

IN THE MATTER OF
FITNESS QUEST, INC., ET AL.

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

Docket C-3886. Complaint, July 26, 1999--Decision, July 26, 1999

This consent order, among other things, prohibits the Ohio-based corporation and its officer from disseminating advertisements concerning the benefits, performance, or efficacy of exercise equipment and weight-loss products unless they possess and rely upon competent and reliable evidence to substantiate the claims. The consent order also requires the respondents to disclose, in close proximity to any endorsement or testimonial involving a user's experience that is not typical or ordinary, either what the generally expected results would be or the limited applicability of the endorser's experience to what consumers may generally expect to achieve.

Participants

For the Commission: *Robert Frisby, Robin Spector, Mary Engle, Elaine Kolish, and Carolyn Cox.*

For the respondents: *Eric Rubin and Walter Diercks, Rubin, Winston, Diercks, Harris & Cooke, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Fitness Quest, Inc., a corporation, and Robert R. Schnabel, Jr., 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 Fitness Quest, Inc. is a Delaware corporation with its principal office or place of business at 1400 Raff Road, SW, Canton, Ohio.

2. Respondent Robert R. Schnabel, Jr. 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 Fitness Quest, Inc.

3. Respondents have manufactured, advertised, labeled, offered for sale, sold, and distributed exercise equipment and weight-loss products to the public, including the "Airofit," "SkyTrek" and

"Gazelle Glider," exercise gliders, and the "Ab Isolator" and "Abs Only Machine" abdominal exercise devices.

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.

AIROFIT

5. Respondents have disseminated, or caused to be disseminated, advertisements for the Airofit, including but not necessarily limited to the attached Exhibits A1- A5. These advertisements contain the following statements:

Nearly zero impact! -- While you burn up to 1000 calories an hour. (Exhibit A1)
"I've had tremendous results and I feel wonderful...I just can't say enough about the AiroFit."

Roberta, lost 27 lbs.

"I really love this machine. It's easy and it's fun...I've had better results than anything I've done in years."

Nerissa, lost 7 inches.

"With the AiroFit, the biggest change I noticed at first, was inches coming off everywhere."

Pam, lost 6 inches.

The AiroFit burns up to 1000 calories an hour. That's 3 times more than walking, 2 times more than cross-country skiing.

(Exhibit A2)

1,000 calories per hour

Yes! Your Airofit workout actually lets you burn up to *1,000 calories per hour*. The secret is in the upper and lower body connection. Try and find *these* kinds of numbers in any other machine!

(Exhibit A3)

The Airofit burns up to 1000 calories an hour. That's 3 times more than walking, nearly 2 times more than cross-country skiing.*

[Superscript in footnote: "*Walking 3 mph on level ground. Cross-Country skiing 5 mph on level ground. **Consult your physician before beginning this or any exercise program.**"]

(Exhibit A4)

... Airofit burns up to 1000 calories per hour. Now, that's hard to beat but let's compare. Step Aerobics cannot compare. Riding bikes is fun but burns less than half the calories. Airofit burns more than 3 times more calories than walking, it burns a ton more calories than running and swimming and Airofit even burns more calories than cross country skiing. ...

And the Airofit burns nearly twice the number of calories as this treadmill ...

... It is nearly zero impact gliding that burns 3 times more calories than walking and nearly twice the calories of cross country skiing. ...

(Exhibit A5)

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Complaint

6. Through the means described in paragraph 5, respondents have represented, expressly or by implication, that:

A) Under conditions of ordinary use, the Airofit:

- (1) Burns calories at a rate of up to 1,000 per hour;
- (2) Burns three times more calories than burned while walking;
- (3) Burns nearly twice the calories burned while cross-country skiing or exercising on a treadmill;
- (4) Burns significantly more calories than are burned while swimming, bicycling or doing step aerobics;
- (5) Causes significant weight loss; and

B) Testimonials from consumers appearing in advertisements for the Airofit reflect the typical or ordinary experience of members of the public who use the product.

7. Through the means described in paragraph 5, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in paragraph 6, 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 6, at the time the representations were made. Therefore, the representation set forth in paragraph 7 was, and is, false or misleading.

SKYTREK

9. Respondents have disseminated, or caused to be disseminated, advertisements for the SkyTrek, including but not necessarily limited to the attached Exhibit B. This advertisement contains the following statements:

Get the best of aerobic exercise and strength training while burning up to 1000 calories an hour (based on individual body type and workout intensity), with nearly zero impact. . . .

The SkyTrek™ burns up to 1000 calories an hour (based on individual body type and workout intensity). That's 3 times more than walking at 3 m.p.h., and nearly 2 times more than cross-country skiing at 5 m.p.h. . . .

(Exhibit B)

10. Through the means described in paragraph 9, respondents have represented, expressly or by implication, that, under conditions of ordinary use, the SkyTrek:

- A) Burns calories at a rate of up to 1,000 per hour;
- B) Burns three times more calories than burned while walking at 3 m.p.h.; and
- C) Burns nearly two times the calories burned while cross country skiing at 5 m.p.h.

11. Through the means described in paragraph 9, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in paragraph 10, at the time the representations were made.

12. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in paragraph 10, at the time the representations were made. Therefore, the representation set forth in paragraph 11 was, and is, false or misleading.

GAZELLE GLIDER

13. Respondents have disseminated, or caused to be disseminated, advertisements for the Gazelle Glider, including but not necessarily limited to the attached Exhibit C. This advertisement contains the following statements:

"First, my Gazelle Glider® burns up to 1000 calories an hour."(based on individual body type and workout intensity) That's 3 times more than walking at 3 m.p.h., nearly twice as much as cross-country skiing at 5 m.p.h., and more than running at 5.5 m.p.h. . . . (Exhibit C)

14. Through the means described in paragraph 13, respondents have represented, expressly or by implication, that, under conditions of ordinary use, the Gazelle Glider:

- A) Burns calories at a rate of up to 1,000 per hour;
- B) Burns three times more calories than burned while walking at 3 m.p.h.;
- C) Burns nearly twice the calories burned while cross country skiing at 5 m.p.h.; and
- D) Burns more calories than burned while running at 5.5 m.p.h.

15. Through the means described in paragraph 13, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in paragraph 14, at the time the representations were made.

16. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in paragraph 14, at the time the representations were made. Therefore, the representation set forth in paragraph 15 was, and is, false or misleading.

AB ISOLATOR

17. Respondents have disseminated or caused to be disseminated advertisements for the Ab Isolator, including but not necessarily limited to the attached Exhibits D1-D2. These advertisements contain the following statements:

FACT: Ab Isolator is twice as effective as regular sit-ups. And it strengthens your back.

FACT: You'll lose 4 - 6" off your waist in 30 days or your money back . . .

. . . With Ab Isolator, three minutes a day melts the inches away.

