

Complaint

IN THE MATTER OF
EHP PRODUCTS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND
SECTION 7 OF THE CLAYTON ACT

Docket C-3940; File No. 9823181
Complaint, May 16, 2000--Decision, May 16, 2000

This consent order prohibits Respondents EPH Products Incorporated and Elaine H. Parrish from making any representation that CMO or any similar product: (1) is effective in the mitigation, treatment, prevention, or cure of arthritis; (2) provides significant relief from symptoms of arthritis, including pain, swelling, impaired mobility, or deformity; (3) is as effective as, or superior to, prescription medications for the treatment of arthritis or the relief of arthritis symptoms; (4) is effective in the treatment of multiple sclerosis, leukemia, lupus, emphysema, cancer, benign prostate hyperplasia, silicone breast disease, asthma, fibromyalgia, or scleroderma; or (5) is safe or has no adverse side effects, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. The order also prohibits respondents from making any representations about the performance, safety, efficacy, or health benefits of CMO or any other food, dietary supplement, or drug, unless the respondents possess and rely upon competent, reliable scientific evidence substantiating the representation unless the claims are substantiated by competent and reliable scientific evidence. In addition, the order prohibits the respondents from misrepresenting that the issuance of a patent proves the safety or efficacy of any product or program, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, or that the experience represented by any user testimonial or endorsement of any product or program represents the typical or ordinary experience of members of the public who use the product or program.

Participants

For the Commission: *Judith A. Shepherd, John Hoagland,*
Mike Eichorn, and BE.

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For the Respondents: *Jonathan Emord, Emord & Associates.*

COMPLAINT

The Federal Trade Commission, having reason to believe that EHP Products, Inc., and Elaine H. Parrish, individually and as an officer of the corporation, have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent EHP Products, Inc. is a Kentucky corporation with its principal place of business at 8 Kenton Furnace Drive, Ashland, Kentucky 41105. Respondent Elaine H. Parrish is the sole shareholder, President, and Secretary-Treasurer of the corporate respondent. She formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint. Her principal office or place of business is the same as that of the corporate respondent.
2. Respondents have promoted, offered for sale, sold, and distributed to the public products containing a substance described as cetylmyristoleate, cetyl myristoleate, or CMO, including products identified with the name "Myristin®," [hereinafter sometimes referred to collectively as "CMO."] These products are "foods" and/or "drugs" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
3. 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.
4. Respondents have disseminated or have caused to be disseminated advertisements or promotional materials for products containing cetylmyristoleate, including but not necessarily limited to the attached Exhibits A (respondents' Internet web site) through D. These advertisements and promotional materials contain the following statements:

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- A. Patented relief for arthritis pain
Myristin® Dietary Supplement
brand of cetyl myristoleate

* * *

Myristin® Dietary Supplement is a naturally occurring protective dietary factor which has been shown in laboratory experiments to promote resistance to swelling, tenderness, and pain in joints.

* * *

[depiction of a safety cross]

Safety Manufacture

Safety of Myristin®

A national certified testing laboratory tested safety in accordance with Federal regulations. Myristin® was administered to a group of test animals to evaluate its toxicity in accordance with Federal requirements as listed in 16 CFR 1500.3. . . .There were no abnormalities observed in any of the animals' tissues or organs.

* * *

RESEARCH

* * *

Mr. Diehl pursued the scientific fact that mice do not get arthritis and discovered cetyl myristoleate through his investigations and analyses. He began his research in 1962, and by 1964 had determined that there was a substance in the mice which must protect them from arthritis. After countless experiments, reactions, and

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purifications, the immunity factor was identified as cetyl myristoleate

* * *

Mr. Diehl observed in scientific studies that arthritis induced in lab animals injected with an arthritis-producing solution could be resolved by cetyl myristoleate, and that animals given cetyl myristoleate in advance of being injected with the arthritis-producing solution were protected against the development of arthritis. Mr. Diehl suffered from osteoarthritis in his hands, and osteoarthritis in his heels and knees made it difficult for him to walk. He was very willing to try this protective factor, cetyl myristoleate, on himself. To his great satisfaction, his hands, heels, and knees stopped hurting between three and six weeks after using cetyl myristoleate. That was in 1991.

* * *

TESTIMONIALS

* * *

From a healthcare professional: “. . . . Being an RN and seeing first hand what the long-term effects of arthritis are, I knew I had to try it. The results have been life-altering. My knee pain is gone as well as headaches that I believe were also weather related. After my second regimen, my range of motion which had been severely restricted in my neck since an injury in 1979 improved at least 50%. I feel better than I have in a long time.”

From a Physician's wife: “MYRISTIN helped my arthritic shoulder. For about three years, I could not lift my right arm much above my waist. . . . After taking it, I could not believe the results. In a couple of weeks, there was dramatic improvement. I could move my arm in a full range of motion without pain. I felt like a new person. I was so happy to get back to normal after being restricted

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by my condition for so long. I'm now pain-free and able to do what I want to with my right arm. . . ."

* * *

"I had been having back and hip pain for several months that just kept getting worse and worse. An orthopedist told me I had spinal stenosis and a bulging disc. . . . To make a long story short, I took MYRISTIN and within two weeks all my back pain and hip pain were totally gone. . . . That was three months ago, and my back and hip are still pain free."

* * *

"The pain and swelling are gone from my left foot and hands from the rheumatoid arthritis. Three years ago I was found to have hepatitis C, an inflammation of the liver. I took your breakthrough cetyl myristoleate about 5 months ago. Then I had a regular blood screen taken, and I was told the remarkable news that not only is my liver count back in normal range, but there is no sign of the hepatitis C. . . ."

* * *

"For Father's Day and my 66th birthday, my daughter gave me MYRISTIN as a gift. She hoped this dietary supplement would reduce the arthritic pain I have suffered with for many years. My 'stiffness' upon awakening has subsided since taking the first four capsules. When I went back to my doctor on July 19th, my blood sugar level had dropped from 163 to 113, my cholesterol count was down, and he took me off a medication I had been taking for two years for high blood pressure, because that was now normal!"

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"I tried the cetyl myristoleate. . . . The first area of significance was the stiffness and pain to my neck and shoulder which had developed following an auto accident. . . . [T]he condition is gone! Furthermore, other recurring ailments have completely disappeared. For example, fever blisters are no more. Colds and bouts of flu that would normally transpire during winter do not. Not only all of this but also allergies that were starting up as I approach middle age are also gone."

* * *

From a healthcare professional: "I checked a patient's lung capacity on the day she began to take cetyl myristoleate, and again today, 10 days later. She has emphysema-type chronic obstructive lung disease. Her lung function has improved measurably in the three areas commonly measured: volume, flow rate, and force of flow. . . . She has arthritis in her neck, which has improved considerably. I also took [some] myself. I had a chronic right shoulder arthritis, which prevented me from being able to sleep on my right side or from keeping my arm on the back of a chair for more than a few minutes. These painful symptoms were gone [quickly]."

* * *

From an emphysema sufferer: "There is no doubt in my mind that MYRISTIN helped my breathing. My fingers are no longer blue but are a nice pink. Also, my nose and bronchial tubes are clear, allowing me to breathe. My sleep is much better and this is all without using the inhalers I had to use so much. . . ."

From an eczema sufferer: "I have been fortunate enough to apply MYRISTIN to my hands and forearms, and miracle of miracles, my eczema has cleared. I have been under the care of a dermatologist for eczema for 18 years. . . . I applied MYRISTIN to my hands over a three week

Complaint

period, and my eczema was totally gone! I still can't believe it. I am now so proud of my hands."

* * *

USE

* * *

For many people, but not all, these 51 capsules of **Myristin**® will take care of their needs for several years or more. . . .

* * *

Myristin® has worked for a high percentage of customers who have used it. Based on their experience, there is a good chance **Myristin**® will work for you.

