

IN THE MATTER OF

PROLONG SUPER LUBRICANTS, INC.

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

Docket C-3906. Complaint, Nov. 22, 1999--Decision, Nov. 22, 1999

This consent order, among other things, requires Prolong Super Lubricants, Inc., the marketer of one of the largest selling motor oil additives sold in the U.S., to have scientific substantiation for its claims regarding the performance, benefits, efficacy, attributes, or use of its product. The consent order prohibits the misrepresentation of the superiority or comparability of its product with respect to any other product, and the existence or results of any test, study, or research. In addition, the consent order prohibits the representation of user testimonials or endorsements, unless certain disclosures are made.

Participants

For the Commission: *Gerald Wright and Jeffrey Klurfeld.*

For the respondent: *Neil Goteiner, Braun & Martel, San Francisco, CA.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Prolong Super Lubricants, Inc., a corporation ("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 Prolong Super Lubricants, Inc. is a Nevada corporation with its principal office or place of business at 6 Thomas, Irvine, CA.
2. Respondent has advertised, labeled, offered for sale, sold, and distributed products to the public, including Prolong Engine Treatment Concentrate, a motor oil additive ("Prolong ETC").
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.
4. Respondent has disseminated or has caused to be disseminated advertisements for Prolong ETC, including but not necessarily limited

to the attached Exhibits A through C. These advertisements contain the following statements, demonstrations, and other visual depictions:

A. A program-length television advertisement for Prolong-branded products, entitled "The Prolong World Challenge" (Exhibit A):

(1) Host: "...Prolong is here to set the record straight, with some amazing proof to demonstrate why experts are saying, 'Prolong has no equal in the world!' In fact, Prolong is so superior to other lubricants, they're offering a \$1 million world challenge." (Exhibit A, p. 3)

(2) The "Duel in the Desert" Demonstration

Announcer: "We have automobiles, trucks and motorcycles representing almost every kind of vehicle manufacturer...A pick-up truck with over 100,000 miles...These vehicles have been treated with the patented Prolong Engine Treatment, and drained of all their engine oil." (pp. 4-5)

Yeager: {Previously identified in on-screen super as "Steve Yeager World Series MVP"}: I just saw him drain the oil from my vehicle, and I really have my doubts if this car will go out there, with the inclines, and the downhills and the curves, and not overheat, and just freeze up. (p. 6)

{Ad depicts vehicles driving laps in the desert after their oil has allegedly been drained. One driver is identified as "Al Unser, 4 time Indy 500 Winner."}

{After unspecified lapse of time}

Unser: I just didn't believe that it would make it...and the thing is still running good. The oil light never went off, or the gauge ever moved...I ran almost 90 mph!...With no oil in it. (pp. 33-34)

(3) The "Friction Test Machine Demonstration"

Announcer: "The automotive professionals of J.E. Pistons...will witness the world challenge as Prolong is compared to other well-known lubricants. (p. 7)

Host: Elton's [Elton Alderman, President of respondent] using a torque bar on a friction test machine to apply tremendous pressure on a static bearing against a spinning race...Pressure is added until the test lubricant fails, damaging the bearing and seizing the motor...Professionals use a torque wrench to apply extreme pressure to accurately measure the shock load engines experience on start-up. (p. 7)

{Ad depicts various lubricants being poured into the machine, and pressure being applied. After each lubricant is tested, the screen shows the bearing with its "wear scar" from the pressure that was applied. The size of the "wear scar" varies from lubricant to lubricant.}

First Pennzoil was tested. {Super: "Certified Test."} Look at the bearing up close, as certified by a licensed professional engineer, and you can see the severe damage." {Super: "Failed."} {Ad depicts bearing with large "wear scar."} Next, look at the wear with Castrol Syntech, a leading synthetic oil, tested under the same load. {Super: "Failed."} {Ad depicts bearing with large "wear scar."} Then Slick 50 Engine Treatment was tested. {Super: "Failed."} {Ad depicts bearing with large

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"wear scar."} They all ended up with severe damage...{The ad depicts other lubricants being tested and "failing," with large "wear scars."} (pp. 7-8)

{Ad depicts machine continuing to run after a small amount of Prolong ETC is applied.}

Now, let's test the Prolong Engine Treatment! Watch as the torque wrench applies the maximum shock load of over 200,000 pounds per square inch at point-to-point contact....The motor continues to run with no strain, as shown by the amp meter. (p. 10)....{Ad depicts bearing with very small "wear scar."} After all this tremendous abuse, you can see that the other lubricants don't even come close to comparing! Indisputable proof that Prolong has no equal in the world! {Super: No Equal In The World}" (pp. 10-11)

(4) Consumer endorser: "Once the product is into the motor, and found the friction points, and taking care of those friction points, that same engine made eight more horsepower! {Super: Lee Chapin, AVP Mktg. Mikuni American Corp}" (p. 11)

(5) The "Test Tube" Demonstration:

{Ad depicts a bearing partially submerged in lubricant in a test tube, which is then heated.}

Announcer: "We coated a test bearing with a well-known engine treatment that was heated and left for a short period of time. Look at the corrosion on the bearing, just from the fumes! And look at the bottom which was actually submerged! When Prolong is put to the same test, look at the difference with its anti-corrosion formula! The high temperatures in your engine can cause lubricants to break down and become corrosive. ...But Prolong's patented formula fights corrosion, and extends the life of your car, which saves you money! {Super: "Fights Corrosion."} (pp. 13-14)

(6) Consumer endorser: "I ran 30 miles with no oil, no oil pressure, with the oil light staring me directly in the eye, and the car kept going. The last ten years I haven't won a race. Now starting using Prolong, two years later I'm winning races now. {Dan Mathews, Race Car Builder/Driver}" (p. 17)

(7) Guerrero [Identified earlier in ad as Roberto Guerrero, Indy 500 Single Lap Speed Record Holder.]: "If it's going to work on the race car, it's going to work on the road car 100 times better, so it really is amazing." (p. 17)

(8) The "Four-Hour Drive" Demonstration

{Ad depicts two women driving a car which has been treated with Prolong ETC and then allegedly had the oil, oil filter, and oil plug removed.}

Announcer: "...Sandra Bartley has gone an unbelievable four hours and 40 minutes with no oil, no oil filter, or oil plug! {Super: "4 HR 40 MIN 7 SEC"} She's been in stop-and-go city traffic on a hot summer day in Southern California. Freeway driving above 60 miles per hour, as well as steep hills which really put a strain on the engine." (p. 23)

