

Complaint

IN THE MATTER OF

MOTOR UP CORPORATION, INC., ET AL.**CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT**

Docket D-9291; File No. 9723034
Complaint, April 8, 1999--Decision, May 3, 2000

This consent order addresses representations by Respondents Motor Up Corporation, Inc., Motor Up America, Inc, and Kyle Burns, individually and as an officer of Motor Up Corporation, Inc. Regarding its products ability to improve performance over just motor oil. The order prohibits Respondent from making any engine treatment, fuel treatment, motor oil, grease, transmission fluid, or break fluid, and any additive intended to be used with or substituted for any of these products, unless they can support the claim with competent and reliable evidence. Respondent is also prohibited from misrepresenting in advertising the existence, contents, validity, results, conclusions, or interpretations of any studies on its product and its performance. In addition, Respondent is prohibited from providing false demonstrations, pictures, experiments, illustrations, or tests of an engine oil additive or similar product.

Participants

For the Commission: *Edwin Rodriguez, Jonathan Cowen, Robert M. Frisby, Mary K. Engle, Elaine D. Kolish, Keith B. Anderson, Gerard R. Butters, and Paul A. Pautler.*

For the Respondents: *Steven Fellman and Ira Kasdan, Galland, Kharasch, Morse & Garfinkle, and Edward Glynn, Venable, Baetjer, Howard & Civiletti.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Motor Up Corporation, Inc. and Motor Up America, Inc., corporations, and Kyle Burns, individually and as an officer of Motor Up Corporation, Inc. ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing

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to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Motor Up Corporation, Inc. is a Pennsylvania corporation with its principal office or place of business at 1530 Chestnut Street, Philadelphia, Pennsylvania 19102.
2. Respondent Motor Up America, Inc. is a Pennsylvania corporation with its principal office or place of business at 759 Federal Highway, Suite 312, Stuart, Florida 34994. Motor Up America, Inc. is a wholly owned subsidiary of Motor Up Corporation, Inc.
3. Respondent Kyle Burns is president of Motor Up Corporation, Inc. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the corporate respondents, including the acts or practices alleged in this complaint. His principal office or place of business is the same as that of Motor Up Corporation.
4. Respondents have advertised, labeled, offered for sale, sold and distributed products to the public, including Motor Up No Oil Change Engine Treatment Concentrate ("Motor Up"), a motor oil additive.
5. 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.
6. Respondents have disseminated or have caused to be disseminated advertisements for Motor Up, including but not necessarily limited to the attached Exhibits A through D. These advertisements contain the following statements, demonstrations, and other visual depictions:

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A. A program-length television advertisement for Motor Up, entitled "Motor Up" (Exhibit A):

- (1) Host: "COMPARED TO A LEADING MOTOR OIL, MOTOR UP HAS ELEVEN TIMES THE ANTI-WEAR AGENTS, AND ARE YOU READY FOR THIS, SEVENTY TIMES MORE EXTREME PRESSURE AGENTS WHICH DRAMATICALLY REDUCE WEAR AND TEAR UNDER SEVERE CONDITIONS." (p.5)

- (2) "Settling/Adherence" Demonstration

Host: "WATCH WHAT HAPPENS WHEN WE ADD MOTOR UP!"

[Host pours Motor Up into transparent container filled with water and at the bottom of which lies a metal plate. Motor Up settles to the bottom of the container. Host removes the metal plate. Some of the product adheres to the plate.]

"IT ACTUALLY PENETRATES THE WATER. WHILE THE OTHERS ARE STILL FLOATING THERE ON THE SURFACE... TAKE A LOOK AT THIS ... HA, MOTOR UP NOT ONLY PENETRATES THROUGH THE WATER TO THE METAL, LOOK RIGHT HERE! IT'S PHYSICALLY BONDED ITSELF TO THE METAL EVEN THROUGH THE WATER...

IT'S THIS SLIPPERY BARRIER THAT PROTECTS YOUR ENGINE PARTS FROM CORROSION DAMAGE. NO WATER CAN GET TO THE METAL SO NO CORROSION DAMAGE CAN OCCUR.

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AND IT'S THIS SAME BARRIER THAT PROTECTS YOUR ENGINE DURING COLD STARTS WHEN IT SITS OVER NIGHT AND ALL THE OIL DRAINS OFF THE PARTS..." (p. 6)

- (3) Host: "WE WANTED SCIENTIFIC PROOF THAT MOTOR UP REDUCES WEAR AND TEAR ON ENGINE PARTS... IN FACT, ONE STUDY HAS SHOWN THAT MOTOR UP REDUCES WEAR AND TEAR IN YOUR ENGINE BY UP TO FIFTY PERCENT" (p. 9)

- (4) Host: "MOTOR UP REDUCES WEAR AND TEAR ON YOUR ENGINE. PROLONGING ITS LIFE.. YOU'RE ACTUALLY ADDING MILES TO THE LIFE OF YOUR CAR...

ONE TREATMENT, ONE TIME, WILL STAY IN YOUR ENGINE, EVEN BETWEEN OIL CHANGES BECAUSE MOTOR UP BONDS TO THE METAL INSIDE ... IT WONT (SIC) DRAIN OUT" (p. 9)

- (5) Announcer: "MOTOR UP . . . REDUCE[s] WEAR AND TEAR ON ENGINE PARTS, PROTECT[s] DURING COLD START UPS AND MUCH MORE." (p. 16, repeated at pp. 24-25)

- (6) Announcer: "ONE TREATMENT ... ONE TIME PROTECTS YOUR ENGINE FOR UP TO 50,000 MILES ... GUARANTEED! (p. 16)

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(7) "Disaster Strikes: Lost Oil Pan and Oil"
Demonstration

Announcer: "YOU'LL WITNESS UNBELIEVABLE HOME VIDEO TO **PROVE** THAT MOTOR UP CAN HELP PREVENT BREAKDOWNS." (p. 2)

Host: "IT'S ACTUAL HOME VIDEO THAT WAS SHOT FOR THE PRODUCERS AND WRITERS TO PREPARE FOR THIS PROGRAM. HOWEVER, IT BEST ILLUSTRATES HOW MOTOR UP CAN PROTECT YOU IF DISASTER STRIKES." (p. 19)

[A car raised up on a hydraulic car lift is in an automotive garage. The oil is drained from the car and the oil pan is removed. The car is started and allowed to run. Water is then sprayed on the exposed engine parts from beneath, and the engine continues to run.]

Participant: "LOOK AT THIS... THE ENGINE HAS NO OIL AND THESE GUYS CAN'T EVEN GET MOTOR UP OFF THE ENGINE PARTS BY SPRAYING IT WITH WATER... THIS ENGINE SHOULD HAVE BROKEN DOWN LONG AGO... BUT IT'S STILL RUNNING AFTER TREATING IT WITH MOTOR UP." (p. 20)

Participant: "GIVE IT ANOTHER BLAST OF WATER! IT DOESN'T GET MUCH WORSE THAN THAT ... I'D SAY THAT, THAT MOTOR UP IS CLINGING TO THE ENGINE! UNBELIEVABLE!" (p. 21)

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- (8) Host: "I'VE TOLD YOU HOW IT PREVENTS CORROSION IN YOUR ENGINE" (p. 29)
- (9) Announcer: "YOU'VE HEARD FROM THE LEADING PROFESSIONAL'S (SIC) HOW MOTOR UP . . . REDUCES WEAR AND TEAR ON ENGINE PARTS. PROTECTS DURING COLD START UPS! AND MUCH MORE." (p. 30)
- (10) Announcer: "UNLIKE OTHER ENGINE TREATMENTS, YOU JUST POUR MOTOR UP IN ANYTIME, AND IT WON'T DRAIN OUT. EVEN AFTER AN OIL CHANGE." (p. 31)

B. Motor Up Bottle Labeling (Exhibit B):

- (1) UNIQUE CHEMISTRY EXTENDS ENGINE LIFE
- (2) Gives your vehicle's engine deep penetrating protection against friction, wear and damage.
- (3) Won't wear off or drain out when you change oil.

C. Brochure sent to retail distributors (Exhibit C):

- (1) MotorUp Cuts Adhesive Wear As Much As 90.17%.
- (2) MotorUp Prolongs Engine Life.
- (3) MotorUp Protects Against Wear Even Without Oil.

D. Motor Up Web site on the Internet (Exhibit D):

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- (1) Prolongs Engine Life.
- (2) MotorUp . . . won't drain out even when you change the oil.
- (3) Scientific Proof. Extensive product testing in the U.S. and Europe shows that MotorUp reduces friction and wear by as much as 50%.
- (4) Ideal for newer engines (sic) too! Keep your car running great and protect it from power-robbing wear and tear - the leading cause of engine repairs.

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

A. Compared to motor oil alone, Motor Up:

- (1) Reduces engine wear;
- (2) Reduces engine wear by up to 50 percent;
- (3) Reduces adhesive engine wear by up to 90.17 percent;
- (4) Reduces engine wear during cold starts;
- (5) Provides more protection against engine wear in cold temperatures;
- (6) Extends the duration of engine life; and
- (7) Helps prevent engine breakdowns; and

B. Motor Up:

- (1) Prevents corrosion in engines;

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- (2) Will not drain out from the engine even when the oil is changed;
- (3) Protects engines for up to 50,000 miles; and
- (4) Protects against engine wear even without motor oil.

8. Through the means described in Paragraph 6, respondents have represented, expressly or by implication, that at the time they made the representations set forth in Paragraph 7, respondents possessed and relied upon a reasonable basis that substantiated such representations.

9. In truth and in fact, at the time they made the representations set forth in Paragraph 7, respondents did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. Through the means described in Paragraph 6, respondents have represented, expressly or by implication, that tests prove that, compared to motor oil alone, Motor Up reduces engine wear by up to 50 percent.

11. In truth and in fact, tests do not prove that, compared to motor oil alone, Motor Up reduces engine wear by up to 50 percent. Therefore, the representation set forth in Paragraph 10 was, and is, false or misleading.

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

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- A. The "settling/adherence" demonstration referred to in Paragraph 6, Subsection A.(2), proves, demonstrates or confirms that Motor Up prevents corrosion in engines; and
- B. The "disaster strikes" demonstration referred to in Paragraph 6, Subsection A.(7), proves, demonstrates or confirms that, compared to motor oil alone, Motor Up reduces engine wear and helps prevent engine breakdowns.