[Exhibit A, <http://www.cetylmyristoleate.com/>]

B. **ARTHRITIS SUFFERERS**

Life is Precious

Why waste a moment with arthritis problems?
MYRISTIN® dietary supplement can make a difference for you.

* * *

MYRISTIN® is a natural product which has been patented for both rheumatoid and osteoarthritis. . . .

* * *

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WHAT DOES IT DO? **MYRISTIN**® has been shown in laboratory experiments and clinical usage to promote resistance to pain, swelling, and tenderness in joints caused by arthritis.

WHO HAS USED IT? Taken in just one or two courses over a two to four week period, thousands of arthritis sufferers have used **MYRISTIN**®. The product is a safe natural compound which can be taken right along with your prescription medicines and other supplements and vitamins. Most people only need one or two courses every one or two years.

[Exhibit B, *Vital Times*, March, 1998, p. 30]

C. *It's a Natural for Arthritis.*

[A footnote in smaller type states, "The FDA has not evaluated this statement. The product is not intended to diagnose, treat, cure or prevent disease."]

* * *

THE PROOF IS IN THE PATENT.

* * *

MYRISTIN®, **MYRIST-AID**™, our joint nutrient/synergistic capsule, and **MYRISTIN**™ TF lotion are used in one or two courses of 17 days each. After this, most of your patients will not need any more **MYRISTIN**® for one to two years. . . .

[Exhibit C, *Dynamic Chiropractic*, March 23, 1998, p. C-4]

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D. *It's a Natural for Arthritis.*

[A footnote in smaller type states, "The FDA has not evaluated this statement. The product is not intended to diagnose, treat, cure or prevent disease."]

* * *

Most people only need to use one 17 day course of MYRISTIN® dietary supplement. MYRISTIN® is available as a package with the synergistic capsule MYRIST-AID™, and the topical lotion MYRISTIN® TF. Try it. It could be the answer you're looking for.

* * *

THE PROOF IS IN THE PATENT.

[Exhibit D, *Alternative Medicine Digest*, Issue 22, p. 98]

5. Respondents have disseminated or have caused to be disseminated advertisements for products containing cetylmyristoleate by means of an Internet Web site containing terms ("metatags") embedded in the Web site source code that are used by one or more Internet search engines to index Web sites for the purpose of selecting Web sites responsive to an Internet search request. These metatags, appearing only in the source code and not on a Web page visible to the consumer, include but are not limited to the following:

arthritis pain relief, arthritis cure, miracle cure, medical breakthrough, arthritis relief, arthritis treatment, psoriasis, joint pain, bone pain, fibromyalgia, tendonitis, systemic lupus erythematosus (SLE), scleroderma, low back pain, bursitis, aching feet, aching legs, aching back, tennis elbow, temporomandibular joint disease, chronic obstructive pulmonary disease (COPD), gout, gouty

Complaint

arthritis, emphysema, arthralgia, arthropathy, rheumatism, osteitis, osteochondritis, osteomalacia, osteomyelitis.

6. Through the means described in Paragraphs 4 and 5 taken together, respondents have represented, expressly or by implication, that:

- A. Respondents' CMO products are safe and effective in the mitigation, treatment, prevention, and cure of most forms of arthritic conditions, including rheumatoid arthritis and osteoarthritis.
- B. Respondents' CMO products significantly relieve pain, swelling, and tenderness caused by arthritis.
- C. Respondents' CMO products are effective in the mitigation, treatment, and cure of hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, aches and pains of the back and extremities, fibromyalgia, tendinitis, systemic lupus erythematosus, scleroderma, bursitis, temporomandibular joint disease, gout, arthropathy, osteitis, osteochondritis, osteomalacia, and osteomyelitis.
- D. Respondents' CMO products are effective in the prevention of fever blisters, colds, flu, and allergy symptoms.
- E. Respondents' CMO products effectively lower cholesterol, blood pressure, and blood sugar levels.

7. Through the means described in Paragraph 4, respondents have represented, expressly or by implication, that testimonials from consumers appearing in the advertisements or promotional materials for respondents' CMO products reflect the typical or ordinary experience of members of the public who use the products.

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8. Through the means described in Paragraphs 4 and 5, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraphs 6 and 7, at the time the representations were made.

9. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraphs 6 and 7 at the time the representations were made. For example, studies have not examined the efficacy of the ingredients in respondents' CMO products in the prevention or cure of arthritis, hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, fibromyalgia, tendonitis, systemic lupus erythematosus, scleroderma, temporomandibular joint disease, arthropathy, rheumatism, osteitis, osteochondritis, osteomalacia, or osteomyelitis; or in the prevention of fever blisters, colds, flu, or allergy symptoms; or in lowering cholesterol, blood pressure, or blood sugar levels. In addition, there is insufficient information available to determine the reliability of other purported studies or the applicability of such studies to the respondents' products. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. Through the means described in Paragraph 4, respondents have represented, expressly or by implication, that:

- A. The issuance of U.S. patents 4,049,824 and 5,569,676 proves that respondents' CMO products are effective in treating and alleviating the symptoms of rheumatoid arthritis and osteoarthritis.
- B. Laboratory tests prove that respondents' CMO products promote resistance to pain, swelling, and tenderness caused by arthritis.

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11. In truth and in fact,

- A. The issuance of U.S. patents does not prove that respondents' CMO products are effective in treating or alleviating the symptoms of rheumatoid arthritis and osteoarthritis.
- B. Laboratory tests do not prove that respondents' CMO products promote resistance to pain, swelling, and tenderness caused by arthritis.

Therefore, the representations set forth in Paragraph 10 were, and are, false or misleading.

12. The acts and practices of respondents, as alleged in this complaint, constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this sixteenth day of May, 2000, has issued this complaint against respondents.

By the Commission.

Complaint Exhibits

Exhibit A

Products

P ProductsBox 1306
16061329-9229Ashland KY 41105
FAX 16061325-8569

Patented relief for arthritis pain
Myristin® Dietary Supplement
 brand of cetyl myristoleate
U.S. Patent 5,569,676

P Products, Inc. markets **Myristin® Dietary Supplement** in the United States and internationally.

Myristin® Dietary Supplement is a naturally occurring protective dietary factor which has been shown in laboratory experiments to promote resistance to swelling, tenderness, and pain in joints.

IP Products, Inc. was founded in 1995 by Elaine Parrish, daughter of the discoverer of cetyl myristoleate, Harry W. Diehl. Mr. Diehl (pronounced "deal") wanted to assure a way for this astounding discovery to reach the public in his original oil formula, and Elaine was willing to form a company to distribute his formula of cetyl myristoleate, which EHP Products Inc. tradenamed **Myristin®**. Mr. Diehl received a U.S. Patent on cetyl myristoleate for osteoarthritis in 1996 (U.S. Patent 5,569,676), which he assigned to EHP Products, Inc. He had previously patented cetyl myristoleate for rheumatoid arthritis in 1977 (U.S. Patent 4,049,824).

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 use| safety| research

This site has been accessed  times since October 24, 1997.

Exhibit A
EHP Products

This page last updated on February 08, 1998.
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 Direct questions or comments to myristin@www.net.

To print pages located within a frame, just click inside that frame and then choose print.

<http://www.cetylmyristoleate.com/EHP.htm>

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Complaint Exhibits

EHP ProductsP.O. Box 1306
Phone (606) 329-9279Ashland KY 41105
FAX (606) 325-8569

Safety

Manufacture

Safety of Myristin®

A national certified testing laboratory tested safety in accordance with Federal regulations. Myristin® was administered to a group of test animals to evaluate its toxicity in accordance with Federal requirements as listed in 16 CFR 1500.3. A single oral dose of 5 grams per kilogram of body weight was given and the animals were observed for 14 days thereafter. Any and all behavioral/clinical abnormalities would have been observed and recorded, but none were noted. All animals appeared normal throughout the study period and no mortalities occurred. Animals were sacrificed at the conclusion of the study. There were no abnormalities observed in any of the animals' tissues or organs.

