

Complaint

124 F.T.C.

IN THE MATTER OF

ABFLEX, U.S.A., INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3771. Complaint, Sept. 18, 1997--Decision, Sept. 18, 1997*

This consent order requires, among other things, the California-based advertiser and distributor, of Abflex abdominal exerciser, and its officer to have competent and reliable evidence for future claims regarding weight loss and the benefits, efficacy or performance of such a product in promoting weight loss. In addition, the consent order requires that the testimonials in the respondents' advertisement and infomercial either represent the typical experience of users, or include disclosures of the generally expected results or that users should not expect similar results.

Appearances

For the Commission: *Kerry O'Brien* and *Jeffrey Klurfeld*.

For the respondents: *Alexander F. Wiles* and *Stephanie Kaufman Hernand, Irell & Manella*, Los Angeles, CA.

COMPLAINT

The Federal Trade Commission, having reason to believe that Abflex, U.S.A., Inc., a corporation, and Martin Van Der Hoeven, individually and as an officer of the corporation ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Abflex, U.S.A., Inc. is a California corporation with its principal office or place of business at 5962 La Place Court, Suite 260, Carlsbad, California.

2. Respondent Martin Van Der Hoeven is an officer of the corporate respondent. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the corporation, including the acts or practices alleged in this complaint. His principal office or place of business is the same as that of Abflex, U.S.A., Inc.

3. Respondents have advertised, labeled, offered for sale, sold, and distributed weight-loss and body-shaping products to the public, including the "Abflex," an abdominal exercise device.

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

5. Respondents have disseminated or have caused to be disseminated advertisements for the Abflex, including but not necessarily limited to the attached Exhibits A through E. These advertisements contain the following statements:

A. ["The Abflex Home" page (Exhibit A2)]

"Welcome to ABFLEX YOU ARE SECONDS AWAY FROM THE ABS YOU'VE ALWAYS WANTED

WHAT CAN ABFLEX DO FOR YOU?

SEE WHY ABFLEX IS THE BEST MACHINE FOR ABS

WHO USES ABFLEX?

DON'T BELIEVE US? WATCH THIS!"

["What can Abflex do for you?" page (Exhibits A3-A4)]

"If you spend 3 minutes a day with the ABFLEX, you will have firm, tight abs.

We guarantee it.

The ABFLEX Guarantee:

If you don't lose 5 inches and 10 pounds within 30 days, you can return the ABFLEX for a full refund.

HERE'S HOW:

ABFLEX uses four basic exercises to guarantee you the maximum results:"

["See why Abflex is the best machine for abs" page (Exhibits A5-A7)]

"Q&A

How do I know ABFLEX really works?

The ABFLEX Guarantee!!!

If you don't lose 5 inches and 10 pounds within 30 days, you can return the ABFLEX for a full refund."

["Who uses Abflex" page (Exhibit A8)]

"Who uses ABFLEX?

The question is: who DOESN'T use ABFLEX to achieve tighter firmer abs?

Join an all-star line-up of celebrities, professional athletes, fitness experts and hundreds of thousands of people across the country and discover the fast, safe way to a firm stomach, a slim waistline and a healthy back.... Besides celebrity users, there are hundreds of thousands of people -- people like you and me -- who simply want the sexiest and flattest abs possible with only 3 minutes a day of exercise. Just look at what people like you are saying about ABFLEX:

....
The ABFLEX Guarantee:

If you don't lose 5 inches and 10 pounds within 30 days, you can return the ABFLEX for a full refund"

["Just look at what people like you are saying about Abflex" page (Exhibit A9)]

"ABFLEX WORKS!!

If you don't lose 5 inches and 10 pounds within 30 days, you can return ABFLEX for a full refund."

Consumer endorser: "I Lost 12 inches"

Consumer endorser: "I Lost 6 inches in 30 Day [sic]"

[The advertisement depicts before-and-after photographs of the two consumers.]
 ["Don't believe us? Watch this!" page (Exhibit A10)]

"

 The ABFLEX Guarantee:

If you don't lose 5 inches and 10 pounds within 30 days, you can return the ABFLEX for a full refund." (Exhibit A: Internet Advertisement).

B. "FLATTEN YOUR STOMACH IN JUST 3 MINUTES A DAY!*

ABFLEX...The Fast, Easy Way to a Flat Stomach, Shapely Waistline, and a Healthy Back.

* 4 days a week if you follow the workout program."

Celebrity endorser: "I look better than I ever have! I workout less, and I eat more, all because of the Abflex."

"Home Exercise Machine That Works The Upper, Lower, & Side Abdominals With 1 SIMPLE EXERCISE!

Flatten your abs with the Abflex. Because the abdominals are non-jointed muscles, direct resistance is the way to work-out these non-jointed muscles. Abflex's patented direct resistance design zeros right in on those hard to target abdominal muscles. The result: You can have a firm flat stomach, and a slim waistline in just 3 minutes a day, 4 days a week!

The Abflex targets the abs much better than sit-ups; it doesn't strain your back like sit-ups, and you don't even have to get on the floor to use it! It's so effective, you can see dramatic results in just a few short weeks....

INCLUDED: A 1-hour LIFESTYLE FITNESS VIDEO which is like 3 great videos in 1:

1. It's an instructional tape that demonstrates your "3 minutes flat" Abflex workout. 2. It's a 20-minutes aerobics tape. 3. It's a guide to safe-back exercise. Plus, you'll receive a 250-page Abflex nutritional guide, which lists over 2000 low-fat foods, and gives you more than 90 delicious, healthy recipes.

And most importantly, you get the Abflex guarantee: If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the Abflex for a full refund." (Exhibit B).

C. "RECOMMENDED BY ORTHOPEDIC DOCTORS TO FIRM STOMACH AND IMPROVE LOWER BACK PERFORMANCE!

ABFLEX™

The unique Abflex™ System will provide you with the most complete abdominal workout available anywhere! With an excellent step-by-step video ..., you'll perform a routine that gradually works up to ab-isolating floor crunches. For cardiovascular fitness, there's exciting low-impact aerobics Plus a sensible eating program that provides plenty of eating satisfaction. Best of all, Abflex™ flattens your stomach in just 3 minutes a day - no matter what your current fitness level!"

Includes:

* Abflex™

* Medium and Light Resistance Bands and Accessories

* 270-Page Abflex™ Lifestyle Eating Program Book

* Instructional Video" (Exhibit C).

D. "GET A FLAT, SEXY STOMACH IN JUST 3 MINUTES A DAY!

While You Sit In A Chair or Even Watch TV!

ABFLEX®

The Fastest, Easiest,

Safest Way Ever

To Achieve:

A flat, toned stomach

A shapelier waistline

A healthier back

HERE'S THE MAGIC OF ABFLEX:

Only the ABFLEX patented direct resistance design targets all the abdominal muscles simultaneously in one easy exercise to:

* Flatten a bulging tummy

* Eliminate a spare tire * Trim the waistline

* Get rid of those "love handles" at the sides of the waist with its special attachment"

Consumer endorser: "Lost 3 inches and 13 pounds in 30 Days!"

[The advertisement depicts before-and-after photographs of a consumer.]

"DRAMATIC RESULTS IN JUST A FEW WEEKS... AND NO BACK STRAIN!"

....
ALL THIS FOR JUST 3 EASY PAYMENTS OF \$19.95

The Revolutionary New ABFLEX System, plus the 1-hour ABFLEX Lifetime Fitness Instructional Video and the 250 page ABFLEX Nutritional guide which lists over 2,000 low-fat foods and gives you over 90 delicious recipes!

....
ABFLEX NO RISK GUARANTEE

If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the ABFLEX System for a full refund of your purchase price! You have nothing to lose but your paunch!"

The advertisement contains a statement at the bottom, left-hand corner, in approximately 4-point type: "The ABFLEX System includes a low-fat diet and aerobic exercise. The results may vary." (Exhibit D).

E. "Male Narrator 1: Does your stomach look like this?"

[The advertisement depicts stomachs of three obese individuals. Superscript: "Does Your Stomach Look Like This?"]

In just a few minutes a day, it could look like this.

[The advertisement depicts three individuals with flat stomachs and slim waistlines.

Superscript: "It Could Look Like This."]

[Superscript: "If You Start Using This."]

If you start using this. It's the revolutionary ABFLEX ...

[Superscript: "Abflex"]

... and it's so easy to use....

[The advertisement depicts before and after photographs of a consumer. Superscript: "Your results may vary"]

Van Allen: We're talking tummies, gang. How do we firm 'em up and slim 'em down. Sometimes it seems hopeless, right? But today we're going to hear about a new machine called the Abflex. Well, they say it can flatten our stomachs in just a few minutes a day....

Jennilee Harrison: And let's look at the results some of these people got after just a few weeks on the Abflex System.

[The advertisement depicts before-and-after photographs of a consumer.

Superscript: "Lost 13 lbs in 30 days. The Abflex program includes a low-fat diet and aerobic exercise."]

....

[The advertisement depicts before-and-after photographs of a consumer. Superscript: "Lost 6 inches in 30 days. Your results may vary."]

Van Allen: Hey you guys, look at the difference.

Jennilee Harrison: And it can work for anybody. Just three minutes a day and you can flatten that tummy right up.

Van Allen: That sounds great."

Consumer endorser: "You don't even know you are doing, you don't even know you are doing your exercises. And you're doin' it the whole time and pretty soon your stomach is like a brick. And you've lost all that weight."

[Superscript: "The Abflex program includes a low-fat diet and aerobic exercise. Your results may vary."]

Consumer endorser: "After using the Abflex 30 days I lost two inches off my waist and I lost 13 lbs. so I went from a size 36 slacks back to a 34. Perfect."