13. In truth and in fact:

- A. The "settling/adherence" demonstration referred to in Paragraph 6, Subsection A.(2), does not prove, demonstrate or confirm that Motor Up prevents corrosion in engines; and
- B. The "disaster strikes" demonstration referred to in Paragraph 6, Subsection A.(7), does not prove, demonstrate or confirm that, compared to motor oil alone, Motor Up reduces engine wear and helps prevent engine breakdowns.

Therefore, the representations set forth in Paragraph 12 were, and are, false or misleading.

14. 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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NOTICE

Notice is hereby given to each of the respondents hereinbefore named that the eleventh day of May, 1999, at 10:00 o'clock A.M., or such later date as determined by an Administrative Law Judge of the Federal Trade Commission, is hereby fixed as the time and the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. as the place when and where a hearing will be had before an Administrative Law Judge of the Federal Trade Commission, on the charges set forth in this complaint, at which time and place you will have the right under said Act to appear and show cause why an order should not be entered requiring you to cease and desist from the violations of law charged in the complaint.

You are notified that the opportunity is afforded you to file with the Commission an answer to this complaint on or before the twentieth (20th) day after service of it upon you. An answer in which the allegations of the complaint are contested shall contain a concise statement of the facts constituting each ground of defense; and specific admission, denial, or explanation of each fact alleged in the complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the complaint not thus answered shall be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that you admit all of the material allegations to be true. Such an answer shall constitute a waiver of hearings as to the facts alleged in the complaint, and together with the complaint will provide a record basis on which the Administrative Law Judge shall file an initial decision containing an appropriate order disposing of the proceeding. In such answer you may, however, reserve the right to submit proposed findings and conclusions and the right to appeal

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the initial decision to the Commission under Section 3.52 of the Commission's Rules of Practice for Adjudicative Proceedings.

Failure to answer within the time above provided shall be deemed to constitute a waiver of your right to appear and contest the allegations of the complaint and shall authorize the Administrative Law Judge, without further notice to you, to find the facts to be as alleged in the complaint and to enter an initial decision containing such findings, appropriate conclusions and order.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint. If, however, the Commission should conclude from the record facts developed in any adjudicative proceedings in this matter that the proposed order provisions as to Motor Up Corporation, Inc. and Motor Up America, Inc., corporations, and Kyle Burns, individually and as an officer of Motor Up Corporation, Inc., might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary or appropriate.

Moreover, the Commission has reason to believe that, if the facts are found as alleged in the complaint, it may be necessary and appropriate for the Commission to seek relief to redress injury to consumers, or other persons, partnerships or corporations, in the form of restitution and refunds for past, present, and future consumers and such other types of relief as are set forth in § 19(b) of the Federal Trade Commission Act. The Commission will determine whether to apply to a court for such relief on the basis of the adjudicative proceedings in this matter and such other factors as are relevant to consider the necessity and appropriateness of such action.

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ORDER

DEFINITIONS

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

- 1. "Motor Up" shall mean Motor Up No Oil Change Engine Treatment Concentrate.**
- 2. "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.**
- 3. Unless otherwise specified, "respondents" shall mean Motor Up Corporation, Inc. and Motor Up America, Inc., corporations, their successors and assigns and their officers; Kyle Burns, individually and as an officer of Motor Up Corporation, Inc.; and each of the above's agents, representatives, and employees.**
- 4. "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 Motor Up or any other product for use in a

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motor vehicle, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

A. that, compared to motor oil alone, use of such product:

- (1) Reduces engine wear;
- (2) Reduces engine wear up to 50 percent or by any other quantity;
- (3) Reduces adhesive engine wear by up to 90.17 percent or by any other quantity;
- (4) Reduces engine wear during cold starts;
- (5) Provides more protection against engine wear in cold temperatures;
- (6) Extends the duration of engine life; or
- (7) Helps prevent engine breakdowns; or

B. that such product:

- (1) Prevents corrosion in engines;
- (2) Will not drain out from the engine even when the oil is changed;
- (3) Protects engines for up to 50,000 miles; or
- (4) Protects against engine wear even without motor oil; or

C. regarding the performance, benefits, efficacy, attributes, or use of such product,

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

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of Motor Up or any other product for use in a motor vehicle, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test or study.

III.

IT IS FURTHER ORDERED that respondents, in connection with the manufacturing, advertising, labeling, packaging, offering for sale, sale, or distribution of Motor Up or any other product, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, that any demonstration, picture, experiment, illustration or test proves, demonstrates or confirms any material quality, feature or merit of such product, or the superiority or comparability of the product in a material respect relative to any other product.

IV.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, and respondent Kyle Burns shall, for five (5) years after the last date of dissemination of any representation

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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.

V.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, and respondent Kyle Burns 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. 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.

VI.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including but not

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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 respondents learn less than thirty (30) days prior to the date such action is to take place, respondents 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.

VII.

IT IS FURTHER ORDERED that respondent Kyle Burns, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

VIII.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, and respondent Kyle Burns 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

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with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

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IX.

This order will terminate twenty (20) years from the date of its issuance, 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 WITNESS WHEREOF, the Federal Trade Commission has caused its complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, D.C. this eighth day of April, 1999.

By the Commission.

Complaint Exhibits

Exhibits

Exhibit A

"MOTOR UP"

TRT: 28.30

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"MOTOR-UP"

INFOMERCIAL SCRIPT
TRANSCRIBED FINAL 3/6/96

*CONTENTS:

A. PAID DISCLAIMER:

THE FOLLOWING PROGRAM IS A PAID ADVERTISEMENT FOR MOTOR UP
BROUGHT TO YOU BY NATIONAL MEDIA CORPORATION

B. TEASE:

MALE V.O.:

WHAT IF YOU COULD IMPROVE THE WAY YOUR OLD POOR RUNNING
ENGINE SOUNDS IN JUST MINUTES'

AND WHAT IF IT WAS SO EASY THAT OVER ONE MILLION PEOPLE WITH
CARS JUST LIKE YOURS HAD (ALREADY DONE IT'

TESTIMONIAL MALE: ED SHELIG/DAUGHTER

"THE VALVES QUIETED DOWN, THE SLUGGISHNESS WENT AWAY. THE
HESITATION I MEAN IT'S LIKE DRIVING A NEW VEHICLE"

MALE V.O.:

AND WHAT IF ALL YOU HAD TO DO WAS SIMPLY POUR THIS POWERFUL
PRODUCT INTO YOUR ENGINE

THEN WATCH AND LISTEN TO IT TRANSFORM YOUR CAR'S MOTOR RIGHT
BEFORE YOUR EYES!

NO MORE SHAKING, KNOCKING OR HESITATION

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TESTIMONIAL FEMALE:

"IT DOESN'T HAVE THAT KNOCKING SOUND, LIKE THE WHOLE ENGINE IS MOVING ... HA, HA"

MALE V.O.:

AND WOULDN'T IT BE GREAT IF THIS PRODUCT DID SOMETHING SO AMAZING TO PROTECT ENGINE PARTS THAT IT LEFT THE COMPETITION BEHIND.

WELL DON'T CHANGE THAT CHANNEL BECAUSE THIS PRODUCT IS FINALLY HERE INTRODUCING MOTOR UP THE NO OIL CHANGE ENGINE TREATMENT! AND TODAY YOU'LL SEE DEFINITE REASONS WHY YOUR NEW OR USED CAR NEEDS IT

YOU'LL EVEN SEE IF MOTOR UP CAN HELP THESE NASTY JUNKYARD ENGINES RUN BETTER'

TESTIMONIAL MALE 1: (JUNKYARD GUY)

"I'VE NEVER SEEN ANYTHING LIKE THAT WORK BEFORE . I'D LIKE TO SEE YOU DO IT"

TESTIMONIAL MALE 2: (JUNKYARD GUY)

"NOT IF THERE HERE IN THE JUNKYARD I DON'T THINK THERE GOING TO RUN ANY BETTER THAN THEY DID ON THE ROAD"

MALE V.O.:

YOU'LL WITNESS UNBELIEVABLE HOME VIDEO TO PROVE THAT MOTOR UP CAN HELP PREVENT BREAKDOWNS

AND YOU'LL HAVE A FRONT ROW SEAT TO SEE IF MOTOR UP CAN START AN ENGINE FROZEN IN A SOLID BLOCK OF ICE.

TESTIMONIAL MALE: (FREEZER)

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"I TELL YOU MY CAR SPENDS ALL WINTER OUTSIDE ... I'M GOING TO LOOK INTO THIS".

MALE V.O.:

YOU'LL DISCOVER HOW MOTOR UP WILL MAKE YOUR OLD CAR SOUND LIKE NEW AND YOUR NEW CAR SOUND EVEN **BETTER**

TESTIMONIAL MALE:

"DON'T ASK ME HOW IT WORKS ... I DON'T KNOW ... ALL I'M TELLING YOU IS IT WORKS ... I'M NOT BEING PAID FOR THIS ... ALL I'M TELLING YOU IT WORKS"

MALE V.O.:

ALL NEXT ... ON MOTOR UP AMERICA

C. SEGMENT #1:

C. SHOW OPEN:, *HOST WELCOMES VIEWERS TO PROGRAM FROM GARAGE STUDIO SET

JIM HOWARD ON CAMERA/ON SET:

HELLO EVERYBODY AND WELCOME TO MOTOR-UP AMERICA, I'M JIM HOWARD ... NOW, IF YOU DRIVE A CAR WITH OVER 15 000 MILES ON IT ... IT MAY HAVE LOST ITS PEP ... MAYBE IT RUNS POORLY OR HOT, ... YOU MIGHT HEAR A SLIGHT KNOCKING SOUND ... OR MAYBE YOUR CAR IS JUST PLAIN TOUGH TO START

WHAT IF I TOLD YOU ... I'VE GOT A PRODUCT THAT WILL IMPROVE ALL OF THOSE CONDITIONS ... YOU ONLY HAVE TO USE IT ONE TIME ... AND ITS **AS** EASY TO USE **AS** POURING YOURSELF A GLASS OF WATER

BUT WAIT **A** MINUTE, LETS SAY YOU DRIVE A NEWER CAR, WOULDN'T IT BE GREAT IF YOU COULD KEEP IT SOUNDING JUST LIKE THE DAY YOU BOUGHT IT ... WELL ... NOW YOU CAN

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BEFORE YOU DO ANYTHING ELSE TO YOUR CAR, INTRODUCE YOUR ENGINE TO MOTOR UP ... THE #1 ADVANCED ENGINE TREATMENT CONCENTRATE THAT WORKS INSTANTLY AND KEEPS ON WORKING ..NO OIL CHANGE, NO MESS AND NO MECHANIC. MOTOR UP IS TOMORROW'S ENGINE TREATMENT TODAY!