Manufacture of Myristin®

While cetyl myristoleate is a naturally occurring material found in mice, beavers, and sperm whale oil, no animals are used in its manufacture. Myristin® is made in the United States by a fine organics chemical company using purified ingredients.

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Direct questions or comments to myristin@wwd.net.

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EHP ProductsP.O. Box 1306
Phone (606) 329-9229Ashland KY 41105
FAX (606) 325-8569DiscoveryResearch

Discovery



Mr. Diehl, who retired after 40 years of service at the National Institutes of Health in the Laboratory of Chemistry of the National Institute of Arthritis, Metabolic, and Digestive Diseases, was led to the discovery of cetyl myristoleate through his concern in 1953 of a neighbor's pain and disability from arthritis. An award winning researcher, Mr. Diehl developed over 500 new compounds, several of which were patented by the U. S. Patent Office. Mr. Diehl was recognized in 1958 for developing a new method of preparing 2-deoxy-d-ribose, a sugar found in deoxyribonucleic acid. This sugar is of vital importance to much basic research, and was used by Jonas Salk, M.D., as a culture medium to grow the Salk polio vaccine virus. Mr. Diehl pursued the scientific fact that mice do not get arthritis and discovered cetyl myristoleate through his investigations and analyses. He began his research in 1962, and by 1964 had determined that there was a substance in the mice which must protect them from arthritis. After countless experiments, reactions, and purifications, the immunity factor was identified as cetyl myristoleate through gas chromatography and mass spectrophotometry. Mr. Diehl later discovered that cetyl myristoleate also occurs naturally in male beavers and sperm whale oil. Historically, sperm whale oil has been used in the manufacture of margarine and soaps. A nineteenth century physician, Lapepede, swore by its medicinal properties, and proclaimed it effective for catarrh, pulmonary ulcers, and renal colic. It was also recommended to soothe, cleanse, and promote the closing of open wounds.

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Research

Mr. Diehl observed in scientific studies that arthritis induced in lab animals injected with an arthritis-

<http://www.cetylmyristoleate.com/research.htm>

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producing solution could be resolved by cetyl myristoleate, and that animals given cetyl myristoleate in advance of being injected with the arthritis-producing solution were protected against the development of arthritis. Mr. Diehl suffered from osteoarthritis in his hands, and osteoarthritis in his heels and knees made it difficult for him to walk. He was very willing to try this protective factor, cetyl myristoleate, on himself. To his great satisfaction, his hands, heels, and knees stopped hurting between three and six weeks after using cetyl myristoleate. That was in 1991.

Next, Mr. Diehl worked with one of his fellow researchers who is now a researcher at the Department of Pharmacology at the Medical College of Virginia, to develop a scientific paper on cetyl myristoleate which was published in the Journal of Pharmaceutical Sciences. This paper reports that ten normal mice were injected in the tail with Freund's adjuvant (an arthritis-producing material). In a period of 10-20 days, no noticeable swelling developed in the legs or paws. Mice in a second group were injected with Freund's adjuvant in the left hind paw. Again, after 10-20 days, no swelling was detected as determined by comparison of the measurements of paws at the time of injection. These attempts to introduce arthritis in mice failed. Then, a group of rats were injected with cetyl myristoleate, and 48 hours later, they were given the arthritis-inducing agent (Freund's adjuvant). A control group of rats were given Freund's adjuvant only. Both groups of rats were observed for a total of 58 days with respect to weight change, hind and front leg swelling, and general well-being. All rats receiving only Freund's adjuvant developed severe swelling of the front and hind legs, lagged in weight gain, and were lethargic and morbid. Those receiving cetyl myristoleate before receiving Freund's adjuvant grew an average of 5.7 times as much and had little if any evidence of swelling or other symptoms of polyarthritis. The authors concluded that it was apparent that cetyl myristoleate gave virtually complete protection against adjuvant-induced arthritis in rats.

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Direct questions or comments to myristin@uswest.net.

Complaint Exhibits

EHP ProductsP.O. Box 1306
Phone (606) 329-9229Ashland KY 41105
FAX (606) 325-8569**Order Now via the World Wide Web**

(Visa, MasterCard & American Express Only)

**Order Now Toll Free**1-888-EHP-0100
FAX - (606) 325-8569**Order via Email**myristin@wwd.net**Order via USPS**EHP Products, Inc.
P.O. Box 1306
Ashland, Kentucky 41105-1306Please fill out the form below and click on the "Submit" button. All fields in **bold** are required.

Order Details

Quantity	Product	Description	Price
☐	Myristin® Kit	51 Myristin Capsules, 136 Myrist-Aid capsules, and 1 oz Myristin-TF lotion	\$149.50
☐	Myristin-TF 1oz lotion	1 oz Myristin-TF Lotion	\$27.00
☐	Myristin-TF 2oz lotion	2 oz Myristin-TF Lotion	\$49.50
☐	Myrist-Aid	136 Myrist-Aid Capsules	\$35.00
☐	Heprotase Capsules	60 Heprotase Capsules	\$20.00

Shipping and Contact Information

First Name: **Last Name:**
Street Address:
City: **State:** **Zip:**
Phone: () -

<http://www.cetylmyristoleate.com/cfm/order.cfm>

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Fax: () -
E-mail: _____
Notify When Shipped: ☐ No ☐ By ☐ Email ☐
Comments: _____

Payment Details

☐ VISA ☐ MasterCard ☐ American Express
Name on Credit Card: _____
Credit Card #: _____
Expiration Date: _____ Example: 9/99
Calculate Order Reset Form

Send mail to myristin@wwd.net with questions or comments about this web site.
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Myristin Testimonials

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EHP ProductsP.O. Box 1306
Phone (606) 329-9229Ashland KY 41105
FAX (606) 325-8569**TESTIMONIALS**

Many people have taken cetyl myristoleate as a dietary supplement. These testimonials are strictly for informational purposes, and no claims of health benefits are made or implied by EHP Products as a consequence of these users documenting their experiences. All letters are on file in EHP offices.

From a healthcare professional: "For the last five years both of my knees ached for hours on end with every weather front that occurred. I had taken Lodine for the last three years, which gave me relief from the pain but had begun to cause me such severe edema and stomach discomfort that I had to stop taking it. Many nights I just paced the floor until the hurting stopped. I really worried about what I was going to do for pain relief...when you told me about MYRISTIN. Being an RN and seeing first hand what the long-term effects of arthritis are, I knew I had to try it. The results have been life-altering. My knee pain is gone as well as headaches that I believe were also weather related. After my second regimen, my range of motion which had been severely restricted in my neck since an injury in 1979 improved at least 50%. I feel better than I have in a long time."

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From a Physician's wife: "MYRISTIN helped my arthritic shoulder. For about three years, I could not lift my right arm much above my waist. My orthopedist injected it four times with a cortisone-type drug, and my husband, who is a physician, also injected it. While the injections gave me some relief, there were many side effects. I couldn't take any more injections, and nothing else helped much. I didn't know what I was going to do. Then, you told me about Myristin. After taking it, I could not believe the results. In a couple of weeks, there was dramatic improvement. I could move my arm in a full range of motion without pain. I felt like a new person. I was so happy to get back to normal after being restricted by my condition for so long. I'm now pain-free and able to do what I want to with my right arm. I am going to recommend Myristin to all my friends and family members who have arthritis. It is truly a wonderful thing to be free of arthritis pain, and I want everyone to know about Myristin."

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"Our friends were sharing with us that Mr. Harry Diehl had come up with a cure for arthritis and I became very interested. Later, we were privileged to interview Mr. Harry himself. After that I was ready to try his remedy. After taking the first round of Myristin, I felt much better. My whole body seemed to loosen up. Walking, stooping, turning my head, and even the sinus drainage and coughing were much improved. During and after the second round of Myristin, I was still more improved in all ways. Many thanks to Mr. Diehl and our Lord and Saviour for supplying the knowledge and wisdom to get accomplished a remedy that will help so many hurting people."