[Superscript: "The Abflex program includes a low-fat diet and aerobic exercise. Your results may vary."]

Jennilee Harrison: And for us women who are trying to get rid of that pooch down here and for you guys trying to get rid of the love handles, forget it. This exercise [abdominal crunch] is useless. But, now here, this is the answer. This is the Abflex crunch

Jennilee Harrison: Well you can have it. Look at this woman. If you'd like to go down a few sizes, the Abflex System is the fast way to lose those inches."

[The advertisement depicts before-and-after photographs of a consumer. Superscript: "Lost 6 inches in 30 days. Best case results. Your results may vary."]

Consumer endorser: ".... Well I think in about 21 days I've, I've lost about 2 inches."

[Superscript: "The ABFLEX program includes a low fat diet and aerobic exercise."]

Consumer endorser: "After 30 days I lost a full 6 inches...."

[Superscript: "Your results may vary"]

Consumer endorser: "Four and half inches I lost. I was 39 ½ and went down to 35. Boom, just like that."

Consumer endorser: "With the Abflex I have lost 5 to 6 inches within 30 days and I have seen the results and so has everybody else. It works great."

Announcer: ... it's so effective you can see dramatic results in just a few weeks."

[The advertisement depicts a woman demonstrating how many inches she has lost around her waist by wearing jeans, which now are too large for her around the waist. Superscript: "Dramatic Results in a Few Weeks"]

Consumer endorser: "Within, I would say, the third or fourth day that I started using it I started noticing tightening, firmness and my pants had started loosening up a little. I kept continuing using it and before I knew it I was back to a 5/6 from a 9/10. It was very dramatic."

[Superscript: "Your results may vary."]

Announcer: ... you get the Abflex Guarantee. If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the ABFLEX for a full refund of your purchase price. The Abflex, it's the fast way to a flat stomach, a shapely waistline, and a healthy back."

[The advertisement depicts a woman demonstrating how many inches she has lost around her waist by wearing jeans, which now are too large for her around the waist. Superscript: "Abflex GUARANTEE If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the ABFLEX for a full refund."]

Consumer endorser: "I saw results in the first five to seven days. I could see visual results of the Abflex program. I lost about an inch to an inch-and-a-half in the waist and also lost five pounds...."

[Superscript: "Your results may vary"]

Van Allen: ... The Abflex definitely works.

Jennilee Harrison: And it can work for anyone.

[The advertisement depicts before and after photographs of a consumer. Superscript: "Lost 12 Inches. The Abflex program includes a low-fat diet and aerobic exercise."]

Jennilee Harrison: Think about how great you're going to feel when you start using the Abflex...

[The advertisement depicts before and after photographs of a consumer. Superscript: "Lost 13 lbs in 30 days. The Abflex program includes a low-fat diet and aerobic exercise."]

Jennilee Harrison: ...and you start losing those inches.

[The advertisement depicts before and after photographs of a consumer. Superscript: "Lost 6 inches in 30 days. Best case results. Your results may vary."]

Jennilee Harrison: Think about how great you're going to feel when you look terrific in your jeans again. Anybody can have a great body; the Abflex makes it easy.

Martin Van Der Hoeven: And I guarantee results. If you don't lose three to six inches and 10 pounds within 30 days, you can return the Abflex for a full refund.

Jennilee Harrison: It only takes three minutes a day to flatten your tummy....

Van Allen: We can all spare three minutes to get rid of our spare tires, ...It can flatten our stomachs, it can slim our waistlines,..."(Exhibit E).

6. Through the means described in paragraph five, respondents have represented, expressly or by implication, that:

- A. The Abflex causes fast and significant weight loss.
- B. Consumers lose at least ten pounds and five inches, or three to six inches, off their waistline within thirty days by using the Abflex for just three minutes a day.
- C. The Abflex causes weight loss and fat reduction in specific, desired areas of the body.
- D. Testimonials from consumers appearing in the advertisements for the Abflex reflect the typical or ordinary experience of members of the public who use the product.

7. Through the means described in paragraph five, respondents have represented, expressly or by implication, that they possessed and

relied upon a reasonable basis that substantiated the representations set forth in paragraph six, at the time the representations were made.

8. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in paragraph six, at the time the representations were made. Therefore, the representation set forth in paragraph seven was, and is, false or misleading.

9. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

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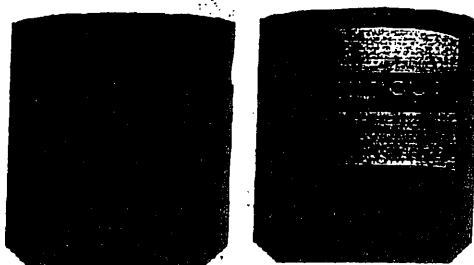
EXHIBIT A

Shopping Stores

<http://www.tvshopping.com>

Directory

Choose Store Below



☐ If you would like more information on how to be a merchant, please e-mail Webmaster@tvshopping.com



EXHIBIT A-1

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EXHIBIT A

Abflex Home Page

<http://tvshopping.com/abflex>

Welcome to ABFLEX
YOU ARE SECONDS AWAY FROM
THE ABS YOU'VE ALWAYS WANTED

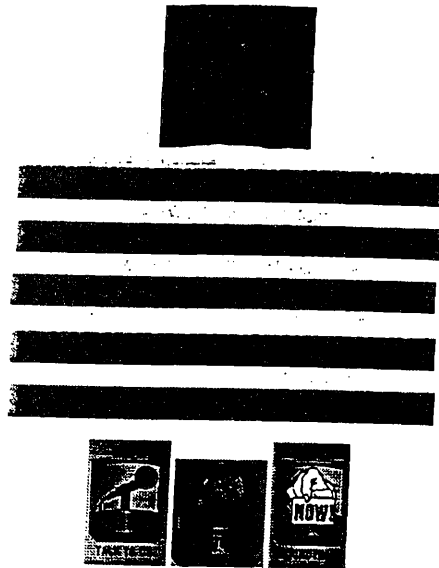


EXHIBIT A-2

EXHIBIT A

Minutes a Day

<http://tvshopping.com/abflex/page1.html>

If you spend 3 minutes a day with the ABFLEX, you will have firm, tight abs.



We guarantee it.

The ABFLEX Guarantee :

If you don't lose 5 inches and 10 pounds within 30 days, you can return the ABFLEX for a full refund.

HERE'S HOW:

ABFLEX uses four basic exercises to guarantee you the maximum results:

I. The Tummy Crunch tightens your stomach and slims your waist.



II. Advanced Pull-In offers you a progressive resistance which, combined with the floor crunch position, blasts you to the firmest possible abs.



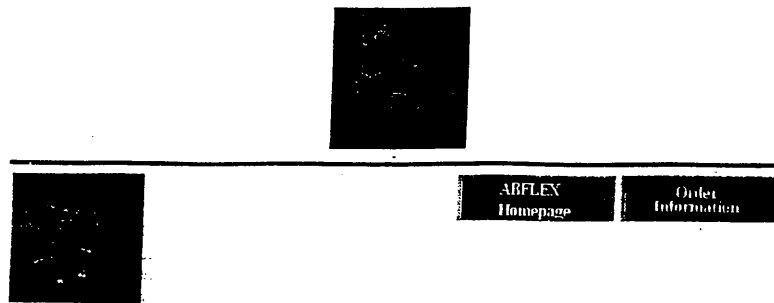
III. The side crunch slims and strengthens the side and oblique abs.

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EXHIBIT A

3 Minutes a Day

<http://tvshopping.com/abflex/page1.html>

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EXHIBIT A

<http://tvshopping.com/abflex/page2.html>

Q & A

ABFLEX
Homepage

Order
Information

EXHIBIT A-5

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EXHIBIT A

Q & A

How do I know ABFLEX really works? ↓

The ABFLEX Guarantee!!!

If you don't lose 5 inches and 10 pounds within 30 days,
you can return the ABFLEX for a full refund.

Who needs ABFLEX? ↓

Any one who wants a sexy, flatter stomach in just 3
minutes a day. Who doesn't want to look sexier with a
better physique?

How does it compare to other equipment? ↓

If you can prove another fitness product can target the abs
better than ABFLEX you will receive a \$100,000 from ABFLEX.

How does ABFLEX work? ↓

Other than the heart, the abs are the only muscles in
your body that aren't connected to any joints. That's
why they're almost impossible to target.
The only way to target them is with direct resistance.
Most people have never really worked their abs in their
entire life until they've used the ABFLEX.

What about sit-ups and crunches? ↓

With sit-ups, you're bending the hip joint so you're
working the hip flexor muscles, but you're hardly
working the abs at all. Worst of all, 90% of the
stress goes right to your lower back. Doctors will tell
you sit ups do more harm than good.
And crunches only work the upper abs - not the lower abs
or the sides. Therefore, to flatten the bulge or the love
handles, it is useless to do crunches.

What is the ABFLEX made of? How much does it weigh? ↓

ABFLEX is made of sturdy plastic and weighs approximately
5 pounds.

EXHIBIT A-6

Complaint

EXHIBIT A

Is ABFLEX built to last? ↓

ABFLEX is guaranteed for one year on parts...but it is built so tough it should last well past 5 years!

Will ABFLEX work my arms? ↓

ABFLEX is a terrific all around upper body workout. In addition to giving you rock hard abs, ABFLEX will help tone your biceps, lats and pectoral muscles.

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EXHIBIT A

Who uses ABFLEX

<http://tvshopping.com/abflex/page4.html>

Who uses ABFLEX?

The question is: Who **DOESN'T** use **ABFLEX** to achieve tighter firmer abs?

