discloses the generally expected results clearly and prominently.

Appearances

For the Commission: *Janice Charter and Sohni Bendiks.*

For the respondent: *H. Patrick Noonan, Woodland Hills, CA.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Victoria Bie doing business as Body Gold ("respondent") has 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 Victoria Bie is the sole proprietor of Body Gold, a California company with its principal office or place of business located at 5930 La Jolla Hermosa, La Jolla, California. Respondent formulates, directs, and controls the acts and practices of Body Gold, including the acts and practices alleged in this complaint.

PAR. 2. Respondent has advertised, offered for sale, sold, and distributed nutritional supplements, including, but not limited to, Chromium Picolinate (200 and 400 mcg), 24K with Chromium Picolinate, Daily Energy Formula (with Chromium Picolinate), and CitriGold (with Chromium Picolinate and Hydroxycitric Acid), collectively referred to as "Chromium Picolinate," as weight loss, fat loss, muscle enhancing and/or muscle building aids. Respondent has

also advertised, offered for sale, sold and distributed the nutritional supplements L-Carnitine and Super Fat Burner Formula (containing L-Carnitine) as products that increase stamina or endurance, as well as aid in fat loss, weight loss and muscle toning. Each of respondent's nutritional supplements is a "food" and/or "drug" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act, 15 U.S.C. 52, 55.

PAR. 3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44.

PAR. 4. Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for Chromium Picolinate, including but not necessarily limited to the attached Exhibits A-L. These advertisements and promotional materials contain the following statements:

1. "LOSE THE FAT BUT KEEP THE MUSCLE...Chromium Picolinate" (Exhibit A, pgs. 1 and 2)
2. "There is now excellent scientific evidence that Chromium Picolinate can accelerate fat loss while helping to preserve or even increase muscle." (Exhibit A, pg. 2)
3. "Another double blind-study [Evans'] was conducted in young off-season football players participating in a six-week weight-training program. The results were the same: more muscle, less fat with Chromium Picolinate. Chromium Picolinate more than doubled the net benefits of exercise alone." (Exhibit A, pg. 2, col. 2)
4. "Stimulates Metabolism" (Exhibit A, pg. 3, col. 1)
5. "Chromium Picolinate helps you to KEEP THE MUSCLE - and maintain or increase your metabolic rate - while LOSING THE FAT." (Exhibit B, pg. 2, col. 2)
6. "CHROMIUM PICOLINATE FOR LESS FAT AND MORE MUSCLE" (Exhibits F, I, J, and K)
7. "BODY GOLD will rev up your sluggish metabolism so that you'll 'burn' fat and calories the way Mother Nature intended." (Exhibit C, pg. 1, col. 2)
8. "In fact, because of the way BODY GOLD works, you may even find that your 'inch loss' is much more dramatic than your overall weight loss." (Exhibit C, pg. 1, col. 2)
9. "...[Chromium Picolinate] has been shown in numerous human and animal studies to reduce body fat while increasing muscle." (Exhibit B, pg. 2, col. 2)
10. "In the 1988-89 groundbreaking studies, people given 200 micrograms of Chromium Picolinate daily lost 22% of their body fat in six weeks!" (Exhibit D, pg. 2, col. 2)
11. "People given Chromium Picolinate lost 22% of their body fat in six weeks. Moderate exercise routines were followed: no dietary restrictions were imposed." (Exhibit F)

12. "22% LESS BODY FAT IN SIX WEEKS with Chromium Picolinate" (Exhibit G)

13. "22% LESS BODY FAT"

"In a breakthrough university study with Chromium Picolinate, fat loss was dramatic: [GRAPH] Unhealthy body fat decreased 17% in only 2 weeks and continued to an average 22% loss at the end of the 6-week study. In only six weeks, participants given Chromium Picolinate lost 22% of their body fat!" (Exhibit H)

14. "Numerous studies now show that supplemental CHROMIUM PICOLINATE promotes fat loss and increases lean muscle. 200 micrograms taken daily can offer dramatic fitness benefits." (Exhibits G, I, K)

15. "UNIVERSITY STUDIES IDENTIFY CHROMIUM PICOLINATE as a 'trigger' for fat loss and lean muscle development." (Exhibit F)

16. "People taking Chromium Picolinate lost 22% of their body fat in only six weeks in a 1989 university study. Since then, numerous studies and millions of people have confirmed the exciting benefits of this safe, essential nutrient. Men and women across the country are talking about: LESS BODY FAT * WEIGHT LOSS * 'INCH LOSS' * MORE ENERGY * MORE LEAN MUSCLE * GREATER STAMINA * APPETITE CONTROL * LESS DESIRE FOR SWEETS" (Exhibits I, J, K)

17. "These and subsequent published studies show that Chromium Picolinate:

- *increases body fat metabolism
- *lowers elevated cholesterol levels
- *builds stronger, leaner muscle
- *regulates blood sugar
- *promotes longer life span in laboratory rats" (Exhibit D, pg. 2, col. 2)

18. "Medical studies show that Chromium Picolinate can also:

- *reduce cholesterol levels
- *regulate blood sugar" (Exhibit C, pg. 1, col. 1)

19. "The Fitness Essential * CHROMIUM PICOLINATE Less body fat * More muscle * Lower cholesterol * Blood sugar control * Weight loss" (Exhibit D, pg. 2)

20. "Recent clinical studies have used 400 micrograms of chromium to produce excellent weight-loss and fat-loss results. Your reward can be substantially greater fitness benefits when you DOUBLE THE CHROMIUM POWER. And Chromium Picolinate is perfectly safe at these reasonable, healthy amounts." (Exhibit E)

21. Testimonials from Exhibit L, Body Gold advertisement:

A. "Lost 13 pounds and feel great-thanks to Body Gold!" G.B., Mohrsville, PA

B. "Since I started Body Gold products I have lost a total of 36 inches and 64 pounds. I'm a proud Body Gold user." Karen Suleiman, Livonia, MI

C. "I've lost 20 pounds so far, and many, many inches!!...." Jennifer Papagno, Marlboro, MA

D. "Body Gold has become an important part of my daily life. I no longer crave chocolate or any sweets, and my appetite has decreased also. I've lost inches all over." Joan Decker, Troy, NY

E. "I saw inch loss in just a few days, and also a loss of appetite. I have more energy than ever." N.W., Wichita, TX

F. "Your product (Chromium Picolinate) is so great, in 2 weeks, I've lost inches already. I haven't eaten or craved sweets..." S.C., Buena Park, CA

G. "You have made me a believer. I could not get any of my dresses to fit when I needed to attend a special event. I started the 200 mcg chromium that day. One month later I can once again wear my clothes. I feel great! Thank you!" Marcy Baker, Bend, OR

H. "This is the best thing that I have ever tried and got results so fast! I have several friends as well as myself who have lost 20 pounds or more." M.G., Rocky Mtn., NC

I. "I lost lots of inches and 2 dress sizes!" G.H., Columbus, OH

J. "I feel great since starting Daily Energy Formula and I have lost 10 lbs. in the past month since starting Chromium Picolinate." M.S., Madison Hts., VA

K. "I tried your Dual Pak of Super Fat Burner Formula in combination with the Chromium Picolinate, and I AM HOOKED! I noticed immediate and dramatic fat loss, while I've noticed more muscle. I've finally managed to lose those impossible last 5 lbs. almost effortlessly." K.M., Edgewood, NM

L. "I lost 7-1/2 lbs. in 2 weeks with absolutely no change in diet - I feel better and want less food." Mary Guzy, Los Angeles, CA

M. "I've lost 10 pounds without trying to diet with this product. I feel great!" Sally Wymer, Friendswood, TX

22. Testimonials from Exhibit D, Body Gold flier:

BODY GOLD Customers write...About Chromium Picolinate:

[A] "This is my second order. I've lost 5 pounds and almost 2 jeans sizes..." R.N., Bucyrus, NY

[B] "It has definitely decreased my interest in sugar, specifically chocolate. Thanks so much!" Bonnie Murphy, Central Point, OR

[C] "I can't believe how much more energy I have. I've lowered my cholesterol by about 30 points. I've lost weight." Anonymous (by request), River Falls, WI

[D] "Initially I lost 9 lbs. in 11 days. I am hypoglycemic - which has virtually been totally controlled, no headaches - no sugar highs & lows. I love BODY GOLD!" D.T., Flushing, NY

About 24K with Chromium Picolinate:

[E] "I (lost) 10 lbs., and am able to maintain. BODY GOLD does make me feel better." Diane Wiles, Everett, WA

[F] "It makes me feel better. They (the tablets) are easy to take. I noticed I've lost inches." M.R.Y., Daytona Beach, FL

[G] "I am on a very strict diet, find it easier to stick with it. Also have control over hypoglycemia, never could get control before." L.P., Easley, SC

PAR. 5. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the advertisements and

promotional materials attached as Exhibits A-L, respondent has represented, directly or by implication, that:

- A. Chromium Picolinate significantly reduces body fat.
- B. Chromium Picolinate causes significant weight loss.
- C. Chromium Picolinate causes rapid weight or fat loss.
- D. Chromium Picolinate significantly reduces serum cholesterol.
- E. Chromium Picolinate significantly increases human metabolism.
- F. Chromium Picolinate increases lean body mass and builds muscle.
- G. Chromium Picolinate causes weight loss without diet and/or strenuous exercise.
- H. Chromium Picolinate controls appetite and craving for sugar.
- I. Chromium Picolinate lowers or regulates blood sugar.
- J. Chromium Picolinate increases energy and/or stamina.
- K. Testimonials from consumers appearing in advertisements or promotional materials for Chromium Picolinate reflect the typical or ordinary experience of members of the public who have used the product.

PAR. 6. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A-L, respondent has represented, directly or by implication, that at the time she made the representations set forth in paragraph five, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 7. In truth and in fact, at the time she made the representations set forth in paragraph five, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph six was, and is, false and misleading.

PAR. 8. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph four, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits A-L, respondent has represented, directly or by implication, that scientific studies demonstrate that Chromium Picolinate:

- A. Significantly reduces body fat;

- B. Causes rapid body fat loss;
- C. Increases lean body mass and builds muscle;
- D. Causes significant weight loss;
- E. Significantly reduces serum cholesterol;
- F. Lowers or regulates blood sugar; and
- G. Increases energy and/or stamina.