[Superscript: "Consult your physician before beginning this or any exercise program" and "Results vary"]

(Exhibit D1)

Take a look at Carl! He lost over 12 inches in his waist using the Ab Isolator and my techniques! Take a look at Jody. She went from a size 11 dress to a size 1!

[Superscript: "RESULTS VARY" and "DIET AND EXERCISE ARE PART OF A TOTAL STOMACH REDUCTION PROGRAM"]

. . . The Ab Isolator is scientifically proven to be the most effective ab exerciser ever - or your money back. (Exhibit D2)

18. Through the means described in paragraph 17, respondents have represented, expressly or by implication, that:

- A) The Ab Isolator is twice as effective as regular sit-ups;
- B) The Ab Isolator is more effective than other abdominal exercise devices;
- C) Use of the Ab Isolator three minutes a day results in a significantly reduced waistline in thirty days;
- D) Use of the Ab Isolator results in a significant reduction in clothing size and waistline; and

E) Testimonials from consumers appearing in advertisements for the Ab Isolator reflect the typical or ordinary experience of members of the public who use the product.

19. Through the means described in paragraph 17, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in paragraph 18, at the time the representations were made.

20. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in paragraph 18, at the time the representations were made. Therefore, the representation set forth in paragraph 19 was, and is, false or misleading.

ABS ONLY MACHINE

21. Respondents have disseminated, or caused to be disseminated, advertisements for the Abs Only Machine, including but not necessarily limited to the attached Exhibit D. This advertisement contains the following statements:

... Get the Facts on Tony Little's Abs Only Machine™:

FACT: Twice as effective as regular sit-ups and it won't strain your neck and back!

... (Exhibit E)

22. Through the means described in paragraph 21, respondents have represented, expressly or by implication, that the Abs Only Machine is twice as effective as regular sit-ups.

23. Through the means described in paragraph 21, respondents have represented, expressly or by implication that they possessed and relied upon a reasonable basis that substantiated the representation set forth in paragraph 22, at the time the representation was made.

24. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representation set forth in paragraph 22, at the time the representation was made. Therefore, the representation set forth in paragraph 23 was, and is, false or misleading.

25. 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.

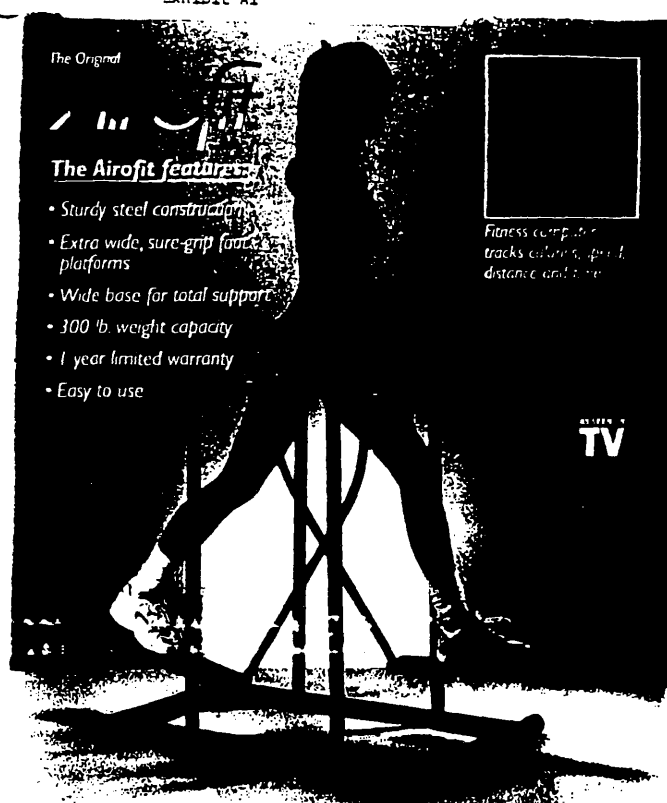
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Complaint

EXHIBIT A

Exhibit A1 FQ00166

The Original



The Airofit features:

- Sturdy steel construction
- Extra wide, sure-grip foot platforms
- Wide base for total support
- 300 lb. weight capacity
- 1 year limited warranty
- Easy to use

Fitness computer tracks calories, speed, distance and time

ON TV

The Future of Fitness is Here

- Airofit's Dual Split Suspension provides a feel unmatched by any machine.
- Unsurpassed range of motion lets you go from a slow walk to a full run—with no sudden stops.
- Nearly zero impact—While you burn up to 1,000 calories an hour.
- Your workout is completely smooth and silent.
- Perfect for any fitness level.



Total Body Aerobic and Resistance Training in One Revolutionary New Fitness System

Walking



Running



Cross-Country Skiing



Upper Body Resistance




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EXHIBIT A

**AiroFit™ combines the best of
aerobics with the best
of resistance training —
for the future of fitness!**



**Now get the
best total body
workout ever —
with the one
machine that
combines
Aerobics and
Resistance Training — the AiroFit.**

The AiroFit combines 5 fat-burning exercises in one machine. With its high-tech engineering, the AiroFit brings together the best of Walking, Running, Cross-Country Skiing, Aerobics and Resistance Training, with none of the stress or impact.

"With AiroFit, there is virtually zero impact. And it's possible to get even fitter than you thought possible..."

**Jonathan Matthews,
3 time National Race Walking
Champion!**

"I've had tremendous results and I feel wonderful...I just can't say enough about the AiroFit."

Roberta, lost 27 lbs.

"I really love this machine. It's easy and it's fun...I've had better results than anything I've done in years."

Nertsa, lost 7 inches

"With the AiroFit, the biggest change I noticed at first, was inches coming off everywhere."

Pam, lost 6 inches

The AiroFit burns up to 1000 calories an hour. That's 3 times more than walking, 2 times more than cross-country skiing.

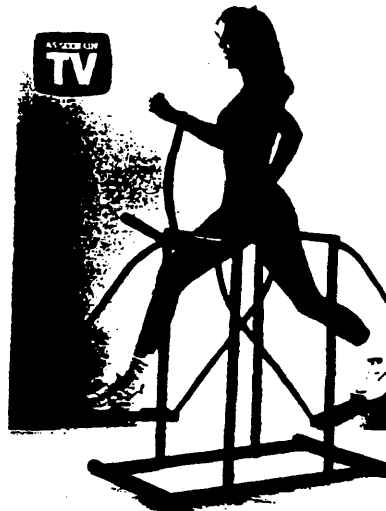
The AiroFit helps you build lean muscle...which raises your metabolism naturally because lean muscle burns fat and calories 24 hours a day.

The AiroFit combines both aerobic conditioning and resistance training to give you the ultimate fat-burning, body-shaping workout...without the impact and stress on your ankles, knees and hips.