(9) Announcer: "Today's motor oils are better than ever. But they have their limitations! Friction causes heat which leads to engine wear, poor performance, lower gas mileage and even engine breakdown. {Super: "Friction Causes Engine Wear; Poor Performance; Lower Gas Mileage"} Prolong Engine Treatment turns any motor oil into a super lubricant. {Super: "Turns Any Motor Oil Into a Super Lubricant."} Prolong is specially formulated to bond to the metal, creating a low-friction surface, one molecule thick, that lubricates your engine on start-up, whether it's 20 below and freezing cold, or 100-plus in scorching heat. This means you prolong engine life! {Super: "Prolong Engine Life! Improve Performance! Increase Gas Mileage!"} Improve performance, and increase gas mileage...." (p. 18)

(10) Consumer Endorser: "This transmission was probably due for some serious service, like being rebuilt, and I decided well, I'll put it off, and I just "Prolonged" it, and it held in there for, like I say, another 40 to 50,000 miles! {Ken McClintick, Aerospace Engineer}" (p. 21)

(11) "Sand in the Engine" Demonstration

Announcer: "...Elton [Alderman, President of respondent] has drained the oil on a Chrysler V-8 engine, and you can see it's empty by the window installed in the oil pan...And now he's going to do something you have to see to believe! ...{Super: "For Demonstration Purposes Only; Always Follow MFG Instructions"} All these demonstrations show you that Prolong can protect your engine, even under extreme conditions!" (p. 24)

{Ad depicts sand being poured in the motor, then the water hose being cut and the engine being revved up. The engine keeps running.}

Host: "...It's not only running but it's running smoothly. {Super: "5000 RPM -- No Oil! No Water! 10 lbs. Sand In The Engine"}... We've taken all of the oil out, all of the water out, it's been treated with Prolong, we've poured sand on the engine, and it's still running as if it were a brand new engine!" (p.27)

(12) Announcer: "Whether your car is old or new, the sooner you add Prolong, the better! {Super: "The Sooner, The Better"} Because up to 70% of friction and wear occurs at start-up {Super: "70% Engine Damage on Start-Up"}, before your engine is coated with motor oil! Friction causes heat, which leads to engine wear, poor performance, lower gas mileage, and even engine breakdown. {Super: "Friction Causes Engine Wear; Poor Performance; Lower Gas Mileage"}" (p. 29)

(13) SUPER: "Jim Snelling, First Lane Racing School"

Snelling: "Starting a car first thing in the morning, 'cause there's no oil protecting that motor. None. There's no friction protection at all. Now what you get, and most people don't understand is, that's where you get the wear and tear on rings and pistons. And over a period of years, that's what wears on motors, and that's why you have to have it re-ringed and re-valved, and everything else!...{Referring to Prolong Engine Treatment Concentrate bottle} I think you've got something that's going to protect that, I definitely think you do." (p. 30)

B. Prolong Engine Treatment Concentrate Bottle Labeling
(Exhibit B)

"Prolongs Engine Life"

C. Promotional Brochure (Exhibit C):

(1) "This report describes friction and wear testing of Prolong Engine Treatment...110 tests performed. The product was found to have a significant wear reducing effect...friction was reduced up to 51.6%, temperature was reduced up to 38.67% and wear was reduced up to 78%.' Sintef Laboratories, Report No. STF18 F87013"

(2) "A lonely road can be even lonelier without Prolong protection.' We hope that you will never have to drive your car for miles without oil in 150 degree desert road temperatures, but its [sic] nice to know its [sic] been done successfully using Prolong Engine Treatment."

5. Through the means described in paragraph four, including but not limited to the below-enumerated subsections of paragraph four, respondent has represented, expressly or by implication, that:

A. Compared to motor oil alone, Prolong ETC:

- (1) Reduces engine wear at start-up [Subsections A(9), A(12), A(13)]; and
- (2) Extends the duration of engine life [Subsections A(5), A(9), B(1)];

B. Prolong ETC:

- (1) Reduces corrosion in engines [Subsection A(5)]; and
- (2) Protects against engine breakdowns [Subsections A(2), A(8), A(9), A(11)-(13), C(2)];

C. Benefits that may be achieved through use of Prolong ETC in race cars or under racing conditions can be achieved in ordinary automobiles in conventional use [Subsections A(6), A(7)]; and

D. Testimonials from consumers appearing in the advertisements for Prolong ETC reflect the typical or ordinary experience of members of the public who use the products.

6. Through the means described in paragraph four, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in paragraph five, at the time the representations were made.

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

8. The acts and practices of respondent 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.

Commissioner Leary not participating.

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[Transcription of tape labeled, "The Prolong World Challenge -
Call 1-800-533-5100 to order the PROLONG CAR CARE KIT
PROLONG INTERNATIONAL CORP. is traded on the OTC Bulletin Board.
Symbol 'PROL'"]

{On-screen Super: Prolong Super Lubricants. The following is a
paid commercial program for Prolong Super Lubricants. Prolong
International Corporation. A Public Company Traded OTC. Symbol
PROL -- The following tests are for demonstration purposes only.
Do not attempt any of these demonstrations.}

Announcer: The following is a paid program for Prolong Super
Lubricants.

You're about to witness the greatest breakthrough in the
history of lubrication. On the program today, see what happens
when you pour 10 pounds of dirt, sand and gravel in an open
engine. {Super: 10 lbs. Sand Open Engine} What happens when
racing legend Al Unser drives a \$60,000 Viper in the desert at 90
mph with no oil. {Super (flashing): 90 MPH No Oil} Watch while
this engine's put to the test as it attempts to set an undisputed
world record, running 500 hours with no oil! {Super: 500 hrs No
Oil! ("No oil" flashes on and off)}

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This test driver is going to put this car through a real-world endurance test with no oil, no oil plug, and no oil filter! How far can they go? {Super: No oil! No oil plug! No oil filter!} This engine is running at an unbelievable 6,000 RPM with no oil pan! What fantastic lubricant makes this possible? {Super: No oil pan! 6,000 RPM!} {Super: Never run your car without oil or water. Always follow your manufacturer's service advice.} Stick around to hear the answers, and to find out how for the first time in the history of lubrication, your car can be protected in a way you never dreamed possible, and it's going to save you money, increase gas mileage, and prolong the life of your car! {Super: Saves You Money! Increase Gas Mileage! Prolong The Life Of Your Car!}

Unser: Lives up to what they say it can do, and I have to, as they say, take my hat off to 'em because I didn't think it could make it, I really didn't. You just can't run an engine, any engine, whether it's a Viper or what, without oil in it! {Super: Al Unser, 4 Time Indy 500 Winner}

Announcer: Welcome to the Prolong World Challenge! On the show today we have racing legend, 4-time Indy 500 winner Al Unser!