Join an all-star line-up of celebrities, professional athletes, fitness experts and hundreds of thousands of people across the country and discover the fast, safe way to a firm stomach, a slim waistline and a healthy back. **ABFLEX** is used by thousands every day to give them a real advantage in their exercise program.

You may have seen our recent nationally aired TV show showing the benefits of **ABFLEX**. The show is hosted by two devoted users of **ABFLEX**: Television star Jennilee Harrison (the costar of Dallas and Three's Company) and Martin Van Der Hoeven, the inventor of **ABFLEX**.

In fact, Jennilee believes in the results she has gotten so much she has become the spokesperson for the company.

Martin van Der Hoeven the inventor of **ABFLEX** developed his drum tight abdomen in only two months using the **ABFLEX** System.

Besides celebrity users, there are hundreds of thousands of people— people like you and me — who simply want the sexiest and flattest abs possible with only 3 minutes a day of exercise. Just look at what people like you are saying about **ABFLEX**.

To get abs in 3 minutes that you can only usually get in 45 minutes, order your own **ABFLEX** today. (radio button that clicks the user to the order page)

The ABFLEX Guarantee :

If you don't lose 5 inches and 10 pounds within 30 days, you can return the **ABFLEX** for a full refund

ABFLEX
Homepage

Order
Information

EXHIBIT A-3

EXHIBIT A

ABFLEX Works!!

<http://tvshopping.com/abflex/people.html>

ABFLEX WORKS!!

If you don't lose 5 inches and 10 pounds within 30 days, you can return ABFLEX for a full refund.



"I Lost 12 inches "



See What and Hear What People Are Saying
About the ABFLEX!!

Customer 1—[Qtime.Avi](#)

Customer 2—[Qtime.Avi](#)

Customer 3—[Qtime.Avi](#)



"I Lost 6 inches in 30 Day"



ABFLEX
Homepage

Order
Information

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EXHIBIT A

...y smashed on a users stomach. Unbelievable!!!

<http://tvshopping.com/abflex/page3.html>

Click here [Quicktime](#), [Avi](#) to see a loyal **ABFLEX** customer have an actual cinder block smashed on his stomach with a sledge hammer. It will make a believer of you!

The ABFLEX Guarantee :

If you don't lose 5 inches and 10 pounds within 30 days, you can return the **ABFLEX** for a full refund.



ABFLEX
Homepage



Order
Information

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EXHIBIT A

Abflex Order Information

<http://tvshopping.com/abflex/purchase.html>

ABFLEX

THE FASTEST, EASIEST,
SAFEST WAY EVER
TO ACHIEVE:

- A flat, toned stomach
- A shaplier waistline
- A healthier back



The Complete
ABFLEX SYSTEM

ALL THIS FOR JUST 3 EASY PAYMENTS OF

\$29.95

The revolutionary new **ABFLEX** System plus the 1-hour **ABFLEX LIFETIME** Fitness Instructional Video and the 250-page **ABFLEX** Nutritional Guide which lists over 2,000 low-fat foods and gives you over 90 delicious recipes!

Call 800-293-7100 to order NOW

MAIL CHECK

PURCHASE ONLINE

ABFLEX
Homepage

EXHIBIT A-11

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EXHIBIT A

Mail Order Form

<http://tvshopping.com/abflex/mail.html>**Check Orders**

I prefer to send the full amount now. Enclose \$59.85 plus \$7.95 S&H. Total \$67.80.

I want to target my side abs for faster trimmer waistline. Please add your special attachment and instructional video. Enclose a total of \$80.70

TX res. add 8%, CA res. add 8.25% sales tax. Check Money Order

Print

Name
Address Apt#
City State Zip

Mail to: ABFLEX, Box 6015, Culver City, CA 90233

ABFLEX
Homepage

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EXHIBIT A

Abflex Order Form

<http://tvshopping.com/abflex/order.htm>

**ABFLEX ORDER FORM
TO ORDER ON-LINE**

On-Line Credit Card Orders

YES! Please rush my **ABFLEX** with a no-risk money-back guarantee!

Charge my credit card for 3 easy payments of only \$19.95 each plus \$7.95 S&H (4-6 wk delivery)

Charge my credit card for full amount of \$59.85 plus \$7.95 S&H and *receive free express handling* (2 week delivery)

I want to target my side abs for a faster trimmer waistline, please add your special attachment and instructional video. Charge my credit card an additional \$9.95 plus \$2.95 S&H.

Martin VanDerHoeven, the inventor of the Abflex, would like you to try *for free* an incredible new all natural weight loss product. A recent scientific study showed that the regular use of this quick slimming formula safely produced a greater level of weight loss, reduced appetite, fewer cravings for sweets and increased energy. Martin will send you a 30-day supply *free* for two weeks. If you choose to keep SlimQuick, your accounts will be charged \$14.95 plus \$2.95 shipping and handling. So that you never run out, a new bottle will be sent approximately every four weeks and, of course you keep only the bottles you want. Check this paragraph to add to your order.

First Name:

Last Name:

Address: Apt:

City: State:
Zip:

Daytime Telephone:

Evening Telephone:

Email Address:

Credit Card: American Express Visa Mastercard

EXHIBIT A-13

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EXHIBIT A

Abflex Order Form

<http://tvshopping.com/abflex/order.htm>

Card Number:

Expiration Date:



EXHIBIT A

flex Order Form

<http://tvshopping.com/abflex/order.html>

ABFLEX ORDER FORM TO ORDER ON-LINE

On-Line Credit Card Orders

YES! Please rush my **ABFLEX** with a no-risk money-back guarantee!

Charge my credit card for 3 easy payments of only \$19.95 each plus \$7.95 S&H (4-6 wk delivery)

Charge my credit card for full amount of \$59.85 plus \$7.95 S&H and receive *free express handling* (2 week delivery)

I want to target my side abs for a faster trimmer waistline, please add your special attachment and instructional video. Charge my credit card an additional \$9.95 plus \$2.95 S&H.

Martin VanDerHoeven, the inventor of the Abflex, would like you to try *for free* an incredible new all natural weight loss product. A recent scientific study showed that the regular use of this quick slimming formula safely produced a greater level of weight loss, reduced appetite, fewer cravings for sweets and increased energy. Martin will send you a 30-day supply *free* for two weeks. If you choose to keep SlimQuick, your accounts will be charged \$14.95 plus \$2.95 shipping and handling. So that you never run out, a new bottle will be sent approximately every four weeks and, of course you keep only the bottles you want. Check this paragraph to add to your order.

First Name:

Last Name:

Address: Apt:

City: State:

Zip:

Daytime Telephone:

Evening Telephone:

Email Address:

Credit Card: American Express Visa Mastercard

EXHIBIT A-15

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EXHIBIT A

Abflex Order Form

<http://tvshopping.com/abflex/order.htm>

Card Number:

Expiration Date:

The logo consists of a dark rectangular box. Inside the box, the word "ABFLEX" is written in a bold, sans-serif font. Below "ABFLEX", the word "Homepage" is written in a smaller, lighter font.

877(110)

Montgomery Ward
November, 1985

[illegible]

Offer expires October 31, 1995. Made in the U.S.A.

***4 days a week if you follow the workout program.**



FREE 21-Day Home Trial!

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS MAIL PERMIT NO. 609 ELMHURST, IL

POSTAGE WILL BE PAID BY ADDRESSEE

SHELL MERCHANDISE CENTER
489 W FULLERTON AVE
ELMHURST IL 60126-9484

EXHIBIT B

"I look better than I ever have! I workout less, and I eat more, all because of the Ablix." **Jerry Lee**
Harris, Co-Owner of DALLAS
and THREE'S COMPANY.