The AiroFit will firm and shape every part of your body. Weight loss has never been so easy...or so fun! Here's why:

- **Complete freedom of movement — it's free style exercise.** No repetition. You can vary your length of stride from a walk to a full run and you select your own pace from 1 to 100 mph.
- **A challenging, interesting workout — every time!** Change exercises easily to work your upper or lower body. You can get a total body workout and pinpoint specific areas for added toning simply by shifting position or varying your stride.
- **Nearly zero impact!** Because your body is suspended on the AiroFit, there's no stress or strain on your ankles, knees, back or spine. Walking on air! Plus the AiroFit naturally self-centers your body — so it's always safe, stable and secure.

**Order the AiroFit today
and start watching inches
melt away tomorrow!**



**AiroFit Electronic
(optional)**

AiroFit's Fitness Computer tracks calories, distance, workout length, and speed. See order form for pricing.

Try it in your home for 30 days! If you don't absolutely love it, return it within 30 days for a complete refund of the purchase price (less shipping & handling).

The simple fact is, you can't use yesterday's technology, to get the results you want today. Today, you need AiroFit! Order yours now!

**CREDIT CARD CUSTOMERS
CALL TOLL-FREE**

1-800-321-9236

Monday - Friday 9:00am to 4:30pm, Eastern Time

**Exercise
freestyle
for
ultimate
results!**



Walking



Running



Cross-Country
Skiing



Upper Body Resistance



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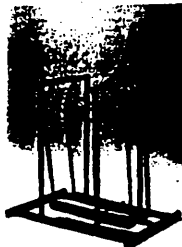
EXHIBIT A

Exhibit A3



FQ00170

Where the home fitness market is headed



Looking to anniversary some fairly stiff numbers from last year? Then look no further: Airofit is here. Never before has there been anything like

it. It has more versatility, more depth and better lines than anything else in the market. And it has created the new emerging category.

Very user friendly

Why has Airofit swept so many people? Follow us: because Airofit is so much more than a piece of exercise equipment. It offers upper and lower body action and is so silent you can hear a pin drop. It has an incredible feel and it also delivers a phenomenal toning workout at an unbeatable price.

1,000 calories per hour

Yes, your Airofit workout actually lets you burn up to 1,000 calories per hour. The secret is in the upper and lower body connection on the machine and the kinds of movements it can perform.

Plus lots of "exclusives"!

Only Airofit features unique dual suspension points for each foot. That means you get a true suspension feel over the archaic single pivot point units. The difference is dramatic, much like the preferred feel of 100 percent cotton over cheap synthetic. Make that 100 percent feel like the feel weightless on the Airofit.

And only Airofit offers front and rear safety bars for a good secure feel when working out. Other units leave your back wide open, unprotected. Airofit keeps your legs safe and secure, regardless of how advanced or how inexperienced.

who wants to "walk" to the expert who wants to "sprint" Airofit delivers.

Super easy, super fun

Airofit is fun because there is virtually no learning curve. First timers simply hop on & go! That's important on today's crowded retail floor. Airofit makes a great first impression and an even greater lasting impression. And assembly is a breeze. In fact, it requires only a single screwdriver. It sets up faster than a treadmill under bike or in less than 10 minutes. No need to go to maintenance fees.

All at popular price points

Fitness Quest, Inc. is proud to offer two versions of Airofit One with the Fitness Computer and one without. What could be simpler!

Airofit has it all: durability, ease of use, phenomenal results, and a totally unique feel. So take our advice: For results that are out of this world, come to Fitness Quest for the Airofit. There's no machine better. And Fitness Quest is the only place on earth to get it.



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EXHIBIT A

EXHIBIT A

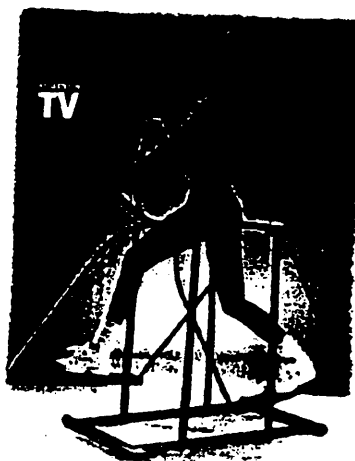
Take a weightless walk to weight loss—with Airofit!

**Burn up to 1000 calories an
hour exercising in mid air**



The Airofit
machine is
the only machine
that allows you to
exercise in mid air.

The Airofit machine
is the only machine
that allows you to
exercise in mid air.



The Airofit machine
is the only machine
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that allows you to
exercise in mid air.

The Airofit machine
is the only machine
that allows you to
exercise in mid air.

"With Airofit, there is virtually zero
impact. And it's possible to get even
fitter than you thought possible."

—Jonathan Matthews
1 mile National Race Walking Champion

"I've had tremendous results and
I feel wonderful...I just can't say
enough about the Airofit."

—Roberta, lost 27 lbs.

"I walked on the moon 27 years ago
and the Airofit is the best walk I've
had since returning to earth."

—Dr. Buzz Aldrin, Astronaut

The Airofit is so
simple, so
easy to use,
you can't find a better piece of
fitness equipment.



The Airofit machine
is the only machine
that allows you to
exercise in mid air.



CREDIT CARD CUSTOMERS
CALL TOLL FREE
1-800-249-1900
134 for Operator 01007

Only 4 payments of \$49.95

Order the Airofit and start
watching inches melt away!
Try it in your home for 30 days!



Airofit

134 for Operator 01007

134 for Operator 01007

EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
PAGE 1

The following program is a paid advertisement for Airofit, presented by Fitness Quest.

What is the best exercise? Aerobics burn fat and calories and resistance training sculpts sensual muscles. Which exercise is best for your body? Healthy bodies need both. Imagine, both aerobic and resistance training in one exercise system and using the future of fitness is here today. Airofit - tighten and reduce your hips, thighs and buttocks. Firm and shape you chest, arms and shoulders. Airofit is an aerobic glide that burns up to 1000 calories an hour. It is a weightless walk with nearly zero impact. Airofit makes it easy to be hard, easy on your body and hard on fat. The future of fitness is here today. Airofit.

I, I am Vivian Eckelfield. Here is the future of fitness - Airofit. You have never seen anything like it. Airofit re-invents the very concept of exercise. Airofit combines five great fat burning exercises in one complete fitness system - walking, running, cross country skiing, plus total body aerobics and resistance training which shapes and sculpts sensual muscles. Airofit is five great exercises in one system with nearly zero impact. So, how does the Airofit burn fat and calories and tighten muscles all at the same time. Well, you gotta ask the hottest, most innovative trail blazer in all of America, Douglas Brooks.

Exhibit A-5

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
PAGE 2

Hi Vivian, I am doing fine.

Now listen, you have seen all the latest exercise equipment out there. So, why is the Airofit creating such a sensation in the fitness world?

Well, Airofit creates freedom of movement. It is a free style exercise, no repetition. You are free to shape your body at your own pace. Change exercises easily to work your upper or lower body. You have 180° of motion and you can vary your length of stride from a slow walk to a full run and you select your own speed from very slow to very fast. Airofit feels like a weightless walk to better health and a better body.