TO PROVE OUR POINT WE POURED MOTOR UP INTO THE POOREST RUNNING ENGINES WE COULD FIND AND GUARANTEED INSTANT IMPROVEMENTS. WATCH AND LISTEN TO WHAT AN ENGINE SOUNDS LIKE BEFORE ADDING MOTOR UP AND AFTER ADDING MOTOR UP

• **BEFORE AND AFTER RESULTS:**
SPLIT SCREEN OF BEFORE/AFTERS WITH LIVE SOUND

TESTIMONIAL MALE: BRIAN OAKLEY

"IT'S AMAZING HOW SOMETHING SO INEXPENSIVE CAN MAKE AN IMPROVEMENT SO QUICK AFTER TWO MECHANICS DO A CARBURETOR AND A TRANSMISSION HA HA HA"

• **BEFORE AND AFTER RESULTS:**
SPLIT SCREEN OF BEFORE/AFTERS WITH LIVE SOUND

TESTIMONIAL FEMALE: LORI STONEBACK

"IT SOUNDS REALLY GOOD IT'S NOT SHAKING THAT'S WHAT'S AMAZING ME IT'S NOT SHAKING ANYMORE."

COMMENTATOR V.O.

"AND DO YOU KNOW WHO FIXED IT?"

TESTIMONIAL FEMALE: LORI STONEBACK

"I DID". HA, HA, HA

• **BEFORE AND AFTER RESULTS:**
SPLIT SCREEN OF BEFORE/AFTERS WITH LIVE SOUND

TESTIMONIAL MALE: ROBERT RUMMEL

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"LISTEN TO THAT MOTGR SHE'S PURRING LIKE A KITTEN NOW. BEFORE THERE WAS LIKE A LITTLE MISS SOUND TO IT. ACTUALLY IT SEEMS LIKE IT'S GETTING QUIETER AS IT'S RUNNING THERE"

• **BEFORE AND AFTER RESULTS:**

SPLIT SCREEN OF BEFORE/AFTERS WITH LIVE SOUND

TESTIMONIAL FEMALE: SHARON McCracken

"IT OVERHEATS ALL THE TIME WHEN I STOP AT A RED LIGHT IT UMM IT THE STARTS **GETTING** HIGHER AND WHEN I GET IN A TRAFFIC JAM I GET REAL SCARED LIKE LETS MOVE, LETS **MOVE!** CAUSE IT GOES DOWN **AS** SOON AS I START DRIVING YOU KNOW SO ITS NOT DOING IT NOW HA HA"

TESTIMONIAL MALE: ROBERT RUMMEL

"WHAT IS THE THE NAME IS MOTOR-UP IT SHOULD BE UNBELIEVABLE MOTOR-UP!"

JIM HOWARD ON CAMERA/ON SET:

IT'S NOT UNBELIEVABLE IT'S MOTOR UP AND IT WORKS THAT FAST WE PROVED IT TO THOSE PEOPLE IN LESS THAN FIVE MINUTES. COMPARED TO A LEADING MOTOR OIL, MOTOR-UP HAS ELEVEN TIMES THE ANTI-WEAR AGENTS, AND ARE YOU READY FOR THIS, SEVENTY TIMES MORE EXTREME PRESSURE AGENTS WHICH DRAMATICALLY REDUCE WEAR AND TEAR UNDER SEVERE CONDITIONS

CORROSION DEMO:

NOW I WANT TO SHOW YOU WHY MOTOR UP IS THE #1 CONCENTRATE AVAILABLE TODAY

IT WAS SPECIFICALLY DEVELOPED TO BE HEAVIER THAN WATER. WATER GETS INTO YOUR ENGINE THROUGH CONDENSATION AND WATER IS THE MAIN REASON FOR CORROSION ON YOUR ENGINE PARTS. (HOLDS UP PIECE OF METAL)

Complaint Exhibits

NOW WATCH THIS THE LEADING ENGINE TREATMENT ISN'T DESIGNED TO BE HEAVIER THAN WATER. SO IT ACTUALLY FLOATS ON THE SURFACE..SLICK 50.. THE SAME IT FLOATS.. RIGHT THERE ON TOP'

WATCH WHAT HAPPENS WHEN WE ADD MOTOR UP'

IT ACTUALLY PENETRATES THE WATER WHILE THE OTHERS ARE STILL FLOATING THERE ON THE SURFACE TAKE A LOOK AT THIS HA MOTOR UP NOT ONLY PENETRATES THROUGH THE WATER TO THE METAL LOOK RIGHT HERE! IT'S PHYSICALLY BONDED ITSELF TO THE METAL EVEN THROUGH THE WATER..

IT'S THIS SLIPPERY BARRIER THAT PROTECTS YOUR ENGINE PARTS FROM CORROSION DAMAGE NO WATER CAN GET TO THE METAL SO NO CORROSION DAMAGE CAN OCCUR

AND IT'S THIS SAME BARRIER THAT PROTECTS YOUR ENGINE DURING COLD STARTS WHEN IT SITS OVER N GHT AND ALL THE OIL DRAINS OFF THE PARTS

TESTIMONIAL MALE: LCU WHELLER

"YOU KNOW IT USED TO BE I'D GO OUT AN A AFTER I GET THE CAR CHISELED OFF AND SCRAPED OFF I'M READY TO GO . YOU KNOW. YOU JUMP IN AND A YOU TURN THE KEY AND THERE'S ALWAYS THAT MOMENT OF HESITATION IS IT GONNA GO?

WELL, SINCE I PUT MOTOR UP IN A YAT THOUGHT DOESN'T ENTER MY MIND I TURN THE KEY SHE CRANKS RIGHT OVER AND AWAY WE GO'

TESTIMONIAL MALE: RALPH CHRISTMAN

"I HAD . BEFORE I USED TO HAVE TROUBLE STARTING THE CARS IN THE MORNING AND NOW I DON'T EVER SINCE I HAD MOTOR UP, THIS IS THE SECOND YEAR AND THIS SECOND YEAR I'VE HAD NO PROBLEM"

TESTIMONIAL MALE: JUNIOR BURNET

"THERE IT IS' ONE CRANK BEFORE I HAD TO KEEP GIVING IT GAS BEFORE IT STARTED AND ONE CRANK AND IT STARTED RIGHT AWAY" SO

Complaint Exhibits

THAT'S PRETTY GOOD AT LEAST I'M SEEING RESULTS ALREADY FROM THAT STUFF YOU PUT IN!

TESTIMONIAL FEMALE: JUDITH EBERHARDT

"YEAH. IT'S NOT GONNA WAKE UP THE NEIGHBORS ANYMORE!, HA, HA, HA"

JIM HOWARD: ON CAMERA ON SET

NOW, UNLIKE THESE OTHER ADDITIVES WHERE YOU HAVE TO WAIT FOR AN OIL CHANGE ... WITH MOTOR UP, YOU JUST POUR IT IN AND IT WORKS INSTANTLY, IT'S LIKE A MECHANIC IN A BOTTLE.

MOTOR UP WORKS WITH ANY TYPE OF ENGINE GAS OR DIESEL IT WORKS WITH ALL THE TYPES OF OIL YOU ALREADY USING IN YOUR CAR REGULAR OR SYNTHETIC! IT EVEN WORKS IF YOU'VE ALREADY TRIED ONE OF THESE ENGINE TREATMENTS

NOW LOOK. ANY PROFESSIONAL WILL TELL YOU IF YOU CAN REDUCE FRICTION YOUR ENGINE WILL RUN SMOOTHER. QUIETER AND COOLER.

MALE V.O.:

SO WE ASKED LEADING PROFESSIONALS TO PROVE TO US THAT "MOTOR UP" PERFORMS INSIDE YOUR ENGINE

FIRST, WE ASKED THE MECHANIC OF THE YEAR TO PROVE THAT MOTOR UP WILL HELP A!! ENGINE RUN COOLER! HERE ARE THE RESULTS..

BEFORE MOTOR-UP. THE ENGINE TEMPERATURE WAS 122 DEGREES... AFTER ADDING MOTOR UP THE ENGINE TEMPERATURE DROPPED BY NINETEEN DEGREES!

TESTIMONIAL MALE: ED WATSON

"AND THE TEMPERATURE ACTUALLY DROPS IT'S RUNNING A LOT COOLER, THE TRUCK HAS A LITTLE BIT MORE HORSEPOWER. I'M RUNNING REGULAR GAS NOW, I DON'T HAVE TO RUN HIGH TEST IN IT ANYMORE

TESTIMONIAL MALE: ANTHONY ALTIER

Complaint Exhibits

"IT'S NOT, IT'S NOT OVER HEATED BY NOW IT WOULD OF OH THE TEMPERATURE WOULD HAVE BEEN UP AND THE THERMOSTAT WOULD HAVE PROBABLY BLOWN BY NOW" "HEY ALL RIGHT IT WORKS!"

MALE V.O.:

NEXT, WE ASKED THIS RACE CAR ENGINE TESTING FACILITY TO PROVE THAT MOTOR UP INCREASES THE HORSEPOWER OF THIS ENGINE.

AFTER POURING MOTOR UP IN, THE ENGINE SHOWED A DRAMATIC INCREASE IN HORSEPOWER.

TESTIMONIAL MALE: SANDY SHAMLIN

"I'VE BEEN DYNOING ENGINES FOR TWENTY TWO YEARS BUT I'VE NEVER SEEN AN INCREASE LIKE THIS"

COMMENTATOR V.O.:

WHAT DO YOU THINK?"

TESTIMONIAL MALE: KEN HESS

'OH YEAH, DEFINITELY' EXCELLENT' DEFINITELY, OH YEAH! A LOT MORE HORSEPOWER I CAN FEEL IT'

TESTIMONIAL FEMALE: LORETTA MIMOTE

THE PICK UP WAS, WAS THERE, IT WAS QUIET! IT WAS JUST LIKE A BRAND NEW CAR THAT I HAD! I DIDN'T EVEN KNOW I HAD A HUNDRED THOUSAND MILES ON IT!"

JIM HOWARD: OFF CAMERA

"SO HOW DID IT FEEL?"

TESTIMONIAL MALE: BOB HARTLEY

'WELL THE ACCELERATION IS OUTSTANDING' REAL SMOOTH ALL THE WAY THROUGH THE TACK"

Complaint Exhibits

MALE V.O.:

FINALLY, WE WANTED SCIENTIFIC PROOF THAT MOTOR UP REDUCES WEAR AND TEAR ON ENGINE PARTS . IN FACT ONE STUDY HAS SHOWN THAT MOTOR UP REDUCES WEAR AND TEAR IN YOUR ENGINE BY UP TO FIFTY PERCENT ...