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"I am a licensed nail technician. I use my right hand heavily everyday in my work. Several years ago, I noticed a stinging sensation in my fingers. It has persisted all this time, and seemed to be getting worse. It was the wear-and-tear type or arthritis. All I know for sure is that my hand was really bothering me. It really made it hard to get through the day. I decided to try your dietary supplement, Myristin, and it worked great. After several weeks, the pain was gone and I could use my fingers and hand normally. I was so pleased with the results that I bought some for my mother. I was really pleased with the results both my mother and I obtained from taking Myristin."

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"I had been having back and hip pain for several months that just kept getting worse and worse. An orthopedist told me I had spinal stenosis and a bulging disc. He said he could order physical therapy for me, but if that didn't help, I would have to have back surgery. I didn't like the sound of that at all. So I decided just to suffer and take my pain pills. To make a long story short, I took MYRISTIN and within two weeks all my back pain and hip pain were totally gone. I couldn't believe it. I kept waiting to wake up to find my pain had returned, but it didn't. That was three months ago, and my back and hip are still pain free."

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"I've got great news. The pain and swelling are gone from my left foot and hands from the rheumatoid arthritis. Three years ago I was found to have hepatitis C, an inflammation of the liver. I took your breakthrough cetyl myristoleate about 5 months ago. Then I had a regular blood screen taken, and I was told the remarkable news that not only is my liver count back in normal range, but there is no sign of the hepatitis C. Could this [cetyl myristoleate] be for more than just arthritis? Well, I think so."

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"I am writing this letter to describe the progress with my arthritis since trying your immunity factor in December. Up until about a week after trying the cetyl myristoleate, I used aspirin and Orudis 400 mg or Lodine 400 mg for quite some time. These medicines make the pain in my hands slightly more tolerable, but did not alleviate much of it. I still suffered. My work depends on using my arms and hands, and prior to cetyl myristoleate, I sometimes had to leave work in pain. There were times when I could not return for a couple of days, the pain was so bad. Since December, the pain is gone. I sure hope that it doesn't wear off because my life is so much better."

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"I wanted to let you know how well your cetyl myristoleate has healed me. I had blood work done to see what type of arthritis I have. It came out to be osteoarthritis. But the drugs my doctor put me on I could not take. I feel great all over in many ways. Haven't had a cold at all this winter."

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"When I began taking your product, I had pain in both hips at night and found I had to do a lot of 'shifting'. However, now I have a much more comfortable night with no hip pains. Also, I have had considerable pain with my right shoulder and decided to get therapy. The more therapy I had the more uncomfortable I was, so now with MYRISTIN I feel I am improving."

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"For Father's Day and my 66th birthday, my daughter gave me MYRISTIN as a gift. She hoped this dietary supplement would reduce the arthritic pain I have suffered with for many years. My 'stiffness' upon awakening has subsided since taking the first four capsules. When I went back to my doctor on July 19th, my blood sugar level had dropped from 163 to 113, my cholesterol count was down, and he took me off a medication I had been taking for two years for high blood pressure, because that was now normal!"

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"I tried the cetyl myristoleate. The first time, it took about six weeks to realize the relief I now take for granted. The first area of significance was the stiffness and pain to my neck and shoulder which had developed following an auto accident. Although my condition was undiagnosed, Rheumatoid Arthritis is hereditary in my family. In any case, the condition is gone! Furthermore, other recurring ailments have completely disappeared. For example, fever blisters are no more. Colds and bouts of flu that would normally transpire during winter do not. Not only all of this but also allergies that were starting up as I approach middle age are also gone."

top of page

"The osteoarthritis I had for many was what I called "traveling" arthritis, as it moved from joint to joint throughout my body. Sometime in 1994 my right hip started bothering me. I learned of MYRISTIN in 1996, and my first course was taken in June. There was gradual improvement. However, in July, the pain worsened to the point that I used a cane. What I was experiencing was what is called "breakthrough" pain. It lasted a couple of days. The second course was taken in late July. [About a week later], I went to get something from my suitcase on the floor and I suddenly realized there was no pain in my hip. I shouted 'hallelujah' and immediately told the friends I was with, 'Praise the Lord, there is no pain in my hip.' Now, I am going through the process of trying not to favor the hip. It had hurt so bad that it caused me to limp. Flexibility is returning to the joints. Instead of walking the stairs one foot ahead of the other, I am walking normally. To be without pain is such a relief. It makes me feel like a different person."

top of page

From a healthcare professional: "I checked a patient's lung capacity on the day she began to take cetyl myristoleate, and again today, 10 days later. She has emphysema-type chronic obstructive lung disease. Her lung function has improved measurably in the three areas commonly measured: volume, flow rate, and force of flow. The lung volume increased by 7%; the flow rate went from a reading

<http://www.cetylmyristoleate.com/testim.htm>

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Complaint Exhibits

Myristin Testimonials

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typical of obstruction to being normal, and her expiratory force also went from being depressed to within the normal range for her gender and age. She has arthritis in her neck, which has improved considerably. I also took [some] myself. I had a chronic right shoulder arthritis, which prevented me from being able to sleep on my right side or from keeping my arm on the back of a chair for more than a few minutes. These painful symptoms were gone [quickly]. "

[top of page](#)

"I must tell you that I could feel an improvement after taking the first capsule. It just amazes me how much better I am, and how much improvement I have realized to date. I have had rheumatoid arthritis for many years, and the past few years I have been having more pain and swelling in the joints of my hands and feet. In fact, I have had severe pain in my feet for a long time. This is where I can tell the greatest improvement. When I used to get out of bed in the morning there was instant pain in my feet. That is almost totally gone! I can hardly believe it. My hands are much better also, and from the first day others noticed that the swelling was better."

[top of page](#)

From an emphysema sufferer: "There is no doubt in my mind that MYRISTIN helped my breathing. My fingers are no longer blue but are a nice pink. Also, my nose and bronchial tubes are clear, allowing me to breathe. My sleep is much better and this is all without using the inhalers I had to use so much. I have chronic emphysema and have been on an oxygen concentrator for five years. But thanks to MYRISTIN, I am able to do more cooking and cleaning than just a few months ago."

[top of page](#)

From an eczema sufferer: "I have been fortunate enough to apply MYRISTIN to my hands and forearms, and miracle of miracles, my eczema has cleared. I have been under the care of a dermatologist for eczema for 18 years. Sometimes it was so bad that I was afraid my fingernails would fall off. Most recently, I have been on Lidex, a steroid which helped, but did not cure it. Then I applied MYRISTIN to my hands over a three week period, and my eczema was totally gone! I still can't believe it. I am now so proud of my hands."

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This page last updated on November 01, 1997.
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Direct questions or comments to myristin@world.net.

Complaint Exhibits

Use of Myristin

PAGE 1 OF 1

EHP ProductsP.O. Box 1306
Phone (606) 329-9229Ashland KY 41105
Fax (606) 325-8569

USE

Use of Myristin®Helping the EffectsMyrist-Aid™Other Information

Use of Myristin® as a Dietary Supplement

As a dietary supplement Myristin® is used over a seventeen day course. Three capsules are taken daily for seventeen days with a small amount of water on an empty stomach, about 30-45 minutes before meals. Two Myrist-Aid™ capsules are taken with each Myristin® capsule.

For many people, but not all, these 51 capsules of Myristin® will take care of their needs for several years or more. Some people may need to repeat the full course of 51 capsules much sooner due to their individual metabolism, joint usage, and other factors.