And Douglas, who would know more about weightless walking than famed astronaut Buzz Aldren. First, he set a NASA record for walking in space. Later he piloted Apollo 11 to the lunar surface and became one of the first men to walk on the moon. This historic event was viewed by more people world wide than any previous telecast in history. Buzz Aldren is also an accomplished author. His latest release is a science fiction novel called "Encounter with Tiger". I met with Buzz Aldren at the renowned museum of Science and Industry in Chicago.

Buzz, there are 6 billion people walking around on this planet. Now, you were one of the first people to walk on yet another

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
PAGE 3

planet. You walked on the moon. Can you even begin to describe what it's like to walk in space, much less on the moon.

Well, right now it feels like walking on air. It is a floating weightless sensation. There is no gravity in space. Very little on the moon. You walk with total freedom of movement.

Well, Buzz you know space age took on _____ when you see it. You have a doctorate from MIT, you have designed space stations, so what is your scientific opinion of the Airofit.

The Airofit reminds me of the space age equipment I trained on to prepare to Apollo 11. Airofit is a great workout and it is easy on my body. Very high tech engineering. It is a lot like space walking because size and weight don't matter in space and Airofit seems to defy gravity. Completely stable, supportive. I walking on the moon 27 years ago and the Airofit is the best walk I have had since returning to earth.

Douglas, is it really as easy as it looks to get started on the Airofit?

Yea, Airofit can be as easy as walking. In fact, it is even safer because you are fully supported by a sturdy exercise system made of steel.

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAX VERSION
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What's Tony doing here now?

Tony is warming up with baby steps. Now, always start your exercise slowly to warm up. You set the pace on Airofit so you can start slow and finish fast. Now, Tony, I don't think you need my help on this, you are really looking good there.

It is so easy Doug, you just step on it and start to glide.

Looks great.

It is really easy to get started on Airofit. Now, you are going to love this next exercise.

Yea, what have we got?

Here's Nicki doing a speed walk. In just a second she is going to open up her stride to show some full run motion.

Wow, look at that.

That's right. She is getting all the fat burning and conditioning benefits of running without the stress and impact to her ankles, knees, hips and back.

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
PAGE 5

That's great. So, Airofit strengthens your cardiovascular system,
lowers cholesterol and blood pressure.

Reduces your risk of heart attack and the biggest benefit for
weight loss - raises your metabolism.

Since it raises your metabolism you burn fat and calories
naturally. So you lose those pounds and inches without ever
dieting, 24 hours a day every day. Right.

That's exactly right. Now, here is Sara showing us how easy it is
to go from a total body workout to upper body resistance training
that sculpts and shapes sensual muscle in the arms, shoulders and
chest.

Look at that, she is almost completely horizontal.

..It looks great doesn't it.

I love it.

That's what I call free style push up and Sara is getting
tremendous upper body resistance training and all that has done is
lean forward.

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
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Or lean back to add upper body sculpting to her aerobic training.

So Sarah, what do you think.

I have never been able to get aerobics and resistance training at the time same time.

Airofit really does it all.

People everywhere are walking on air with Airofit.

Like walking on air but connected to bars and it is easier than walking really. I have had other exercise machines - the Cardioglide, Twist and Skin and a rowing machine and the other machines tend to isolate certain areas and you don't get that good of a workout. Now, on the Airofit you can work out as hard as you want, or as easy as you want, it is up to you. You can switch and do different movements for different parts of your body. No impact, no stress on the knees, hips, it doesn't bother any part of my body really. Airofit is just comfortable to work out on and I do want to exercise and if it is boring, tedious or uncomfortable I won't do it. You wouldn't think you are getting the workout that you are. I really like it. And, I have recommended it and I have told a lot of people about it. The Airofit seems like you can work out at your own pace but you still get tremendous results without

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
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really jarring your body and feel like you are killing your body so much as to get it back in shape, it is more of a natural way to shape and form your body. The Airofit is very smooth. You can do an upper body workout then get a lower body workout without really much change. You can keep an aerobic workout plus doing the upper and lower body also. I had tremendous inches lost, more than I would say with the poundage. That is the biggest change I noticed at first was inches coming off everywhere.

Douglas, does the Airofit really burn more calories than most other exercises.

Airofit burns up to 1000 calories per hour. Now, that's hard to beat but let's compare. Step Aerobics cannot compare. Riding bikes is fun but burns less than half the calories. Airofit burns more than 3 times more calories than walking, it burns a ton more calories than running and swimming and Airofit even burns more calories than cross country skiing.

Wow. The Airofit burns more calories than cross country skiing? That is very impressive.

Pretty amazing isn't it.

Yea.

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
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Now, here is a popular treadmill. This costs about \$500.00.

And the Airofit burns nearly twice the number of calories as this treadmill.

It is obvious. We need to do a sound check on this machine.

It is so loud.

Listen to that noise.

You better believe it.

You don't want to get this thing anywhere near a sleeping baby.

No way. Hey, what's this, it looks like a big plastic banana.

It looks like one. You know what is obvious? Another sound check here. Listen to that. That is actually louder than the treadmill.

I think you're right.

Vivian, can you even hear me.

I can hear you but I don't like that at all.

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
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Now, step up to the Airofit.

It is easy to get up on to.

Listen -

Wow, I don't hear anything.

Let's check this mike and make sure it is still working. It is working fine. Now, a sound check on the Airofit. Airofit is whisper quiet.

You know how it is? I do feel like I am walking on air. It is just so smooth and easy and quiet. I gotta tell you though, most people who glide on the Airofit are just a lot more outspoken.

You are limited in what you can do with fast track as opposed to the Airofit. The Airofit is a much quieter machine. You can do so many more different exercises with it. Like I say, you can work your whole body as opposed to the fast track where you can just walk and that sort of thing. Also, you are limited with the fast track with the length of your strike. You don't have that with the Airofit.

Well, I would say that the Airofit is a combination of different

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EXHIBIT A

FITNESS QUEST
AIROFIT
IAF-100 4 PAY VERSION
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equipment that they have seen. It works all parts of the body, does a good job at it without tiring you out. And, what I like about the Airofit, if one part of your body starts to get a little tired you can kind of move around and switch it to a different part and then you can pick it back up, so you can work at your own pace and yet a full body. The time goes so fast with the Airofit. When you are on it you don't want to get off. You keep wanting to go back to a different routine. It has been very good, I have enjoyed it a whole lot. The Airofit is great.

I would say that the Airofit is mostly just low impact, your feet going back and forth and, there again, you can do an easier regimen for people who, when they are first starting, or are not used to exercising where they do shorter, smaller strides, and then as you get on to it you can really get in there and get a bigger stride going and work out harder. So, you can do your exercising on the Airofit at your own pace.

Airofit can be as easy as walking and burns 3 times more calories with nearly zero impact. The future of fitness is here today. Airofit.