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{Super: Al Unser 4 Time Indy 500 Winner} Indy single lap record holder, Roberto Guerrero. {Super: Roberto Guerrero, Indy 500 Single Lap Speed Record Holder}. Nine time Olympic Gold Medalist Mark Spitz. {Super: Mark Spitz 9-Time Olympic Gold Medalist} World Series MVP Steve Yeager. {Super: Steve Yeager World Series MVP}. Mr. Motorcycle himself, Nick Nichols! {Super: Nick Nichols Motorcycle Product Test Expert}. Racing commentator Larry Huffman. {Super: Larry Huffman Racing Commentator} Hosted by Bob Eubanks! {Super: Bob Eubanks}

Eubanks: Hi there, I'm Bob Eubanks, and welcome to the beautiful Peterson automotive museum in Los Angeles, California. The automobiles you see here have made history because of their design, beauty or engine performance. That's why we've chosen an automobile environment to introduce a history-making lubricant. Prolong is here to set the record straight, with some amazing proof to demonstrate why experts are saying, "Prolong has no equal in the world!" In fact, Prolong is so superior to other lubricants, they're offering a \$1 million dollar world challenge. That's right, \$1 million. {Super: \$1,000,000 WORLD CHALLENGE} Well if seeing is believing, then let's get right down to it.

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Huffman: Thanks Bob, we're here at Willow Springs International Raceway in the Mohave Desert. The track temperature, it's August, is 146 degrees!

Announcer: It's so hot that even Gila Monsters are carrying canteens!

Huffman: Al, you're driving a \$60,000 Viper; a V-10 -- you're going to take it out there on the track and go with no oil whatsoever.

Unser: First, it's not my car. If it was my car, I still wouldn't do it. And secondly, I don't think it'll make it half a lap!

Announcer: We have automobiles, trucks and motorcycles representing almost every kind of vehicle manufacturer, including General Motors, Ford, Chrysler, European and Japanese makes, {Super: General Motors, Ford, Chrysler, European, Japanese} a pickup truck with over 100,000 miles, and Mr. Motorcycle himself, Nick Nichols on his Harley Davidson! These vehicles have been treated with the patented Prolong Engine Treatment, and drained

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of all their engine oil. The oil plugs will be held by the automobile club's former chief automotive engineer, Louis J. Bintz, who will certify this extreme test of a Prolong Engine treatment.

Huffman: They've taken the drain plug out of the car, and have you ever seen anything like this before?

Bintz: No, I don't think it's such a great idea. Without any oil in these cars, I think some of 'em are going to freeze.

{Super: Louis J. Bintz, PE Chief Automotive Engineer, Ret. Auto Club of So. Cal.}

Huffman: And also with the heat, it's tremendously hot out there, that's got to be a factor too.

Bintz: Oh, very definitely!

Spitz: The heat's going to start building up; there's friction and there's no oil in this car's crankcase whatsoever but just Prolong. It will be very interesting!

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Yeager: I just saw him drain the oil from my vehicle, and I really have my doubts if this car will go out there, with the inclines, and the downhills and the curves, and not overheat, and just freeze up.

Huffman: Alright gentlemen, start your engines! Can you see the oil temp, the oil pressure gauge? It's on zero, it's not moving at all. This has got to be a first in your career; starting a race with no oil!

Unser: That it is; I've never seen a gauge like that, not move, but I know, I know awhile ago when I drove this car, the gauge was moving.

Huffman: It has got to be a funny feeling.

Unser: Yes it does!

Huffman: On the count of three -- one, two, three!

Announcer: The Prolong World Challenge metal-to-metal, duel in the desert is under way! These cars are being tested to their

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limits! Remember, they have no oil whatsoever! Will heat and friction take its toll on the Viper? Will Prolong make the difference? Stay tuned and we'll see what happens!

Now let's go to Bob Eubanks at the world-renowned J.E. Pistons in Huntington Beach, California, {Super: Headquarters, Huntington Beach, CA} where they build pistons for high performance engines that win many of today's top auto races. He's there with Prolong's President, Elton Alderman, and the automotive professionals of J.E. Pistons who will witness the world challenge as Prolong is compared to other well-known lubricants.

Elton's using a torque bar on a friction test machine, to apply tremendous pressure on a static bearing against a spinning race. {Super: "Spinning Race" appears at lower left screen with an arrow pointing at part of the machine, while the words "Static Bearing" appear in the upper right corner with an arrow pointing to another part of the machine.} Pressure is added until the test lubricant fails, damaging the bearing and seizing the motor. You may have seen other companies demonstrate their products using a fish scale. But professionals use a torque wrench to apply extreme pressure to accurately measure the shock load engines experience on startup. First Pennzoil was tested.

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{Super: Certified Test} Look at the bearing up close, {Super: Failed} as certified by a licensed professional engineer, and you can see the severe damage. Next, look at the wear with Castrol Syntech, a leading synthetic oil, tested under the same load. {Super: Failed} Then Slick 50 engine treatment was tested. {Super: Failed} They all ended up with severe damage. They even tested Lubricator 2001 per the manufacturer's instructions. And it too failed. {Super: Failed} Now, let's see what happens when Dura Lube meets Prolong head to head!

Alderman: Let's give it a little more than that, let's just give it a full bath.

Eubanks: That's more than you'd normally add?

Alderman: Absolutely! Let's give it a big advantage!

Eubanks: OK!

Alderman: So let's put this back on. Same type of a test. Now Bob I can make this look real good if I pull it real slow. It

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shows better than normal if I pull it real slow. But with this product.

Eubanks: And it stops with Slick 50, it stops!

Announcer: Then Elton did something that we had no idea he was going to do! And beyond amazing, he took a small Q-tip and dipped it in the Prolong. He didn't even bother to pour any in! Now, watch what happens!

Alderman: Just take a Q-tip.

Eubanks: Alright.

Alderman: Add a little Prolong. Pull it to the max.

Eubanks: The noise changes and everything.

Alderman: Just touch the metal.

Eubanks: It doesn't stop! Wonderful!

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Alderman: With just a Q-tip.

Eubanks: That's just a little bit of Prolong on there. I mean, this is a product like no other product. But this is a patent product, isn't it?

Alderman: As we say, it has no equal in the world, Bob.

Announcer: Let's continue the challenge and look at the damage up close on the Duralube bearing! Under no nonsense testing, like the rest, it also failed to protect the bearing. {Super: Failed} We tested the STP engine treatment. Again, severe damage! {Super: Failed} Tribotech additive was also tested, and as you can see by the scar it came up way short! {Super: Failed} Now, let's test the Prolong engine treatment! Watch as the torque wrench applies the maximum shock load of over 200,000 pounds per square inch at point-to-point contact. {Super: 200,000 psi} Look how far the bar is bending as it goes past the end of the scale, while the motor continues to run with no strain, as shown by the amp meter. {Super: amps} After all this tremendous abuse, you can see that the other lubricants don't even come

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close to comparing! Indisputable proof that Prolong has no equal in the world! {Super: No Equal In The World}

Guerrero: If I wasn't seeing it, I wouldn't believe it! You know, you can hear people telling you that yeah, yeah, but I mean, seeing it is really quite amazing and it's unbelievable!