YOUR LIFESTYLE
 which is like 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 108, 111, 114, 117, 120, 123, 126, 129, 132, 135, 138, 141, 144, 147, 150, 153, 156, 159, 162, 165, 168, 171, 174, 177, 180, 183, 186, 189, 192, 195, 198, 201, 204, 207, 210, 213, 216, 219, 222, 225, 228, 231, 234, 237, 240, 243, 246, 249, 252, 255, 258, 261, 264, 267, 270, 273, 276, 279, 282, 285, 288, 291, 294, 297, 300, 303, 306, 309, 312, 315, 318, 321, 324, 327, 330, 333, 336, 339, 342, 345, 348, 351, 354, 357, 360, 363, 366, 369, 372, 375, 378, 381, 384, 387, 390, 393, 396, 399, 402, 405, 408, 411, 414, 417, 420, 423, 426, 429, 432, 435, 438, 441, 444, 447, 450, 453, 456, 459, 462, 465, 468, 471, 474, 477, 480, 483, 486, 489, 492, 495, 498, 501, 504, 507, 510, 513, 516, 519, 522, 525, 528, 531, 534, 537, 540, 543, 546, 549, 552, 555, 558, 561, 564, 567, 570, 573, 576, 579, 582, 585, 588, 591, 594, 597, 600, 603, 606, 609, 612, 615, 618, 621, 624, 627, 630, 633, 636, 639, 642, 645, 648, 651, 654, 657, 660, 663, 666, 669, 672, 675, 678, 681, 684, 687, 690, 693, 696, 699, 702, 705, 708, 711, 714, 717, 720, 723, 726, 729, 732, 735, 738, 741, 744, 747, 750, 753, 756, 759, 762, 765, 768, 771, 774, 777, 780, 783, 786, 789, 792, 795, 798, 801, 804, 807, 810, 813, 816, 819, 822, 825, 828, 831, 834, 837, 840, 843, 846, 849, 852, 855, 858, 861, 864, 867, 870, 873, 876, 879, 882, 885, 888, 891, 894, 897, 900, 903, 906, 909, 912, 915, 918, 921, 924, 927, 930, 933, 936, 939, 942, 945, 948, 951, 954, 957, 960, 963, 966, 969, 972, 975, 978, 981, 984, 987, 990, 993, 996, 999, 1002, 1005, 1008, 1011, 1014, 1017, 1020, 1023, 1026, 1029, 1032, 1035, 1038, 1041, 1044, 1047, 1050, 1053, 1056, 1059, 1062, 1065, 1068, 1071, 1074, 1077, 1080, 1083, 1086, 1089, 1092, 1095, 1098, 1101, 1104, 1107, 1110, 1113, 1116, 1119, 1122, 1125, 1128, 1131, 1134, 1137, 1140, 1143, 1146, 1149, 1152, 1155, 1158, 1161, 1164, 1167, 1170, 1173, 1176, 1179, 1182, 1185, 1188, 1191, 1194, 1197, 1200, 1203, 1206, 1209, 1212, 1215, 1218, 1221, 1224, 1227, 1230, 1233, 1236, 1239, 1242, 1245, 1248, 1251, 1254, 1257, 1260, 1263, 1266, 1269, 1272, 1275, 1278, 1281, 1284, 1287, 1290, 1293, 1296, 1299, 1302, 1305, 1308, 1311, 1314, 1317, 1320, 1323, 1326, 1329, 1332, 1335, 1338, 1341, 1344, 1347, 1350, 1353, 1356, 1359, 1362, 1365, 1368, 1371, 1374, 1377, 1380, 1383, 1386, 1389, 1392, 1395, 1398, 1401, 1404, 1407, 1410, 1413, 1416, 1419, 1422, 1425, 1428, 1431, 1434, 1437, 1440, 1443, 1446, 1449, 1452, 1455, 1458, 1461, 1464, 1467, 1470, 1473, 1476, 1479, 1482, 1485, 1488, 1491, 1494, 1497, 1500, 1503, 1506, 1509, 1512, 1515, 1518, 1521, 1524, 1527, 1530, 1533, 1536, 1539, 1542, 1545, 1548, 1551, 1554, 1557, 1560, 1563, 1566, 1569, 1572, 1575, 1578, 1581, 1584, 1587, 1590, 1593, 1596, 1599, 1602, 1605, 1608, 1611, 1614, 1617, 1620, 1623, 1626, 1629, 1632, 1635, 1638, 1641, 1644, 1647, 1650, 1653, 1656, 1659, 1662, 1665, 1668, 1671, 1674, 1677, 1680, 1683, 1686, 1689, 1692, 1695, 1698, 1701, 1704, 1707, 1710, 1713, 1716, 1719, 1722, 1725, 1728, 1731, 1734, 1737, 1740, 1743, 1746, 1749, 1752, 1755, 1758, 1761, 1764, 1767, 1770, 1773, 1776, 1779, 1782, 1785, 1788, 1791, 1794, 1797, 1800, 1803, 1806, 1809, 1812, 1815, 1818, 1821, 1824, 1827, 1830, 1833, 1836, 1839, 1842, 1845, 1848, 1851, 1854, 1857, 1860, 1863, 1866, 1869, 1872, 1875, 1878, 1881, 1884, 1887, 1890, 1893, 1896, 1899, 1902, 1905, 1908, 1911, 1914, 1917, 1920, 1923, 1926, 1929, 1932, 1935, 1938, 1941, 1944, 1947, 1950, 1953, 1956, 1959, 1962, 1965, 1968, 1971, 1974, 1977, 1980, 1983, 1986, 1989, 1992, 1995, 1998, 2001, 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, 2034, 2037, 2040, 2043, 2046, 2049, 2052, 2055, 2058, 2061, 2064, 2067, 2070, 2073, 2076, 2079, 2082, 2085, 2088, 2091, 2094, 2097, 2100, 2103, 2106, 2109, 2112, 2115, 2118, 2121, 2124, 2127, 2130, 2133, 2136, 2139, 2142, 2145, 2148, 2151, 2

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EXHIBIT C

RECOMMENDED BY ORTHOPEDIC DOCTORS TO FIRM STOMACH AND IMPROVE LOWER BACK PERFORMANCE!

ABFLEX™

The unique Abflex™ System will provide you with the most complete home abdominal workout available anywhere! With an excellent step-by-step video hosted by actress Jenilee Harrison, you'll perform a routine that gradually works you up to ab-isolating floor crunches. For cardiovascular fitness, there's exciting low-impact aerobics led by aerobics champion Ken Rosenthal. Plus a sensible eating program that provides plenty of eating satisfaction. Best of all, Abflex™ flattens your stomach in just 3 minutes a day - no matter what your current fitness level!

Includes:

- Abflex™
- Medium and Light Resistance Bands and Accessories
- 270-Page Abflex™ Lifestyle Eating Program Book
- Instructional Video

Includes VIDEO!

Measures 29" x 19" x 4"

Slice! Dice! Shred! Grate! Chop!
This hand-held "food processor" does it all!

SUPER SLICER™

8-Piece Set Includes:

- Spiral Cutter
- V-Knife
- Orange Squeezer
- Slicer
- Waffle Cutter
- Grater
- Instruction Manual
- Safety Holder

There's no counter-top mess or tedious hand-cutting with this nifty multi-grater! A complete food preparation system, the Super Slicer™ has 5 interchangeable stainless steel blades that allow you to *grate, chop, shred, slice and much more* - easily and uniformly. There's even a rotary dial that lets you adjust the thickness of the slice with just a twist of your wrist! Designed with safety in mind, the Super Slicer™ is a must for every kitchen!

Measures 13-7/8" x 2" x 4-7/8"
Disassembles for easy cleaning; top rack dishwasher safe.
©Slices, dices, shreds, grates & chops in seconds and more!

Rotary dial lets you adjust thickness with the twist of your wrist!

Safety holder prevents accidents!

4 PAYMENTS \$5.49 EACH ONLY

chances of winning have never been better. That's why I urge you complete and return your last stage entry today. Because there's a good chance you'll win this time ... maybe even \$10,000,000.00!

EXHIBIT C

Cordially,

Robert H. Treller

Robert H. Treller, Jr.
Publishers Clearing House

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EXHIBIT D

GET A FLAT, SEXY STOMACH IN JUST 3 MINUTES A DAY!

While You Sit In A Chair Or Even Watch TV!

ABFLEX.

The Fastest, Easiest,
Safest Way Ever
To Achieve:

- ☒ A flat, toned stomach
- ☒ A shapelier waistline
- ☒ A healthier back

HERE'S THE MAGIC OF ABFLEX:

Only the ABFLEX patented direct resistance design targets all the abdominal muscles simultaneously in one easy exercise to:

- Flatten a bulging tummy
- Eliminate a spare tire • Trim the waistline
- Get rid of those "love handles" at the sides of the waist with its special attachment



Lost 3 inches
and 13 pounds
in 30 days!

DRAMATIC RESULTS IN JUST A FEW WEEKS... AND NO BACK STRAIN!

Eight out of ten adults have back problems! And the number one cause of back pain is weak abdominal muscles! According to this prominent orthopedic surgeon, ABFLEX can help prevent and in some cases eliminate back problems: "ABFLEX strengthens your abdominal muscles, but does not put excessive strain on your back muscles - which is a major problem with situps and crunches. ABFLEX isolates and works your abdominal muscles more effectively! It's safer, has the edge over every other product, and it's a lot less expensive!" - Dr. Lawrence Kurz, M.D.

YOU CAN SAY GOODBYE TO SITUPS, CRUNCHES, AND LEG LIFTS!

Just sit in your favorite chair. Place ABFLEX against your tummy, tighten your stomach muscles as you pull the ABFLEX toward you, hold for 3 seconds, then release. Repeat for just 3 minutes a day. It's that easy, fast, safe, affordable!



The ABFLEX System includes a low-fat diet and aerobic exercise. The results may vary. Consult your physician before beginning any exercise program.
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Jenilee Harrison, famous TV Star. You saw her on Dallas and Three's Company. Now, here's Jenilee introducing ABFLEX on TV:
"I hate going to the gym. I hate doing situps. That's why I love this ABFLEX! It's the easier, more effective way to stay in shape. You can do it right at home, sitting in a chair. You don't even have to change into workout clothes!"

JUST LOOK
AT THOSE
ABS!

Martin Van Der Hoeven, ABFLEX inventor, research scientist and former triathlete. He worked for five years to perfect ABFLEX, "the very first home exercise machine to target all those hard to firm abdominals - upper, lower and side with one easy exercise!"

By the way, there's only one other machine that's as effective as ABFLEX: that's Mr. Van Der Hoeven's other patented exercise machine, which costs \$6,000.00 and can be found only in the finest health clubs!

ABFLEX NO RISK GUARANTEE

If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the ABFLEX System for a full refund of your purchase price! You have nothing to lose but your paunch!

See for yourself! ABFLEX is so incredibly easy to use, so effective and so affordable, it even makes conventional exercise and all other equipment obsolete!

CREDIT CARD CUSTOMERS CALL TOLL FREE
1-800-548-7700

YES! Please rush my ABFLEX with a no-risk money-back guarantee!

- If paying by credit card:
- ☐ 3 easy payments of \$19.95 each plus \$7.95 S&H. (4-6 weeks delivery)
 - ☐ SAVE \$5.00. 1 payment of only \$54.95 each plus \$7.95 S&H. Total \$62.90 and receive free express handling (2 weeks delivery)
 - ☐ Special Waistline Attachment to get rid of "love handles" faster! Only \$9.95 plus \$2.95 S&H.
- ☐ VISA ☐ MasterCard ☐ Discover ☐ American Express
- Card # _____ Exp. _____
- If paying by Check or Money Order - Total Amount Only. Rush Delivery guaranteed within two weeks.
- ☐ ABFLEX for 1 payment of only \$54.95 plus \$7.95 Shipping & Handling. Total \$62.90.
- Enclosed is ☐ Check ☐ Money Order
TX & CA residents add 8.25% sales tax.