Take a weightless walk to better health and a better body on the new Airofit. Tighten and tone your hips, thighs and buttocks on a fat burning aerobic aerobic workout, then lean forward or back for

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shaping and sculpting arms, shoulders and chest. Airofit is total body aerobic and resistance training in one revolutionary new fitness system. Exercise free style. Change from a slow walk to a fast run. It is this easy. It is nearly zero impact gliding that burns 3 times more calories than walking and nearly twice the calories of cross country skiing. Airofit builds a healthier heart and cardiovascular system and raises your natural metabolism so you burn fat and calories 24 hours a day, every day. Create leaner and tighter abs and sculpt sensual muscles. Step up on extra wide, sure grip foot platforms and glide with whisper quiet, silky smooth motion. This sturdy steel base and frame is proven to withstand 300 pounds of pressure. Airofit is strong, silent and easy to use. The Airofit self-balances your body weight so you're stable, safe and secure. Airofit is even available with a fitness computer that tracks your walking speed and mileage and times your workout so that you meet and beat your personal best records. You also receive this terrific video packed with fat-burning workouts to keep you walking strong. Take a weightless walk to better health and a better body on the revolutionary new Airofit. The future of fitness is here today. Call 1-800-436-5170 now to order your Airofit for just four easy payments of \$49.95, plus shipping and handling. The Airofit comes complete with a free 27 minute exercise video to get you started. There is no obligation. We are so sure that you will love your Airofit that we are offering a 30 day money back guarantee. Call now and begin your walk to better

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health and a better body with Airofit. To order your Airofit and free video call 1-800-436-5170 - now.

Douglas, we saw Airofit burn nearly twice the number of calories of step some step aerobics and treadmills. It also out burns the number of calories as swimming, bicycling, even cross country skiing.

It is really great, isn't it. Aerobic and resistance training at once. You actually save time.

And there is a commodity, because we all want to save time. But, here is a man who has a very good reason to save time. Three time national race walking champion, - Jonathan Matthews.

With race walking, on the average I can only sustain an average of about 10 miles a day or I risk injury. Now that I have incorporated Airofit in my training I find that I can do 10 miles of race walking and then come back and do the equivalent 10 more miles on the Airofit and not suffer any injury consequences from that. One of the unique things about the Airofit stride that actually benefited my race walking is the range of motion is so much greater on the Airofit. I find that I can really lengthen out my stride and get very intense upper body workout on it. And, it is not apparent maybe looking at there, just standing there,

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because you don't see any weights, rubberbands, or other contraptions that you would think would give you that kind of resistant workout, but all you have to do is lean a little bit forward or lean a little bit backwards on that and you have an incredible upper body response. I have Airofit to be virtually impact. I mean, I feel like my feet are gliding, I don't feel any impact forces when I am on the Airofit. I am going to be 40 virtually in a couple of weeks, so I think it is possible, even at this advanced age, to keep getting fitter and I think that Airofit is one of the things that is going to help me get that extra fitness.

I had the chance to meet with Royce Huston, the inventor of the Airofit. Royce has over 40 patents and has designed a number of sports and fitness products. So, Royce, what actually inspired you to create the Airofit.

My concept was simple, really. I took all the positives of three great exercises - walking, running and skiing. Then I virtually eliminated the negatives, stress and impact, and I created the Airofit. It is the best of both worlds.

Well, then you went even further by combining a lower body workout and upper body workout in one system.

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That was the tough part. How to combine aerobics and resistance training and make it easy to change from one to the other.

I bet.

First, I made the Airofit self-center, so you just lean forward or back to transfer your weight to the upper body. As you lean your upper body weight is balanced by your lower body weight. And your center of gravity stays center, so you remain safe and stable at all times.

That's great.

I made it of steel tubing for strength and rigidity. Airofit is high tech, yet easy and simple to use. It is natural exercise, no pulleys, fly wheels, no adjustments. I made the base very wide with total support. It is stable, it is strong, and it is safe. My finishing touch, extra wide, sure grip ski-style foot platforms that glide smoothly and silently. The Airofit mirrors your natural walking and running motion with nearly zero impact.

Well Royce, you absolutely broke the mold when it comes to exercise equipment; we are sure glad you did.

Thanks.

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Thanks for joining us.

Douglas, don't you ever just get bored of exercising.

You know, boredom comes from repetition. The Airofit gives you freedom of movement. Each workout is a new workout.

Douglas, what do we have here.

Here is the idea of doing the ultimate buns burner. The hesitation movement, you just move one leg forward, one leg back and you hold.

Now.

Deanna, where do you feel it working?

Deanna, it is really amazing. I can really feel it targeting my glutes.

I'll bet. You can tell just by looking at it. It is working the entire lower body. The Airofit not only changes bodies, it changes lives.

I had gone through a great deal of testing at the Cleveland Clinic several years ago and they had no trouble telling me what was wrong

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but they didn't tell me how to correct it and Airofit is indicated what I should be doing. The Airofit is the first machine that I have ever used that got me started in the right direction towards weight loss, blood pressure reduction and that sort of thing. I like the results, I like losing weight, the blood pressure reduction is fantastic. Certainly worth thousands of dollars in future medical bills. I am amazed that going through just a moderate exercise program has had such an effect on my weight, my blood pressure and my feeling of well being. I am just fantastically grateful for the experience.

Airofit combines aerobics and resistance training in one low impact fitness system. It creates stronger, healthier, leaner bodies and it is fun. The future of fitness is here today. Airofit.

Take a weightless walk to better health and a better body on the new Airofit. Tighten and tone your hips, thighs and buttocks on a fat burning aerobic workout. Then, lean forward or back for shaping and sculpting arms, shoulders and chest. Airofit is total body aerobic and resistance training in one revolutionary new fitness system. Exercise free style, change from a slow walk to a fast run. It is this easy. It is nearly zero impact gliding that burns 3 times more calories than walking and nearly twice the calories of cross country skiing. Airofit builds a healthier heart and cardiovascular system and raises your natural metabolism so you

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burn fat and calories 24 hours a day every day. Create leaner and tighter abs and sculpt sensual muscles. Step on extra wide sure grip foot platforms and glide with whisper quiet, silky smooth motion. The sturdy steel base and frame is proven to withstand 300 pounds of pressure. Airofit is strong, silent and easy to use. The Airofit self-centers your body weight so you are stable, safe and secure. Airofit is even available with a fitness computer that tracks your walking speed and mileage and times your workout so that you meet and beat your personal best records. You also receive this terrific video packed with fat burning workouts to keep you walking strong. Take a weightless walk to better health and a better body on the revolutionary new Airofit, the future of fitness is here today. Call 1-800-436-5170 now to order your Airofit for just four easy payments of \$49.95, plus shipping and handling. The Airofit comes complete with a free 27 minute exercise video to get you started. There is no obligation. We are so sure that you will love your Airofit that we are offering a 30 day money back guarantee. Call now and begin your walk to better health and a better body with Airofit. To order your Airofit and free video call 1-800-436-5170 now.