Our customers ask, "Does Myristin® work for everyone?" We answer, "No, it does not," but then neither does anything else. Myristin® has worked for a high percentage of customers who have used it. Based on their experience, there is a good chance Myristin® will work for you.

top of page

Myrist-Aid

Myrist-Aid™ is a synergistic capsule which is taken with Myristin®. As a fatty acid ester, Myristin® needs certain enzymes to help it absorption. These enzymes, lipase and lecithin, are contained in Myrist-Aid. In addition, Myrist-Aid contains dietary supplements with cartilage-building and anti-inflammatory properties. Each capsule of Myrist-Aid contains glucosamine sulfate, 200 mg; methylsulfonylmethane (MSM), 200mg; ascorbic acid, 100 mg; bromelain, 10 mg; manganese, 2.5 mg; turmeric, 25 mg; lecithin, 100 mg; and lipase, 1,800 units. When taken with Myristin®, two Myrist-Aid capsules are taken with each Myristin® capsule, and two at bedtime, for a total of eight Myrist-Aid capsules daily. For best effects, Myrist-Aid should be taken for 3-6 months after the course of Myristin® to help build cartilage and control re-occurrence of inflammation. In continuation use, two Myrist-Aid capsules are taken with each meal and two at bedtime, for a total of eight capsules daily.

top of page

Helping the Effects, Absorption, and Distribution of Myristin®

While Myristin® and Myrist-Aid™ are all the dietary supplementation needed by most people for relief of joint pain, inflammation, and swelling, some individuals would benefit from further supplementation while using Myristin®. Taking one 1,000 mg. capsule of fish oil (omega-3 type) at

<http://www.cetylmyristoleate.com/use.htm>

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Complaint Exhibits

Use of Myristin

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breakfast and dinner and one 400 unit capsule of Vitamin E at breakfast for thirty days while taking **Myristin®** adds to the likelihood of success. Omega-3 type fish oil and vitamin E capsules are readily available at local health food stores.

Some people have liver congestion from the accumulated years of the liver cleansing out the countless materials ingested into the body. Anyone with possible liver congestion would benefit from a liver cleansing with milk thistle before taking **Myristin®**. Ten days before using **Myristin®**, anyone with a congested liver should reduce intake of fats substantially if not altogether. Two tablets of Heprotase three times a day with meals for ten days is recommended. After this, the liver is setup to handle the ingestion of **Myristin®** more efficiently. Bottles of 60 Heprotase tablets are available from EHP Products at \$20.00 per bottle.

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Other Information about Myristin®

Capsule Content	Time for Effects	Packaging
Children	Use During Pregnancy	Breakthrough Pain
Price	Comparison Shopping	A Note from Dr. Diehl
Seeking Medical Advice	FDA Information	

Capsule Content

Each capsule contains 260 milligrams of cetyl myristoleate and 260 milligrams of cetyl oleate. **Myristin®** contains no sodium, sugar, cholesterol or food coloring.

[top of page other information](#)

Time for Effects

Myristin® supplement needs up to thirty days for its effects to be felt. Some individuals may notice improvement within two weeks, while others may not notice any effects until well after the 30 day course is finished.

[top of page other information](#)

Packaging

Myristin® is available in bottles of 51 capsules. **Myristin®** is an oil. It is encapsulated in softgel capsules. The bottles are protected by a tamper-evident inner seal, and the caps are not child-proof.

[top of page other information](#)

Children

<http://www.cetylmyristoleate.com/use.htm>

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Complaint Exhibits

Use of Myristin

Myristin® dietary supplement may be given to children only on the advice of a qualified healthcare professional, and in the amounts specified by the healthcare professional

[top of page](#) [other information](#)

Use During Pregnancy or with Medical Conditions

As with any supplement or substance, pregnant women or nursing mothers should use **Myristin®** only after consulting their healthcare professional. The effects of cetyl myristoleate, if any, on a developing fetus have not been studied. Individuals with impaired liver function or asthma should also consult their healthcare professionals before using **Myristin®**.

[top of page](#) [other information](#)

Breakthrough Pain

About 3-5% of users will experience what is called "breakthrough pain" (BTP) BTP may occur after several days of diminution of pain or it may deepen existing pain. BTP may occur anytime from three or four days after use of **Myristin®** up to several weeks after. BTP may also occur after the second course as well as the first course. Whenever it occurs, BTP is a positive sign that **Myristin®** is working. BTP occurs because the products of inflammation which have accumulated in and around the joints are being affected and the body is reacting to that. BTP typically lasts two or three days, or as long as six to seven days, and is followed by relief.

[top of page](#) [other information](#)

Price

Myristin® capsules are sold as a package with **Myrist-Aid™** which contains the digestive enzymes needed for absorption of **Myristin®**, and **Myristin®-TF**, a topical lotion. A fifty-one capsule bottle of **Myristin®**, 136 **Myrist-Aid** capsules, and a one ounce bottle of **Myristin®-TF** lotion is \$149.50. If bought separately, the **Myrist-Aid** is \$35.00 and **Myristin-TF** is \$27.00, a savings of \$12.00 when included in the package with **Myristin®** capsules.

[top of page](#) [other information](#)

Comparison Shopping for Best Value

Myristin® is the original oil formula, which is the natural state of cetyl myristoleate. There are other products on the market which offer cetyl myristoleate under various names with much less potency. Some of the products are capsules which contain a powder material with 75 mg of cetyl myristoleate per capsule. They are sold for \$250.00 for 100 capsules, which gives 7.5 grams of cetyl myristoleate, or \$33.33 per gram. If there are other prices posted, you can calculate the price per gram. If the distributor will not tell you how much cetyl myristoleate is in each capsule, or if the label does not state the amount, beware! **Myristin's** 260 mg per capsule means that fifty-one capsules yields 13.25 grams of cetyl myristoleate per bottle, which costs \$7.50 per gram. Few people would want to take 100 capsules when 51 capsules would provide what they want at a lower price.

Other products are a liquid with propylene glycol used as a volume expander. Most natural product

<http://www.cetylmyristoleate.com/use.htm>

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Complaint Exhibits

Use of Myristin

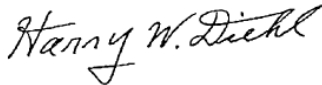
users would probably prefer to avoid consumption of proylene glycol, if given an alternative

Other products contain cetyl myristate, not cetyl myristoleate, so be sure you are buying genuine cetyl myristoleate. Several distributors claim that their product is from a vegetable source. At the present time there are no vegetable-derived commodities or articles of commerce that contain commercially viable concentrations of myristoleic acid, a necessary ingredient in manufacture of cetyl myristoleate. As a practical matter, cetyl myristoleate is made by using myristoleic acid from bovine sources, which are generally available and contain sufficient amounts of myristoleic acid. Anyone buying a cetyl myristoleate product claimed to be from a vegetable source should demand incontrovertible proof of the vegetable source, if one of the reasons for the purchase is the alleged vegetable source.

[top of page](#) [other information](#)

A Note from Dr. Harry W. Diehl, Discoverer of Cetyl Myristoleate

"In purchasing dietary supplements, I've learned to be careful of what I buy. Things are not always delivered as they are advertised. With **Myristin®**, you can be confident that you are getting the real cetyl myristoleate that I discovered and researched. EHP Products, Inc. and its licensees are the only companies I allow to use my name and patent in their marketing. I've checked their cetyl myristoleate, and it is just like I would make it."



Harry W. Diehl

[top of page](#) [other information](#)

Seeking Medical Advice

Anyone with medical questions about **Myristin®** or questions about whether they should use it should consult a physician. Nothing in this web site is intended as nor should be construed as medical advice. Only a licensed physician or other healthcare professional can give medical advice.

[top of page](#) [other information](#)

FDA Information

None of the statements in these webpages have been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

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[home](#) | [order](#) | [testimonials](#)
[use](#) | [safety](#) | [research](#)

This page last updated on November 01, 1997.

<http://www.cetylmyristoleate.com/use.htm>

3/17/98

Complaint Exhibits

Exhibit B

30 Vital Times March 1998

Your Mother's famous





**ARTHRITIS
SUFFERERS**

Life Is Precious

Why waste a moment with arthritis problems?
MYRISTIN® dietary supplement can make a difference for you.