PAR. 9. In truth and in fact, scientific studies do not demonstrate that Chromium Picolinate:

- A. Significantly reduces body fat;
- B. Causes rapid body fat loss;
- C. Increases lean body mass and builds muscle;
- D. Causes significant weight loss;
- E. Significantly reduces serum cholesterol;
- F. Lowers or regulates blood sugar; or
- G. Increases energy and/or stamina.

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

PAR. 10. Respondent has disseminated or caused to be disseminated advertisements and promotional materials for L-Carnitine and Super Fat Burner Formula, including but not necessarily limited to the attached Exhibits D and L. These advertisements and promotional materials contain the following statements:

1. "L-Carnitine - A powerful fat metabolizer praised by athletes for its ability to transport fatty acids more efficiently to the body's "fat burning energy centers"... By improving your fat metabolism, L-Carnitine can enhance your efforts at fat loss, weight loss, and muscle toning." (Exhibit D, pg. 1, col. 1)

2. "I have been particularly pleased with the Super Fat Burner Formula. I had a baby and within 2 months I have lost the 40 lbs. gained and have rebuilt the muscle definition I had lost during the pregnancy." Carol Lough Henderson, Stone Mtn., GA (Exhibit L)

3. "Adding the L-Carnitine has been really effective. It has dramatically improved my athletic performance and increased my overall stamina. Your products give me the fuel I need." Gail Smart, W. Medford, MA (Exhibit L)

PAR. 11. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph ten, including but not necessarily limited to the advertisements and

promotional materials attached as Exhibits D and L, respondent has represented, directly or by implication, that:

- A. Taking L-Carnitine as a supplement reduces body fat.
- B. Taking L-Carnitine as a supplement causes weight loss.
- C. Taking L-Carnitine as a supplement tones muscles.
- D. Taking L-Carnitine as a supplement increases stamina and enhances athletic performance.
- E. Testimonials from consumers appearing in advertisements or promotional materials for L-Carnitine reflect the typical or ordinary experience of members of the public who have used the product.

PAR. 12. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph ten, including but not necessarily limited to the advertisements and promotional materials attached as Exhibits D and L, respondent has represented, directly or by implication, that at the time she made the representations set forth in paragraph eleven, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 13. In truth and in fact, at the time she made the representations set forth in paragraph eleven, respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph twelve was, and is, false and misleading.

PAR. 14. Respondent has disseminated or caused to be disseminated advertisements and promotional materials for CitriGold, including but not necessarily limited to, the attached Exhibit M. These advertisements and promotional materials contain the following statements:

1. "CitriGold is the weight-loss aid that combines the latest, most potent ingredients to help you:

*Lose weight *Reduce Body Fat *Control your appetite"

2. "Add CitriGold to your weight loss and exercise program for a leaner, slimmer, sleeker body than you would have thought possible."

PAR. 15. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph

fourteen, including but not necessarily limited to the advertisement attached as Exhibit M, respondent has represented, directly or by implication, that:

- A. CitriGold causes weight loss.
- B. CitriGold reduces body fat.
- C. CitriGold controls appetite.

PAR. 16. Through the use of the statements contained in the advertisements and promotional materials referred to in paragraph fourteen, including but not necessarily limited to the advertisement attached as Exhibit M, respondent has represented, directly or by implication, that at the time she made the representations set forth in paragraph fifteen, respondent possessed and relied upon a reasonable basis that substantiated such representations.

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

PAR. 18. The acts and practices of respondent 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.

Complaint

123 F.T.C.

EXHIBIT A

1. Kuts GR, Fisher JA, Blum K. Abstract, American Aging Association, 21st Annual Meeting, Denver, October 1991.
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3. Page TG, Ward TL, Southern LL. J Animal Sci 69, Suppl 1: Abstract 403, 1991.
4. Felig P. Clin Physiol 1984; 4: 267-273.
5. Kimball SR, Jefferson LS. Diabetes Metab Rev 4: 773, 1988.
6. Fukugawa NK, Minaker KL, Rowe JW. et al. J Clin Invest 76: 2306, 1985.
7. Fehlmann M, Freychet P. Biol Chem 256: 7449, 1981.
8. Pittman CS, Suda AK, Chambers JB, Jr., Ray GY. Metabolism 28: 333, 1979.
9. Danforth E, Jr. Am J Clin Nutr 41: 1132, 1985.
10. McCarty MF. Med Hypoth 20: 183, 1986.
11. Bielinski R, Schutz y, Jequier E. Am J Clin Nutr 43: 69, 1985.
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Lose the Fat

but Keep the

Muscle . . .

Chromium Picolinate

AT LAST THERE IS A SAFE
NUTRITIONAL SUPPLEMENT
THAT HELPS YOU LOSE
UNWANTED FAT MORE EASILY
AND QUICKLY, WHILE RETAIN-
ING VITAL MUSCLE TISSUE.
NOW YOU CAN HAVE A
TRIMMER, FIRMER, LEANER
BODY.

EXHIBIT A

LOSE THE FAT BUT KEEP THE MUSCLE

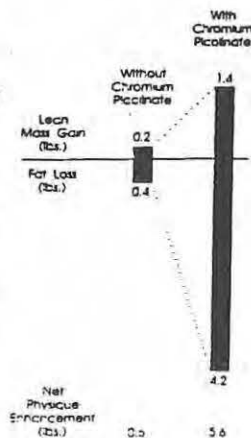
Most dieters who achieve significant weight loss lose far too much lean body mass (muscle and organ tissue). This not only diminishes strength and agility but also affects appearance. With less muscle, pleasing curves flatten, chests sink; arms and legs look spindly. *Even worse, this lessened lean body mass lowers your metabolic rate, making it that much harder to keep the fat off permanently — the yo-yo syndrome!*

There is now excellent scientific evidence that Chromium Picolinate can accelerate fat loss while helping to preserve or even increase muscle.

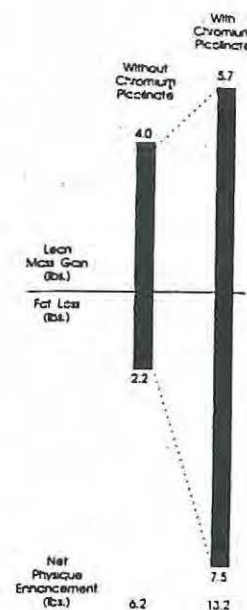
CONVINCING NEW EVIDENCE

Overweight adults were recruited by a prominent San Antonio weight loss clinic to participate in a weight loss study¹. About half of the volunteers received supplemental Chromium Picolinate (200 or 400 micrograms of chromium daily), while the others received placebos. Neither the participants nor the doctors evaluating them knew who was getting the chromium (a "double blind" study). The volunteers were not placed on any specific diet or exercise regimen, although most of them were motivated to lose weight. After only 60 days, these were the impressive results:

The changes in the placebo group were negligible. But the Chromium Picolinate group, on average, lost over four pounds of fat while gaining nearly a pound and a half of lean muscle for a Net Physique Enhancement of 5.6 pounds.



The effect in men alone was even more striking, with an average fat loss of 7.7 pounds. Interestingly, the greatest enhancement of muscle mass was seen in the older subjects, those above age 46, who gained 2.1 pounds of muscle tissue while losing 4.4 pounds of fat. This is especially important since muscle tissue typically declines with age.



Another double-blind study was conducted in young off-season football players participating in a six-week weight-training program². The results were much the same: more muscle, less fat with Chromium Picolinate. Chromium Picolinate more than doubled the net benefits of exercise alone.

These findings are also confirmed by animal studies. Scientists at Louisiana State University recently reported that young pigs receiving Chromium Picolinate achieved 7% more muscle with 21% less body fat as compared to pigs on an identical diet not receiving Chromium Picolinate.

LEANER AND FIRMER

Because many people gain muscle with Chromium Picolinate, their weight loss in pounds doesn't accurately reflect the benefits of chromium. Most users report that even a modest weight loss as shown on the bathroom scale is accompanied by

EXHIBIT A

lost inches and smaller clothing sizes. They look and are leaner and firmer. Chromium Picolinate promotes fat loss, while enhancing the muscle that helps to assure a trim physique.

WHAT IS CHROMIUM PICOLINATE?

Chromium Picolinate is an exceptionally bioactive source of the essential mineral chromium. Chromium plays a vital role in "sensitizing" the body's tissues to the hormone insulin. Weight gain in the form of fat tends to impair sensitivity to insulin and thus, in turn, makes it harder to lose weight⁴.

HOW DOES CHROMIUM PICOLINATE WORK?

Controls Hunger — Many people report that Chromium Picolinate helps to control appetite, especially sugar cravings. It is believed that chromium sensitizes the "glucostat" in the brain that monitors blood sugar availability and "tells" you when you're hungry or not hungry.

"Saves" Protein — This is very important. Insulin directly stimulates protein synthesis and retards protein breakdown in muscles^{5,6}. This "protein sparing" effect of insulin tends to decline during low calorie diets as insulin levels decline, which results in loss of muscle and organ tissue. By "sensitizing" muscle to insulin, Chromium Picolinate helps to preserve muscle in dieters so that they "burn" more fat and less muscle. Preservation of lean body mass has an important long-term positive effect on metabolic rate, helping dieters keep off the fat they've lost.

Stimulates Metabolism — Chromium Picolinate promotes efficient metabolism by aiding the thermogenic (heat producing) effects of insulin. Insulin levels serve as a rough index of the availability of food calories, so it's not at all surprising that insulin stimulates metabolism^{4,7,8}.

HOW MUCH CHROMIUM PICOLINATE SHOULD I TAKE FOR OPTIMAL WEIGHT LOSS?

Clinical trials with 200 to 400 micrograms of chromium daily produced significant benefits. Larger individuals and those engaged in strenuous work or exercise may see better results with higher levels — up to a maximum of 400 micrograms daily.

MORE IMPORTANT HEALTH BENEFITS OF CHROMIUM PICOLINATE

Efficient insulin appears to be important for cardiovascular health. Poor insulin sensitivity is a risk factor for hardening of the arteries and heart disease and is associated with other risk factors such as high blood pressure and high triglycerides. By promoting efficient insulin function, Chromium Picolinate may protect the heart and circulatory system.