This is Roberta Harman. She had a mission. She was determined to qualify for the Senior Olympics.

I have always looked forward to getting in the Senior Olympics and

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a little thought went through my mind. I wonder if I can possibly get in this so I decided to enter and try it. I got in two bike races and I also got in a 100 meter dash and had it not been for the Airofit I would have never attempted that. It was the best thing I ever did. I would have to say the Airofit gives me the all around conditioning. You can get aerobic on it, you can tone your muscles up on it, you can strengthen your muscles. I was quite heavy when I started using it and it didn't stress me to the point that my joints hurt or any of that type of thing. But, from the first time on, being heavy, I felt a real good feeling that I have done something. The Airofit is my favorite. It is something that you miss, it becomes a part of you. It is a good machine.

Well, I am back with moon walking astronaut Buzz Aldren. Buzz, you were saying earlier that an Airofit walk is very similar to a space walk.

It is very similar. A walk in space is total freedom of movement. Airofit gives me that same freedom. There is a sense of weightless walking. My body is suspended. Your feet don't touch the ground and then you get a fantastic workout. Your size and weight don't matter because of the anti-gravity effect. Airofit feels like you are walking on air.

Buzz Aldren, thank you so much for being here. You're a big fan of

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the Airofit aren't you.

Airofit is the best walk I have ever had on this planet.

The Airofit is right there. It is not hard to learn how to use it and you get a complete workout in a short period of time which is what most people are looking for.

You are not working just parts of your body, you get a complete workout from it so I really enjoy that. It is not strenuous, I don't feel the stress and strain, especially on my knees or you know, like if I were using my Fast Track. You can do a lot of different things with and get over all body results. I love it. I really love this machine. It is just very easy and it is fun to use and you hear that all the time with different machines, and so forth, but you just have to try it and see because it really does make a difference. I have had better results than anything I have done in years. I finally have found the thing I enjoy doing and I am having results with it. It is the best thing that has happened to me. I just, I cannot elaborate enough on the changes it has made in my body, not just inches and pounds and that sort of thing, but just how I feel. Airofit has just made a difference.

Airofit is 5 great exercises in one fitness system. Aerobic and resistance training, plus walking, running and skiing.

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Airofit gives you the positive benefits of these great exercises

Without the stress of high impact negatives.

You don't have to take the good with the bad and exercise ever again.

Now you can have the good with the good. It burns over 3 times the calories of walking, with nearly zero impact. Airofit does something most equipment can only dream of doing.

Airofit creates lean muscle. Once you build lean muscle you burn calories naturally every second, minute and every hour of every day.

Airofit is free style exercise with total freedom of movement. It is like walking on air. Start slow and finish fast. From baby steps to a full run, you set the pace. Douglas, are we leaving anything out?

Yes, there is one more thing. Airofit creates a healthier cardiovascular system. A shaped and lean body begins with a healthy heart and a healthy body. Airofit is the natural solution.

Douglas, thanks so much for joining us and helping us prove that

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Airofit is truly the future of fitness.

It was my pleasure, thanks Vivian.

Alright, take care. Take a walk to better health and a better body. Call and start walking on air now with Airofit.

Take a weightless walk to better health and a better body on the new Airofit. Tighten and tone your hips, thighs and buttocks on a fat burning aerobic workout. Then, lean forward or back for shaping and sculpting arms, shoulders and chest. Airofit is total body aerobic and resistance training in one revolutionary new fitness system. Exercise free style change from a slow walk to a fast run. It is this easy. It is nearly zero impact gliding that burns 3 times more calories than walking, and nearly twice the calories of cross country skiing. Airofit builds a healthier heart and cardiovascular system and raises your natural metabolism so you burn fat and calories 24 hours a day, every day. Create leaner and tighter abs and sculpt sensual muscles. Step up on extra wide sure grip foot platforms and glide with whisper quiet, silky smooth motion. The sturdy steel base and frame is proven to withstand 300 pounds of pressure. Airofit is strong, silent and easy to easy to use. The Airofit self-centers your body weight so you are stable, safe and secure. Airofit is even available with a fitness computer that tracks your walking speed and mileage and times your workout

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so that you meet and beat your personal best records. You also receive this terrific video, packed with fat burning workouts to keep you walking strong. Take a weightless walk to better health and a better body on the revolutionary new Airofit. The future of fitness is here today. Call 1-800-436-5170 now to order your Airofit for just 4 easy payments of \$49.95, plus shipping and handling. The Airofit comes complete with a free 27 minute exercise video to get you started. There is no obligation. We are so sure that you will love your Airofit that we are offering a 30 day money back guarantee. Call now and begin your walk to better health and a better body with Airofit. To order your Airofit and free video call 1-800-436-5170 now.

The preceding program was a paid advertisement for Airofit, presented by Fitness Quest.

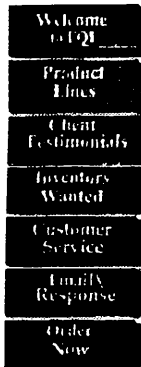
FQ00200

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Complaint

EXHIBIT B

Sky Trek

<http://www.fitnessquest.com/html/skytrek>

SkyTrek™

Get 5 great calorie burning exercises in one machine

Combines walking, running, cross-country skiing, aerobics and strength training.

Get the best of aerobic exercise and strength training while burning up to 1000 calories an hour (based on individual body type and workout intensity), with nearly zero impact. Exercise in midair with SkyTrek™, a machine so revolutionary, it will change the way you exercise forever.



The SkyTrek™ combines 5 calorie-burning exercises in one machine. With its high-tech engineering, SkyTrek™ brings together the best of... Walking, Running, Cross-country Skiing, Aerobics and Strength Training. With SkyTrek's™ whole new range of movements, your workout is always fun and interesting.

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EXHIBIT B

skytrek

<http://www.fitnessquest.com/html/skytrek.htm>

The SkyTrek™ burns up to 1000 calories an hour (based on individual body type and workout intensity). That's 3 times more than walking at 3 m.p.h., and nearly 2 times more than cross-country skiing at 5 m.p.h. And you burn those calories while gliding through space, smoothly and silently.



The SkyTrek™ gives you a complete workout. You get both aerobic and strength training together... for a great cardiovascular workout as well as toning and tightening major muscle groups.



Get a great workout with virtually no impact. In lab trials involving speed, duration and intensity of user workouts, SkyTrek™ consistently delivered impact forces similar to casual walking. So you can exercise with as much vigor and speed as you like while increasing your impact just slightly. SkyTrek™ is great if you are overweight or deconditioned because the virtually non-impact factor opens up a whole new range of exercises.



SkyTrek™ lets you vary your workout so you never get bored. You get complete freedom of movement. Change from a slow walk to a fast run, quickly and smoothly, or extend your range of motion... up to 180 degrees. Bend your knees or pause between strides to target problem areas. To get the ultimate in full body strength training, simply lean forward or back for a smooth gravity resistance.