JIM HOWARD: ON CAMERA, ON SET

REDUCING WEAR AND TEAR, ISN'T THAT WHAT IT'S ALL ABOUT ... NOW. TAKE FOR INSTANCE THIS SNEAKER WOULDN'T IT BE GREAT IF THERE WAS A PRODUCT THAT YOU COULD PUT ON IT THAT WOULD PREVENT IT FROM WEARING OUT AND PROLONG IT'S LIFE . WOULDN'T YOU WANT IT ? I KNOW I WOULD.

MOTOR UP REDUCES WEAR AND TEAR ON YOUR ENGINE . PROLONGING ITS LIFE . YOU'RE ACTUALLY ADDING MILES TO THE LIFE OF YOUR CAR

ONE TREATMENT . ONE TIME . WILL STAY IN YOUR ENGINE, EVEN BETWEEN OIL CHANGES . BECAUSE MOTOR UP BONDS TO THE METAL INSIDE . 'IT WONT DRAIN OUT . AND THERE'S ABSOLUTELY NO RISK TO USING MOTOR UP . IF AN ENGINE FAILURE OCCURS IN AN ENGINE THAT'S BEEN TREATED WITH MOTOR UP . FOR UP TO THREE YEARS OR 50,000 MILES WE@LL PAY FOR THE REPAIR UP TO \$10,000.00

JIM-HOWARD: VOICE OVER

LESS FRICTION MEANS LESS\$ DAMAGING HEAT. A SMOOTHER, QUIETER RUNNING ENGINE AND SUPERIOR PROTECTION DURING COLD STARTS!

JIM HOWARD: ON CAMERA, ON SET!

WHAT WE DID NEXT GAVE COLD STARTS AN ENTIRELY NEW MEANING . WE TOOK TWO IDENTICAL RUNNING ENGINES . TREATED ONE WITH MOTOR UP AND THEN WE DID THE UNEXPECTED . WE FROZE THEM!

JIM HOWARD: IN FREEZER WITH AUDIENCE!

Complaint Exhibits

NOW, THIS THING SAYS PNENN DEGREES BELOW ZERO RIGHT THAT'S JUST A NUMBER, THAT'S JUST A NUMBER LET ME SEE IF I CAN SHOW YOU HOW COLD IT REALLY IS. YOU GUYS GETTING THIS?

YOU GOTTA WATCH THIS THIS IS HOW COLD IT IS IN THIS ROOM!

IT JUST SHATTERED, THIS IS SOLID ICE! THESE ENGINES HAVE BEEN LOCKED IN THIS ICE FOR OVER TWENTY FOUR YOURS AND NOW WERE HERE FOR THE MOMENT OF TRUTH. NOW ITS TIME TO ACTUALLY START CHIPPING AWAY, FREE THE FAN AND FREE THE FAN BELT.

JIM HOWARD: V.O

AS THEY STARTED CHIPPING AWAY AT THE THE SOLID ICE, I WAS CURIOUS TO FIND WHAT THE CROWD TYOUGH'

TESTIMONIAL MALE:

"I USED TO LIVE IN MAINE IT HAD TWENTY BELOW TEMPERATURES AND I REMEMBER ONE MORNING WITH MY BROTHER WE SPENT HOURS ON IT AND WE NEVER DID GET IT STARTED TILL IT WARMED UP THAT DAY AND IT WAS TWENTY BELOW THAT DAY AND THAT THERMOMETER OVER THERE TELLS ME ITS SIMILAR IN HERE SO IT'S NOT GOING TO START"

JIM HOWARD: OFF CAMERA

WHAT DO YOU THINK SIR IS THIS GOING TO WORK?

TESTIMONIAL MALE:

"NO, NO! I'VE, I'VE NEVER HAD TO DO THAT TO MY ENGINE AND I ALWAYS HAVE TROUBLE WITH IT STARTING IN THE WINTER TIME"

TESTIMONIAL FEMALE:

"I'VE HAD JUST PLAIN OLD SNOW MAKE MINE NOT RUN! SO THIS ICE NO WAY!"

TESTIMONIAL MALE:

Complaint Exhibits

"THIS IS A TEST . THIS IS A TEST!" JIM HOWARD OFF CAMERA "IT'S TOO COLD!"

TESTIMONIAL FEMALE:

"IT'S WAY TOO COLD .. WAY TO COLD!"

TESTIMONIAL MALE:

"IT WONT START..THE THING CAN'T EVEN TURN"

TESTIMONIAL FEMALE:

"IT'S COAGULATED' (STUCK)"

TESTIMONIAL MALE:

NO WAY"

JIM HOWARD:

IT'S COAGULATED(STUCK)

*GROUP LAUGHTER

JIM HOWARD:

IT LOOKS LIKE THESE GUYS ARE ABOUT READY HOW ABOUT IT KEVIN IS IT FREE?

KEVIN ICEMAN:

"YES SIR IT'S READY TO ROLL!"

JIM HOWARD:

ALL RIGHT LETS GIVE IT A SHOT THEN, WHAT WE NEED IS SOME BODY TO START THIS

TESTIMONIAL MALE:

Complaint Exhibits

"I'LL TELL YOU WHAT THAT ENGINE WON'T EVEN CRANK AND NEITHER WILL THAT ONE. IT WON'T EVEN GO ROAD,RRR"

JIM HOWARD:

COME HERE, COME HERE, YOU'RE GOING PUT IT TO THE TEST! YOUR FROM MAINE YOU HAVE EXPERIENCE ON THIS HERE'S WHAT I WANT YOU TO DO!

TURN THAT KEY TO THE RIGHT AND PUSH THAT STARTER BUTTON

TESTIMONIAL MALE:

"DO THAT NOW?"

JIM HOWARD:

RIGHT NOW! GO AHEAD!

TESTIMONIAL MALE:

"RED LIGHTS ON ... WELL. IT CRANKED MORE THAN I THOUGHT IT WOULD."

JIM HOWARD:

KEEP CRANKING! WE'LL GIVE IT WE'LL IT A WHOLE CHANCE ... YOU KEEP CRANKING! YOU KEEP COME HERE FROM WYOMING COME HERE! YOU'RE ALSO EXPERIENCED AT T'S JUST TURN THAT KEY TO THE RIGHT AND PUSH THAT STARTER BUTTON HERE WE GO!

TESTIMONIAL FEMALE:

"ANYTIME?"

JIM HOWARD:

EVERYBODY HOLD YOUR BREATH!

"GROUP EXHILARATION!"

Complaint Exhibits

JIM HOWARD:

THERE IT IS INCREDIBLE' DO YOU BELIEVE THAT'

TESTIMONIAL FEMALE:

"I'M BUYING THAT STUFF AND I'M GIVING IT TO MY WHOLE FAMILY"

JIM HOWARD:

FIRST TIME, ISN'T THAT AMAZING! DO YOU BELIEVE THIS'

TESTIMONIAL FEMALE:

"I DON'T BELIEVE IT"

TESTIMONIAL MALE:

'I JUST DON'T BELIEVE THIS'

JIM HOWARD:

FROZEN IN A SOLID BLOCK OF ICE' IS THAT INCREDIBLE?

TESTIMONIAL MALE:

"THAT'S INCREDIBLE, I CAN'T BELIEVE IT!"

JIM HOWARD:

COME IN HERE YOU DIDN'T BELIEVE IT YOU WERE A SKEPTIC!

TESTIMONIAL MALE:

"YES, YES, NOT FROZEN IN ICE"

JIM HOWARD:

YOU NEVER BELIEVE ANY OF THIS STUFF'

Complaint Exhibits

TESTIMONIAL MALE:

"NO, NO, NO WAY!"

JIM HOWARD:

THIS IS THE FIRST TIME YOU'VE EVER SEEN SOMETHING'

TESTIMONIAL MALE:

"THIS ~~IS~~, THIS IS INCREDIBLE, I MEAN I DON'T EVEN KNOW WHAT TO SAY"

TESTIMONIAL MALE:

"UNBELIEVABLE!"

JIM HOWARD:

YOU'RE SITTING HERE CRANKING THIS ENGINE GETTING NOWHERE

TESTIMONIAL MALE:

"IT DIED, IT DIED, ABSOLUTELY!"

JIM HOWARD:

IT DIED, YOU LOST POWER YOU COULD ~~IT~~ EVEN CRANK IT ANYMORE!

TESTIMONIAL MALE:

"I COULDN'T ~~DO~~ ANYTHING WITH IT!"

JIM HOWARD:

AND ONE TURN RIGHT'

TESTIMONIAL FEMALE:

"YOU BETCHA' I WAS SURPRISED I WISHED I'D OF HAD IT IN MY TRUCK
LAST YEAR IT WOULD HAVE SAVED ME A CASE OF FROST BITE'

Complaint Exhibits

JIM HOWARD:

I HAVEN'T HEARD YOU SAY ANYTHING YOU'VE BEEN SITTING HERE
KEEPING YOUR HANDS WARM WHAT DO YOU THINK ABOUT IT!

TESTIMONIAL MALE:

"UNBELIEVABLE, I SAW IT WITH MY OWN EYES AND I STILL DON'T BELIEVE
IT, IT'S INCREDIBLE!"

JM HOWARD:

YOU SAW IT AND YOU STILL DON'T BELIEVE IT?

TESTIMONIAL MALE:

"I STILL DON'T BELIEVE IT!"

JIM HOWARD:

EVEN THOUGH IT HAPPENED RIGHT NOW!

TESTIMONIAL MALE:

"NO. NO! I TELL YOU, MY CAR SPENDS ALL WINTER OUTSIDE, I'M GOING TO
LOOK INTO THIS!"

JIM HOWARD: VOICE OVER

THE MOTOR UP ENGINE STARTED ON THE FIRST TURN WHILE THE OTHER
JUST DIED BUT I WASN'T FINISHED YET'

JIM HOWARD:

THE PRODUCER GOING TO KILL ME DRAIN THE OIL FROM THIS THING'
LETS DO IT!

D. CTA #1: COMMERCIAL INSERT

WHEN YOU WANNA GO? DOES YOUR CAR SAY NO'

Complaint Exhibits

THEN YOU NEED **MOTOR UP** THE NO OIL CHANGE ENGINE TREATMENT THAT PUTS THE GET UP AND GO BACK IN YOUR RIDE

MOTOR UP PERFORMS IN CARS, TRUCKS, BOATS, RV's NEW OR USED GIVING THEM A SMOOTHER, QUIETER, COOLER RUNNING ENGINE IN JUST MINUTES.