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ALL THIS FOR JUST 3 EASY PAYMENTS OF \$19.95

The Revolutionary New ABFLEX System, plus the 1-hour ABFLEX Lifetime Fitness Instructional Video and the 250 page ABFLEX Nutritional guide which lists over 2,000 low-fat foods and gives you over 90 delicious recipes!

You've probably discovered that other methods just don't work! Situps involve just one set of muscles; leg lifts don't involve any significant muscle groups of the stomach! The ABFLEX actually zeros in on the upper, lower and side abs that contour your stomach. That's why ABFLEX can show such remarkable results - in just a few weeks! And there's more...

OFFERS YOU 18 DIFFERENT RESISTANCE SETTINGS!

ABFLEX can work for any man or woman regardless of strength because it can be set at as little as 5 pounds for beginners or as much as 125 pounds for the expert!

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EXHIBIT E

ABFLEX INFOMERCIAL TRANSCRIPT

[Superscript: Kent & Spiegel]

MALE
NARRATOR 1: The following is a paid commercial presentation for the Abflex.

Does your stomach look like this?
[Superscript: Does Your Stomach Look Like This?]

In just a few minutes a day, it could look like this.
[Superscript: It Could Look Like This.]

[Superscript: If You Start Using This.]

If you start using this. It's the revolutionary new ABFLEX [Superscript: Abflex] and it's so easy to use, so affordable and so incredibly effective it makes all these painful exercises and all this high priced equipment totally obsolete.
[Superscript: Obsolete]

So join special guest television star Jennilee Harrison [Superscript: Jennilee Harrison] inventor Martin Van Der Hoeven [Superscript: Martin Van Der Hoeven] and martial arts legend Tiger Yang [Superscript: Tiger Yang] and discover the fast way to a firm stomach, a slim waistline and a healthy back on this special edition of Fitness Challenge. [Superscript: Abflex Fitness Challenge] And now, here's the host of Fitness Challenge Van Allen.

VAN: Thank you. Thank you. You're a great audience. Thank you very much and welcome everybody. Well, we've got a great show for you today because we're going to be taking on a fitness challenge that so many of us are facing. We're talking tummies, gang. How do we firm 'em up and slim 'em down. Sometimes it seems hopeless, right? But today we're going to hear about a new machine called the Abflex. Well, they say it can flatten our stomachs in just a few minutes a day. Plus, the inventor of the Abflex, by the way, this is him right here. Alright, calm down ladies. He's going to issue a challenge to everyone here in our studio audience and everyone watching at

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But joining us first is a wonderful actress, you've seen her on Three's Company, you've seen her on Dallas, everybody please welcome Jennilee Harrison.

Alright Jennilee.

Jennilee: Hi!

Van: Welcome to the show.

Jennilee: Thank you. Very nice to be here.

Van: Now, Jennilee, we know you, of course, as an outstanding actress, but you're also quite an athlete. Now, you're a rodeo champion and I've seen you on the cover of a fitness magazine.

[Cuts to Fit and Shape magazine covers]

Jennilee: Oh, I love to stay in shape. But you know one thing, I hate going to the gym. Who has the time today?

Van: Yeah, who has the time? Sure.

Jennilee: And that's why I love the Abflex.
[Subscript: The Abflex program includes a low fat diet and aerobic exercise.] You know today I look better than I ever have and I work out less and I eat more, all because of the Abflex.

Van: Well, you look great by the way.

Jennilee: Thanks. And you know what, I don't have to do an exercise that I despise which is situps. Don't you just hate doing situps? There is no reason to have to do another one . . .

Van: Wow, that's great!

Jennilee: . . . now that there is an easier, more effective way to flatten our stomachs, thanks to Abflex.

Van: Ahh.

Jennilee: The Abflex, it targets your abs much better than situps do and it doesn't strain your back when you do it like sit ups do.

Van: Sure, oh yeah, it's painful.

Jennilee: And you don't have to get on the floor to use it.

Van: You don't even have to get on the floor?

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Jennilee: No, no, no. 'Cause let me show you, this is how the Abflex works. I'm going to take this chair here. I'm going to put my hands right into these handles, put this pad right here on your bellybutton and you pull it in, you do like a crunch, hold it for just a few beats and slowly release it.

Van: Well look at that. That is really easy.

Jennilee: That's it.

Van: That is so easy.

Jennilee: It's called the Abflex crunch. You can do it right at home sitting in a chair like I am, you can do it on the floor whichever you prefer and anyone can do this whether you have never worked out a day in your life or whether you're a major fitness buff because the Abflex adjusts to your strength level. [Superscript: 18 Resistance Settings] There's 18 different settings on it and you can go either from 5 to 125 pounds of resistance. [Superscript: 5 to 125 lbs. Resistance]

Van: So a whole range so anybody can do it.

Jennilee: And here's the best thing about Abflex.

Van: Uh huh.

Jennilee: It targets the abs much better than situps do and you only have to use it three minutes a day.

Van: Three minutes, wait a second. Hey there goes my old excuse about not having enough time to exercise.

Jennilee: No excuses. It's called the three minutes flat Abflex workout [Superscript: 3 Minutes Flat Abflex Workout] It's over before you know it. And you'll get a flat stomach even before you know it. You know I used to have this pooch right here.

Van: Oh yeah.

Jennilee: How many of you?

Van: Oh yeah.

Jennilee: No matter how much I worked out or no matter how much I starved myself or dieted I never could get rid of that and after I started [Subscript: Your results may vary.] the Abflex system it went away within, like, two weeks.

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Van: Incredible. That's fantastic.

Jennilee: Oh yeah it's the best. And let's look at the results some of these people got after just a few weeks on the Abflex system.

[Superscript: Lost 13 lbs in 30 days. Subscript: The Abflex program includes a low-fat diet and aerobic exercise.]

Van: Wow

Jennilee: Isn't that incredible.

Van: Wow, look at that. I mean that's amazing.

Jennilee: Yeah.

[Superscript: Lost 6 inches in 30 days. Subscript: Your results may vary.]

Van: Hey you guys, look at the difference.

Jennilee: And it can work for anybody. Just three minutes a day and you can flatten that tummy right up.

Van: That sounds great.

Male

Testim. 1.: You don't even know you are doing, you don't even know you are doing your exercises. And you're doin' it the whole time [Subscript: The Abflex program includes a low-fat diet and aerobic exercise. Your results may vary.] and pretty soon your stomach is like a brick. And you've lose all that weight.

Female

Testim. 2.: The fact that I now have a flat stomach, something that I've never had before. It's just, it's great.

Male

Testim. 3.: After using the Abflex there's no way I'll return to doing crunch machines and inclined situps cause they didn't isolate my abs the way the Abflex program does.

Female

Testim. 4.: I do know that with the Abflex system in two weeks I've seen a difference. That's great.

Female

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Testim. 5.: I saw more results in a week than I did with a month worth of situps.

Male

Testim. 6.: After using the Abflex 30 days [Subscript: The Abflex program includes a low-fat diet and aerobic exercise. Your results may vary.] I lost two inches off my waist and I lost 13 lbs. so I went from a size 36 slacks back to a 34. Perfect.

Van: How does the Abflex produce results so quickly?

Jennilee: Why don't we ask the inventor himself?

Van: What a great idea. Alright, well let's bring him out here. He's a former triathlete and a research scientist, please welcome Martin Van Der Hoeven and the Abflex crew.

Welcome to the show. Now Martin, I know that the Abflex seems to really zero in on those abs, but I've always heard they are the hardest muscle to target.

Martin: Well, you know they really are because we have so many different abdominal groups. You have your uppers, you have your lowers, you have your left side, your right side, but even more difficult, they don't flex the same way as your other muscle do. Here's an example. What joint do you think I am moving here?

Van: The elbow.

Martin: That's right. And Jenni, what muscle?

Jennilee: The bicep.

Martin: That's right. This is what we call a jointed muscle because when this joint moves, this flexes. What about a sit up? Think about this here. Now what joint am I moving here?

Jennilee: The hip joint.

Martin: That's right Jenni. And what muscle?

Van: Well, that's easy, the abs, that's why you do sit ups.

Martin: That's wrong.

Van: Wrong?

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Martin: You're really working the hip joint and you're working the hip flexor muscles. The abdominals are a non-jointed muscle. Let me repeat that: Abdominals are non-jointed muscles. They're not attached to joints. And the only way to work out a non-jointed muscle is by direct resistance like the Abflex right here.

Van: Ah, okay.

Jennilee: You know most people have never even felt their abs until they started using the Abflex.

Van: Is that right? So all these exercises that we do to try to flatten our stomachs, they're really not that effective.

Jennilee: That's right

Martin: Here's a sit up, and we're doing the same thing, we're moving the hip joints, but the abs are non-jointed muscles. So you're not getting that full ab workout. You're not getting much of an ab workout at all.

Jennilee: Worst of all, 90% of the stress goes directly into your lower back.

Van: Oh yeah they're painful to do.

Jennilee: Doctors will tell you, sit ups, they do more harm than good. But here's an exercise that I used to do before I knew better. The leg lift. Again, the leg lift will put tons of pressure on your lower back, it's not good for it at all.

[Cuts to article: "She wants exercises to tighten tummy," from Ask Dr. Lamb, Dr. Lawrence Lamb. column]

And Dr. Lawrence Lamb said in his nationally syndicated column [Superscript: . . . Leg lifts don't even involve any significant muscle groups of the abdomen . . .] that leg lifts don't involve any significant muscle group of the abdomen.