In controlled clinical studies at San Diego's Mercy Hospital, Chromium Picolinate has been shown to reduce elevated cholesterol, and to improve control of blood sugar in mature-onset diabetes.

HERE'S A HEALTHFUL FOUR-STEP PROGRAM FOR WEIGHT CONTROL THAT REALLY WORKS:**STEP 1 REDUCE DIETARY FAT CONSUMPTION TO NO MORE THAN 20% OF CALORIES — EATING FAT MAKES YOU FAT!**

Dieticians traditionally have recommended overall calorie restriction for weight control, but it's now clear that fat calories should be specifically avoided^{9,10}. Dietary fat is calorie dense and nutrient poor. Once absorbed, it does little to control hunger or stimulate metabolism. Much of it is deposited directly in your body's fat stores, and most of the fat in your body derives from dietary fat. Weight conscious people should therefore specifically avoid fatty foods, keeping fat calories to

EXHIBIT A

20% or less of total calorie intake. (If you can achieve the 15% level provided by a traditional Japanese diet, all the better.) As noted by Dr. James Hill at the 1992 NIH-sponsored conference on obesity, "There are intriguing data suggesting that reducing fat without reducing calorie intake can reduce body fat levels." (Emphasis added.) To calculate the percentage of fat calories in a food, multiply grams of fat by 9 and divide by total calories.

Olives, avocados, nuts, vegetable oil, and margarine are all extremely high in fat. However most other foods not of animal origin are quite low in fat and are great for dieters. Among animal foods, skinless white meat poultry and fish (prepared without frying!) are good, as are non-fat and low-fat yogurt and cottage cheese, skim and 1% milk, and egg whites (not yolks). When you must use oil, use it very sparingly.

STEP 2 INCREASE DIETARY FIBER — LOW IN CALORIES; HIGH IN NUTRIENTS

High intakes of dietary fiber have a bulking effect that can help to control hunger. In addition, most high-fiber foods are low in fat, high in protective vitamins and minerals, and relatively low in caloric density. In your daily diet, emphasize fiber-rich foods such as whole-grain breads, cereals, and pastas, brown rice, beans, oatmeal, and fresh whole fruits and vegetables.

STEP 3 GET REGULAR AEROBIC EXERCISE AT LEAST THREE TIMES A WEEK — AND BURN CALORIES!

It's obvious that exercise burns calories. Equally important, there is strong evidence that regular aerobic training increases your metabolic rate while enhancing your body's capacity to burn fat^{11,12}. For significant weight control benefits, you should exercise at least three times weekly for at least thirty minutes per session. Choose exercises that engage large muscle groups (legs, hips & back) in continuous motion such as jogging, cycling, stair climbing, swimming or brisk walking. Exercise is crucial for long-term success in weight control.

STEP 4 TAKE CHROMIUM PICOLINATE DAILY — LOSE THE FAT; KEEP THE MUSCLE

There are sound scientific reasons to believe that Chromium Picolinate will provide its greatest benefits in people who are eating low-fat foods and getting regular exercise. In other words, it should help you to get better results from "being good"!

Sporadic calorie-restricted dieting rarely achieves lasting results. Permanent weight loss requires a permanent commitment to a healthier lifestyle. Most people can lose significant amounts of fat and decisively improve their physiques without calorie counting by following this simple four-step plan.

PUTTING IT ALL TOGETHER

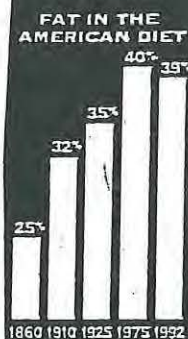
The best thing about Chromium Picolinate is that it makes other sensible weight control efforts more effective. Many people report that they have tried diet and exercise before, but say that they didn't get good results until they added Chromium Picolinate. Now they're enthusiastic about low-fat eating plus exercise and are ever-so-proud of their shapely new bodies! When your efforts are rewarded by good results, you're more likely to keep trying.

Chromium Picolinate, all by itself, isn't likely to make a fat person thin. But it can be the decisive component of an overall strategy for long-term weight control and, in the bargain, make an important contribution to good health.

There is now strong scientific evidence that good chromium nutrition is an essential (though not by itself sufficient) component of successful long-term weight control. According to U.S. Department of Agriculture studies, nine out of ten Americans get less than 50 micrograms of chromium daily as compared to the 50 to 200 micrograms recommended by the National Academy of Sciences. Supplementation with this important nutrient makes good sense.

EXHIBIT B

HIDDEN FAT IN THE AMERICAN DIET



The typical American diet is far too high in fat. In 1860, fat contributed 25% of calories consumed. Today this figure has reached 39%! It's no accident that average body weight and the incidence of obesity have risen concurrently.

Recent studies show that the nutrient Chromium Picolinate promotes a leaner, firmer physique — reducing body fat while helping to build and retain muscle. These remarkable benefits are optimized when dietary fat is kept to a minimum.

CHOOSING A LOW-FAT DIET

An all-important key to achieving and maintaining a lean physique is to eliminate much of the fat from your daily diet. Most people find that they can lose a significant amount of weight without making a conscious effort to reduce calorie intake, simply by **AVOIDING FATTY FOODS**. People switching to a low-fat diet typically eat increased amounts of food while losing weight. For example, when women enrolled in a breast cancer prevention program reduced dietary fat, **THEY ACHIEVED AND MAINTAINED AN AVERAGE WEIGHT LOSS OF 7 POUNDS WITHOUT ADDED EXERCISE OR DIETING.**

For best results, you should keep your fat intake **BELOW 20% OF TOTAL CALORIES**. You can achieve this—without the inconvenience of counting calories—simply by choosing foods with less than 20% fat calories.

The tables on the reverse side show the percent of calories from fat in common foods. Foods rated at 20% or less are recommended for regular consumption. Food rated at 20-40% may be used in modest amounts provided that most of your diet comes from lower-fat foods. With the exception of fish (which protects your cardiovascular system), higher fat foods should be used sparingly or on rare occasions only. When oil is used for cooking or salads, use the minimum amount. Choose canola oil, soybean oil or olive oil.

Fat contains nine calories per gram—more than twice as many as carbohydrate or protein, each of which contain four calories per gram. The fat-calorie values given for prepared dishes are specific examples and may not reflect the fat content of similar supermarket foods. Read labels, and learn to calculate the percentage fat calories in foods:

The top line of the new Nutrition Facts label gives you the Total Calories as well as Calories from Fat in a single serving. **Divide Calories from Fat by Total Calories to determine Percentage Fat Calories.** For example, if a frozen dinner provides 300 calories, and 108 fat calories, the Percentage Fat Calories is: $108 \div 300 = .36$ or 36%.

MANY LOW FAT FOODS NOW AVAILABLE

Many innovative food companies now offer low-fat or non-fat analogs of foods that traditionally are high in fat. You can now obtain cookies, pastries, soups, dressings, and sauces that are virtually fat-free. Many supermarkets offer 1% milk (17% calories from fat), non-fat yogurts and low-fat dairy desserts. Baked tortilla chips and low-fat frozen dinners can also be found.

Many foods that we think of as high in protein are

EXHIBIT B

actually higher in fat. Filet mignon, frankfurters, sausage, most lunch meats, and hamburger are examples of "high protein" foods that are 50 to 80% fat in terms of percentage of calories.

Significant sources of hidden fat are foods that purport to be low fat but are not. Two percent milk is a good example. Although only 2% of the volume of this milk is fat, 31% of "lowfat" milk's calories are fat calories! "Extra-lean" hamburger, 10% fat by weight, actually provides about 46% of its calories from fat. Don't be misled by claims that a product is a certain percentage fat-free. In foods with high water content (such as meats), "93% fat-free" may derive more than 30% of its calories from fat.

Fatty foods tend to be calorically dense, and thus are relatively low in most protective nutrients—vitamins, minerals, trace elements and fiber—on a per-calorie basis. Refined fats (e.g., butter, oils), and added sugars, are major sources of "empty calories" in the American diet. In effect, a high-fat, high-sugar diet robs you of many important nutrients.

Another major source of "empty calories" is alcohol. Alcohol may actually stimulate appetite in many people. Thus, alcohol calories are often excess calories and may lead to the well-known "beer belly". An ounce of pure alcohol contains nearly 200 calories. Therefore, moderation in alcohol consumption is crucial for weight control.

AN IMPORTANT BONUS: PROTECTION FROM HEART DISEASE AND CANCER

Another important benefit: a low-fat diet is likely to protect your heart and vascular system and reduce your risk for diabetes, hypertension, and cancers of the colon, breast, endometrium and ovary.

FOUR KEYS TO LIFE-LONG WEIGHT CONTROL

Avoiding fatty foods is crucial for weight control, but it's **only one** component of an overall strategy for maintaining a lean physique and vigorous good health:

1 REDUCE DIETARY FAT TO LESS THAN 20% OF DAILY CALORIES.

Most ingested fat is stored directly in your body's adipose (fatty) tissues, and most of your body fat derives from dietary fat. Once absorbed, dietary fat does little to control hunger or activate metabolism. Most fatty foods are calorie dense, promoting excess consumption of calories. In clinical studies, overweight and weight gain correlate strongly with fat calorie consumption, but **not** with total calorie intake.

2 EMPHASIZE HIGH-FIBER FOODS.

Whole grains, whole fruits, beans and most vegetables are good sources of dietary fiber, and are nutrient rich. Dietary fiber has a bulking effect that can aid appetite control. Fiber-rich foods are less calorie-dense and much more nutritious than refined flours, sugars, or juices. Soluble fiber supplements (e.g., psyllium) may also aid appetite control if consumed prior to meals.

3 GET REGULAR AEROBIC EXERCISE.

Aside from the obvious benefit of calories burned during exercise, exercise boosts your metabolic rate and increases your body's capacity to burn fat as a metabolic fuel. To achieve this benefit, you need to exercise aerobically at least three times weekly for at least 30 minutes per session—more is better. Aerobic exercise involves vigorous rhythmic motion of major muscles—for example, jogging, cycling, stair climbing, or brisk walking. Resistance exercise (e.g., weight lifting) is also beneficial for weight control, since it helps to build and retain muscle, a chief determinant of metabolic rate.