Kahn: We currently are using the product in all of our used cars. We felt it would be safer to put Prolong in the vehicles that the time we smog and safety the vehicle, and cut down on our possible losses! {Super: Michael Kahn, GM Crown Lexus/Toyota, Ontario CA}

Chapin: Because we use the same adjectives for products that just simply don't work; this product does! Once the product is into the motor, and found the friction points, and taking care of those friction points, that same engine made eight more horsepower!" {Super: Lee Chapin, AVP Mktg. Mikuni American Corp}

Pickles: Slick 50, Dura Lube, it's just like, you put it in, and you can't even tell that it's really in there, other than you're a little lighter in the pocketbook! I use synthetic oils in the

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rear end of the transmission with Prolong additive, and boy, I tell you, it's the best thing since printed money!" (Super: Ron Pickles, Independent Transporter)

Eubanks: I've also seen this product on television. Let me ask you a question. I mean, a lot of engines heat up; what happens to these additives when your engine heats up, say like to 300 degrees?

Alderman: Well, I'll tell you, Bob, what happens. This product, this one I'd like to show you. (Alderman holds up a test tube with a substance in it.) That was heated up to just over 300 degrees in less than a minute.

Eubanks: Now this is a popular oil additive?

Alderman: Absolutely! It's just solid tar! (Alderman holds up a different test tube) This is a leading product; it has PTFE resins in it. Like a teflon powder that was heated in the same type of test.

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Eubanks: So they actually put teflon in the oil additives?

Alderman: Absolutely! Solid particles. Also Bob, here's Prolong. {Alderman holds up a third test tube} Put through the same type of a test.

Eubanks: Heated again.

Alderman: Absolutely! {Ad depicts substances in first two test tubes appear to have solidified; Prolong still appears to be liquid} Which one would you like to have in your motor?

Eubanks: Which one do you think, I mean, it's Prolong!

Announcer: Your car engine runs at extremely high temperatures. So we wanted to show what happens to engine treatments under these conditions. Look at this product, when it's heated up! It becomes unstable, starts smoking and turns black at around 325 degrees! Then we put Prolong, with its patented anti-corrosive formula to the same test. Even when heated much higher, it still remains stable! We coated a test bearing with a well-known engine treatment that was heated and left for a short period of

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time. Look at the corrosion on the bearing, just from the fumes!
And look at the bottom which was actually submerged!. When
Prolong is put to the same test, look at the difference with its
anti-corrosion formula!

The high temperatures in your engine can cause lubricants to
break down and become corrosive. {Super: Other Engine Treatment;
Prolong Engine Treatment} But Prolong's patented formula fights
corrosion, and extends the life of your car, which saves you
money! {Super: Fights Corrosion} Now, let's see how the cars
are doing as we return to the metal-to-metal duel in the desert!
With Al Unser, Mark Spitz, Steve Yeager and Larry Huffman!
{Super: Never run your car without oil or water. Always follow
your manufacturer's service advice.}

Unidentified voice: My light's never blinked, it's always been
on green!

Unidentified voice: I'll tell you what, this big car is handling
very nicely!

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Unidentified voice: I'm definitely gassing this thing around a heck of a lot harder than if it was just normal driving. I mean, just trying to stay up with you guys and Al!

Announcer: Well, you can hear it for yourself from the radios they have in the cars. And I think Steve Yeager pretty well tells the story with this comment:

Yeager: It's like an ever-ready, still going.

Huffman: Bob, it's unbelievable, they're still running! Al Unser in the red Viper out in front, with the temperature still hovering just under 150 degrees, and the test continues!

Announcer: As if 7 cars and a motorcycle at Willows Springs aren't enough, we put Sandra Bartley, 20 year test and race car driver, through a real world endurance drive with no oil; no oil plug and no oil filter, to see how far the car could go. (Super: No Oil! No Oil Plug! No Oil Filter!) Sandra, being a skeptic, wanted to make sure that there really was no filter, so she got under the car to check for herself. Then, she and her friend Linda were off from the Peterson Museum on a hot summer day. Not

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just to drive the freeway where you can cruise, but to put the car through the same conditions we all drive everyday, stop and go city traffic! And of all places, in southern California! She went through Beverly Hills, up Rodeo Drive, down the Avenue of the Stars in West L.A., and around Westwood.

Bartley: Look at this Linda; we've been driving about an hour and ten minutes right now (Super: One Hour) and we've been going uphill and downhill, and normally that would be a real big load on the engine.

Announcer: At two hours out, we left 'L.A., (Super: Two Hours) heading north on Pacific Coast Highway, and decided to take a mountain climb to really torture the engine. And still no problems! When we come back, we'll see how much farther the car can go with plenty of gas but no oil!

Johnson: Starting seventeenth in a race, we were coming through the field, and about the 12th or 13th lap we exploded a radiator hose. It immediately pumped all the water out of the car. At that point we were running so well I figured, well, engine needs rebuilding, keep running. Let's see what happens. If it blows

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up, it blows up. We were running Prolong in the motor, car ran 30 laps, we finished the race, it was still in one piece, took it to the engine rebuilder Monday. My engine builder's been building engines for over 30 years. He calls and he asks me what kind of oil we were running. I tell him, and he says "Well, no, that oil wouldn't do this." He says, "What else were you running?" So I told him we were running Prolong. And he says, "Whatever it is, it just saved you over \$6,000." {Super: A. J. Johnson, USAC Midget Car Race Driver}

Mathews: I ran 30 miles with no oil, no oil pressure, with the oil light staring me directly in the eye, and the car kept going. The last 10 years I haven't won a race. Now starting using Prolong, two years later I'm winning races now. {Super: Dan Mathews, Race Car Builder/Driver}

Guerrero: If it's going to work on the race car, it's going to work on the road car 100 times better, so it really is amazing.

Announcer: Coming up, the grand finale of the duel in the desert with Al Unser, Sandra Bartley's real world endurance drive.

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Prolong's undisputed world record at 500 hours with no oil! Ten pounds of dirt, sand and gravel in an open engine with no oil, and no water! {Super: Paid Commercial Program For Prolong Super Lubricants} Plus, the \$1 million world challenge! Stay tuned!