Van: None of them at all?

Jennilee: No.

Van: Gosh.

Martin: Well, you know this is a little better than a sit up, it's an abdominal crunch. You're really working

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just this upper abdominal right here, you're not putting much pressure into the lower abs, side abs or the right side abs.

Jennilee: And for us women who are trying to get rid of that poech down here and for you guys trying to get rid of the love handles, forget it. This exercise is useless. But, now here, this is the answer. This is the Abflex crunch. Now when you put the Abflex on there it suddenly isolates all these muscles. It will incorporate [Superscript: works all major abdominals simultaneously ABFLEX] the upper abs, the lower abs and the side abdominal muscles all in one simple exercise.

Van: So this exercise really turns the crunch into the super crunch.

Jennilee: Exactly. And a scientific study proved it.

Using an electromyograph, a device which measures muscle activity, they first tested an ordinary crunch then they tested the Abflex crunch. Look what happened. The Abflex targeted the abdominal muscles so much better the scores literally went off the chart.

Van: Wow! So what that means is that the Abflex is actually going to flatten my stomach faster right?

Martin: Much faster

Jennilee: That's it.

Martin: I spent 45 minutes and over 500 situps doing my abs workout. And this is what I looked like.

Van: Hey you know that's not so bad Martin.

Martin: But do you know after just a few weeks of using the Abflex for only three minutes a day this is what happened. [Subscript: Your results may vary.]

Van: Now hey there's that washboard look all us guys would love to have.

Jennilee: Well you can have it. Look at this woman. If you'd like to go down a few sizes [Superscript: Lost 6 inches in 30 days. Subscript: Best case results. Your results may vary.] the Abflex system is the fast way to lose those inches.

Female

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Testim. 7.: Having children just really wreaks havoc on your body. Especially, especially your stomach muscles. The Abflex really firmed up my lower abs and that's right where I needed it.
[Subscript: The ABFLEX program includes a low fat diet and aerobic exercise.] Well I think in about 21 days I've, I've lost about 2 inches.

Female
Testim. 8.: [Subscript: Your results may vary.] After 30 days I lost a full 6 inches. Then I was starting to put on a lot of my clothes that had been sitting way back in the closet and they were fitting. It was so wonderful.

Male
Testim. 1: Four and half inches I lost. I was 39 1/2 and went down to 35. Boom, just like that.

Female
Testim. 9.: With the Abflex I have lost 5 to 6 inches within 30 days and I have seen the results and so has everybody else. It works great.

Van: Well, I have to admit, I mean the Abflex really does seem to do an incredible job of firming up the abs.

Jennilee: And just [Subscript: Consult your physician before beginning any exercise program.] as important is what the Abflex can do for your stomach, is what it can do for your lower back. I want to show you something. Here, hold this.

Van: Whoa.

Jennilee: How much do you think that that watermelon weighs?

Van: I don't know, 9 or 10 pounds?

Jennilee: Do you know that whatever you carry in front of you puts seven times the amount of stress on your back. You carrying 10 pounds here is putting 70 pounds of pressure of stress on your back.

Martin: Wow.

[Subscript: 8 out of 10 adults have back problems.]

Jennilee: Eight out of ten adults have back problems. It costs America \$54 billion a year to take care of their backs and the number one cause of lower back pain is poor abdominal muscles.

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[Superscript: Abflex Strengthens Abdominals]

The Abflex strengthens your abdominals so it can relieve lower back pain. Plus the Abflex [Superscript: ABFLEX No Stress on Lower Back] puts no stress on your lower back.

Martin: That's what great about the Abflex. There's so many machines out there that can hurt you and really put stress on the back.

Jennilee: In fact, Abflex is so back safe I know orthopedic surgeons who prescribe it to their patients.

Male

Testim. 10.: The Abflex, while it strengthens your abdominal muscles, does not put excessive strain on the lower back muscles [Superscript: Dr. Lawrence Kurz, M.D., Orthopedic Surgeon] that's a big problem with situps and crunches. So it really isolates the abdominal muscles very well, and that's why it has the edge over other products.

Male

Testim. 11.: I'd worn a brace for almost a year and a half [Subscript: Consult your physician before beginning any exercise program.] because my back was in constant pain. And after using that for about six weeks, I stopped using the brace and my back started getting better. As my stomach tightened up, [Subscript: Your results may vary.] I also lost a few inches on my stomach.

Male

Testim. 6: I felt that with Abflex after I tried it for the first week I found that my back didn't hurt. Crunches I've done in the past, two days later I can hardly even stand up straight.

Testim. 12.: This Abflex apparatus has [Superscript: Randy Frisch, Health Club Director] in one step eliminated all those other opportunities for injury and thus is the safe and quickest most efficient piece of equipment I've ever seen.

Van: Stay tuned folks, coming up on Fitness Challenge,

you'll see an amazing display of abdominal strength. But first, here's your chance [Subscript: This is a paid advertisement for the ABFLEX presented by Kent & Spiegel Direct.] to order the Abflex and firm up your abs in just three minutes a day.

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Announcer: Isn't it amazing what we'll put ourselves through to try to flatten our stomachs? Well, finally there is a better way. Introducing the revolutionary new Abflex [Superscript: ABFLEX] The first home exercise machine that works the upper, lower, and side abdominals with one simple exercise. Thanks to its patented direct resistance design, the Abflex zeros in on those hard to target abdominal muscles so it can give you a firm flat stomach and slim sexy waist, in just three [Superscript: 3 Minutes Flat Abflex Workout] minutes a day. The Abflex assembles in just seconds and has 18 different resistance settings [Superscript: 18 Resistance Settings] as little [Superscript: 5 to 125 lbs Resistance] as five pounds for beginners or as much as 125 pounds for experts. [Superscript: No Stress on Lower Back] The Abflex puts no stress on your lower back and its so [Superscript: Dramatic Results in a Few Weeks] effective you can see dramatic results in just a few short weeks.

Female
Testim. 13.: [Superscript: ABFLEX] Within, I would say, the third or fourth day that I started using it I started noticing tightening, firmness and my pants had started loosening up a little. I kept continuing using it and before I knew it I was back to a 5/6 from a 9/10 [Subscript: Your results may vary.] It was very dramatic.

Announcer: When you order your Abflex, you'll also receive this one hour long lifestyle fitness video. It's three fantastic videos in one. It's an instructional tape that demonstrates your three minutes flat Abflex workout. It's a 20 minute aerobics tape. It's even a video housecall from a leading back specialist. Plus, if you order now, you'll also receive the 250 page Abflex nutritional guide which lists [Superscript: Over 2000 Low Fat Foods] over 2000 low fat foods and gives you [Superscript: 90 Healthy Recipes] more than 90 delicious healthy recipes. Why spend hundreds [Superscript: \$Hundreds\$] even thousands of dollars [Superscript: \$Thousands\$] for another ab machine when you can have the amazing new abflex [Superscript: ABFLEX] along with the video and nutritional guide for [Superscript: Only three payments of \$19.95] only three easy payments of \$19.95. and you get the Abflex Guarantee [Superscript: Abflex Guarantee If you don't lose 3 to 6 inches and 10 pounds

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within 30 days, simply return the ABFLEX for a full refund.] If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the ABFLEX for a full refund of your purchase price. The Abflex, it's the fast way to a flat stomach, a shapely waistline, and a healthy back. So call now [Superscript: 1-800-736-9992. Only three payments of \$19.95 Plus \$7.95 U.S. or \$11.95 Canada S&H. CA & TX Res. add sales tax. Or Send Check or Money Order To: ABFLEX, Box 6015, Culver City, CA 90233. Subscript: ABFLEX 30 day money back guarantee [less S & H].] Have your credit card ready and call the number on your screen to order your Abflex system right now or send a check or money order for the full amount including Shipping, Handling and applicable tax. Only the patented Abflex provides direct resistance for a flat slim stomach in only three minutes a day. And the Abflex guarantee makes it risk free. Lose 3 to 6 inches and 10 pounds within 30 days or return the Abflex system for a full refund of your purchase price. Now, it's easy to have the abs you've always dreamed of. Call now.

[Superscript: Abflex Fitness Challenge]

Van: Alright, welcome back. I'm with Jennilee Harrison and Martin Van Der Hoeven, the inventor of the Abflex, the home exercise machine that can flatten your stomach in just three minutes a day.

Alright, now we've already seen how the Abflex is more effective than exercises like situps or leg raises or crunches, but how does Abflex compare to other machines?

Jennilee: Well, I used to go to the health clubs and I would use a big machine like this to work my upper abs, then I'd find another big machine to work my side abs, but I never found a machine that could target the lower abs until I discovered the Abflex. You can really feel this working. When you place it over your bellybutton and pull it in, you can feel it working the upper abs, the middle and even this lower section which we women really need, especially if you've had a baby.

Van: Oh sure.

Jennilee: The Abflex has even helped me firm up my arms, see as I'm using it. I don't bother going to the health club anymore. The Abflex is so much more

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convenient. You can use it right at home, sitting in a chair while watching TV. You don't even have to change into workout clothes. I love this."

Van: Okay, okay. But, you know, this is a popular machine that you might have seen on TV. Now, how does this compare to the Abflex?

Martin: Well, you know, Van and Jenni, this is a good machine, but it doesn't have direct resistance. And what we've said is without direct resistance for the abs, you can't work all the muscles simultaneously in one exercise. Also, this sit-up motion puts stress on your lower back; the Abflex puts no stress on your lower back.

Jennilee: Plus, this machine -- it takes longer to use, it takes up a lot more space, and it costs three times the amount that the Abflex does.