4 SUPPLEMENT YOUR DAILY DIET WITH THE ESSENTIAL MINERAL CHROMIUM PICOLINATE.

The essential trace mineral chromium, which is deficient in 9 out of 10 American diets, promotes efficient function of the hormone insulin. Good insulin activity is important for HUNGER CONTROL, for STIMULATING METABOLISM and for BUILDING AND RETAINING MUSCLE AND VITAL ORGAN TISSUE. Many people are poorly responsive to insulin, and scientists believe that this loss of sensitivity promotes overweight and obesity. Chromium is particularly beneficial for overweight people who typically have inefficient insulin function.

An exceptionally effective nutritional source of chromium, Chromium Picolinate, has been shown in numerous human and animal studies to reduce body fat while increasing muscle.

The ability of Chromium Picolinate to retain muscle is important to dieters, since up to 30% of the weight lost on most diets is muscle tissue. Loss of muscle reduces metabolic rate and thus promotes weight rebound—the "yo-yo" diet syndrome. Chromium Picolinate helps you to **KEEP THE MUSCLE**—and maintain or increase your metabolic rate—while **LOSING THE FAT**.

Used with a low-fat fiber-rich diet and regular exercise, Chromium Picolinate helps you to achieve a firmer, leaner physique. For optimal benefit, your daily supplementation program should provide 200 to 400 micrograms of chromium from Chromium Picolinate.

NUTRITION 21
1010 TURQUOISE STREET, SAN DIEGO, CA 92109
(619) 488-7423

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EXHIBIT C

CHROMIUM PICOLINATE: The Nutrient

This brochure explains how you can reduce body fat and increase muscle with BODY GOLD Chromium Picolinate. But the fitness benefits of this nutrient are only part of the story.

Medical studies¹ show that Chromium Picolinate can also:

- reduce cholesterol levels
- regulate blood sugar*

Since nine out of ten people don't get even the minimum amount of chromium essential to good health², supplemental chromium could be one of the most important additions you can make to your lifestyle.

References

1. Evans, G.W., "The effect of chromium picolinate on insulin controlled parameters in humans," INT. J. BIOSOCIAL MED. RESEARCH, Vol. 11(2); 163-180, 1989.
2. Anderson, R.A., Kozlovsky, A.S., "Chromium intake, absorption and excretion of subjects consuming self-selected diets, AM. J. CLIN. NUTR. 1985, 41:1177-1183.

NOTE: Although 200 micrograms of chromium was used in the cited studies, people taking 400 to 600 micrograms daily often report even greater noticeable benefit from the nutrient.

Chromium Picolinate has been shown to be an entirely safe and nontoxic supplement.

* Diabetics: Consult your physician before first use of any product containing chromium picolinate.

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BODY GOLD
5930 La Jolla Hermosa
La Jolla, CA 92037
(619) 459-2661

"The Midas Touch of good health:

== *Body Gold™* ==

**CHROMIUM
PICOLINATE**

for a slimmer, trimmer you

What Is Chromium Picolinate?

Chromium Picolinate is a safe, essential nutrient, and it can greatly enhance the results of your weight loss or fitness program. You may have already heard about it on television or read the stories in USA TODAY, LADIES' HOME JOURNAL, COSMOPOLITAN and LONGEVITY, or in dozens of other magazines and newspapers across the country. Or you may well have heard about it through "word-of-mouth", since thousands of pleased users are trimming down and shaping up faster and more easily than ever. You can bet they're talking about it!

What Will BODY GOLD Chromium Picolinate Do For Me?

BODY GOLD will rev up your sluggish metabolism so that you'll "burn" fat and calories the way Mother Nature intended. By correcting the fat content in your body (burning off the stored up fat as well as what you've eaten) you'll discover "inch loss" as well as weight loss. In fact, because of the way BODY GOLD works, you may even find that your "inch loss" is much more dramatic than your overall weight loss.

Here's what's happening to so many people—people just like YOU—who have added BODY GOLD to sensible eating and exercising habits:

EXHIBIT C

WEIGHT LOSS—People who haven't succeeded at permanent weight loss ever before are finding it much easier to drop, and keep off, those unwanted pounds. Unlike starvation diets and other dangerous programs, **BODY GOLD** simply restores an essential nutrient to your diet and brings your body's metabolism back to where it belongs. **BODY GOLD** promotes *healthy* weight loss!

"INCH LOSS"—"Redesigned" is how one woman described her new shape. Depending on how *your* body uses **BODY GOLD**, you may, at some point, lose a dress or belt size without seeing a corresponding weight loss. While the fat is being "burned" out of your body, lean muscle develops—toning and trimming you down. "Redesigned" shape is indeed an exciting (and very rewarding) benefit that many people report.

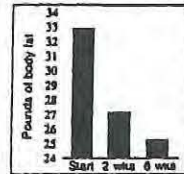
FAT LOSS—Not only does decreased body fat mean a slimmer, sleeker you—it's *healthier*, as well. Excess body fat has been tied to increased risk of certain cancers and heart disease. An active, "fat-free" life-style is the life-style of the '90s. And **BODY GOLD's** chromium has been described as the "nutrient of the '90s"!

MORE LEAN MUSCLE—While **BODY GOLD** works with your body's insulin to better "burn off" hidden body fat, it promotes the development of more lean muscle mass. Athletes and bodybuilders use Chromium Picolinate to enhance the results of their workouts. Whether you are male or female, you'll find that a firmer, leaner network of muscle strengthens both your physique and your sense of well-being.

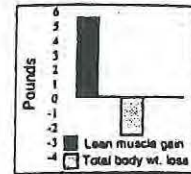
How Do I Know This Isn't A "Fad" Or Just "Sales Talk"?

Because two scientific studies discovered these exciting benefits before Chromium Picolinate was even available to the public. And since then it's been "tried and proved" by hundreds of thousands of enthusiastic people.

The studies were conducted at Bemidji State University in Minnesota. Young college athletes—in pretty good shape to start with!—experienced a *dramatic loss of body fat* when they were given only 200 micrograms of Chromium Picolinate daily. Although the muscle gain in these young men offset some of the "fat weight" loss, still overall weight loss occurred.



Fat loss was dramatic. Unhealthy body fat decreased by 17% in only 2 weeks and continued to an average 22% loss at the end of the 6-week study.



Weight loss occurred even as muscle was enhanced. Fat loss coupled with improved muscle tone and mass, has caused significant "inch loss" in many people.

There's no reason you couldn't see similar dynamic results with **BODY GOLD** Chromium Picolinate. In fact, if you've got some extra weight around your waist or hips, or more jiggle than yesteryear, you could see changes in yourself you've only dreamed of before now!

I Want Results Like That! How Do I Know I'll Get The Same Product That Was Used In The Studies?

BODY GOLD Chromium Picolinate is made to the *exact specifications* of the capsules used in both of the university studies we've talked about—as well as in hospital studies which proved other exciting health benefits of this nutrient. Chromium Picolinate is patented by the United States Government (#Re.33,988), and is the form of chromium most recommended by health professionals.

BODY GOLD will refund the price of the first bottle purchased of any **BODY GOLD** product with which you are not entirely pleased. Subsequent purchase and/or further use of the same product implies satisfaction, however, and those purchases may not be refunded.

Complaint

EXHIBIT D

L-CARNITINE

A powerful fat metabolizer praised by athletes for its ability to transport fatty acids more efficiently to the body's "fat burning energy centers" (mitochondria). By improving your fat metabolism, L-Carnitine can enhance your efforts at fat loss, weight loss, and muscle toning.

Our Super Fat Burner Formula (see brochure cover) currently contains 50 milligrams of L-Carnitine. Nutritional experts recommend up to 1,000 milligrams daily, depending on your particular fitness goals.

L-Carnitine is frequently sold in 500 milligram capsules, and it can be costly! We are offering 250 milligram capsules for your convenience in determining your own personal needs without expensive, wasteful over-supplementation.

Our suggested use is 1-4 capsules daily. For superior fat-burning ability, combine with our suggested amounts of BODY GOLD Super Fat Burner Formula and Chromium Picolinate.

- * Product #LC-100
L-Carnitine, 250 mgs.
100 capsules
Price: \$27.95

"Fat Burner" Confusion??

Each of our "fat-burning" products is different from the other and each contributes to better fat metabolism. For maximum fat burning ability, therefore, we recommend all three products. Below is a quick reference guide to each:

CHROMIUM PICOLINATE: A proven fat-burner with many other general health benefits. An essential mineral which should be a lifelong supplement.

L-CARNITINE: An amino acid complex needed for converting fat into energy.

SUPER FAT BURNER FORMULA: A combination of nutrients and herbs effective in promoting fat metabolism and easing water retention.

OLD AND NEW:

Dear Friends:

Some say good health is a gift. Taking care of yourself can make that gift last a lifetime. BODY GOLD products are like the "Midas Touch of Good Health" because of the many ways they can benefit you and your family.

The "gold" in "BODY GOLD" is Chromium Picolinate. So strongly do we believe in the importance of this amazing nutrient for good health, you will find it in many of our products. It can be an impressive addition to intelligent eating and exercise habits. And it can turn your life around with an array of astonishing benefits to your health and appearance.

BODY GOLD is an exclusive, carefully formulated line of safe, effective, quality products. We pride ourselves in fast, reliable service. There is no greater reward to us than our growing number of satisfied repeat customers. To all of you: thank you for your valued patronage. And to all of our new BODY GOLD friends, a hearty "welcome!"

Victoria Bie
Owner

BODY GOLD
5930 La Jolla Hermosa Avenue
La Jolla, CA 92037
619-459-2661

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**MONEY-BACK
GUARANTEE**

BODY GOLD will refund the price of the first bottle purchased of any BODY GOLD product with which you are not entirely pleased. Subsequent purchase and/or further use of the same product implies satisfaction, and those purchases may not be refunded.
Product quality is unconditionally guaranteed at all times.

EXHIBIT D

Body Gold™

"The Midas Touch of Good Health"

PRODUCT GUIDE

Nutritional Supplements for Weight Control,
Strength and General Fitness Programs

FOR ACCELERATING FAT LOSS AND
ENHANCING MUSCLE DEFINITION

Get enhanced results from your personal exercise or fitness program.