WHEN ADDING THESE ENGINE TREATMENTS ... YOU HAVE TO WAIT FOR AN OIL CHANGE AND SPEND MORE MONEY ... BUT WITH **MOTOR UP**, YOU SIMPLY POUR IT IN AND YOU'RE DONE ... SAVING YOU TIME, MONEY AND PROTECTING YOUR INVESTMENT INSTANTLY.

AND BECAUSE **MOTOR UP** SCIENTIFICALLY PENETRATES **THEN** BONDS TO THE METAL INSIDE YOUR ENGINE ... IT SIGNIFICANTLY REDUCES FRICTION AND HEAT

THE RESULT IS INCREASED HORSEPOWER, REDUCED WEAR AND TEAR ON ENGINE PARTS, PROTECTION DURING COLD START UPS, AND MUCH MORE

HEY, DON'T BE EMBARRASSED BY YOUR NOISY CLUNKER ... MAKE IT SOUND LIKE NEW AGAIN WITH **MOTOR UP** ... GET QUICK RESULTS LIKE THIS

***BEFORE AND AFTER RESULTS: "AUDIO FREQUENCY"**

TESTIMONIAL MALE: ED SCPELIG

"NO SMOKING, NO HESITATION ... IT STARTED RIGHT UP, IT DRIVES LIKE A BRAND NEW CAR!"

MALE V.O.:

MOTOR UP IS THE NEW GENERATION OF ENGINE TREATMENTS AND OVER ONE MILLION LUCKY PEOPLE HAVE ALREADY USED IT!

ONE TREATMENT ... ONE TIME PROTECTS YOUR ENGINE FOR UP TO 50,000 MILES ... **GUARANTEED!**

IN FACT ... WHEN YOU ORDER **MOTOR UP** YOU'LL RECEIVE THIS 50,000 MILES/3 YEAR LIMITED WARRANTY CERTIFICATE.

Complaint Exhibits

IF YOU HAVE A **BREAKDOWN** MOTOR UP WILL PAY FOR THE COVERED REPAIR UP TO \$10,000. NOW THAT'S ENDURANCE INSURANCE.

ACT NOW AND RECEIVE **LUBE IT UP SPRAY** ... TO SOLVE ALL YOUR STUCK AND RUSTY PROBLEMS..

TAKE THE SQUEAK OUT WITH JUST ONE SPRAY AS LUBE IT UP PROTECTS METAL SURFACES IN YOUR CAR, BOAT AND ALL AROUND YOUR HOUSE.

HAS A LEAKY RADIATOR GOT YOU **HOT**.. DON'T SWEAT IT!

WE'LL INCLUDE **RESTORE RADIATOR** TREATMENT. JUST POUR IT IN TO LUBRICATE AND CONDITION YOUR COOLING SYSTEM. PREVENT CORROSION DAMAGE AND STOP RADIATOR LEAKS WHEN THEY HAPPEN.

HEY, DON'T WAIT FOR A LEAK AND BE STRANDED. LET RESTORE SEAL IT SO YOU CAN KEEP ON TRUCKEN.

ARE YOUR WINDSHIELD WIPERS SKIPPING, CHATTERING AND STREAKING? DON'T BUY NEW ONES. BECAUSE YOU ALSO GET 303 WINDSHIELD WIPER TREATMENT TO MAKE YOUR WINDSHIELD WIPERS WORK LIKE NEW AGAIN.

303 RECONDITIONS HARDENING RUBBER BLADES. YOU'LL SEE CLEARER IN THE RAIN, MESSY SNOW AND ICE WON'T STICK TO YOUR BLADES. AND THEY'LL LAST LONGER.

THIS AN EXCLUSIVE TV OFFER AND IT'S NOT AVAILABLE IN STORES!

YOU MAY EXPECT TO PAY OVER 70.00 DOLLARS. BUT YOU WON'T! YOU WON'T PAY \$60.00. OR EVEN FIFTY DOLLARS. YOU GET IT ALL FOR THE SPECIAL INTRODUCTORY PRICE OF JUST **\$29.95**.

AND MOTOR UP COMES WITH THIS PROMISE...

POUR THE ENTIRE **BOTTLE** INTO YOUR ENGINE. IF IT DOESN'T RUN SMOOTHER OR SOUND QUIETER. JUST RETURN THE COMPLETE PACKAGE AND WE'LL REFUND THE PURCHASE PRICE.

Complaint Exhibits

AND WHEN YOU CALL ASK THE OPERATOR ABOUT THE SPECIAL *2
PRICE OFFER ON A SECOND BOTTLE OF MOTOR LIP

SO BEFORE YOU START IT UP ... JUST POUR IN MOTOR UP!

SPOT TIME: 00:02:47:25

TAG MALE V.O.

"PER NATIONAL MEDIA CUSTOMIZATION INSTRUCTIONS"

TAG TIME: 00:00:20:01

TRT COMMERCIAL 00:03:07:26

E. SHOW SEGMENT #2:

TESTIMONIAL FEMALE:

"THIS PRODUCT IS GREAT I WOULD DEFINITELY RECOMMEND THIS TO ALL
THE SURROUNDING AMBULANCE SERVICES"

TESTIMONIAL MALE:

"WHEN I REVVED IT UP I HAD A LITTLE KNOCK IN IT I COULDN'T FIGURE
OUT WHAT IT WAS IT WASN'T IN THERE BEFORE I DON'T EVEN HEAR IT
NOW! I DON'T HEAR IT AT ALL!"

TESTIMONIAL MALE:

"BUT TO JUST PUT IN ONE BOTTLE, AND ONE DAY LATER TO HAVE SUCH A
MARKED IMPROVEMENT I WOULD NOT HAVE BELIEVED THAT!"@

JIM HOWARD: ON CAMERA, ON SET:

WELCOME BACK TO MOTOR UP AMERICA YOU KNOW OUT ON THE
HIGHWAY DANGER CAN STRIKE IN AN INSTANT AND HELP CAN BE VERY
FAR AWAY NOW IF YOU CAN AFFORD ONE OF THESE EXPENSIVE
CELLULAR PHONES AND CALL FOR YELP YOU MIGHT BE OK BUT THE
PROBLEM STILL EXISTS WHY NOT REDUCE THE CHANCE OF PROBLEMS
AND HELP PROTECT YOURSELF AND YOUR FAMILY FROM BREAKDOWNS

Complaint Exhibits

NOW, WHAT YOU'RE ABOUT TO SEE WAS NOT INTENDED TO BE AIRED ON NATIONAL TELEVISION. IT'S ACTUAL HOME VIDEO THAT WAS SHOT FOR THE PRODUCERS AND WRITERS TO PREPARE FOR THIS PROGRAM. HOWEVER, IT BEST ILLUSTRATES HOW MOTOR UP CAN PROTECT YOU IF DISASTER STRIKES.

JIM HOWARD: VOICE OVER

LISTEN TO THE ENGINE BEFORE ADDING *MOTOR UP*!

COMMENTATOR OFF CAMERA #1:

NOW THIS IS THE CAR, IT JUST STARTED UP AND WE'RE POINTING OUT AH NOTICE, HOW THAT ENGINE'S LIKE KINDA TREMORING THERE AH

I WOULD HAVE TO SORT OF OBJECTIVELY SAY THAT THE ENGINE IS RUNNING 'WELL NOT TREMBLING AS MUCH' AS YOU SEE

COMMENTATOR OFF CAMERA #2:

IT'S DEFINITELY RUNNING BETTER'

COMMENTATOR OFF CAMERA #1:

THE GENTLEMEN HERE HAVE DRIVEN IT FOR ABOUT TWENTY MINUTES' TO MAKE SURE THAT THE CAR IS COMPLETELY COVERED AND SATURATED. NUMBER ONE IS WE'RE GOING TO DRAIN THE OIL AND A

COMMENTATOR OFF CAMERA #2:

THERE'S THE INSIDE OF THE ENGINE'

COMMENTATOR OFF CAMERA #1:

SO WHAT YOU'RE SEEING IS THE GUTS OF AN ENGINE RUNNING, WITH NO OIL AND NO OIL PAN. NOTHING BUT MOTOR UP CLINGING TO THE METAL

COMMENTATOR OFF CAMERA #2:

WOW!

Complaint Exhibits

COMMENTATOR OFF CAMERA #1:

WERE GOING TO SPRAY THE UNDERNEATH OF THIS CAR WITH A BLAST OF WATER! ANYTIME YOU'RE READY'

COMMENTATOR OFF CAMERA #3:

THIS WON'T WORK | KNOW THAT'

COMMENTATOR OFF CAMERA #1:

GO FOR IT!

COMMENTATOR OFF CAMERA #2:

THATS UNBELIEVABLE 'I'VE NEVER SEEN ANYTHING LIKE T YOU WANT ME TO SPRAY IT WITH WATER?

COMMENTATOR OFF CAMERA #1:

GO AHEAD GO FOR IT'

COMMENTATOR OFF CAMERA #2:

ALL RIGHT!

COMMENTATOR OFF CAMERA #1:

NOW THE UNDERSIDE OF THIS CAR IS BEING DRENCHED'

JIM HOWARD: VOICE OVER

LOOK AT THIS THE ENGINE HAS NO OIL AND THESE GUYS CAN'T EVEN GET MOTOR UP OFF THE ENGINE PARTS BY SPRAYING IT WITH WATER THIS ENGINE SHOULD HAVE BROKEN DOWN LONG AGO BUT IT'S STILL RUNNING AFTER TREATING IT WITH MOTOR UP

COMMENTATOR OFF CAMERA #1:

Complaint Exhibits

GIVE IT ANOTHER BLAST OF WATER! IT DOESN'T GET MUCH WORSE THAN THAT ... I'D SAY THAT. THAT MOTOR UP IS CLINGING TO THE ENGINE! UNBELIEVABLE!