SkyTrek™ mirrors your natural walking and running motion. The swing radius of the SkyTrek™ matches the human stride... making it smooth and easy for everyone to use.



SkyTrek™ is safe, stable and secure. Designed for ease of use and safety, the SkyTrek™ naturally self-centers your body. Front and rear restraining rails, an extra wide base and the sturdy steel frame guarantee that you will stay stable and secure at all times. Wide wooden foot platforms with traction surface keeps your feet securely in place.

Included with your purchase:

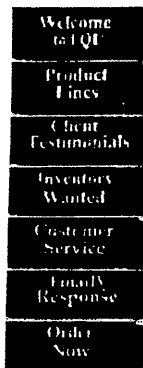
- Electronic computer to track progress (Speed, time, distance, and calories burned)
- Detachable hydraulic piston that provides greater resistance
- 1 year warranty

All this for \$249.75 plus \$39.95 shipping and handling or 5

EXHIBIT C

ony little's gazelle glider

http://www.fitnessquest.com/ami_gazelle..



**TONY LITTLE'S
GAZELLE
GLIDER**

"My Gazelle Glider® is 5 times better than any other fitness machine! Because it combines 5 fun, fat-burning workouts in one machine!"



"First, my Gazelle Glider® burns up to 1000

calories an hour." (based on individual body type and workout intensity) That's 3 times more than walking at 3 m.p.h., nearly twice as much as cross-country skiing at 5 m.p.h., and more than running at 5.5 m.p.h. Plus, there's no heavy bands or weights to change - the Gazelle Glider® moves effortlessly from a walking machine to a total body shaper... in seconds.

"Second, my Glider delivers nearly zero impact ..." There's less stress, less strain on your ankles, knees, hips or back - because you're suspended in air! Plus, the Gazelle Glider® naturally self-centers your body - so it's always safe, stable and secure.

"Third, my Glider brings you 5 fat-burning workouts in one." It's a treadmill, a running machine, a cross-country skier, a stretching workout, plus a muscle toner... all in one amazing machine. The Gazelle Glider® combines both aerobic conditioning and muscle toning to bring you the ultimate fat-burning workout... with little stress and strain.

"Fourth, my Gazelle Glider® raises your natural metabolism so you burn fat and calories 24-hours a day." The Gazelle Glider® builds lean muscle... which raises your metabolism naturally because lean muscle burns fat and calories all day, all night.

"And fifth, the reason why my Gazelle Glider® is 5 times better - it's from me, Tony Little, America's Personal Trainer!" And with Tony Little's Gazelle Glider® Training System you receive...

- Tony Little's Gazelle Glider® Personal Trainer Workout Video - featuring 30 minutes of custom music, visual motivation and interactive

Exhibit-C

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EXHIBIT D

TONY LITTLE
AB ISOLATOR
"GIMMICKS" (:120) Tag Master
(11/8/95 Production Partners)

TRANSCRIPT FROM TAPE
9/24/97

\$59 bucks for this! You've got to be kidding me. I've spent my life fighting "gimmicks."

There's only one Tony Little and only one Ab Isolator.

FACT: Ab Isolator has over two million satisfied customers. Why? Because it works.

FACT: Ab Isolator is twice as effective as regular sit-ups. And it strengthens your back.

FACT: You'll lose 4 - 6" off your waist in 30 days or your money back.

Only my Ab Isolator can make these promises. The key to great abs is technique. Look, sit-ups don't work. They don't isolate your abdominal muscles and they can put stress on your lower back. I've got medical proof.

See how quickly my Ab Isolator locks your legs, your hips and lower back into place. Only my Ab Isolator gives you perfect exercise technique - automatically.

That's because my Ab Isolator locks you on target so you can't use the wrong muscles. With proper technique, you can get real results, fast.

C'mon - you can do it! Hundreds of thousands have washboard abs and thought they never could. With Ab Isolator, three minutes a day melts the inches away.

"Gimmicks" don't work. As far as I'm concerned, the Ab Isolator is the only abdominal product you'll ever need.

My Ab Isolator also comes with my One-on-One Personal Trainer video. Beginner, intermediate or advanced - it doesn't matter. I'll motivate you through the best ab workout of your life.

And I'm the only person that offers a toll-free, certified personal trainer hotline.

Get all this for \$29.95

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EXHIBIT D

Page 2
Ab Isolator
"Gimmicks" (:120) Tag Master
(11/8/95 Production Partners)
Transcript from Tape
9/24/97

Take control of your life. Make the choices that matter most. Millions of satisfied customers can't be wrong.

You decide. Pay twice as much for "gimmicks" or get the number one fitness product in the world.

Pick up the phone and demand your right to awesome abs. I guarantee you'll love 4 - 6" in 30 days or your money back. Believe it - it work!

Call now!

Complaint

128 F.T.C.

EXHIBIT D

TONY LITTLE
AB ISOLATOR - REVISION
:120 (SAI-11)
TRANSCRIPT FROM TAPE
9/24/97

Take a look at Carl! He lost over 12 inches in his waist using the Ab Isolator and my techniques! Take a look at Jody. She went from a size 11 dress to a size 1!

I'm Tony Little. With over two million Ab Isolators sold, and now available in over 60 countries, the Ab Isolator is now the number 1 fitness product in the world. Why? Results!

Jody and Carl know how effective the Ab Isolator is... let me show you how!

She's doing sit-ups. Sit-ups don't work! They don't isolate the abdominal muscles and look at her legs - everywhere. The wrong way.

Simply put the Ab Isolator on. It locks her legs down, isolates her abdominals. It targets the stomach muscles automatically. Perfect exercise technique everytime.

The Ab Isolator locks you on target so you can't use the wrong muscles. With proper technique you get results fast.

I love the Ab Isolator! It locks you in on target and gives you a fantastic abdominal workout!

As a model and mother of 5, time is precious to me. The Ab Isolator is perfect because it's quick, easy and effective!

I've worked out with trainers my entire athletic career. But with Tony's Ab Isolator, it's like having your own personal trainer right in your own home.

My Ab Isolator comes with my One-on-One Personal Trainer Video. I'm gonna' motivate you through the best Ab workout of your life!

Plus, you'll also get my famous toll-free personal trainer hotline! The Ab Isolator is scientifically proven to be the most effective ab exercise ever - or your money back.

So call now and receive my Ab Isolator, personal trainer video and toll-free trainer hotline for just 3 easy payments of \$9.95.

You've heard the personal stories...you've seen the results...now get the results for yourself! The Ab Isolator is the only abdominal product you'll every need!

EXHIBIT D-2

EXHIBIT E

only

<http://www.fitnessquest.com/abs/abs-only>

Product Details

- Welcome to FQI
- Product Lines
- Client Testimonials
- Inventory Wanted
- Customer Service
- Family Response
- Order Now

Tony Little's Abs Only Machine™

Get Tighter, Sexier Abs!