Originally formulated for weight-training programs, Super Fat Burner Formula provides a combination of effective lipotropic and ergogenic ingredients in capsule form to take before exercise or at bedtime. You'll trim down and tone up as you burn fat and keep vital muscle.

Suggested Use: 2 to 4 capsules daily.

Contains: Choline, Inositol, L-Carnitine, Beta-Sitosterol, Betaine HCl, L-Taurine, Buchu Leaves, Hops, Uva Ursi, Vitamin B6.

(LOOK INSIDE for special savings on our fat burner combination: Super Fat Burner Formula and Chromium Picolinate.)

- * Product #FB-120
Super Fat Burner
Formula
120 capsules/bottle
Price: \$16.95

*** SAVE ***

ON QUANTITY
PURCHASES

WHEN YOU BUY FOUR
OR MORE BOTTLES

SEE OTHER SIDE

EXHIBIT D

Superior Nutritional Insurance



Our exclusive
multivitamin/mineral
formula created
with pride and care for
BODY GOLD customers

Rich in the vitamins and minerals important to the preservation of your good health, "24K" includes 200 micrograms of Chromium Picolinate.

"Supermarket vitamins" such as Centrum® and Theragran-M® seldom offer the complete spectrum of nutrients so essential to your good health, abundant energy, and overall well-being. Among the vital nutrients supplied by "24K" are:

- ✓ a rich supply of the all-important B vitamin complex—helping your body deal with day-to-day stress
- ✓ the protective anti-oxidants—natural defenses against harmful effects of air pollution, cigarette smoke, etc.
- ✓ calcium and magnesium in perfect balance for optimal effectiveness—protection for women from bone loss and osteoporosis.
- ✓ 200 micrograms of Chromium Picolinate—for efficient functioning of the hormone insulin.

Just four tablets a day fortify your diet with:

		% of USRDA
Vitamin A	(Beta Carotene)	15,000 IU 300
Vitamin C	(Ascorbic Acid)	180 mg 300
Vitamin E	(d-alpha Tocopheryl)	90 IU 300
Vitamin D	(Cholecalciferol)	200 IU 50
Vitamin B1	(Thiamine HCl)	4.5 mg 300
Vitamin B2	(Riboflavin)	5.1 mg 300
Vitamin B6	(Pyridoxine HCl)	8 mg 400
Vitamin B12	(Cobalamin Concentrate)	24 mcg 600
Vitamin K	(Phytonadione)	100 mcg -
Folic Acid	(Folic Acid)	400 mcg 100
Niacin	(Nicotinamide)	40 mg 200
Pantothenic Acid	(Calcium Pantothenate)	30 mg 50
Calcium	(Calcium Carbonate)	500 mg 50
Magnesium	(Magnesium Oxide)	250 mg 60
Zinc	(Zinc Picolinate)	15 mg 100
Iron	(Ferrous Fumarate)	53 mg 30
Manganese	(Manganese Gluconate)	5 mg -
Copper	(Copper Gluconate)	3 mg 150
Selenium	(Sodium Selenate)	200 mcg -
Chromium	(Chromium Picolinate)	200 mcg -
Iodine	(Potassium Iodide)	75 mcg 50
Molybdenum	(Sodium Molybdate)	150 mcg -
Silicon	(Magnesium Triallate)	20 mg -
Rutin		200 mg -

• Product #K-180
180 tablets/bottle
Price: \$14.95

The Fitness Essential

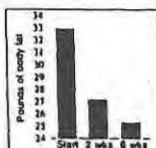


CHROMIUM PICOLINATE

Less body fat • More muscle • Lower cholesterol • Blood sugar control • Weight loss

The headline-making results of clinical and university studies with Chromium Picolinate have been reported in MUSCULAR DEVELOPMENT, USA TODAY, COSMOPOLITAN, LADIES' HOME JOURNAL, LONGEVITY, MUSCLE & FITNESS, PREVENTION, and many other publications.

In the 1988-89 groundbreaking studies, people given 200 micrograms of Chromium Picolinate daily lost 22% of their body fat in six weeks! Moderate exercise was taken; no dietary restrictions were imposed.

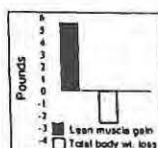


Fat loss was dramatic. Unhealthy body fat decreased by 17% in only 2 weeks and continued to an average 22% loss at the end of the 6-week study.

These and subsequent published studies show that Chromium Picolinate:

- increases body fat metabolism
- lowers elevated cholesterol levels
- builds stronger, leaner muscle
- regulates blood sugar
- promotes longer life span in laboratory rats

Chromium is an essential trace mineral which functions as a cofactor for insulin. It is essential for efficient metabolism of sugar, fat, protein, and carbohydrate. Chromium Picolinate is the most bioactive form of chromium available today.



Weight loss occurred even as muscle was enhanced. Fat loss coupled with improved muscle tone and mass causes significant "inch loss" in many people.

TWO POTENCIES
QUANTITY SAVINGS

BODY GOLD 200-microgram Chromium Picolinate provides the amount of chromium used in the fat loss studies cited here. Subsequent studies show 400 micrograms daily enhance results in many people. Athletes and body-builders often obtain their greatest results from 400 micrograms, or more.

200 mcg. CAPSULES
ORIGINAL RESEARCH
POTENCY
• Product #CR-200
60 capsules
Price: \$10.95

400 mcg. CAPSULES
DOUBLE POTENCY
QUANTITY SAVINGS
• Product #CR-400
120 capsules
Price: \$35.95

SPECIAL OFFER ON 200 mcg. CAPSULES
BUY 5 BOTTLES, GET A 6TH ONE FREE
• Product #CRS-6 60 capsules/bottle
Price: 6 bottles, only \$54.75

Combined Fat Loss Power
At Special SavingsSuper
FAT BURNER + CHROMIUM
FORMULA PICOLINATE
(200 MCG.)

A dynamic combination of fat burners at special savings. Our fat-loss Dual-Pak provides the clinically proven fat loss benefits of Chromium Picolinate and the demonstrated effectiveness of Super Fat Burner Formula.

DUAL-PAK SAVINGS: \$4.00

• Product #DP-30D
Dual-Pak: Super Fat Burner, 120 capsules
Chromium Picolinate, 60 capsules
Price: \$23.90

Chromium Picolinate is an extremely safe and non-toxic nutritional supplement. Combining several BODY GOLD products containing Chromium Picolinate in the suggested amounts is entirely safe.

Complaint

123 F.T.C.

EXHIBIT D

Your Daily Energizer

A safe, natural energy formula to provide extra "zip" in your busy life.

Whether you're facing long, hectic hours in the workplace, keeping pace on campus with your studies and school activities, tackling rush-hour traffic or energy draining chores-about-town, or keeping up with the toddler in the house, Daily

Daily
ENERGY
Formula

Energy Formula can give you the energy boost to see you through.

This is not a caffeine-loaded formula that will play havoc with your nervous system. Daily Energy Formula contains NO CAFFEINE and provides the "gentle" ingredients needed for efficient energy production.

Suggested use: 1 to 3 capsules daily for that extra dash of energy when you need it most!

Three capsules contain:

Siberian Ginseng	300	mg
Bee Pollen	200	mg
Royal Jelly	200	mg
Gota Kola	100	mg
Chromium Picolinate	100	mcg
Cayenne	75	mg
Vitamin B12	100	mcg
Niacin	50	mg
Folic Acid	100	mcg
Vitamin B5	100	mg

* Product #EN-90
Daily Energy Formula
90 Capsules/bottle
Price: \$9.95

BODY GOLD**Customers Write...****About Chromium Picolinate:**

"This is my second order. I've lost 5 pounds and almost 2 jeans' sizes. I've got about 10 friends who will be sending orders! Great stuff."

R.N., Bucyrus, NY

"I've had incredible results with this product."

M.C., Columbia, SC

"It has definitely decreased my interest in sugar, specifically chocolate. Thanks so much!"

Bonnie Murphy, Central Point, OR

"I can't believe how much more energy I have. I've lowered my cholesterol by about 30 points. I've lost weight."

*Anonymous (by request),
River Falls, WI*

"Initially I lost 9 lbs. in 11 days. I am hypoglycemic — which has virtually been totally controlled, no headaches — no sugar highs & lows. I love BODY GOLD!"

D.T., Flushing, NY

"Results are fantastic! I am very happy with it."

V.L., Cape Coral, FL

**About 24K with
Chromium Picolinate:**

"I (lost) 10 lbs., and am able to maintain. BODY GOLD does make me feel better."

Diane Wiles, Everett, WA

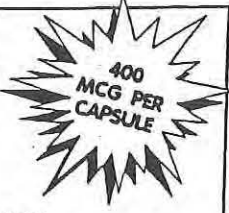
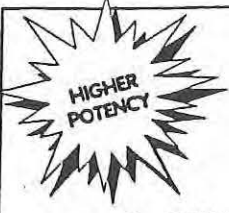
"It makes me feel better. They (the tablets) are easy to take. I noticed I've lost inches."

M.R.Y., Daytona Beach, FL

"I am on a very strict diet, find it easier to stick with it. Also have control over hypoglycemia, never could get control before."

L.P., Easley, SC

EXHIBIT E



DOUBLE THE CHROMIUM POWER

ECONOMICAL PRICING

QUANTITY SAVINGS

If you want 400 micrograms of chromium a day, you can SAVE DRAMATICALLY and enjoy one-a-day convenience.

Recent clinical studies have used 400 micrograms of chromium to produce excellent weight-loss and fat-loss results. Your reward can be substantially greater fitness benefits when you **DOUBLE THE CHROMIUM POWER**. And Chromium Picolinate is perfectly safe at these reasonable, healthy amounts.

BODY GOLD Chromium Picolinate "400" provides a four-month supply (120 capsules) of 400 microgram capsules in one convenient bottle. You pay only \$35.95. That's...



LESS THAN \$9.00 A MONTH
for
DOUBLE THE CHROMIUM POWER!