COMMENTATOR OFF CAMERA #2:

THESE ARE THE CONNECTING RODS, NORMALLY YOU WOULDN'T BE ABLE TO TOUCH THESE YOU'RE RUNNING WITHOUT OIL THEY START TO CEASE. THEY GET UP HOT ENOUGH TO MELT THE METAL TURN THE BEARING BLUE AND SPIT IT RIGHT OUT THE SIDE! LOOK AT THIS WE JUST SHUT IT OFF AND I'M NOT BURNING MYSELF ON ANYTHING'

JIM HOWARD: ON CAMERA, ON SET

PROTECTION LIKE THAT IS WHY MOTOR UP IS THE #1 ADVANCED ENGINE TREATMENT CONCENTRATE HOW YOU PROTECT YOUR CAR TODAY WILL PREVENT IT FROM HAVING PROBLEMS TOMORROW

MOTOR UP CONTAINS NO HARMFUL SOLIDS LIKE PTFES AND GRAPHITE THAT CAN BUILD UP AND CLOG YOUR OIL FILTER CAUSING EXPENSIVE REPAIRS

JIM HOWARD: VOICE OVER

NOW THROUGHOUT THE PROGRAM I'VE SHOWN YOU HOW MOTOR UP REDUCES WEAR AND TEAR AND SAVES YOU MONEY, HOW IT INCREASES HORSEPOWER AND WHY ITS BETTER THAN THE COMPETITION YOU'VE ALSO SEEN AND HEARD THE IMPROVEMENTS IN AN ENGINE AFTER ADDING MOTOR UP

JIM HOWARD: ON CAMERA, ON SET

BUT WE WANTED TO GIVE MOTOR UP THE ULTIMATE BEFORE AND AFTER TEST SO WE WENT LOOKING FOR THE WORST RUNNING ENGINES WE COULD FIND AND YOU KNOW WHERE WE FOUND THEM? IN A JUNKYARD'

JIM HOWARD: VOICE OVER

SO WE TOLD THESE GUYS MOTOR UP WOULD MAKE THEIR JUNKYARD CARS SOUND LIKE NEW AGAIN

Complaint Exhibits

TESTIMONIAL MALE: ED WATSON

"I DON'T I'VE NEVER SEEN ANYTHING LIKE THAT WORK BEFORE I'D LIKE TO SEE YOU DO IT"

COMMENTATOR OFF CAMERA:

HOW ABOUT YOU GUY WHAT DO YOU THINK'

TESTIMONIAL MALE: TOM WASHER

"NO DAMN WAY NO DAMN WAY"

TESTIMONIAL MALE: JOSEPH GIORDANO

"I DON'T THINK SO EITHER NOT IF= THERE HERE IN THE JUNKYARD I DON'T THINK THERE GOING TO RUN ANY BETTER THAN THEY DID ON THE ROAD' WE'LL SEE BUT THIS LITTLE BOTTLE YOUR TELLING ME IS GOING TO DO IT HUH' WE'LL SEE WHAT HAPPENS IF WE POUR IT IN THERE "

"WE'LL GIVE IT A SHOT SEE WHAT IT SOUNDS LIKE. MOTOR UP HUH"

***BEFORE AND AFTER: LIVE SOUND SPLIT SCREEN**

TESTIMONIAL MALE: JOSEPH GIORDANO

"SOUNDS MUCH BETTER. I'M SURPRISED I CAN'T BELIEVE IT"

TESTIMONIAL MALE: ED WATSON

"YEAH. LET'S TRY ANOTHER LET'S TRY ANOTHER ONE"

COMMENTATOR OFF CAMERA:

ARE YOU SATISFIED WITH THIS ONE'

TESTIMONIAL MALE: ED WATSON

"AHH WE'LL SEE I GOT ANOTHER ONE FOR YOU TO CHECK OUT"

Complaint Exhibits

TESTIMONIAL MALE: JOSEPH GIORDANO

"THIS CAR SHAKES, RATTLES AND ROLLS IT COULDN'T SET OUT OF ITS OWN WAY A BICYCLE COULD BEAT IT!"

***BEFORE AND AFTER: LIVE SOUND SPLIT SCREEN**

TESTIMONIAL MALE: JOSEPH GIORDANO

"IT ACTUALLY REVS WITHOUT STALLING OUT HOLY BEEP THATS AMAZING THE CAR ALWAYS STALLS OUT EVERY TIME I GIVE IT GAS!

NOW THAT YOU PUT THAT TREATMENT IN IT'S NOT STALLING OUT NO MORE"

TESTIMONIAL MALE: ED WATSON

"IT KEEPS RUNNING WHEN YOU SHUT IT OFF ITS GOT BAD BAD TIMING AND A BAD PRE-IGNITION

ENGINES OLD AND WORN OUT'

TESTIMONIAL MALE: TOM WASHER

"THIS BEEP GOOD MAN THIS BEEP GOOD'

COMMENTATOR OFF CAMERA:

WHAT ARE YOU SAYING OVER THERE?

TESTIMONIAL MALE: JOSEPH GIORDANO

"EVERYDAY, I GET GASSED OUT BY THIS CAR CARBON. I MEAN I ALMOST PASS OUT FROM THE SMELL AND IT DIDN'T DO IT THIS TIME!"

COMMENTATOR OFF CAMERA:

WHAT HAPPENS WHEN YOU TURN IT OFF?

TESTIMONIAL MALE: JOSEPH GIORDANO

Complaint Exhibits

"OFF IT JUST KEEPS RUNNING AND RUNNING ON BY ITSELF CHO CHO
CHO CHO IT TAKES LIKE ABOUT TWENTY MINUTES TO SHUT OFF IT
NEVER SHUT OFF LIKE THAT BEFORE

TESTIMONIAL MALE: ED WATSON

"I'VE NEVER SEEN ANYTHING LIKE THIS YOU POUR IT IN AND ALL OF A
SUDDEN IT AUTOMATICALLY STARTS WORKING NEVER SEEN ANYTHING
LIKE IT BEFORE]

THIS MOTOR IS SO QUIET NOW, I'M NOT ASHAMED TO SELL IT RIGHT
NOW .NO '"

JIM HOWARD: ON CAMERA, ON SET

WHETHER YOU HAVE AN OLD CAR OR A NEW CAR YOU CAN MAKE IT RUN
BETTER BY ORDERING MOTOR UP RIGHT NOW THIS IS YOUR
OPPORTUNITY DON'T MISS IT

F. CTA #2: COMMERCIAL INSERT

WHEN YOU WANNA GO? DOES YOUR CAR SAY NO'

THEN YOU NEED MOTOR UP THE ~~NO~~ OIL **CHANGE** ENGINE TREATMENT
THAT PUTS THE ~~CET~~ UP AND GO BACK IN YOUR RIDE

MOTOR UP PERFORMS IN CARS TRUCKS BOATS RV's NEW OR
USED GIVING THEM A SMOOTHER QUIETER COOLER RUNNING ENGINE
IN JUST MINUTES

WHEN ADDING THESE ENGINE TREATMENTS YOU HAVE TO WAIT FOR AN
OIL CHANGE AND SPEND MORE MONEY BUT WITH MOTOR UP YOU
SIMPLY POUR IT IN AND YOU'RE DONE SAVING YOU TIME MONEY AND
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AND BECAUSE MOTOR UP SCIENTIFICALLY PENETRATES THEN BONDS TO
THE METAL INSIDE YOUR ENGINE IT SIGNIFICANTLY REDUCES FRICTION
AND HEAT

Complaint Exhibits

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'BEFORE AND AFTER RESULTS: "AUDIO FREQUENCY"

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WE'LL INCLUDE RESTORE RADIATOR TREATMENT. JUST POUR IT IN TO
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Complaint Exhibits

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SO YOU CAN KEEP ON TRUCKEN

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STREAKING...DON'T BUY NEW ONES... BECAUSE YOU ALSO GET 303
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WOIN'T PAY \$60.00... OR ~~EVEN~~ FIFTY DOLLARS... YOU GET IT ALL FOR THE
SPECIAL INTRODUCTORY PRICE OF JUST \$29.95

AND MOTOR UP COMES WITH THIS PROMISE

POUR THE ENTIRE BOTTLE INTO YOUR ENGINE... IF IT DOESN'T RUN
SMOOTHER OR SOUND QUIETER... JUST RETURN THE COMPLETE PACKAGE
AND WE'LL REFUND THE PURCHASE PRICE

AND WHEN YOU CALL... ASK THE OPERATOR ABOUT THE SPECIAL 1/2 PRICE
OFFER ON A SECOND BOTTLE OF MOTOR UP!

SO BEFORE YOU START IT UP... JUS' POUR IN MOTOR UP!

SPOT TIME: 00:02:47:25

TAG MALE V.O.

"PER NATIONAL MEDIA CUSTOMIZATION INSTRUCTIONS"

TAG TIME: 00:00:20:01

TRT COMMERCIAL: 00:03:07:25

G. SEGMENT #3:

Complaint Exhibits

TESTIMONIAL MALE:

"THE CAR ACTUALLY RUNS OUT OF CHARACTER' IT REALLY RUNS' I'M REALLY AMAZED I WISH I COULD PUT THE CAMERA IN TYE CAR AND RUN IT UP THE HILL AND SHOW YOU' ITS JUST GREAT'

TESTIMONIAL FEMALE:

IT'S CALM...ITS HAPPY, IT PURRING, CAN I KEEP THIS?

JIM HOWARD: (INFREEZER),

WELCOME BACK TO MOTOR UP AMERICA WELL AGAINST MY BETTER JUDGMENT BUT AT THE INSISTENCE OF THESE PEOPLE IN THE [REDACTED] WITH ME WE HAVE ACTUALLY DRAINED THE MOTOR OIL FROM THIS ENGINE ENCASED IN ICE NOW ARE YOU READY JEFF

JEFF OFF CAMERA:

"READY!"

TESTIMONIAL FEMALE:

"READY!"

JIM HOWARD:

ALL RIGHT TURN THE KEY ON

TESTIMONIAL FEMALE:

"CONTACT!"

'GROUP REACTSEXHILARATION

JIM HOWARD:

THERE IT IS INCREDIBLE'

Complaint Exhibits

TESTIMONIAL FEMALE:

"WOW AMAZING!"

JIM HOWARD:

IT HAS NO OIL IN IT IT'S ENCASED IN SOLID ICE LOOK AT THAT DO YOU BELIEVE THAT'

TESTIMONIAL FEMALE:

"I CAN'T BELIEVE IT, IT'S AMAZING!"

JIM HOWARD:

"YOU DIDN'T THINK IT WOULD WORK DID YOU?"

TESTIMONIAL MALE:

'NO I DIDN'T I CAN'T BELIEVE THIS YOU LEFT IT IN HERE OVERNIGHT IT'S TWENTY BELOW IN HERE AND THE THING STARTS RIGHT UP YOU DRAIN THE OIL @UTAND IT JUST KEEPS RUNNING ITS UNREAL"

JIM HOWARD:

EXACTLY HOW ABOUT YOU KEVIN?