Van: Okay. But, now, this is more in the Abflex's price range. Now, I've seen this piece of ab equipment advertised on TV. Now what, exactly, does this do?

Jennilee: That's a good question. [Laughter] In a recent issue of a leading fitness magazine, they reviewed this piece of equipment and said it does not enhance the benefit of an abdominal crunch. [Superscript: Cut to excerpt from magazine: "this device does not enhance the benefit of an abdominal crunch] But the Abflex sure does. Here, Van, give it a try.

Van: Well, sure.

Jennilee: Martin . . .

Martin: Let me get over here, okay? Come on down over here.

Van: Okay.

Martin: And, you're going to have an incredible ab workout. Put it right on your belly button.

Van: Alright

Martin: You're going to pull it down and do a crunch. Do that crunch. There you go.

Van: Wow!

Martin: Bring it back --

Van: You know, I can really feel it working the upper and lower abs.

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Martin: You're going to feel it simultaneously in the sides, with your arms there . . .

Van: Yeah, I feel it on the sides, too.

Martin: . . . and right on the lower abs.

Van: Boy, wait 'til you try this, gang. This really does turn a crunch into a super crunch.

Jennilee: See, you can feel the Abflex working right away. In fact, we went to a local mall and asked people to try the Abflex for the very first time. Here's what happened.

Jennilee: Pull this down, towards your stomach. Lift up. Hold for a two count, then release it. Go back slowly. How does that feel compared to a regular sit-up?

[Superscript: ABFLEX]

Male

Testim. 1: I can feel it a lot.

Jennilee: A lot.

Male

Testim. 1: Feels good. Because it centers on the stomach -- on the stomach muscles, where it counts the most.

Female

Testim. 2: I have a back problem, so I really can't do sit-ups. So this is great.

Jennilee: And this puts absolutely no strain on your back?

Female

Testim. 2: No strain at all.

Jennilee: And what if I told you you only had to do it three minutes? Five times a week?

Female

Testim. 3: I love it, I love it, 'cause I have a little baby and I can't take the time out.

Male

Testim. 4: Oh, I feel the tension in the stomach. It feels good.

Male

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Testim. 5: Yeah, I use the gym machines. They don't work at all compared to this. It works really good.

Female
Testim. 6: Thirty minutes? Oh, three minutes? Ohhhh. . . Wow.

Male
Testim. 7: Oh, yeah. I feel it right there.

Male
Testim. 8: Three count, right?

Jennilee: Sure.

Male
Testim. 7: Oh, yes. One, two, three . . . Oh, I like that one. You can feel it -- it feels great.

Female
Testim. 9: Three minutes a day? Yeah, that is really good.

Male
Testim. 10: I can tell that that would firm it up. And in the shorter time -- that's a benefit, definitely.

Female
Testim. 11: I feel its working. But it doesn't kill me.

Female
Testim. 12: I like this. I'd do this every day.

Female
Testim. 13: I can feel it in my stomach right here. It feels like its working.

Female
Testim. 14: Ohh. Pressure. Pulling your muscles, yeah. That's great. That's a great thing.

Female
Testim. 15: I'm going to take this one. My hands are stuck to this now.

Female
Testim. 2: Am I going to get to keep this one?

Male
Testim. 1: I like it a lot. I'm going to have to buy me one of these.

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Van: Now, a minute ago we saw why the Abflex is so much better than other ab equipment, but let's take a look at a machine that can give the Abflex a run for its money.

Jennilee: And guess who invented it.

Van: Uh huh. [Laughter]

Martin: This is my Realflex machine. We introduced it about five years ago, and it was the first ab machine as you could see that had direct resistance.

Jennilee: The Realflex is a great health club machine. But, its too big for home use, and it costs \$6,000.

Van: Six thousand . . .

Jennilee: So Martin decided to make a smaller version of this that everyone could afford.

Martin: Well, we spent five years and over a million dollars in creating the home version of the Realflex machine. [Superscript: ABFLEX] And what we ended up with is the Abflex.

Van: Ah. Okay. But tell me, does this work as well as this?

Jennilee: It works even better.

Van: Better than the \$6,000 machine?

Martin: I'm convinced the Abflex works the abs better than any machine that's ever existed.

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Male
Testim. 16: I saw results in the first five to seven days. I could see visual results of the Abflex program. [Subscript: Your results may vary] I lost about an inch to an inch-and-a-half in the waist and also lost five pounds. It just doesn't make sense to buy a different ab machine, other than Abflex.

Female
Testim. 17: I definitely have a lot more confidence now, due to using the Abflex machine. I'm not afraid to wear half tops anymore. I don't need to feel I need to cover up my stomach anymore, 'cause its a lot more defined and all my friends are noticing it. Its great.

Female
Testim. 18: Seven months ago I had a baby, and while I was pregnant I went up to 150 pounds. My stomach was out to here. Since using the Abflex, I actually have my waist back to what it was before. I saw more results in a week than I did with a month's worth of sit-ups.

Van: Now, what's going on here? Jennilee has a dozen people up from our audience doin' all kinds of crazy exercises. What are you up to?

Jennilee: Van, a leading fitness magazine said that these are the twelve exercises you should be doing to get yourself a complete ab workout.

Van: Twelve exercises. You mean, I'm supposed to do all these exercises if I want to flatten my stomach?

Jennilee: Well, you have a choice. You can either spend an hour doing all these exercises, or you can spend three minutes doing exercises with the Abflex.

Van: You know, that's a pretty easy choice. I think I'll use the Abflex.

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Jennilee: Well, the Abflex is the smart choice. Remember, it puts no stress on your lower back [Superscript: No Stress on Lower Back], so it won't hurt you like some of these other exercises will or those machines can. Its a safe, [Subscript: Consult your physician before starting any exercise program] effective way to firm those abs and flatten those tummies.

[Music starts.]

Male

Testim. 19: Its amazing that in our world now of high technology where everything is usually more expensive and bigger, [Superscript: Dr. Lawrence Kurz, M.D., Orthopedic Surgeon] that you have a simple consumer product like Abflex which works your abdominal muscles more efficiently. Its a safer product and a lot less expensive.

Male

Testim. 20: The Abflex takes a lot less time and gets a lot more accomplished than sit-ups. I like the Abflex a lot. It has really done what I wanted to do, which is reduce the size of my waist.

Male

Testim. 21: I've tried sit-ups in the pool, I've tried sit-ups under the bed -- you name it, I've done it. And I just couldn't seem to get any kind of results out of it. After picking the Abflex up, within the first couple of seconds, I noticed -- I was feelin' somethin' here. You could feel the muscles tightenin' up. It was fabulous.

Female

Testim. 22: You could feel 'em.

Male

Testim. 23: I'm excited about it. What more can I tell you? I mean, this thing is really workin'. I'm proud of it.

Van:

Stay tuned. When we come back, you'll meet legendary Tai Kwan Do champion, Tiger Yang. And, you'll find out just how strong your abs can become if you use the Abflex. [Subscript: This is a paid advertisement for the ABFLEX presented by Kent & Spiegel Direct.]

Announcer:

Isn't it amazing what we'll put ourselves through to try to flatten our stomachs? Well, finally there's a better way. Introducing the

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revolutionary new Abflex [^{Superscript: ABFLEX}]
 -- the first home exercise machine that works
 the upper, lower and side abdominals with one
 simple exercise. Thanks to its patented direct
 resistance design, the Abflex zeros in on those
 hard-to-target abdominal muscles. So it can
 give you a firm, flat stomach. And a slim,
 sexy waistline [^{Superscript: 3 Minutes Flat}
 Abflex Workout] in just three minutes a day.
 The Abflex assembles in just seconds, and has
 18 different resistance settings [^{Superscript:}
 18 Different Settings] -- as little as 5 pounds
 [^{Superscript: 5 to 125 lbs. Resistance}] for
 beginners or as much as 125 pounds for experts.
 [^{Superscript: No Stress on Back}] The Abflex
 puts no stress on your lower back [^{Superscript:}
 Dramatic Results in a Few Weeks] and its so
 effective you can see dramatic results in just
 a few short weeks.

[^{Superscript: Abflex} ^{Subscript: Your results}
 may vary]

Male

Testim. 24: After using the Abflex for 30 days, I lost two
 inches off my waist and I lost 13 pounds. So I
 went from a size 36 slacks back to a 34.
 Perfect.

Female

Testim. 25: The Abflex is a great investment. Money-wise,
 I would much rather buy this Abflex than any
 other machine that anybody could show me.

Female

Testim. 26: I'm wearing a size four and I've never felt
 better and I've never been in as good a shape
 as I am today. And I thank Abflex for it.

Announcer:

When you order your Abflex, you'll also receive
 this one-hour-long lifestyle fitness video.
 Its three fantastic videos in one. Its an
 instructional tape that demonstrates your three
 minutes flat Abflex workout. Its a 20-minute
 aerobics tape. Its even a video house call
 from a leading back specialist. Plus, if you
 order now, you'll also receive the 250-page
 Abflex nutritional guide, [^{Superscript: Over}
 2000 Low Fat Foods] which lists over 2,000 low
 fat foods and gives you [^{Superscript: 90}
 Healthy Recipes] more than 90 delicious,
 healthy recipes. Why spend hundreds,
 [^{Superscript: \$Hundred\$}] even thousands
 [^{Superscript: \$thousands\$}] of dollars for

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another ab machine when you can have the amazing new Abflex, [Superscript: ABFLEX] along with the video and nutritional guide for only three easy payments of \$19.95. [Superscript: Only Three Payments of \$19.95] And you get the Abflex guarantee. [Superscript: If you don't lose three to six inches and 10 pounds within 30 days, simply return the Abflex for a full refund of your purchase price.]