TO ORDER:
Please see Item #CR-400 on order form
BODY GOLD, 5930 La Jolla Hermosa, La Jolla, CA 92037

EXHIBIT E

Complaint

123 F.T.C.

EXHIBIT F

LONG-LIFE RESOURCES

Fitness
20's + Fat4'1/2 x 6'3/4
4'5/16 x 6'9/16

on drugs, splints, surgery and diet, they offer a standard by which readers can gauge the quality of care given by their own physicians. In fact, if the book has a single Big Message, it is that a patient's active partnership and open communication with his or her doctor is critical to successful treatment. Pisetsky expressly encourages readers to discuss the book's perspective with their physician.

The book contains a thorough

chapter on the role that genetics may play in treatment and prevention and another on the future of research. A discussion of unproven, unconventional remedies is skeptical but fair-minded, pointing out that some now-standard treatments—such as gold injections for rheumatoid arthritis—were once dismissed as quackery. There is advice on how to decide if a new treatment is snake oil or a potential godsend your doctor just hasn't

heard about. Some tips on how to ferret out the unscrupulous: The treatment is not mentioned in conventional medical literature; the doctor wants cash; the cure is a "secret"; results will come overnight; the doctor has set up shop in the Bahamas or some other remote locale.

Behaving around food. In the real world, there is no secret formula that will whisk pounds away and keep us slim, fit and young-looking forever. Diet mogul Jenny Craig knows that. Although her weight-loss centers offer a nutritional, low-fat and low-cal diet plan, the trick, she says, is to alter your eating behavior. After nine years, 650 centers worldwide and with plans for another 500 or so in the future, Craig and her crew have a well-honed knack for coaching people in goal-setting and stick-to-itiveness. Now you don't have to join one of her centers to benefit from all that experience. Her weight-loss philosophy and detailed instructions for using it are available in *Jenny Craig's What Have You Got to Lose? A Personalized Weight-Management Program*, written in collaboration with Brenda L. Wolfe, Ph.D. (Villard Books, \$20).

More a workbook than a weight-loss tome, the manual does not focus on the "D" word. Rather, it emphasizes managing your weight before and after the pounds roll off. The book is sprinkled with inspiring testimonials from slimmed-down clients and includes easy-to-follow recipes for all the dishes included in the Jenny Craig meal plan.

Boosting self-esteem is at the core of Craig's method. She claims she went into the diet business to promote healthy life-styles, not to encourage obsessive concern with body image, and her earnestness shows on virtually every page. She emphasizes that there are no shortcuts if your goal is permanent weight loss; hence her program offers no "maps to the Fountain of Youth." But it can help you navigate your way to healthier eating—and a happier long-term relationship with the bathroom scale.

You've heard about it. You've read about it.

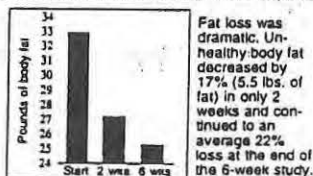
CHROMIUM PICOLINATE for LESS FAT AND MORE MUSCLE

THE NEWS:

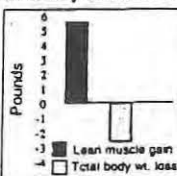
UNIVERSITY STUDIES identify CHROMIUM PICOLINATE as a "trigger" for fat loss and lean muscle enhancement.

THE FACTS:

People given Chromium Picolinate lost 22% of their body fat in six weeks. Moderate exercise routines were followed; no dietary restrictions were imposed.



Fat loss was dramatic. Unhealthy body fat decreased by 17% (5.5 lbs. of fat) in only 2 weeks and continued to an average 22% loss at the end of the 6-week study.



Weight loss occurred even as muscle was enhanced. Fat loss, coupled with improved muscle tone and mass, causes significant "inch loss" in many people.

THE "TALK":

From radio and TV talk shows to "professional" dieters who have despaired of losing fat and inches, the talk is about Chromium Picolinate. About a smaller dress size or belt size. About how this amazing nutrient is building leaner, stronger bodies for people who have "tried it all" and failed.

THE PRODUCT:

BODY GOLD™ Chromium Picolinate capsules are made to the exact specifications of those used in the studies (Bemidji State University, 1988/89). Each capsule contains 200 micrograms of biologically active chromium from Chromium Picolinate (U.S. patent 4,315,927). One capsule daily produced scientifically documented weight loss, fat loss and lean muscle enhancement. Your bottle of **BODY GOLD** contains 60 capsules. **USE BODY GOLD AS A COMPLEMENT TO ANY WEIGHT LOSS OR EXERCISE PROGRAM** for a leaner, trimmer, healthier YOU!

Satisfaction Guaranteed!

Please send check or money order (no C.O.D.s) to: **BODY GOLD**, 5920 La Jolla Hermosa, Dept. LO-22, La Jolla, CA 92037

Please rush me _____ bottles of "BODY GOLD" @ \$10.95 ea = \$ _____
 Name: _____ Shipping = \$ 2.50
 Address: _____ TOTAL = \$ _____
 City: _____ State: _____ Zip: _____

EXHIBIT G

AVERI
Malibu's Resident Psychic
Accurate & Astounding
In Person and Telephone
Readings By Appointment



Averi Torres

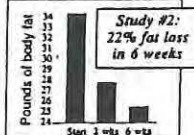
For more than two decades, thousands of people have sought AVERI's guidance and motivation for career and personal excellence. Now you too can join with two recent Presidents, celebrities and ordinary people with extraordinary dreams who have been enriched by AVERI's powerful insights for peace, love, prosperity and good health.

(310) 457-3157

Clients Worldwide
 MC/Visa Seminars Radio/TV

22% LESS BODY FAT
IN SIX WEEKS
with Chromium Picolinate

Numerous studies now show that supplemental CHROMIUM PICOLINATE promotes fat loss and increases lean muscle. 200 micrograms taken daily can offer dramatic fitness benefits.



Men and women across the country are talking about the amazing benefits of this safe, essential nutrient:

WEIGHT LOSS • FAT LOSS
MORE LEAN MUSCLE

BODY GOLD is made to the exact specifications of the capsules used in the study cited above. Each bottle of 60 capsules is a 3-month supply.

MONEY-BACK GUARANTEE
 Checks or money order only. Canada: U.S. \$1 mail.
 Please rush _____ bottles of BODY GOLD
 @ \$10.95 each - \$2.50 total delivery

Name _____

Address _____

City _____ State _____ Zip _____

BODY GOLD, 5930 La Jolla Hermosa,
 Dept. L.O.-3, La Jolla, CA 92037

patients stricken by hereditary disorders. Touched by their suffering and exhilarated by the sheer challenge, Collins began his quest to unlock the secrets of our most deadly inherited disorders. Five years later, the geneticist's "chromosome jumping" technique, an ingenious shortcut to locating a gene along a lengthy stretch of DNA, proved instrumental in pinpointing the gene that causes cystic fibrosis, the most common inherited disease among whites. Only a year later, he nabbed the culprit for neurofibromatosis, which causes potentially fatal nervous system tumors. Then, early this year, Collins' team helped pin down the elusive gene for Huntington's chorea, a deadly neurodegenerative disease that typically strikes in middle age.

After James Watson's departure, Collins stepped naturally into the top job at the genome project—the full-pressure effort to meticulously map all 50,000 to 100,000 human genes and decipher their chemical structures. "He's one of a new breed of physician-scientists," former Michigan colleague Gary Nabel, M.D., Ph.D., told the Boston Globe. "Very rapidly, basic work in the laboratory is being translated into clinical medicine, and that's what makes someone like Francis a more effective leader."

Indeed, it is Collins' ability to combine his pursuit of things scientific with human empathy that makes him such a prize to his colleagues and patients alike. Thomas Gelernter, M.D., chairman of human genetics at Michigan, says that in the highly competitive world of biomedical research, Collins is one-of-a-kind. "He's a warm human being. Other people enjoy his success." A Collins patient says, "You get a feeling of total caring. He talks to every patient at a level he can accept." And what does Collins think of his new position? "I feel as if I have been preparing for this my whole life," he says.

Although currently on hiatus from his work with patients, the new director says, "I will certainly be emphasizing more than has been done in the past, the medical consequences of the genome project. The public is paying more and more attention to the medical consequences of the genome project."

The price of the product is \$2.50 per bottle. Please allow 4-6 weeks for delivery. Please allow 4-6 weeks for delivery.

Revitalize Your Body!



Healthscope 93

Get your Healthscope from world renowned astrologer, **Joanna Martine Woolfolk**, best selling author of **The Only Astrology Book You'll Ever Need** (Scarborough House).

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Complaint

123 F.T.C.

EXHIBIT H

HEALTHY GETAWAYS

You're eating smarter
and exercising more.

Now you need
Body Gold™

No more yo-yo dieting. You're getting smarter and your health is important to you.

You're changing your lifestyle and looking for the results. Now you need **BODY GOLD Chromium Picolinate**.

Join women and men across the country who are enjoying exceptional results from their fitness efforts with **BODY GOLD**. Mold yourself a sleek, new figure with the lasting benefits of this amazing nutrient!

22% LESS BODY FAT

In a breakthrough university study with Chromium Picolinate, fat loss was dramatic:



Unhealthy body fat decreased 17% in only 2 weeks and continued to an average 22% loss at the end of the 6-week study.

In only six weeks, participants given Chromium Picolinate lost 22% of their body fat! Happy **BODY GOLD** customers enthusiastically confirm these exciting fat loss and weight control benefits.

Discover the final answer to getting and keeping a healthier, stronger, slimmer YOU. Add **BODY GOLD Chromium Picolinate** to sensible eating and exercising habits. Then...

BE READY FOR SOME DYNAMITE RESULTS!



BODY GOLD is made to the exact specifications of the capsules used in the studies cited above. Each bottle of 60 capsules is a 2-month supply.

MONEY BACK GUARANTEE

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hap-pe-tite

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syn. Lake Austin Resort.

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Not for just a year...

The Heartland will teach you realistic ways to make your lifestyle kinder to your mental and physical health. We offer a wide range of exercise activities and pampering services. At our peaceful, country estate, we'll help you change for the better -

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of Chicago

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Complaint

EXHIBIT I

You've heard about it. You've read about it.

CHROMIUM PICOLINATE

for

LESS FAT AND MORE MUSCLE

The hottest topic in health and fitness is Chromium Picolinate! Numerous studies now show that supplemental Chromium Picolinate promotes fat loss and increases lean muscle. 200 micrograms taken daily can offer dramatic fitness benefits!