WHAT IS MYRISTIN®? A brand of cetyl-myristoleate, **MYRISTIN®** is a natural product which has been patented for both rheumatoid and osteoarthritis. It is sold as a package with **MYRIST-AID™**, a synergistic formula containing glucosamine sulfate, MSM®, and other joint healthy nutrients, and **MYRISTIN® TF**, a topical lotion of beneficial fatty acids and **MYRISTIN®**.

WHAT DOES IT DO? **MYRISTIN®** has been shown in laboratory experiments and clinical usage to promote resistance to pain, swelling, and tenderness in joints caused by arthritis.

WHO HAS USED IT? Taken in just one or two courses over a two to four week period, thousands of arthritis sufferers have used **MYRISTIN®**. The product is a safe natural compound which can be taken right along with your prescription medicines and other supplements and vitamins. Most people only need one or two courses every one or two years.

WHAT DOES IT COST? Regularly \$149.50 for the package of **MYRISTIN®**, **MYRIST-AID™**, and **MYRISTIN® TF** lotion, readers of *VitalTimes* can purchase one package at the regular price of \$149.50, or two packages for a total price of \$199.00, a savings of \$100.00. And, it's **GUARANTEED**. If not completely satisfied, return any unused **MYRISTIN®** capsules, and we will cheerfully refund a pro-rata amount of your purchase price.

HOW CAN I OBTAIN THE MYRISTIN® PACKAGE? Direct from family of the discoverer of this marvelous product, Harry W. Diehl, by calling toll free 1-888-347-0100. Or, call for a free information packet to be mailed to you.

EHP Products, Inc. • P.O. Box 1306 • Ashland, KY 41105
 Toll Free: 1-888-347-0100 Customer Service 606-329-9339
www.cetylmyristoleate.com e-mail myristin@wwd.net

Exhibit B
 EHP Products

Complaint Exhibits

Exhibit C

*It's a Natural for Arthritis**
MYRISTIN®
Brand of Cetyl Myristoleate

UNITED STATES PATENT
5,569,676
THE PRODUCT IS IN THE PRESENT

"If you use MYRISTIN®, you'll know you're getting my formula of cetyl myristoleate."
Harry W. Dahl

MYRISTIN®, MYRIST-AID®, our joint nutrient/synergistic capsule, and MYRISTIN™ TF lotion are used in one or two courses of 17 days each. After this, most of your patients will not need any more MYRISTIN® for one to two years. With the product receiving such positive media attention and being the focus of numerous publications, your patients will be receptive to MYRISTIN®, and you'll like the MYRIST-AID® formula which includes glucosamine and MSM.* EHP has special volume pricing for health care professionals.

From the family of Harry W. Dahl
EHP PRODUCTS, INC.
P.O. BOX 1306, ASHLAND, KY 41105
www.cetylmyristoleate.com
myristin@wwd.net

*The FDA has not evaluated this statement. The product is not intended to diagnose, treat, cure or prevent disease.

For a free information packet and pricing, call us toll-free at (888) EHP-0100. 3 x 7

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Dynamic Chiropractic

March 23, 1998

California Forum

My Experience As a Managed Care Chiropractor

Cont'd from C-2

Exhibit C
EHP Products

all. Since we know that between 10-25 percent of the population will go to chiropractors, we know we are selling a product that is misleading by promising benefits which we cannot pay for. Therefore, we will deny most claims not on their merit, but because we have to make money.

What they say:
"The premiums for a plan that pays 30 visits a year with a \$20 co-pay is \$1.01 per month (\$12.12 per year)."

What they mean:
Do you really think we can pay for 30 chiropractic visits a year for only \$12.12 in premiums? We also have some interesting land deals you might be interested in.

What they say:
"The effective management of neuromusculoskeletal conditions includes (insurance company name) thorough evaluation and review of all presenting conditions and proposed treatment plans, which allows the identification of conditions proven to be treated effectively with chiropractic."

What they mean:
chased.

What they say:
"We place an emphasis on quality improvement, and quality is ensured by conducting quality audits and monitoring the care rendered by providers."

What they mean:
We reserve the right to retroactively review claims that somehow got paid, on the chance that we can overrule the original decision and charge back the doctor.

What they say:
"We provide services that are sensitive to our clients' needs for quality: cost-efficient chiropractic care that is also accessible and appropriate."

What they mean:
We expect you to be able to get good chiropractic care for about 60 days before the doctor realizes that we won't pay his bill. The doctor's contract prevents him from charging you for what we do not pay, so you'll never get stuck with an unpaid claim. The doctor's contract also prevents him from suing us for the money. You have total access to our

Complaint Exhibits

Enlarged Exhibit C

It's a Natural for Arthritis'

MYRISTIN®

Brand of Cetyl Myristoleate

UNITED STATES PATENT
5,569,676
THE PROOF IS IN THE PATENT



"If you use MYRISTIN®, you'll know you're getting my formula of cetyl myristoleate."

Harry W. Diehl



MYRISTIN®, MYRIST-AID™, our joint nutrient/synergistic capsule, and MYRISTIN™ TF lotion are used in one or two courses of 17 days each. After this, most of your patients will not need any more MYRISTIN® for one to two years. With the product receiving such positive media attention and being the focus of numerous publications, your patients will be receptive to MYRISTIN®, and you'll like the MYRIST-AID™ formula which includes glucosamine and MSM.* EHP has special volume pricing for health care professionals.

For a free information packet and pricing, call us toll-free at (888) EHP-0100.
3 4 7

From the family of Harry W. Diehl

EHP PRODUCTS, INC
P.O. BOX 1306, ASHLAND, KY 41105
www.cetylmystoleate.com
myristin@wwd.net



* The FDA has not evaluated this statement. The product is not intended to diagnose, treat, cure or prevent disease.

order toll free 1-888-EHP-0100 • fax 606-325-8569 • Customer Service 606-329-9339

Complaint Exhibits



March 23, 1998

C-4

My Experience As a Managed Care Chiropractor

Cont'd from C-2

Exhibit C
EHP Products

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What they say:

"The premiums for a plan that pays 30 visits a year with a \$20 co-pay is \$1.01 per month (\$12.12 per year)."

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Do you really think we can pay for 30 chiropractic visits a year for only \$12.12 in premiums? We also have some interesting land deals you might be interested in.

What they say:

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What they mean:

chased.

What they say:

"We place an emphasis on quality improvement, and quality is ensured by conducting quality audits and monitoring the care rendered by providers."

What they mean:

We reserve the right to retroactively review claims that somehow got paid, on the chance that we can overrule the original decision and charge back the doctor.

What they say:

"We provide services that are sensitive to our clients' needs for quality: cost-efficient chiropractic care that is also accessible and appropriate."

What they mean:

We expect you to be able to get good chiropractic care for about 60 days before the doctor realizes that we won't pay his bill. The doctor's contract prevents him from charging you for what we do not pay, so you'll never get stuck with an unpaid claim. The doctor's contract also prevents him from suing us for the money. You have total access to our

Complaint Exhibits

Exhibit D

★ SupraPak 1 ★

Contains **50 NUTRIENTS**, including 30 high-potency, high-quality vitamins & minerals, PLUS...

Bilberry 100mg Citrus Bioflavonoids 200mg CoQ10 50mg
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Ginger 200mg Ginkgo 80mg GLA 260mg Grape Seed 50mg
Glutamine 1,000mg Glutathione 50mg Green Tea 300mg
Lipoic Acid 50mg Milk Thistle 200mg NAC 250mg
NAG 250mg Red Grape Skin 200mg Turmeric 300mg
Probiotics 500 million each of *L. acidophilus* & *B. bifidum*

Amazing, but true! All of this in one product!

SupraPak 1 is equal to 20 bottles of supplements! Convenient, and saves money, too. There is nothing that comes close.