Today's motor oils are better than ever. But they have their limitations! Friction causes heat which leads to engine wear, {Super: Friction Causes Engine Wear; Poor Performance; Lower Gas Mileage} poor performance, lower gas mileage and even engine breakdown. Prolong engine treatment turns any motor oil into a super lubricant. {Super: Turns Any Motor Oil Into A Super Lubricant} Prolong is specially formulated to bond to the metal creating a low friction surface, one molecule thick, that lubricates your engine on startup, whether it's 20 below and freezing cold, or 100 plus in scorching heat. This means you prolong engine life! {Super: Prolong Engine Life!; Improve Performance! Increase Gas Mileage!} Improve performance, and increase gas mileage. Which saves you money! {Super: Saves You Money} Prolong is the only patented product of its kind in the world. Not just patent pending as claimed by other companies. {Super: Patented} It's actually been awarded patents both nationally and internationally. {Super: Patented Nationally; Internationally} Which means no one else in the world but

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Prolong has the super lubricant formula. Other products make claims, but under only moderate load the bearing damage is undeniable with engine treatments such as Duralube, Slick 50, STP, Tribotech, X1R and Lubricator 2001. {Super: Dura Lube; Slick 50; STP; Tribotech; X-1R; Lubricator 2001} But even under enormous shock load with Prolong, you can hardly see a mark. Which proves beyond a shadow of a doubt Prolong has no equal in the world. {Super: No Equal In The World}

Mahar: {Ad depicts endorser standing in front of a boat} I've used Slick 50; I've used Duralube; I've used everything in the world trying to just get that little extra out of that engine. And with Prolong immediately I noticed that I had to change the RPMs on my idle. Which means to me as a mechanic means that there's not as much friction in that thing. Just with the oil, I noticed about an 18% increase in my fuel efficiency! {Super: Gordon Mahar, Pres. Denali Wilderness Adventures, Alaska}

Announcer: All these motor oils fail at around 5-12 foot-pounds on the friction machine. (Ad depicts graph **explain further here**) But look what happens when Prolong is added. It turns them all into super lubricants, sending them completely off the scale! So

EXHIBIT A

no matter what motor oil you use in your car, when Prolong is added, {Super: Premium Motor Oil} it simply becomes a super lubricant that creates the low friction surface you need for the ultimate in protection and performance. {Super: Without Prolong; With Prolong} {Super: "The Ultimate In Protection And Performance"} This means you prolong engine life, increase gas mileage and have a smoother running engine with less breakdown. Which saves you money! {Super: Prolong Engine Life; Increase Gas Mileage; Smoother Running Engine; Less Breakdowns} {Super: Saves You Money!} Prolong has been tested and proven around the world for years. In heavy industry, commercial and automotive applications. It contains no solid particles, and is compatible with other oils and lubricants including synthetics. Now, Prolong is available to the general public! In a complete car care kit!

Unser: This is very impressive! And I have not seen anything that is this good.

Spitz: The fact is that in comparison to the leading brands that we're aware of that we see on TV, or household names that we've

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become familiar with over the last 20 years, I mean, it just beat it hands down.

Yeager: Whatever it costs it's certainly worthwhile to put it to protect, like you said earlier it's a life insurance policy that comes in a container!

Announcer: Now, you can have the Prolong engine treatment plus the Prolong transmission treatment which gives you smoother shifts and extends the life of your transmission. {Super: Smoother Shifts; Extends Life}

McClintick: This transmission was probably due for some serious service, like being rebuilt, and I decided well, I'll put it off, and I just "Prolonged" it, and it held in there for, like I say, another 40-50,000 miles! {Super: Ken McClintick, Aerospace Engineer}

Announcer: You also get the Prolong fuel system treatment which cleans your fuel system and treats the top part of your engine to improve gas mileage and increase performance.

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Stromquist: It went up by 10 miles a gallon easily! Yes, it is "wow." I mean, I'm happy! I'm happy! (Super: Bertha Stromquist, Accountant) (Super: Your mileage may vary).

Announcer: You get the engine, transmission, and fuel system treatments all three for only \$39.95. (Super: \$39.95) (Super: 1-800-533-5100) And if you order right now, we'll include at no extra cost, the Prolong SPL 100 -- Super Penetrating Lubricant that outperforms WD40, Liquid Wrench, and all other spray lubricants hands down! It can be used at home or on the job! On bicycles, hinges, locks, sliding doors, rusty bolts, and a thousand other applications. And for a limited time we'll include this multi-purpose precision oiler, and for those smaller hard-to-reach areas that require a light oil. Good for sewing machines, electric motors, clocks, toys, fishing reels, to name a few! You get the engine, transmission, and fuel system treatments as well as the Super Penetrating Spray Lubricant and the precision oiler, all containing the patented Prolong formula! For only \$39.95, but you have to order now! (Super: \$39.95 1-800-533-5100) Operators are standing by, have your credit card ready, and call the number on your screen right now, or send check or money order for \$39.95 plus shipping and handling to:

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Prolong Super Lubricants, PO Box 6879, Burbank, California
91510. Prolong the life of your car with Prolong Super
Lubricants! No equal in the world! (On-screen super depicts
address and ordering information)

Can Prolong actually set an undisputed world's record by
running an engine five hundred hours with no oil while being
revved over 4,000 RPM? Watch the crowd's reaction, and the hour
meter on the engine!

Unidentified person (depicted pointing to an engine): We have a
motor that has gone over 500 hours, running without oil in it.
And the only protection it's enjoyed during that period is in
fact the Prolong.

Announcer: Now, from the extraordinary to the amazing, Sandra
Bartley has gone an unbelievable 4 hours and 40 minutes with no
oil, no oil filter, or oil plug! (Super: 4 HR 40 MIN 7 SEC)
She's been in stop-and-go city traffic on a hot Summer day in
southern California. Freeway driving above 60 miles per hour, as
well as steep hills which really put a strain on the engine.
Let's see what happened that finally stopped the car!

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Bartley: We stopped to eat, we were hungry! You know, we needed some sustenance! (Super: Sandra Bartley, Motorsports) But it was great; it was relaxed, it was great. We had the air conditioning running about 90% of the time, we went through a lot of high inclines and down; a lot of altitude changes, and a lot of city traffic. That's why it took over 4 hours to get from Los Angeles to Santa Barbara. It was fabulous.

Kuester: I'm completely amazed and I can't believe that I got into a car without oil, and trusted all these people, and drove to Santa Barbara, and I don't think that any woman should ever leave her house without being protected by Prolong Super Lubricants! (Super: Linda Kuester, Health Care Administrator)

Announcer: Now we're going back to J.E. Pistons where Elton has drained the oil out of a Chrysler V-8 engine, and you can see it's empty by the window installed in the oil pan. He has the valve covers removed, and now he's going to do something you have to see to believe! (Super: For Demonstration Purposes Only; Always Follow MFG Instructions) All these demonstrations show you that Prolong can protect your engine, even under extreme conditions!

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Alderman: Now we're going to put it through the test, or even worse. We're going to pour some sand in here, and pour it across the top of that.

Eubanks: I mean this one of those tests that's never been done before. I mean, they're actually pouring sand inside this engine.

Alderman: Absolutely!

Eubanks: And the engine is running just as smooth as it was a moment ago when it had oil in it. He wants you to pour some more in it, Mike. Yeah, go ahead! Let's put it to the real test!

Unidentified voice: I'm going to rev it up more!

Eubanks: Isn't that incredible?!

Alderman: Now on top of that, we're going to do something different. We're going to cut the water hose.

Eubanks: So no oil.

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Alderman: No oil.

Eubanks: No water.