1989, Barabji State University, Minnesota

People taking Chromium Picolinate lost 23% of their body fat in only six weeks in a 1989 university study. Since then, numerous studies and millions of people have confirmed the exciting benefits of this safe, essential nutrient. Men and women across the country are talking about:

LESS BODY FAT • WEIGHT LOSS • "TNC LOSS"
MORE ENERGY • MORE LEAN MUSCLE
GREATER STAMINA • APPETITE CONTROL
LESS DESIRE FOR SWEETS

BODY GOLD™ Chromium Picolinate capsules are made to the exact specifications of those used in the study cited above. Each capsule contains 200 micrograms of chromium from USDA-patented Chromium Picolinate. One capsule daily produced scientifically documented weight loss, fat loss and increased lean muscle. Your bottle of BODY GOLD contains 60 capsules.

ORDER TODAY • MONEY-BACK GUARANTEE
 For fast delivery, send check or money order today to: BODY GOLD,
 5930 La Jolla Hermosa, Dept. CL-93, La Jolla, CA 92037

Please rush me _____ bottles of "BODY GOLD" @ \$10.95 ea. = \$ _____
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For Every Cuisinart -
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The High-Tech Weight-Loss System.

There are weight-loss programs for the average individual. And then there's NordicSport™ ski from NordicTrack. The high-tech, world-class way to lose weight and keep it off.

Weight loss never felt so good. Our state-of-the-art graphite composite construction allows the NordicSport™ ski to move and react to your body's motion for the most authentic sport simulation and the most vigorous cardiovascular workout. With the patented flywheel and one-way clutch system, it's a workout as smooth as real ice challenging — a full-body workout the snow is missing.

And it's built to last. A 10-year warranty proves our confidence in the product. That's more than you would get from any other exercise machine. And it's built to last. And it's built to last. And it's built to last.

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Write for free catalog of the world's most complete sharpener line.

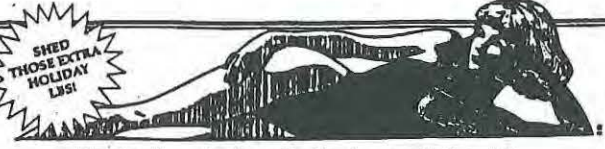
LS LANSKY SHARPENERS

Lansky Sharpeners, Dept. 444, 444
 Dept. 20, 3040 New Ave., 444, 444

Complaint

123 F.T.C.

EXHIBIT J



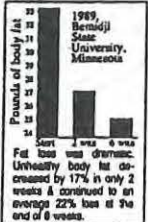
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CHROMIUM PICOLINATE

for

LESS FAT AND MORE MUSCLE

The exciting news in weight loss and fitness is Chromium Picolinate! Numerous studies now show that supplemental Chromium Picolinate promotes fat loss and increases lean muscle. 200 micrograms taken daily can offer dramatic fitness benefits!



1989, Bemidji State University, Minnesota

Pounds of body fat

Start 2 weeks 6 weeks

Fat loss was dramatic. Unhealthy body fat decreased by 17% in only 2 weeks & continued to an average 22% loss at the end of 6 weeks.

People taking Chromium Picolinate lost 22% of their body fat in only six weeks in a 1989 university study. Since then, numerous studies and millions of people have confirmed the exciting benefits of this safe, essential nutrient. Women across the country are talking about:

LESS BODY FAT • WEIGHT LOSS • "TNCN LOSS"
MORE ENERGY • MORE LEAN MUSCLE
GREATER STAMINA • APPETITE CONTROL
LESS DESIRE FOR SWEETS

BODY GOLD™ Chromium Picolinate capsules are made to the exact specifications of those used in the study cited above. Each capsule contains 200 micrograms of chromium from USDA-patented Chromium Picolinate. One capsule daily produced scientifically documented weight loss, fat loss and increased lean muscle. Your bottle of **BODY GOLD** contains 60 capsules.

ORDER TODAY • MONEY-BACK GUARANTEE

For fast delivery, send check or money order today to: **BODY GOLD**,
 5930 La Jolla Hermosa, Dept. CO-14, La Jolla, CA 92037

Other fine BODY GOLD products:
L-Carnitine, Super Fat Burner Formula, Daily Energy Formula

Please rush me _____ bottles of "BODY GOLD" @ \$10.95 ea. = \$ _____

Name: _____ Chromium Picolinate Shipping = \$ 2.50

Address: _____

City: _____ State: _____ Zip: _____

TOTAL = \$ _____

No C.O.D.s. Canada: U.S. \$ m.o. only

CO-14

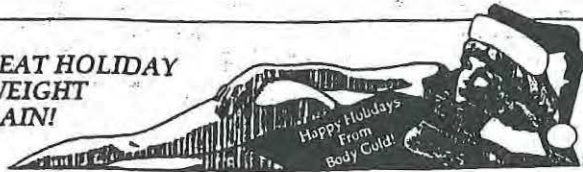


EXHIBIT J

Complaint

EXHIBIT K

**BEAT HOLIDAY
WEIGHT
GAIN!**



CHROMIUM PICOLINATE for LESS FAT AND MORE MUSCLE

The exciting news in health and fitness is Chromium Picolinate! Numerous studies now show that supplemental Chromium Picolinate promotes fat loss and increases lean muscle. 200 micrograms taken daily can offer dramatic fitness benefits!

People taking Chromium Picolinate lost 22% of their body fat in only six weeks in a 1989 university study. Since then, numerous studies and millions of people have confirmed the exciting benefits of this safe, essential nutrient. Men and women across the country are talking about:

LESS BODY FAT • WEIGHT LOSS • "INCH LOSS"

MORE ENERGY • MORE LEAN MUSCLE

APPETITE CONTROL • LESS DESIRE FOR SWEETS

BODY GOLD™ Chromium Picolinate capsules are made to the exact specifications of those used in the study cited above. Each capsule contains 200 micrograms of chromium from USDA-patented Chromium Picolinate. One capsule daily produced scientifically documented weight loss, fat loss and increased lean muscle. Your bottle of BODY GOLD contains 60 capsules.

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For fast delivery, send check or money order today to: BODY GOLD,
5930 La Jolla Hermosa, Dept. CL-113, La Jolla, CA 92037

Please rush me _____ bottles of "BODY GOLD" @ \$10.95 ea = \$ _____
Name: _____ Shipping = \$ 2.50
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City: _____ State: _____ Zip: _____ No C.O.D.s. Canada: U.S. \$ mail only CL/13

Complaint

123 F.T.C.

EXHIBIT L

New Women 8/94



Body Gold™

Nutritional products for people **SERIOUS** about
WEIGHT LOSS and WEIGHT MANAGEMENT

Lost 13 lbs. and feel great—thanks to Body Gold!

G.B. Mohrville, PA

Since I started Body Gold products I have lost a total of 36 inches and 64 pounds. I'm a proud Body Gold user.

Karen Suleiman, Livonia, MI

I've lost 20 pounds so far, and many, many inches!! I recently added "24K" to my regimen and it's even better. I feel terrific!

Jennifer Papagno, Marlboro, MA

Body Gold has become an important part of my daily life. I no longer crave chocolate or any sweets, and my appetite has decreased also. I've lost inches all over.

Joan Decker, Troy, NY

I saw inch loss in just a few days, and also a loss of appetite. I have more energy than ever.

N.W. Wichita, TX

Your product (Chromium Picolinate) is so great. In 2 weeks I've lost inches already. I haven't eaten or craved sweets. Thank you so much.

S.C. Santa Rosa, CA

You have made me a believer. I could not get any of my dresses to fit when I needed to attend a special event. I started the 200 mcg chromium that day. One month later I can once again wear my clothes. I feel great! Thank you!

Marcy Baker, Bend, OR

This is the best thing I have ever tried and got results so fast! I have several friends as well as myself who have lost 20 pounds or more.

M.G. Rocky Mtn., NC

I've lost lots of inches and 2 dress sizes!

G.H. Columbus, OH

Body
Gold
Customers
Write:



I feel great since starting Daily Energy Formula and I have lost 10 lbs. in the past month since starting Chromium Picolinate.

M.S. Madison Hts., VA

The products you are offering are fantastic. After using Body Gold there is no need to try anything else. I love it! It works!

Bonnie Stokes, Charlottesville, VA

I tried your Dual-Pak of Super Fat Burner Formula in combination with the Chromium Picolinate, and I AM HOOKED! I noticed immediate and dramatic fat loss, while I've noticed more muscle. I've finally managed to lose those impossible last 5 lbs. almost effortlessly.

K.M. Edgewood, NM

I have been particularly pleased with the Super Fat Burner Formula. I had a baby and within 2 months I have lost the 40 lbs. gained and have rebuilt the muscle definition I had lost during the pregnancy.

Carol Leigh Henderson, Stone Mtn., GA

I lost 7-1/2 lbs. in 2 weeks with absolutely no change in diet—I fed better and want less food. I have found determination and excitement I haven't felt in years. Thanks!

Mary Gutz, Los Angeles, CA

I love your products! Adding the L-Carnitine has been really effective. It has dramatically improved my athletic performance and increased overall stamina. Your products give me the fuel I need.

Gail Smart, W. Medford, MA

I've lost 10 pounds without trying to diet with this product. I feel great!

Sally Womer, Friendswood, TX

FOR FASTEST SHAPE-UP SUCCESS WE HIGHLY RECOMMEND COMBINING OUR:
Fat Loss Dual Pak (#DP-30D) and L-Carnitine (#LC-100)

BODY GOLD, 5470 La Jolla Hermosa Avenue, Dept. NW-34, La Jolla, CA 92037

ORDER TODAY!

MONEY BACK GUARANTEE

ORDER TODAY!

PLEASE RUSH MY ORDER

#CR-200 Chromium Picolinate

#CR-400 Chromium Picolinate

#FB-120 Super Fat Burner Formula

#DP-30D Fat Loss Dual-Pak (Save \$4.00)

#SE-300 Daily Energy Formula

#LC-100 L-Carnitine

#M-100 "24K" Multi-Vitamin/Mineral Formula

\$7.95 ea = \$

\$12.95 ea = \$

\$20.95 ea = \$

\$27.95 ea = \$

\$19.95 ea = \$

\$27.95 ea = \$

\$27.95 ea = \$

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Include \$3.00 money order fee (if applicable)

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orders only, please # order by item #

EXHIBIT M

troubled by frizzy hair?