KEVIN THE ICEMAN:

"I'M IMPRESSED"

JIM HOWARD:

DID YOU LAY ANOTHER SIDE BET ON THIS ONE '

KEVIN THE ICE MAN:

"NO, NO NO I TOOK THE ATTITUDE I'M FROM MISSOURI SHOW ME AND YOU GUYS YOU DID IT'

Complaint Exhibits

JIM HOWARD:

HOW ABOUT YOU MAM!

TESTIMONIAL FEMALE:

"I CAN'T BELIEVE WHAT I'M SEEING RIGHT NOW' I THOUGHT IT WAS IMPOSSIBLE!"

JIM HOWARD:

THAT'S THE LIFE BLOOD OF YOUR ENGINE HE'S JUST DRAINED IT OFF IN A BUCKET! THE ONLY THING PROTECTING THAT ENGINE RIGHT NOW IS MOTOR UP!

TESTIMONIAL MALE:

I'D PUT IT IN IN A SECOND I TELL YOU THIS STUFF IS ABSOLUTELY AMAZING FIRST IT STARTS AND THE OTHER DOESN'T AND NOW IT STARTS WITHOUT THE OIL JUST FASCINATING

JIM HOWARD:

INCREDIBLE, FOLKS, YOU HAVE SEEN AND HEARD HOW MOTOR UP INSTANTLY IMPROVE YOUR CARS PERFORMANCE

YOU'VE HEARD, YOU'VE HEARD HOW IT REDUCES WEAR AND TEAR.

I'VE SHOWN YOU HOW IT REDUCES FRICTION AND INCREASES YOUR HORSEPOWER

I'VE TOLD YOU HOW IT PREVENTS CORROSION IN YOUR ENGINE AND BONDS WITH METAL SURFACES ALL OF WHICH WILL SAVE YOU HUNDREDS IN REPAIR BILLS AND PROTECT YOUR ENGINE SIMPLY BY POURING IT IN

LOOK IF YOU WATCHING THIS SHOW RIGHT NOW YOU PROBABLY DON'T HAVE MOTOR UP IN YOUR CAR BUT HERE'S HOW YOU CAN GET IT

DO YOURSELF A FAVOR BEFORE YOU START IT UP MOTOR UP

Complaint Exhibits

H. SHOW RECAP END TAG CLOSE:

MALE V.O.:

THIS IS YOUR FINAL OPPORTUNITY TO HAVE MOTOR UP THE NO OIL
CHANGE ENGINE TREATMENT DELIVERED DIRECTLY TO YOUR DOOR FOR
JUST \$29.95'

THIS IS AN EXCLUSIVE TV ONLY OFFER AND IS NOT AVAILABLE IN STORES'

WHY WAIT ... ACT NOW. BECAUSE EVERYDAY YOU TURN THE KEY TO
START YOUR ENGINE, 5 A DAY YOUR CAR GOES WITHOUT THE
PROTECTION AND BENEFITS MOTOR UP DELIVERS

TODAY YOU'VE WATCHED MOTOR UP HELP CLUNKING JUNKYARD ENGINES
RUN BETTER'

YOU'VE HEARD FROM THE LEADING PROFESSIONALS HOW MOTOR UP
INCREASES HORSEPOWER REDUCES WEAR AND TEAR ON ENGINE PARTS
PROTECTS DURING COLD START UPS' AND MUCH MORE

TESTIMONIAL MALE: ED SHELIG

"THE SLUGGISHNESS WENT AWAY THE HESITATION I MEAN ITS LIKE
DRIVING A NEW VEHICLE"

MALE V.O.:

AND RIGHT HERE ON THIS PROGRAM YOU'VE EVEN SEEN MOTOR UP
START AN ENGINE FROZEN IN A SOLID BLOCK OF ICE

ENGINE START CROWD REACTION

JIM HOWARD:

THERE IT IS INCREDIBLE'

MALE V.O.:

Complaint Exhibits

CHANCES ARE YOUR VEHICLE IS ONE OF THE MOST IMPORTANT INVESTMENTS YOU'LL EVER MAKE! SO PROTECT IT WITH MOTOR UP TODAY! AND DON'T FORGET TO ASK THE OPERATOR ABOUT THE SPECIAL HALF PRICE OFFER ON A SECOND BOTTLE OF MOTOR UP!

UNLIKE OTHER ENGINE TREATMENTS, YOU JUST POJR MOTOR UP IN ANYTIME, AND IT WON'T DRAIN OUT, EVEN AFTER AN OIL CHANGE.

CALL THE NUMBER ON YOUR SCREEN NOW AND FOR JUST \$29.95, WE'LL SEND MOTOR UP TO YOUR HOUSE. MOTOR UP IS TOMORROW'S ENGINE TREATMENT YOU CAN GET TODAY!

OUR OPERATORS ARE READY TO HELP YOU! IF YOUR CAR COULD MAKE A PHONE CALL, IT WOULD BE DIALING RIGHT NOW! SO ORDER MOTOR UP TODAY!

TESTIMONIAL MALE: JOSEPH GIORDANO

"IF YOU GUYS COULD SHOW ME ON THIS CAR, CAUSE THIS CAR RUNS LIKE BEEP! MEAY THIS CAR IS THE BIGGEST PIECE OF BEEP IN THE YARD! I DRIVE THIS CAR ALL THE TIME!"

TESTIMONIAL MALE: TOM SYASHER

"SOUNDS A HELL OF A LOT BETTER!"

TESTIMONIAL MALE: JOSEPH GIORDANO

"IT SOUNDS MUCH BETTER! THE ENGINES NOT SHAKING AND CHOKING OUT LIKE IT USUALLY DOES!"

TESTIMONIAL MALE: ED WATSON

"THERE'S A BIG DIFFERENCE IN THIS CAR. THE MINUTE YOU PUT IT IN, IT'S SO MUCH MORE QUIETER!"

TESTIMONIAL MALE: JOSEPH GIORDANO

Complaint Exhibits

"WELL, PROTECTION IS THE MOST IMPORTANT THING WHEN IT COMES TO AN ENGINE. SO I WOULD BUY ONE OF THOSE BOTTLE AND PUT IT IN THERE AND YOU'LL SEE A LOT LONGER LIFE IN YOUR MOTOR!"

1. PAID ADVERTISEMENT DISCLAIMER:**MALEV.Q.:**

THE PRECEDING PROGRAM WAS A PAID ADVERTISEMENT FOR MOTOR UP BROUGHT TO YOU BY NATIONAL MEDIA CORPORATION

TRT: 28:30

Complaint Exhibits

Exhibit B

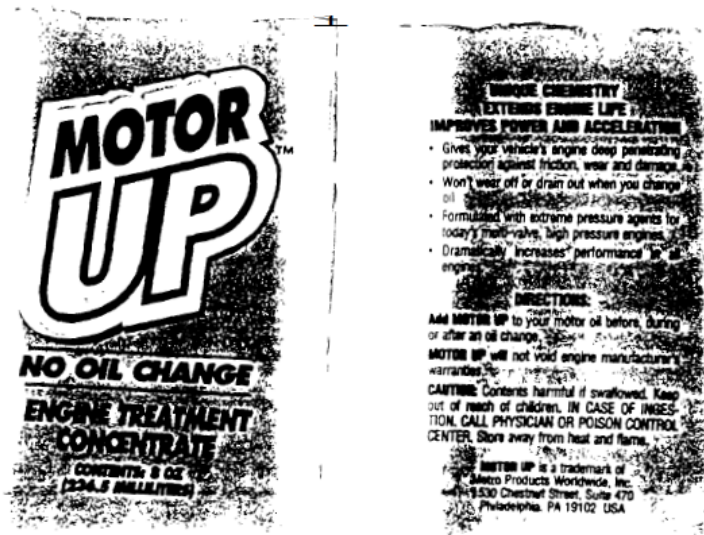


Exhibit C

Lubrication has a profound effect on wear. It separates the surfaces as they move relative to each other with a film of lubricant that can be sheared with low resistance without causing any damage to the surface. Motorolip has mastered the science of lubrication and produced a product that provides maximum protection against friction and wear and virtually eliminates the heat which is a byproduct of these functions. A summary of selected test results follows.

Gamma Wear Test: This test is designed to evaluate the adhesive wear experienced by test parts in a controlled environment. The dimension of the surface profile of a journal is measured to determine the extent of adhesive wear. The results are measured in "teeth advanced" or the number of positions that the equipment advances due to adhesive wear under gradually increasing loads.

At a load of 50 pounds, the addition of MotorUp to base oil decreased the number of teeth advanced by 90.17%, at 100 pounds MotorUp decreased the teeth advanced by 53.97% and at 150 pounds, the teeth advanced was decreased by 60.63%. These loads are far in excess of any that might occur in everyday automotive engine use.

Another astonishing result of the Gamma Wear Test is the extension of service life provided by MotorUp. Service Life Index (SLI) is the average length of time a component can be expected to operate effectively without diminished performance. At 50 pounds MotorUp increased SLI by 10.17 times, at 100 pounds MotorUp increased SLI by 2.17 times and at 150 pounds MotorUp extended SLI by 2.54 times. That means that at 150 pounds, a component with an average SLI of one year would last for 2.54 years.

Thick Film Gamma Test: This test is similar to the Gamma test, except that the wear to the journal assembly is represented by weight loss instead of gear teeth advanced. The weight loss without Motortip was determined to be 2,190 μg , whereas the weight loss with Motortip was found to be 1,860 μg . Therefore, the use of Motortip produced 15.07% less weight loss, a significant reduction

Film Affinity Retention: This test determines the degree of wear protection that the MotorUp film on the surface of engine parts can provide when the lubrication system loses the base lubricating oil. In other words, how much the journal assembly is protected by the residual MotorUp fluid film on the component surface rather than a continuous lubricating oil stream.

A test with plain oil and oil with Motorlup was conducted. When the base oil was drained and only residual oil was left, 206 teeth were advanced at 100 pounds over a period of ten minutes. With Motorlup, when the treated oil was drained, only 1 tooth was advanced at the same load in the same period of time.

"Although I was somewhat skeptical at first, I have found MotorUp to be a very good product. Thanks for a great product."
Frank E. New York, NY

"Approximately a month ago I purchased a quart of your product. I am now back to buy a gallon. The reason is simple: your product works! I have an '83 Chevy pickup with a 305 engine and the engine starts much easier. It turns over much faster and runs much smoother."