Alderman: No water.

Eubanks: And sand in the engine!

Alderman: And sand in the engine!

Eubanks: And still Prolong keeps it running?

Alderman: Absolutely.

Eubanks: Am I going to get hurt?

Alderman: Step back a little bit, Mike.

Eubanks: I'll step back more than a little bit.

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EXHIBIT A

Eubanks: Look at that. Isn't that amazing; you know what, this engine is running just as smooth as it did a minute ago! Go ahead, rev it up!

Unidentified voice: I don't believe it!

Eubanks: OK, the engine was treated with Prolong prior to all these tests. You can rev it up now; OK, go ahead. Look out, fellas! Isn't this amazing?

Alderman: It's incredible. Look at that! (Super: 5000 RPM)
It should have blown up a long time ago!

Eubanks: Now what I'm fascinated by is, it's still running just as smooth as when they first started. I mean, it's not only running but it's running smoothly. (Super: 5000 RPM; No Oil! No Water! 10 lbs. Sand In The Engine) That I think is probably the ultimate test of all time, ladies and gentlemen, when it comes to a product. I mean here what we've done is we've taken all of the oil out, all of the water out, it's been treated with Prolong, we've poured sand on the engine, and it's still running as if it were a brand new engine! What an incredible, incredible

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display of a product that just can't be beat! You will never, ever see another demonstration like that with any kind of product. Congratulations to you!

Alderman: Thank you!

Eubanks: You did a great job!

Announcer: If any of you are wondering what happened to the engine, here's the oil pan later when they took it off. Look at the sand and water!

Unidentified voices: Holy cow! Man! Whoa!

Announcer: Now watch this. They left it off, and with no oil pan, held the engine at 6,000 rpms! You can see the bare crankshaft at the bottom of the engine. If any of you are still wondering how well Prolong protects an engine, here is proof that you can see with your own eyes.

Eubanks: Remember I told you earlier in the show about the Prolong \$1 million challenge? Well, here it is! If any oil

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company in the world accepts the Prolong challenge, and proves through identical tests that it makes a better engine treatment than Prolong, without infringing on the Prolong patents, then the Prolong Super Lubricant company will write a check for \$1 million to the charity of their choice! That's how confident we are in this marvelous product! It is our \$1 million challenge! We know that what we have is truly the best! It's Prolong! There's no equal in the world! {Super: Grand Finale With Al Unser} {Super: Paid Commercial Program For Prolong Super Lubricants}

Announcer: Coming up, the grand finale of the Prolong World challenge with Al Unser.

Whether your car is old or new, the sooner you add Prolong, the better! {Super: The Sooner; The Better} Because up to 70% of friction and wear occurs at startup, {Super: 70% Engine Damage on Start-Up} before your engine is coated with motor oil! Friction causes heat, which leads to engine wear, poor performance, lower gas mileage, and even engine breakdown. {Super: Friction Causes Engine Wear; Poor Performance; Lower Gas Mileage}

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Snelling: Starting a car first thing in the morning, cause there's no oil protecting that motor. {Super: Jim Snelling, First Lane Racing School} None. There's no friction protection at all. Now what you get, and most people don't understand is, that's were you get the wear and tear on rings and pistons. And over a period of years, that's what wears on motors, and that's why you have to have it re-ringed and re-valved, and everything else!

Huffman: What about this? {Indicating a bottle of Prolong Engine Treatment Concentrate}

Snelling: I think you've got something that's going to protect that, I definitely think you do.

Announcer: Prolong Engine Treatment with its patented formula makes regular motor oil perform like a super lubricant. (Ad depicts add whatever } Today's motor oils are better than ever. But they do have their limitations. Prolong creates a low-friction surface by bonding to the metal, providing constant protection and instant lubrication on startup. This means you prolong engine life, improve performance, and increase gas

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mileage. Which saves you money! {Super: Prolong Engine Life!;
Improve Performance!; Increase Gas Mileage!} {Super: Saves You
Money!}

Thorson: There are 29 buses that are in service right now for
the city of Red Deer and savings of approximately \$16,000/year
just with those 29 buses. {Super: Doug Thorson, Mechanical
Superintendent, City of Red Deer}

Webster: Total savings per year of \$17,000. After that one
year, we changed the whole fleet over to Prolong, and we haven't
looked back since. {Super: Dave Webster, Manager, Firemaster
Oilfield Services}

Hall: It's a wonderful transition, and the best way I can
describe the transition {Super: Gary Hall, Pres. Hall Pantera,
Paramount, CA}, it's like taking a cube of butter which is real
frozen; sticking a knife in it, and trying to move it. And then
you take the same cube of butter after it's been out in the air
for a couple hours, and it's got soft and you put your knife in
there and you move it real easy. Now that's the difference with

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the way the car shifts without Prolong, or with Prolong. I mean it's a vast improvement.

Edgar: Even in the gearbox you can do your own test. Change the oil, put oil in, run the thing for awhile. Put your hand on it - - hot. Put some Prolong in. Run it for the same interval of time again; put your hand on it. Not as hot. There's an easy test for anybody to try! {Super: Robbin J. Edgar, Agricultural Equipment Contractor}

Announcer: Now, Prolong is available to the general public in a complete car care kit. Follow your manufacturer's service recommendations, but always insist on Prolong to give you car the extra protection it needs. Treating your car with Prolong is simple; just pour it in; and it starts working immediately. You get the engine, transmission, and fuel system treatments, as well as the Super Penetrating Spray Lubricant and the precision oiler, all containing the patented Prolong formula, for only \$39.95. But you have to order now. {Super: 1-800-533-5100} Operators are standing by; have your credit card ready, and call the number on your screen right now, or send \$39.95 plus shipping

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and handling to: Prolong Super Lubricants, P.O. Box 6879,
Burbank, California 91510. Prolong the life of your car with
Prolong Super Lubricants! No equal in the world! (Ad depicts
ordering information)

Alright, lets go back to Willows Springs International Raceway
where they have the checkered flag; it should be coming in!

Huffman: Al Unser got the checkered flag; he was supposed to
pull in, pulled into the pit, but suddenly floorboarded it, and
took it out again; and he's on a very fast lap right now. I
don't really know what Al's trying to do! Al Unser, you took
another lap! You were supposed to pull in; what's the story!

Unser: I just didn't believe that it would make it, so I just
had to try one more lap. I said, it can't make it, and the thing
is still running good. The oil light never went off, or the
gauge ever moved.

Huffman: How fast were you going the final lap?

Unser: Well back in the back, back there, I ran almost 90 mph!

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Huffman: With no oil.

Unser: With no oil in it. I can't believe it!

Huffman: Unbelievable!

Unser: Yes it is; it really did it, too!

Bintz: We've run many tests on many products, in the hundreds, and none of them ever really worked. None of the oil additives we tested; this was the first one I've ever seen that really seems to be what it claims.