If you don't lose 3 to 6 inches and 10 pounds within 30 days, simply return the ABFLEX for a full refund of your purchase price. The Abflex, it's the fast way to a flat stomach, a shapely waistline, and a healthy back. So call now

[Superscript: 1-800-736-9992. Only three payments of \$19.95 Plus \$7.95 U.S. or \$11.95 Canada S&H. CA & TX Res. add sales tax. Or Send Check or Money Order To: ABFLEX, Box 6015, Culver City, CA 90233. Subscript: ABFLEX 30 day money back guarantee [less S & H].] Have your credit card ready and call the number on your screen to order your Abflex system right now. Or send a check or money order for the full amount, including shipping, handling and applicable tax. Only the patented Abflex provides direct resistance for a flat, slim stomach in only three minutes a day. And the Abflex guarantee makes it risk free. Lose three to six inches and 10 pounds within 30 days or return the Abflex system for a full refund of your purchase price. Now, it's easy to have the abs you've always dreamed of. Call now.

[Superscript: Abflex Fitness Challenge]

Van: All right, we're back. And we're talking about the Abflex -- the machine that makes it easy to flatten our stomachs and firm up our abs. And speaking of firm abs, here's a man who really needs 'em. Please welcome Grand Master, Tiger Yang. [Superscript: Tiger Yang]

Van: Tiger's a three-time heavyweight Tai Kwan Do champion, and a 10th Degree Black Belt. In fact, he's appeared in over 30 Kung Fu movies. He's even been the martial arts instructor for the C.I.A. Tiger, you've used the Abflex. Well, what do you think?

Tiger: I think Martin found secret. Abflex is best way to get strong stomach.

Van: That's coming from a man who knows about abdominal muscles, folks. In fact, he's about to show us just how strong his are. Tiger's assistants are going to

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attempt to break three cinderblocks over his stomach. All right. Are you ready, Tiger?

Tiger: I'm ready.

Van: Okay, here goes.

Jennilee: Wait a second. I've got an idea. Why doesn't Martin do this?

Van: Martin -- why Martin?

Jennilee: Martin's been using the Abflex longer than anybody, so his abs should be just as strong as Tiger's.

Martin: Okay. I'll do it.

Tiger: Well, anyway, Martin -- I'm not guarantee you.

Martin: Abflex will guarantee it. Let's try.

Van: Now, folks -- don't try this at home.

[Drumroll]

Tiger: Are you ready, Martin? [Yells loudly and crushes three cinderblocks with a sledgehammer.]

[Music starts]

Tiger: Incredible!

Van: What an amazing display of abdominal strength. You're okay, right?

Jennilee: Are you okay?

Martin: I'm fine.

Van: Let's take a look at that one more time in slow motion. [Superscript: Instant Replay] Whoa! That is incredible.

Van: Well, now you've really convinced me. [Superscript: 1-800-736-9992] The Abflex definitely works.

Jennilee: And it can work for anyone. [Superscript: Lost 12 Inches; Subscript: The Abflex program includes a low fat diet and aerobic exercise.] Think about how great you're going to feel when you start using the Abflex [Superscript: Lost 13 Lbs. in 30 Days; Subscript: The Abflex program includes a low fat diet and aerobic exercise.] and you start losing those inches. [Superscript: Lost 6 Inches in 30

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Days; Superscript: Best case results. your results may vary] Think about how great you're going to feel when you look terrific in your jeans again. Anybody can have a great body; [Superscript: Last Chance to Order 1-800-736-9992 by Internet at <http://tvshopping.com>] he Abflex makes it easy.

Martin: And I guarantee results. If you don't lose three to six inches and 10 pounds within 30 days, you can return the Abflex for a full refund.

Jennilee: It only take three minutes a day to flatten your tummy. So what are you waiting for? Order your Abflex now.

Van: We can all spare three minutes to get rid of our spare tires, and we can all afford the Abflex, too. It can flatten our stomachs, it can slim our waistlines, its good for our backs -- hey, this is a great machine. Hey, everybody, come on down and try the Abflex.

Announcer: [Superscript: 1-800-736-9992. Only three payments of \$19.95 Plus \$7.95 U.S. or \$11.95 Canada S&H. CA & TX Res. add sales tax. Or Send Check or Money Order To: ABFLEX, Box 6015, Culver City, CA 90233. Subscript: ABFLEX 30 day money back guarantee [less S & H].] Have your credit card ready and call the number on your screen to order your Abflex system right now. Or send a check or money order for the full amount, including shipping, handling and applicable tax. Only the patented Abflex provides direct resistance for a flat, slim stomach in only three minutes a day. And the Abflex guarantee makes it risk free. Lose three to six inches and 10 pounds within 30 days or return the Abflex system for a full refund of your purchase price. Now, its easy to have the abs you've always dreamed of. Call now.

[Superscript: Produced by Mayhew Breen]

Announcer: The preceding was a paid commercial presentation for the Abflex brought to you by Kent and Spiegel Direct. [Superscript: Kent & Spiegel 6133 Bristol Parkway, Suite 150, Culver City, CA 90230]

Announcer: [Intro repeats]

EXHIBIT E-21

DECISION AND ORDER

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

The respondents, their attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the comment received, 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.a. Proposed respondent Abflex, U.S.A., Inc. is a California corporation with its principal office or place of business at 5962 La Place Court, Suite 260, Carlsbad, California.

1.b. Proposed respondent Martin Van Der Hoeven is an officer of the corporate respondent. Individually or in concert with others, he formulates, directs or controls the policies, acts, or practices of the corporation. His principal office or place of business is the same as that of Abflex, U.S.A., Inc.

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

ORDER

DEFINITIONS

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

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.

2. "*Weight-loss product*" shall mean any product or program designed to produce weight loss, reduction or elimination of fat, or caloric deficit or to suppress the appetite in a user of the product or program.

3. Unless otherwise specified, "*respondents*" shall mean Abflex, U.S.A., Inc., a corporation, its successors and assigns and its officers; Martin Van Der Hoeven, individually and as an officer of the corporation; and each of the above's agents, representatives and employees.

4. "*In or affecting commerce*" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44.

I.

It is ordered, That respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the "Abflex," any other exercise equipment, or any other weight-loss product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

- A. About the number of pounds users can lose;
- B. About the rate or speed at which users lose weight;
- C. About the length of time users must use such product to achieve weight loss;
- D. That such product causes fast and significant weight loss;
- E. That such product causes a reduction in the size or shape of specific, desired areas of the body;
- F. That such product causes a reduction in users' body size or shape, or body measurements; or
- G. About the benefits, efficacy, or performance of such product in promoting weight loss, unless, at the time the representation is

made, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

II.

It is further ordered, That respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the "Abflex," any other exercise equipment, or any other weight-loss product in or affecting commerce, shall not represent, in any manner, expressly or by implication, that the experience represented by any user testimonial or endorsement of the product represents the typical or ordinary experience of members of the public who use the product, unless:

A. At the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or

B. Respondents disclose, clearly and prominently, and in close proximity to the endorsement or testimonial, either:

1. What the generally expected results would be for users of the product, or

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

For purposes of this Part, "endorsement" shall mean as defined in 16 CFR 255.0(b).

III.

It is further ordered, That respondent Abflex, U.S.A., Inc., and its successors and assigns, and respondent Martin Van Der Hoeven shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating the representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call

into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

IV.

It is further ordered, That respondent Abflex, U.S.A., Inc., and its successors and assigns, and respondent Martin Van Der Hoeven shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, provided, however, that the duty to deliver a copy of this order to future personnel as required by this Part shall terminate three (3) years after the date upon which this order becomes final. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

V.

It is further ordered, That respondent Abflex, U.S.A., Inc. and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C.

VI.

It is further ordered, That respondent Martin Van Der Hoeven, for a period of five (5) years after the date of issuance of this order,

shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C.

VII.

It is further ordered, That respondent Abflex, U.S.A., Inc., and its successors and assigns, and respondent Martin Van Der Hoeven shall, within sixty (60) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

VIII.

This order will terminate on September 18, 2017, or twenty (20) 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 Part in this order that terminates in less than twenty (20) 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 Part.

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 Part as though the complaint had never been 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

KAVE ELAHIE

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3770. Complaint, Sept. 19, 1997--Decision, Sept. 19, 1997*

This consent order requires, among other things, the California-based proprietor of M.E.K. International to have competent and reliable scientific evidence to substantiate any claims he makes in the Spanish-language advertisements that certain products reduce or eliminate cellulite and fat, cause weight loss or reduce cholesterol, as well as any other claims concerning the performance, benefits, efficacy or safety of any food, drug or dietary supplement in the future. The consent order also prohibits the respondent from misrepresenting the existence or results of any test or study, and requires any testimonials used in the advertisements either to represent the typical experience of consumers or to be accompanied by a disclosure of the generally expected results.

Appearances

For the Commission: *Erika Wodinsky and Jeffrey Klurfeld.*

For the respondent: *Pro se.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Kave Elahie doing business as M.E.K. International ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Kave Elahie is the sole proprietor of M.E.K. International, a California company with its principal office or place of business at 1669 Emeric Street, Simi Valley, California. Individually or in concert with others, he formulates, directs, or controls the policies, acts or practices alleged in this complaint.

2. Respondent has advertised, labeled, offered for sale, sold, and distributed products to the public, including the "NutraTrim Bio-Active Cellulite Control Cream" (with aminophylline), and the "NutraTrim Weight Loss" tablets (with chromium picolinate) collectively referred to as the NutraTrim products. The NutraTrim products are advertised in Spanish-language magazines, such as *Buenhogar*. The NutraTrim products are "foods" and/or "drugs"