SupraHealth, Inc. 301 N. Harrison St., Suite 303
 Princeton, NJ 08540
 Call toll free 888-716-9186 <http://home.att.net/~suprahealth>

Reader Service #71

It's a Natural for Arthritis!

MYRISTIN

Brand of Cetyl Myristoleate

For a free information packet, call us toll-free at (888) EHP-0100.



"If you use MYRISTIN[®] you'll know you're getting my formula of cetyl myristoleate."

Harry W. Diehl

Most people only need to use one 17 day course of MYRISTIN[®] dietary supplement. MYRISTIN[®] is available as a package with the synergistic capsule MYRIST-AID[®], and the topical lotion MYRISTIN[®] TE. Try it. It could be the answer you're looking for.

UNITED STATES PATENT
5,569,676
THE PROOF IS IN THE PATENT

From the family of Harry W. Diehl

EHP PRODUCTS, INC.
 P.O. BOX 1306, ASHLAND, KY 41105
www.wvd.net/myristin myristin@wvd.net

*The FDA has not evaluated this statement. This product is not intended to diagnose, treat, cure or prevent disease.

Reader Service #72

"60 Minutes" was POSITIVE on our REAL WILLARD WATER -- Call for a FREE "60 Minutes" Transcript!

See How "The Water" BOOSTS WEIGHT LOSS PRODUCTS & Other Food Supplements!

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Nutrition Coalition, Inc.
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 P.O. Box 8023, Fargo, ND 58109-8023

Reader Service #73

Exhibit D

portive measures such as bodywork and chiropractic adjustments.

Generally during the middle of the two-week intensive period (days 4-8), I recommend using one teaspoon of ground flaxseed with each drink of UltraClear. If the patient feels hungry, I advise adding steamed vegetables and/or nuts and seeds to the program.

In the middle of the intensive phase of her detoxification, Florrie remarked that "this is a process. It doesn't happen overnight. It is a gradual change in lifestyle." When it was over, she said: "I felt as if somebody had taken a vacuum cleaner through my insides and cleaned it all out. My taste buds suddenly felt alive again, for the first time in years. I started 'craving' foods that were good for me, such as broccoli and okra."

These events took place two years ago. Since that time, Florrie has gone through four more detoxification programs, spaced about six months apart. She has clearly developed a commitment to her health. She reports feeling better than she ever has; she has dropped 60 pounds and two dress sizes and has grown leaner in terms of body fat. Now that she is symptom-free, she feels more positive about her life.

Florrie continues with several of the program's key supplements, such as vitamin C, UltraClear Sustain, digestive enzymes, and Cal Apatite (a mineral supplement including calcium, phosphorus, vitamin D3, magnesium, zinc, copper, and manganese). Her food choices are primarily fresh vegetables, some fruits, fish, chicken, eggs, and a limited use of certain grains.

Reversing a lifetime of indolence, Florrie began a regular exercise program (which also helps eliminate toxins from the body) in the form of lunchtime walks with her co-workers. In fact, this year Florrie walked the 26-mile Los Angeles marathon, and next year she intends to *run* it. ■

Decision and Order

DECISION AND ORDER

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

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

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the 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 thirty (30) days, now in further conformity with the procedure prescribed in § 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent EHP Products, Inc., is a Kentucky corporation with its principal office or place of business at 8 Kenton Furnace Drive, Ashland, KY 41105.

Decision and Order

2. Respondent Elaine H. Parrish is the President of the corporate respondent. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the corporation. Her principal office or place of business is the same as that of the corporate respondent.

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

ORDER

DEFINITIONS

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

1. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

2. "CMO" shall mean any product or substance that contains or purports to contain cetylmyristoleate (also known as cetyl myristoleate) or "CMO," any analog of cetylmyristoleate, or any formulation of cetyl alcohol and myristoleic acid, including but not limited to Myristin®.

3. "Metatags" shall mean any terms embedded in the source code of a Web site that may be used by an Internet search engine in indexing Web sites for the purpose of selecting sites in response to an Internet user's search request.

Decision and Order

4. Unless otherwise specified, "respondents" shall mean EHP Products, Inc. ("EHP"), its successors and assigns; Elaine H. Parrish, individually and as an officer of EHP; and each of their agents, representatives and employees.
5. "Clearly and prominently" shall mean as follows:
 - A. In an advertisement communicated through an electronic medium (such as television, video, radio, and interactive media such as the Internet and online services), the disclosure shall be presented simultaneously in both the audio and video portions of the advertisement. Provided, however, that in any advertisement presented solely through video or audio means, the disclosure may be made through the same means in which the ad is presented. The audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size and shade, and shall appear on the screen for a duration, sufficient for an ordinary consumer to read and comprehend it. In addition to the foregoing, in interactive media the disclosure shall also be unavoidable and shall be presented prior to the consumer incurring any financial obligation.
 - B. In a print advertisement, promotional material, or instructional manual, the disclosure shall be in a type size and location sufficiently noticeable for an ordinary consumer to read and comprehend it, in print that contrasts with the background against which it appears.
 - C. On a product label, the disclosure shall be in a type size and location sufficiently noticeable for an ordinary consumer to read and comprehend it, in print that contrasts with the background against which it appears.

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

6. "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 partnership, corporation, subsidiary, division, or other device, including franchisees, licensees or distributors, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of CMO products or any substantially similar products, in or affecting commerce, shall not represent, by means of metatags, testimonials, or in any other manner, expressly or by implication, that such products:

- A. Are safe or effective in the mitigation, treatment, prevention, or cure of arthritic conditions, including rheumatoid arthritis and osteoarthritis;
- B. Significantly relieve pain, swelling, or tenderness caused by arthritis;
- C. Are effective in the mitigation, treatment, or cure of hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, aches and pains of the back and extremities, fibromyalgia, tendonitis, systemic lupus erythematosus, scleroderma, bursitis, temporomandibular joint disease, gout, arthropathy, rheumatism, osteitis, osteochondritis, osteomalacia, or osteomyelitis;
- D. Are effective in the prevention of fever blisters, colds, flu, or allergy symptoms; or

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E. Effectively lower cholesterol, blood pressure, or blood sugar levels,

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

II.

IT IS FURTHER ORDERED that respondents, directly or through any partnership, corporation, subsidiary, division, or other device, including franchisees, licensees or distributors, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of CMO products or any other food, dietary supplement or drug, as “food” and “drug” are defined in Section 15 of the Federal Trade Commission Act, or program, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, about the performance, safety, efficacy or health benefits of any such product or program, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III.

IT IS FURTHER ORDERED that respondents, directly or through any partnership, corporation, subsidiary, division, or other device, including franchisees, licensees, or distributors, in connection with the advertising, promotion, offering for sale, sale, or distribution of any product or program, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, that the issuance of a patent proves the safety or efficacy of such product or program.

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IV.

IT IS FURTHER ORDERED that respondents, directly or through any partnership, corporation, subsidiary, division, or other device, including franchisees, licensees, or distributors, in connection with the advertising, promotion, offering for sale, sale, or distribution of any product or program, 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, study, or research.

V.

IT IS FURTHER ORDERED that respondents, directly or through any partnership, corporation, subsidiary, division, or other device, including franchisees, licensees or distributors, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or program, 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 or program represents the typical or ordinary experience of members of the public who use the product or program, unless:

- A. At the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or
- B. Respondents disclose, clearly and prominently, and in close proximity to the endorsement or testimonial, either:
 - 1. What the generally expected results would be for users of the product or program; or

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

For purposes of this Part, "endorsement" shall mean as defined in 16 C.F.R. § 255.0(b).

VI.

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

VII.

Nothing in this order shall prohibit respondents from making any representation for any drug that is permitted in the labeling for such drug under any tentative final or final standard promulgated by the Food and Drug Administration or under any new drug application approved by the Food and Drug Administration.

VIII.