Spitz: I was saying, you know, I'm driving this car a lot harder that if I was just city driving, or freeway driving; I mean, I was up shifting, and down shifting with the automatic transmission; I was putting it through a lot of strain. I would have never dreamt of going in an automobile that long without any oil.

Nichols: Never ran better! Unbelievable! I finally got these guys out of my way! I was gonna run Unser down! But he told me

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yesterday, if you fall down, don't let me run over you, and I wasn't worried about that. I was cooking it up pretty good, too, and if they would have turned me out of here this afternoon, I think I would have gone back to Texas.

Huffman: How fast were you going?

Nichols: I was running 85 and 90.

Huffman: With no oil?

Nichols: No oil! You just put the sticker -- or put a Prolong sticker over the oil light, and kept going! You know, so it won't bother you!

Huffman: With the conditions we ran today, would you try Prolong Super Lubricants in your own car?

Yeager: I need an oil change, it's right over there. So put it in there right now; let's go. If we drained these, we can drain that one! No big deal; it's high you don't even have to put a lift on it!

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Unser: Want me to drain yours?

Yeager: Sure!

Unser: You got a wrench? .

Yeager: Yep!

Unser: Here, let's go do it.

Yeager: Alright!

Unser: That's a believer!

Unser: No problems! The thing still runs good right now! It's hard to believe; it's incredible!

Huffman: It is incredible; Prolong Super Lubricants; I guess it lives up to the name!

Unser: Yes, it does! I'm really surprised, now I mean that!

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EXHIBIT A

{Super: Lubricants on this program other than Prolong are shown for comparative purposes only and are not intended as an evaluation of their efficacy. None of the following companies are affiliated with nor do they sponsor this product. Pennzoil is a registered trademark of Pennzoil Products Co. STP is a registered trademark of First Brands Corp. Quaker State is a registered trademark of Quaker State Corp. Mobil is a registered trademark of Mobil Oil Corp. Slick 50 is a registered trademark of Petroton Management, Inc. Dura-Lube is a registered trademark of Howe Laboratories, Inc. X-1R is a trademark of Sun Coast Chemicals of Daytona, Inc. Lubricator 2001 is a trademark of Turtle Wax, Inc. Tribotech is a registered trademark of Simon Petrochemicals, Inc. WD40 is a registered trademark of WD 40 Co. Liquid Wrench is a registered trademark of Radiator Specialty Co. CRC is a registered trademark of CRC Industries Inc. Telton is a registered trademark of E.I. Dupont Inc. Castrol Syntec is a registered trademark of Castrol North American Automotive Inc. Havoline is a registered trademark of Texaco Refining and Marketing, Inc. Valvoline is a registered trademark of Ashland Oil, Inc.)

EXHIBIT A

Announcer: The preceding was a paid program for Prolong Super Lubricants.

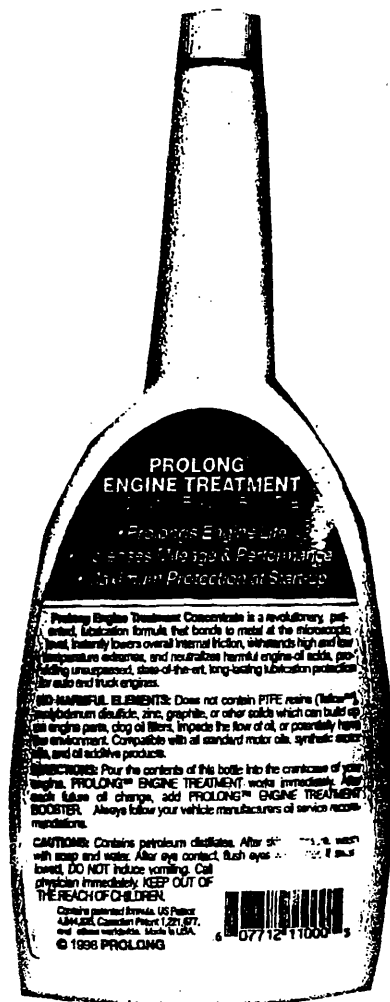
{Super: Prolong Super Lubricants. The preceding was a paid commercial program for Prolong Super Lubricants. Prolong International Corp. A public company traded OTC - Symbol PROL. The preceding tests were for demonstration purposes only. Do not attempt any of these demonstrations.}.

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EXHIBIT B

EXHIBIT B



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EXHIBIT C

EXHIBIT C

FACTS

You Should Know About The Products In Your Prolong Deluxe Car Care Kit

You now own the most advanced lubricant in the world today... Prolong Super Lubricants have "No Equal in the World." That's why our Prolong television commercial offers a \$1,000,000 world challenge.

The Prolong Engine, Transmission, and Fuel System Treatments contained in your Prolong Car Care Kit are the three essential products to keep your car or truck engine, transmission, and fuel system in top shape. Whether you drive a new car or a car with many miles on it, you won't find a better lubricant than Prolong.

"Prolong will protect your car or truck from extreme friction temperature, and wear"

All Prolong products treat metal surfaces with a polarized layer of oil molecules that bond to the metal, assuring you "the Ultimate in Protection and Performance™."

Prolong Engine Treatment and Fuel System Treatment work well in both gas and diesel engines. Prolong Transmission Treatment provides another level of protection and performance you can count on in either manual or automatic transmissions.

"Prolong products offer 'peace of mind' with performance quality"

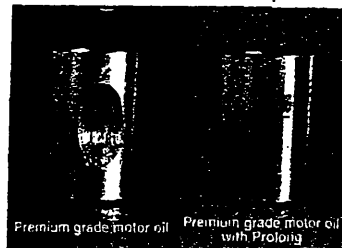
In older vehicles, you will notice the difference in performance almost immediately. In newer vehicles, you can count on continued quality performance. When you hear the quieter engine, and when you feel the new smoothness, there will come the peace of mind that your car or truck is performing at its best.

"A lonely road can be even lonelier without Prolong protection."

We hope that you will never have to drive your car for miles without oil in 150° desert road temperatures, but it's nice to know it's been done successfully using Prolong Engine Treatment. It's comforting to know you or your loved ones are starting out on a trip with an added level of protection.

"...Prolong...compatible with all motor oil brands...additives"

Prolong Engine Treatment delivers less friction and wear, and is compatible with all motor oil brands including synthetics. It is also compatible with other engine treatments and additives, and will automatically compensate for any previous engine treatment or oil additives that you've tried in your engine.



Prolong's patented formula protects the internal metal surfaces of your engine with a super high strength film of oil that does not drain away when your engine oil when you stop your engine. Prolong Engine Treatment can reduce engine wear up to 80% by eliminating most of the initial wear that occurs at start-up.

"There is no need to remove any oil from your engine...when adding Prolong Engine Treatment."

There is no need to remove any oil from your car's engine to prevent over-filling your crankcase when using Prolong Engine Treatment. Just pour it in and you are on your way to Prolong's performance.