Ouidad has been named by Vogue one of the top stylists in America and the one best at caring for frizzy hair. She works wonders in the quiet confines of her NYC brownstone penthouse salon; which also offers luxurious facials, manicures, pedicures and waxing. Ouidad's Deep Treatment conditioner, a lotion for frizzy hair (seen on Sally Jessy Raphael), has been featured by beauty editors in Allure, Elle, T&C, Harper's Bazaar, and dozens of others, making the salon a haven for those with frizzy, curly hair. The Deep Treatment can be ordered by mail. For a free brochure, call (800) 677-HAIR or write/visit the salon at 846 Seventh Ave., NY, NY 10019.



2 oz. bottle, \$22.50 ppd.

Fresh Start, Clean Finish

Make BreathAssure a permanent addition to your daily beauty regimen. BreathAssure, an all-natural blend of sunflower and parsley seed oils, works with your digestive system to give you clean breath. Just swallow 2-3 capsules with liquid; BreathAssure is guaranteed to tackle even the spiciest foods. So eat whatever you want, whenever you want to. Just use BreathAssure and you won't need to worry about your breath—morning, noon or night! Credit card orders call 1-800-603-1500. Or send check/mo to BreathAssure, Dept. 673, 18034 Ventura Blvd., Encino, CA 91316. Only \$19. for 4 packs (200 capsules) plus \$3 s/h. CA residents add \$1.65 tax. 30-day money back guarantee. In Canada, call 1-800-668-8968.



The Shape You're In

Championship Blocking

A sports sunblock needs to absorb quickly into your skin so it won't interfere with your grip or run into your eyes. It has to be waterproof and sweatproof for up to eight hours so there's no hassle with reapplying. Hawaiian Tropic Sport Sunblock delivers all this and more in its 15, 30 or 45 SPF formulas.



SCALED DOWN BEAUTIFUL

A powerful weight loss combination with CitriGold™

CitriGold™ is the weight-loss aid that combines the latest, most potent ingredients to help you:

- Lose weight
- Reduce body fat
- Control your appetite

CitriGold contains Garcinia cambogia (HCA) from Citrin® and Chromium Picolinate, two breakthrough ingredients in weight control. Add CitriGold to your weight loss and exercise program for a leaner, slimmer, sleeker body than you would have thought possible. One-month supply only \$24.95. Money Back Guarantee.



Special Offer: Daily Energy Formula, an \$11.95 value, only \$9.95 with CitriGold purchase from this ad.

Credit card orders: 1-800-808-8448 (24 hrs.) or send order form with payment to: Body Gold™, 5930 La Jolla Hermosa Ave., Dept. S-55, La Jolla, CA 92037.

PLEASE RUSH _____ bottles CITRIGOLD™ @ \$24.95 ea. = \$	
OR _____ CITRIGOLD™ + Daily Energy Combos @ \$34.90 ea. = \$	
Shipping = \$	
TOTAL = \$	
Name _____	SHIPPING 1 30. 62.50
Address _____	2-4 316. 63.50
City _____ State _____ Zip _____	5 or more 14. 78
	WEEKLY SERVICE 18. 96

your master plan for success in life

Are you tired of wondering or worrying about Love? Career? Family? Friends? Wealth? Or even Health? Then, join the crowd—the crowd calling the Psychic Friends Network™, that is! Where a certified Master Psychic can reveal your "Master Plan for Success in Life"! The Master Psychic Master Plan is unlike any other psychic reading ever offered. Most psychic readings capture a moment in time at best. But, with a Master Psychic Master Plan, you get comprehensive, in-depth guidance about any—or every—area of your life. In fact, your Master Psychic Master Plan actually advises you step by step on the correct course to take to help you achieve the lasting happiness you desire. And deserve! So stop dreading dead ends and start living the life of your dreams. Call now for your Master Plan for Success in Life. Because with a Master Psychic Master Plan, you, at last, can know tomorrow, today!

Call now for your very own Master Psychic Master Plan! 1-900-454-4330. (Only \$3.99 per minute. Must be at least 18 years of age.)

Note: there's a fragrance for all your moods: Vanilla Fields from Corey, Classic Gardenia by Dana, or Chantilly... from Sebastian; everything you need in haircare—slim down with CitriGold and Citrin™.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft complaint which the Denver Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent, her attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all jurisdictional facts set forth in the aforementioned draft of the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent 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 respondent has violated the Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Victoria Bie d/b/a Body Gold is a sole proprietor doing business under and by virtue of the laws of the State of California, with her office and principal place of business located at 5930 La Jolla Hermosa Ave., La Jolla, California.

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

ORDER

DEFINITIONS

For the purposes of this order:

1. "*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; and

2. "*Clearly and prominently*" as used herein shall mean as follows:

(a) In a television or videotape advertisement: (1) an audio disclosure shall be delivered in a volume and cadence and for a duration sufficient for an ordinary consumer to hear and comprehend it; and (2) a video disclosure shall be of a size and shade, and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend it.

(b) In a print advertisement, the disclosure shall be in close proximity to the representation that triggers the disclosure in at least twelve (12) point type.

(c) In a radio advertisement, the disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it.

I.

It is ordered, That respondent Victoria Bie, doing business as Body Gold or under any other name, and respondent's agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of Chromium Picolinate, 24K with Chromium Picolinate, Daily Energy Formula, CitriGold, or any food, dietary supplement, or drug, as "food" and "drug" are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. 55, in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. Such product causes, aids, facilitates or contributes to reducing body fat;

B. Such product causes, aids, facilitates or contributes to causing weight loss;

C. Such product causes, aids, facilitates or contributes to causing rapid weight or body fat loss;

D. Such product causes or assists in causing weight or fat loss without dieting or strenuous exercise;

E. Such product reduces serum cholesterol levels;

F. Such product increases human metabolism;

G. Such product increases lean body mass and builds muscle;

H. Such product increases energy or stamina;

I. Such product controls appetite and/or craving for sugar; or

J. Such product regulates or controls blood sugar;

unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

II.

It is ordered, That respondent Victoria Bie, doing business as Body Gold or under any other name, and respondent's agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of L-Carnitine, Super Fat Burner Formula, or any food, dietary supplement, or drug, as "food" and "drug" are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. 55, in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. Such product improves fat metabolism, which causes loss of body fat;

B. Such product causes, aids, facilitates or contributes to achieving fat loss;

C. Such product causes, aids, facilitates or contributes to achieving weight loss;

D. Such product causes, aids, facilitates or contributes to muscle toning; or

E. Such product enhances athletic performance and/or stamina;

unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

III.

It is further ordered, That respondent Victoria Bie, doing business as Body Gold or under any other name, and respondent's agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of any food, dietary supplement, or drug, as "food" and "drug" are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. 55, in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, do forthwith cease and desist from making, in any manner, directly or by implication, any representation regarding the performance, benefits, efficacy, or safety of such product, unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

IV.

It is further ordered, That respondent Victoria Bie, doing business as Body Gold or under any other name, and respondent's agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of any product or program, in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, 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.

V.

It is further ordered, That respondent Victoria Bie, doing business as Body Gold or under any other name, and respondent's agents, representatives, and employees, directly or through any partnership,

corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, or offering for sale, sale or distribution of any product or program in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, 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 a product or program represents the typical or ordinary experience of members of the public, who use the product or program, unless at the time of making such a representation, the representation is true, and respondent possessed and relied upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

Provided, however, respondent may use such endorsements if the statements or depictions that comprise the endorsements are true and accurate, and if respondent discloses clearly and prominently and in close proximity to the endorsement:

- a. What the generally expected performance would be in the depicted circumstances; or
- b. The limited applicability of the endorser's experience to what consumers may generally expect to achieve, *i.e.*, that consumers should not expect to experience similar results.

VI.

Nothing in this order shall prohibit respondent from making any representation that is specifically permitted in labeling for any product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

VII.

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.

VIII.

It is further ordered, That for three (3) years after the last date of dissemination of any representation covered by this order, respondent 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 her possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

IX.

It is further ordered, That respondent shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the company, such as dissolution, assignment, or sale resulting in the emergence of a successor entity, the creation or dissolution of subsidiaries or affiliates, or any other change in the company that may affect compliance obligations arising under this order.

X.

It is further ordered, That the respondent shall, within thirty (30) days after service of this order, distribute a copy of this order to all agents, representatives, or employees engaged in the preparation or placement of advertisements, promotional materials, product labels or other sales materials covered by this order, and shall obtain from each such agent, representative or employee a signed statement acknowledging receipt of the order.

XI.

It is further ordered, That respondent 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 she has complied with this order.

XII.

This order will terminate twenty years from the date of its issuance, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this order that terminates in less than twenty years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

IN THE MATTER OF

CONOPCO, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3706. Complaint, Jan. 23, 1997--Decision, Jan. 23, 1997*

This consent order prohibits, among other things, Conopco, Inc., a New York-based manufacturer of margarine and spreads, doing business as Van Den Bergh Foods Company, from misrepresenting the amount of fat, saturated fat, cholesterol or calories in any spread or margarine; and requires the respondent to have adequate scientific substantiation for claims that any margarine or spread reduces the risk of heart disease, or causes or contributes to a risk factor for any disease or health-related condition. In addition, the consent order requires, for three years, that advertisements for Promise margarine or spreads must include the total fat disclosure and must disclose either the percentage of calories derived from fat or the fact that the product is not low in fat.

Appearances

For the Commission: *Anne V. Maher, Rosemary Rosso, Maureen Enright and Jill Samuels.*

For the respondent: *Nancy Schnell, New York, N.Y.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Conopco, Inc., doing business as Van Den Bergh Foods Company ("respondent"), has violated 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 is a New York corporation with its office and principal place of business located at 390 Park Avenue, New York, New York. Van Den Bergh Foods Company is an unincorporated operating division of Conopco, Inc. Conopco, Inc. is a wholly-owned subsidiary of Unilever United States, Inc., a Delaware corporation with its office and principal place of business also located at 390 Park Avenue, New York, New York.