"My motorcycle has a clutch that chattered considerably when starting from a dead start and the operating temperature would peg the needle when sitting at a stop light. I rode from San Leandro to Pleasanton in fourth gear running 10,500 on the tach. Not only did the temperature stay steady, but the engine ran better. I would strongly recommend MotoUp to anyone considering your product."

Ray E., San Leandro, CA

"After 113,000 miles of using your product the motor still performs like new without any mechanical problems. While tuning the engine over to start it, it spins at sub zero temperatures just as fast as if it were a summer day."

George W. Montague, VT
 "After years of servicing automobiles, I can only say that MotorUp definitely works. Even my wife remarked how much easier it was to use than the old manual." 

...running and better starting. My truck runs excellent.

*I was looking for my 1979 Honda Civic. This car had problems with valves and 107,000 engine miles. It appeared to be a good deal, but the "blue yard" or an engine rebuild I like this car and neither choice was very attractive to me. However, the car was sold. The car now has 152,000 miles (including the engine) and the end is still not in sight.

Complaint Exhibits

Exhibit D


[ORDER MotorUp](#)
[MotorUp Technical Specs](#)
[MotorUp Home Page](#)

MotorUp Performance Promise

Satisfaction Guaranteed or your Money Back

Prolongs Engine Life	Increases Horsepower	Requires No Oil Change	Not PTFE Based
	Smooths		


[Frequently Asked Questions](#)

[Some Quick Facts](#)

[What Users Are Saying](#)

[How to Order MotorUp](#)

Why spend thousands of dollars on engine repairs? Treat your engine to MotorUp now!

More than one million clunkers all over the U.S. have had their performance restored by MotorUp, the "No Oil Change" Engine Treatment. Just one bottle of MotorUp quiets engine noise and smooths out rough running.

There's no need to change your oil!

Just add MotorUp to your crankcase and go. After that just follow the manufacturer's recommended oil change schedule and you'll see an immediate improvement.

Here's how MotorUp works.

MotorUp penetrates the metal parts in your engine - even through dirty oil. It seeks out and bonds to the metal inside your engine and won't drain out even when you change the oil.

Scientific Proof.

Extensive product testing in the U.S. and Europe shows that MotorUp reduces friction wear by as much as 50%.

DECISION AND ORDER

The Federal Trade Commission having issued its complaint charging the respondents named in the caption hereof with violation of Section 5(a) of the Federal Trade Commission Act, as amended, and the respondents having been served with a copy of that complaint, together with a notice of contemplated relief; 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 complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents of facts, other than jurisdictional facts, or of violations of law as alleged in the complaint issued by the Commission.

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of its Rules; and

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Motor Up Corporation, Inc. is a Pennsylvania corporation with its principal office or place of business at 123 South Broad Street, Philadelphia, Pennsylvania 19102.
2. Respondent Motor Up America, Inc. is a Pennsylvania corporation with its principal office or place of business at 759 Federal Highway, Suite 312, Stuart, Florida 34994. Motor Up America, Inc. is a wholly owned subsidiary of Motor Up Corporation, Inc.

Decision and Order

3. Respondent Kyle Burns is president of Motor Up Corporation, Inc. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the corporate respondents, including the acts or practices alleged in this complaint. His principal office or place of business is the same as that of Motor Up Corporation.

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

ORDER**DEFINITIONS**

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

1. "Motor Up" shall mean Motor Up No Oil Change Engine Treatment Concentrate.

2. "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.

3. Unless otherwise specified, "respondents" shall mean Motor Up Corporation, Inc. and Motor Up America, Inc., corporations, their successors and assigns and their officers; Kyle Burns, individually and as an officer of Motor Up Corporation, Inc.; and each of the above's agents, representatives, and employees.

Decision and Order

4. "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 engine treatment, fuel treatment, motor oil, grease, transmission fluid, or brake fluid, and any additive intended for use with or as a substitute for such products, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

A. that, compared to motor oil alone, use of such product:

- (1) Reduces engine wear;
- (2) Reduces engine wear up to 50 percent or by any other quantity;
- (3) Reduces adhesive engine wear by up to 90.17 percent or by any other quantity;
- (4) Reduces engine wear during cold starts;
- (5) Provides more protection against engine wear in cold temperatures;
- (6) Extends the duration of engine life; or
- (7) Helps prevent engine breakdowns; or

B. that such product:

- (1) Prevents corrosion in engines;
- (2) Will not drain out from the engine even when the oil is changed;
- (3) Protects engines for up to 50,000 miles; or
- (4) Protects against engine wear even without motor oil, grease, transmission fluid or brake fluid; or

C. regarding the performance, benefits, efficacy, attributes, or use of such product,

Decision and Order

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

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of Motor Up or any other product for use in a motor vehicle, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test or study.

III.

IT IS FURTHER ORDERED that respondents, in connection with the manufacturing, advertising, labeling, packaging, offering for sale, sale, or distribution of Motor Up or any other product for use in a motor vehicle, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, that any demonstration, picture, experiment, illustration or test proves, demonstrates or confirms any material quality, feature or merit of such product, or the superiority or comparability of the product in a material respect relative to any other product.

IV.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, and respondent Kyle Burns shall, for five (5) years after the last date of dissemination of any representation

Decision and Order

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.

V.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, and respondent Kyle Burns 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. 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.

Decision and Order

VI.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents 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.

VII.

IT IS FURTHER ORDERED that respondent Kyle Burns, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Decision and Order

VIII.

IT IS FURTHER ORDERED that respondents Motor Up Corporation, Inc. and Motor Up America, Inc., and their successors and assigns, and respondent Kyle Burns 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.

IX.

This order will terminate on May 3, 2020, 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

Analysis to Aid Public Comment

later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Motor Up Corporation, Inc, Motor Up America, Inc., and Kyle Burns, the principal who controls these corporations (referred to collectively as "Motor Up"). The agreement would settle a complaint by the Federal Trade Commission that Motor Up engaged in unfair or deceptive acts or practices in violation of Section 5(a) of the Federal Trade Commission Act.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns representations made about Motor Up No Oil Change Engine Treatment Concentrate, an engine oil additive, in advertising. The administrative complaint alleged that Motor Up violated the FTC Act by disseminating ads that made unsubstantiated performance claims about the oil additive. The Complaint alleged that the respondents represented that, compared to motor oil alone, Motor Up: (1) reduces engine wear; (2) reduces engine wear by up to 50 percent; (3) reduces adhesive engine wear by up to 90.17 percent; (4) reduces engine wear during cold starts; (5) provides more protection against engine

Analysis to Aid Public Comment

wear in cold temperatures (6) extends the duration of engine life; and (7) helps prevent engine breakdowns. The Complaint also alleged that respondents represented that Motor Up: (1) prevents corrosion in engines; (2) will not drain out from the engine even when the oil is changed; (3) protects engines for up to 50,000 miles; and (4) protects against engine wear even without motor oil. The Complaint alleged that respondents represented that they had a reasonable basis for making these claims, but in fact did not possess competent evidence supporting the claims. The Complaint alleged that respondents claimed that tests prove that, compared to motor oil alone, Motor Up reduces engine wear by up to 50 percent without possessing tests that prove the claim. The Complaint also alleged that respondents represented that product demonstrations in their advertising proved, demonstrated, or confirmed that Motor Up prevents corrosion in engines and that, compared to motor oil alone, Motor Up helps prevent breakdowns and reduces engine wear, when in fact the demonstrations do not prove, demonstrate, or confirm these product attributes.

The proposed consent order contains provisions designed to prevent Motor Up from engaging in similar acts and practices in the future. Part I of the proposed consent order prohibits Motor Up from making any claims about any engine treatment, fuel treatment, motor oil, grease, transmission fluid, or brake fluid, and any additive intended for use with or as a substitute for these products, unless Motor Up can support the claims with competent and reliable evidence. Part I specifies certain specific claims and states that these and all other claims must be supported by evidence. It also states that the evidence required to support claims may be competent and reliable scientific evidence.

Analysis to Aid Public Comment

Parts II prohibits Motor Up from misrepresenting in advertising the existence, contents, validity, results, conclusions, or interpretations of any test or study dealing with the Motor Up engine oil additive or any other motor vehicle product.

Part III prohibits Motor Up from using false demonstrations. It prohibits Motor Up from representing that any demonstration, picture, experiment, illustration or test of the Motor Up engine oil additive or any other motor vehicle product proves, demonstrates or confirms the product's attributes unless the demonstration, picture, experiment, illustration or tests does in fact prove, demonstrate, or confirm the attributes. This provision applies to all demonstrations of product attributes, including comparisons with other products.

The proposed order also contains provisions regarding distribution of the order, record-keeping, notification of changes in corporate status, termination of the order, and the filing of a compliance report.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify their terms in any way.

Complaint

IN THE MATTER OF
DURA LUBE CORPORATION, ET AL.

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

Docket D-9292; File No. 962 3146
Complaint, April 29, 1999--Decision, May 3, 2000

This consent order addresses Dura Lube Corporation's dissemination of advertisements making unsubstantiated claims regarding Super Dura Lube Engine Treatment and Advanced Dura Lube Engine Treatment ("Dura Lube"). Respondents represented that, compared to motor oil alone or oil treated with any other product, Dura Lube: (1) reduces engine wear; (2) reduces engine wear by more than 50%; (3) prolongs engine life; (4) reduces emissions; (5) reduces the risk of serious engine damage when oil pressure is lost; (6) improves gas mileage; and (7) improves gas mileage by up to 35%. Respondents also represented that product demonstrations in their advertising proved, demonstrated, or confirmed that, (a) compared to motor oil alone, Dura Lube reduces the risk of serious engine damage when oil pressures is lost, and (b) without Dura Lube, motor oil fails to protect automobile engines under hot running conditions, when in fact the demonstrations do not prove, demonstrate, or confirm these product attributes. Finally, the Complaint alleged that Respondents represented that former astronaut Charles "Pete" Conrad had endorsed the product based on a valid exercise of his expertise in the evaluation of automobile engine lubricants, when in fact Mr. Conrad did not have expertise in the evaluation and testing of automobile engine lubrication. The consent order requires Dura Lube Corporation, et al., to pay \$2 million in consumer redress and prohibits Respondents from making unsubstantiated representations regarding the performance, benefits, efficacy, attributes or use of any product for use in an automobile, or from misrepresenting the results of any study.

Participants

For the Commission: *Joel Brewer, Jonathan Cowen, Lemuel Dowdy, and Robert M. Frisby.*