Get the Facts on Tony Little's Abs Only Machine™:

FACT: Twice as effective as regular sit-ups and it won't strain your neck and back!

FACT: Abs Only is the best product for the best price.

Now from the worlds #1 Certified Fitness Trainer-Tony Little-comes the greatest breakthrough in abdominal machines-Abs Only Machine!



Tony Little's Complete Abs Only Machine™ is a one-of-a-kind muscle building system that, for the first time, actually, mirrors the natural pivot point of your hips-making it easier, safer and more comfortable to tone and tighten your abdominals.



Abs Only Machine™ follows the natural curve of your hips,

Exhibit - E

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EXHIBIT E

<http://www.fitnessquest.com/html/ab-only.htm>

not only making your abdominal workout easier and more comfortable, but also supporting your hip flexors, delivering a safer, more effective workout-every time!

With Tony Little's Abs Only Machine™, you're in perfect position every time.

Guaranteed results in just 3 minutes, every other day! That's right-not 20 minutes, not 10 minutes, not even 5 minutes a day. But in just 3 minutes every other day, beginners can begin to achieve the look, the shape of firmer, tighter abs. For intermediate workouts, use Abs Only for just 6 minutes every other day. And for advanced, just 9 minutes every other day.

The revolutionary Abs Only Machine™ featuring... Natural pivot point construction. Full adjustability. Easy fold & store design. 30 day money-back guarantee (less shipping and handling). Includes 1 Year Warranty.

Tony Little's® Personal Trainer Video-Featuring 30 minutes of Tony's guaranteed results, abdominal workout.

The Abs Only Machine™ Booklet-Gets you started safely and keeps you motivated with your very own Goal Chart.

PLUS your One-On-One Personal Trainer VIP Membership Card with a toll-free personal trainer help line, to answer your questions and provide that extra incentive when you need it.

The Abs Only Machine™ can be yours for only \$39.95 plus \$7.95 shipping and handling.

To order now, click one of our payment methods below:

[Full Payment](#)[Shopping Cart](#)

[Welcome](#) | [Products](#) | [Testimonials](#) | [Customer Service](#) | [Inventory](#) | [Response](#) | [Order Now](#)
[EO Home](#) | [Search](#) | [Credits](#) | [Copyright](#) | [Privacy Policy](#)
Send @ the site to the [Webmaster](#).

DECISION AND ORDER

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

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

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in 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 Fitness Quest, Inc. is a Delaware corporation with its principal office or place of business at 1400 Raff Road, SW, Canton, Ohio.

2. Respondent Robert R. Schnabel, Jr. 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 Fitness Quest, Inc.

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

ORDER

DEFINITIONS

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

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, caloric deficit or to suppress the appetite in a user of the product or program.

3. "*Clearly and prominently*" shall mean as follows:

A. In an advertisement communicated through an electronic medium (such as television, video, radio, and interactive media such as the Internet and online services), if the disclosure is given orally, the disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. For a disclosure given in the video portion of an advertisement, the 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. In addition to the foregoing, in interactive media the disclosure shall also be unavoidable and shall be presented prior to the consumer incurring any financial obligation.

B. In a print advertisement, promotional material, or instructional manual, the disclosure shall be in a type size and location sufficiently noticeable for an ordinary consumer to read and comprehend it, in print that contrasts with the background against which it appears. In multipage documents, the disclosure shall appear on the cover or first page.

C. On a product label, the disclosure shall be in a type size and location on the principal display panel sufficiently noticeable for an ordinary consumer to read and comprehend it, in print that contrasts with the background against which it appears.

The disclosure shall be in understandable language and syntax. Nothing contrary to, inconsistent with, or in mitigation of the disclosure shall be used in any advertisement or on any label.

4. Unless otherwise specified, "*respondents*" shall mean Fitness Quest, Inc., a corporation, its successors and assigns, and its officers; Robert R. Schnabel, Jr., individually and as an officer of the corporation; and each of the above's agents, representatives and employees.

5. "*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 labeling, advertising, promotion, offering for sale, sale, or distribution of any exercise equipment or any weight-loss product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

A. About the rate at which users burn calories, or the number of calories users burn, through use of such product;

B. About the weight loss or fat loss users achieve through use of such product;

C. That such product causes a specific reduction in the size or shape of specific, desired areas of the body;

D. That such product causes a specific reduction in users' body size or shape, or body measurements;

E. About the comparative efficacy of such product; or

F. About the benefits, performance, or efficacy of such product;

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; provided, however, that nothing in this order shall prohibit the respondents from making a truthful statement that merely describes the existence, design, instructions for use, or content of any such product.

II.

It is further ordered, That respondents, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution

of any exercise equipment or any 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; or one of the following statements:

- (a) "You should not expect to experience these results."
- (b) "This result is not typical. You may not do as well."
- (c) "This result is not typical. You may be less successful."
- (d) "_____'s success is not typical. You may not do as well."
- (e) "_____'s experience is not typical. You may achieve less."
- (f) "Results not typical."

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

III.

It is further ordered, That respondent Fitness Quest, Inc. and its successors and assigns, and respondent Robert R. Schnabel, Jr. 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 advertisements and promotional materials containing the representation;

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

C. 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 Fitness Quest, Inc. and its successors and assigns, and respondent Robert R. Schnabel, Jr. 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 Fitness Quest, Inc. and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation 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 Robert R. Schnabel, Jr., for a period of ten (10) years after the date of issuance of this order, shall

by 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 Fitness Quest, Inc. and its successors and assigns, and respondent Robert R. Schnabel, Jr. 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 July 26, 2019, 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

MICRON ELECTRONICS, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE CONSUMER LEASING ACT, REGULATION M AND
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3887. Complaint, July 28, 1999--Decision, July 28, 1999

This consent order, among other things, requires Micron Electronics, Inc., a manufacturer and marketer of computer systems, to provide consumers with clear, readable, and understandable information in their lease advertising. The consent order also prohibits respondent from stating the amount of any payment or that any or no initial payment is required at lease signing, without disclosing all of the terms required by law.

Participants

For the Commission: *Sally Pitofsky, Rolando Berrelez, and David Medine.*

For the respondent: *John Geering*, in-house counsel, Nampa, ID.

COMPLAINT

The Federal Trade Commission, having reason to believe that Micron Electronics, Inc., a corporation ("respondent"), has violated the provisions of the Federal Trade Commission Act, 15 U.S.C. 45-58, as amended, the Consumer Leasing Act, 15 U.S.C. 1667-1667e, as amended, and its implementing Regulation M, 12 CFR 213, as amended, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Micron Electronics, Inc. is a Minnesota corporation with its principal office or place of business at 900 East Karcher Road, Nampa, Idaho. Respondent markets computer systems for sale or lease to consumers.

2. Respondent has disseminated advertisements to the public that promote consumer leases, as the terms "advertisement" and "consumer lease" are defined in Section 213.2 of Regulation M, 12 CFR 213.2, as amended.

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.