NO EQUAL IN THE WORLD™

EXHIBIT C

TESTIMONIALS

"Prolong will undoubtedly revolutionize the lubrication industry."

Ken Maloney,
Former Chief Energy Engineer
Petrozoid

"This report describes friction and wear testing of Prolong Engine Treatment ...110 tests performed. The product was found to have a significant wear reducing effect...friction was reduced up to 51.6%, temperature was reduced up to 38.7% and wear was reduced up to 78%."

Sinaz Laboratories,
Report No. STF18 F87013

"I didn't think it would run this long (speaking of a V8 test engine that was still running normally after more than an hour with no oil or water, after being treated with Prolong Engine Treatment). I've never seen anything perform as well as this product."

I'm going to put some in my cars."

Louis J. Binz, PE
Former Chief Engineer
Automobile Club of Southern California

© 1996 PROLONG SUPER LUBRICANTS™
Anahcim, CA 92806

long
SUPER LUBRICANTS

**DELUXE CAR
CARE KIT**

CONGRATULATIONS!



Al Unser, Sr., 4 time Indy 500 Winner.

You have just purchased the finest lubricants in the world. You are about to find out, (as I did in the *Prolong World Challenge*), Prolong's patented Super Lubricants have "No Equal in the World."

You'll experience remarkable power and smoothness in your engine that will provide you with an extra edge of confidence and protection, whenever you are motoring.

So, congratulations again on a wise choice, and welcome to the Prolong Super Lubricants family.

Sincerely,
Al Unser Sr.
Al Unser Sr.

prolong
SUPER LUBRICANTS

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft 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 respondent with violation of the Federal Trade Commission Act; and

The respondent, its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent 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 respondent that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Prolong Super Lubricants, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Nevada, with its office and principal place of business located at 6 Thomas, Irvine, CA.

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

ORDER

DEFINITIONS

For 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 have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

2. Unless otherwise specified, "*respondent*" shall mean Prolong Super Lubricants, Inc., a corporation, its successors and assigns and its officers and each of its agents, representatives and employees.

3. "*Commerce*" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44.

I.

It is ordered, That respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of Prolong Engine Treatment Concentrate or any other product for use in a motor vehicle, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, that:

a. Compared to motor oil alone, use of such product:

- (1) Reduces engine wear at start-up; or
- (2) Extends the duration of engine life,

under any or all circumstances or conditions or by any quantitative figure, unless, at the time the representation is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

b. Use of such product:

- (1) Reduces corrosion in engines; or
- (2) Protects against engine breakdowns,

under any or all circumstances or conditions or by any quantitative figure, unless, at the time the representation is made, respondent

possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

c. Benefits that may be achieved through use of such product in race cars or under racing conditions will be achieved in ordinary automobiles in conventional use,

unless, at the time the representation is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

II.

It is further ordered, That respondent, 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 product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, about the performance, benefits, efficacy, attributes, or use of such product, unless, at the time the representation is made, respondent possesses and relies upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

III.

It is further ordered, That respondent, 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 product in or affecting commerce, shall not misrepresent in any material manner, expressly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

IV.

It is further ordered, That respondent, 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 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 such representation is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation; or

B. Respondent discloses, 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 applicability of the endorser's experience to what consumers may generally expect to achieve, and if appropriate, that consumers should not expect to experience similar results.

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

V.

It is further ordered, That respondent, 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 product in or affecting commerce, shall not misrepresent in any material manner, expressly or by implication, that any demonstration, picture, experiment, or test proves, demonstrates, or confirms any material quality, feature, or merit of any such product, or the superiority or comparability of the product in a material respect relative to any other product.

VI.

It is further ordered, That respondent Prolong Super Lubricants, Inc., and its successors and assigns, 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 labeling, packaging, 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 its 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.

VII.

It is further ordered, That respondent Prolong Super Lubricants, Inc., and its successors and assigns, 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, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent 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.

VIII.

It is further ordered, That respondent Prolong Super Lubricants, Inc., and its successors and assigns, shall for five (5) years after the date of issuance of this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying signed receipts received pursuant to Part VII of this order.

IX.

It is further ordered that respondent Prolong Super Lubricants, 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. 20580.

X.

It is further ordered, That respondent Prolong Super Lubricants, Inc., and its successors and assigns, 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 it has complied with this order.

XI.

This order will terminate on November 22, 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.

Commissioner Leary not participating.

STATEMENT OF COMMISSIONER ORSON SWINDLE
CONCURRING IN PART AND DISSENTING IN PART

The Commission has issued a consent order settling allegations that Prolong Super Lubricants, Inc., et al. ("Prolong"), made unsubstantiated claims about the attributes and benefits of Prolong's motor oil additive. I support the provisions in the order prohibiting Prolong from making such claims in the future without adequate substantiation.

The order, however, also contains provisions prohibiting Prolong, in connection with the sale of any product, from misrepresenting the existence or results of tests and from misrepresenting that a demonstration confirms the benefits of a product. While firms should not misrepresent the existence or results of tests or demonstrations, it is inappropriate to include specific establishment and demonstration requirements as remedies in an order without corresponding complaint allegations. In this case, and in others from the recent past, there is a troubling lack of symmetry between the complaint and the order.

Accordingly, I dissent as to paragraphs III and V of the order.

IN THE MATTER OF

VNU N.V.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT AND SEC. 5 OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-3900. Complaint, Oct. 22, 1999--Decision, Dec. 3, 1999*

This consent order, among other things, requires VNU N.V., a corporation engaged in the research, development, production and sale of media-related products, to divest its competitive media reporting division to a Commission-approved acquirer.

Participants

For the Commission: *Michael Moiseyev, Norman Armstrong, Yolanda Gruendel, Julie McConnell, Randall Long, Ann Malester, Richard Parker, Jeremy Bulow and Malcolm Coate.*

For the respondent: *Kerry Edwards, Washington, D.C.*

COMPLAINT

The Federal Trade Commission ("Commission"), having reason to believe that respondent, VNU N.V. ("VNU"), a corporation subject to the jurisdiction of the Commission, has agreed to acquire all the voting stock of Nielsen Media Research, Inc. ("Nielsen"), a corporation subject to the jurisdiction of the Commission, in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, and it appearing to the Commission that a proceeding in respect thereof would be in the public interest, hereby issues its complaint, stating its charges as follows:

I. DEFINITIONS

1. "Advertising Expenditure Measurement Services" means the collection, management, storage, delivery, research, development and sale of advertising occurrence and expenditure information collected from any media source, including but not limited to: (1) national broadcast television; (2) local broadcast television; (3) national syndication; (4) local syndication; (5) national cable; (6) local cable; (7) national radio; (8) local radio; (9) national magazines; (10) local magazines; (11) trade magazines; (12) Sunday magazines; (13)