IT IS FURTHER ORDERED that:

- A. Respondents shall not disseminate to any distributor any material containing any representations prohibited by this order.
- B. Respondents shall not, directly or indirectly, authorize any distributor to make any representations prohibited by this order.

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- C. Within thirty (30) days after service of this order, respondents shall send by first class mail, with postage prepaid, two exact copies of the notice attached hereto as Attachment A to each distributor with whom respondents have done business between January 1, 1996, and the date of service of this order, to the extent that such distributor is known to respondents through a diligent search of their records, including but not limited to computer files, sales records, and inventory lists. The mailing shall not include any other documents. For purposes of this mailing, respondents shall treat as a distributor any person:
1. Who purchased a CMO product from respondents for resale;
 2. Who purchased a CMO product from respondents at a discounted or wholesale price unavailable to the general public at the time of the purchase; or
 3. Who purchased more than twelve (12) bottles or packages of CMO products from respondents within any twelve (12) month period.

Respondents shall require each distributor with whom they did business between January 1, 1996, and the date of service of this order, to execute and return a copy of Attachment A as a condition of remaining or once again becoming a distributor of EHP Products, Inc.

- D. For a period of three (3) years following service of this order, respondents shall provide two exact copies of the notice attached hereto as Attachment B to each new distributor with whom respondents do business after the service of this order. Such notice shall be sent with the first shipment of respondents' products or programs.

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Respondents shall require each new distributor to execute and return a copy of the letter as a condition of being a distributor of EHP Products, Inc.

- E. Respondents shall require distributors to submit to respondents all advertising and promotional materials and claims for any products or programs covered by this order for review prior to their dissemination and publication. Respondents shall not authorize distributors to disseminate these materials and claims unless they are in compliance with this order.

Respondents may also comply with the obligations set forth above in this Subpart by:

1. disseminating to distributors marketing materials that comply with this order; and
 2. requiring those distributors to submit for review all advertising and promotional materials for a particular product or program covered by this order that contain representations that are not substantially similar to the representations for the same product or program contained in the advertising and promotional materials most recently forwarded to the distributors by respondents.
- F. Respondents shall use reasonable efforts to monitor distributors' advertising and promotional activities. In the event that respondents receive any information that, subsequent to receipt of Attachment A or Attachment B pursuant to Subparts C and D of this Part, any distributor is using or disseminating any advertisement or promotional material or making any oral statement that contains any representation prohibited by this order, respondents shall immediately terminate said distributor's right to market respondents' products or programs, and immediately provide, by certified mail, all relevant

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information, including name, address, and telephone number of the company at issue, the nature of the violation, and any relevant materials used or disseminated, to the Associate Director, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

IX.

IT IS FURTHER ORDERED that respondents shall refund the full purchase price of their Myristin® capsules, plus the sum of three dollars and fifty cents (\$3.50) for reimbursement of shipping and handling charges, to each eligible purchaser, as set forth below in Subpart B, whose initial request for a refund is received by respondents within one hundred and twenty (120) days after the date of service of this order, under the following terms and conditions:

- A. Within thirty (30) days after service of this order, respondents shall send by first class mail, with postage prepaid, an exact copy of the notice attached hereto as Attachment C, showing the date of mailing, to each purchaser other than a distributor as defined in Part VIII, who has not previously claimed a refund pursuant to respondents' guarantee of satisfaction and who purchased respondents' CMO capsules between June 30, 1997, and the date respondents executed this order, to the extent that such purchaser is known to respondents through a diligent search of their records, including but not limited to computer files, sales records, and inventory lists. The mailing shall not include any other documents.
- B. If any purchaser other than a distributor as defined in Part VIII, within one hundred and twenty (120) days of the service of this order, makes an initial request for a refund and respondents' diligent inquiry and examination of the

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corporate respondent's books and records reasonably substantiates the purchaser's claim of purchase or the purchaser provides proof of purchase, including but not limited to any of the following: return of goods or packaging, canceled check(s), credit card invoice(s), or receipt(s), or a signed declaration, the refund shall be paid within thirty (30) days of respondents' receipt of the refund request.

Provided, however, that if any request for a refund from a single purchaser is for greater than three bottles of a product covered by this Part, respondents may, within fifteen (15) business days of receipt of the request for refund, notify the purchaser that a prompt refund will be provided for all unopened packages of CMO capsules returned within fifteen (15) business days of receipt of the notice. The respondents shall provide each such purchaser with a prepaid means of return. The refund shall be paid within fifteen (15) business days of the return of the unopened merchandise.

X.

IT IS FURTHER ORDERED that respondent EHP and its successors and assigns, and respondent Elaine H. Parrish shall, no later than one hundred eighty (180) days after the date of service of this order, send by certified mail a monitoring report, in the form of a sworn affidavit executed on behalf of respondents, to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. This report shall specify the steps respondents have taken to comply with the terms of Part IX of this order and shall state, without limitation:

- A. The name and address of each purchaser from whom respondents received a refund request;

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- B. The date on which each request was received, the amount of the refund request, and the amount of the refund provided by respondents to each such purchaser;
- C. The status of any disputed refund request and the identification of each purchaser whose refund request is disputed, by name, address, and amount of the claim; and
- C. The total amount of refunds paid by respondents.

XI.

IT IS FURTHER ORDERED that respondent EHP and its successors and assigns, and respondent Elaine H. Parrish shall, for five (5) years after the last correspondence to which they pertain, maintain and upon request make available to the Federal Trade Commission for inspection and copying: Copies of all notification letters sent to distributors and other purchasers, communications between respondents and distributors referring or relating to the requirements of Part VIII, and all other materials created pursuant to Parts VIII or IX of this order.

XII.

IT IS FURTHER ORDERED that respondent EHP and its successors and assigns, and respondent Elaine H. Parrish shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;

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- 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 contradicts, qualifies, or calls 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.

XIII.

IT IS FURTHER ORDERED that respondent EHP and its successors and assigns, and respondent Elaine H. Parrish 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.

XIV.

IT IS FURTHER ORDERED that respondent EHP and its successors and assigns, and respondent Elaine H. Parrish 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 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,

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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.

XV.

IT IS FURTHER ORDERED that respondent EHP and its successors and assigns, and respondent Elaine H. Parrish 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.

XVI.

This order will terminate on May 16, 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

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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.

By the Commission.

ATTACHMENT A**LETTER TO DISTRIBUTORS WITH WHOM RESPONDENTS
HAVE DONE BUSINESS PRIOR TO SERVICE OF THIS
ORDER**

[To be printed on letterhead of EHP Products, Inc.]

[Name and address of recipient] [Date]

Dear [recipient's name]

The Federal Trade Commission Act requires advertisers to have adequate substantiation for all objective product claims. It is unlawful to advertise without adequate substantiation. The Federal Trade Commission ("FTC") deems deceptive health-related advertising claims which are not supported by competent and reliable scientific evidence. Competent and reliable scientific evidence is defined as tests, research, studies, or other evidence, based on the expertise of professionals in the relevant area, that

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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. Anecdotal evidence and consumer testimonials are not considered competent and reliable scientific evidence. The granting of a U.S. patent is not considered proof that a product or process is effective for a particular purpose.

The FTC alleges that certain advertising by EHP Products, Inc. ("EHP") includes claims concerning cetyl myristoleate ("CMO") products that lack adequate substantiation. In particular, the FTC alleges claims that CMO products are effective in the treatment, relief, mitigation, prevention, or cure of arthritis and other health conditions are not substantiated by competent and reliable scientific evidence. Rather than contest this matter, EHP and the FTC have agreed to a settlement. Under the terms of the settlement, EHP has agreed to send this letter to its current and former distributors and to institute certain procedures, described below. EHP's agreement with the FTC is for settlement purposes only and does not constitute an admission by EHP that the law has been violated as alleged in the complaint, or that the facts alleged in the complaint, other than the jurisdictional facts, are true.

In its settlement agreement with the FTC, EHP agreed to certain conditions concerning the sale of its products to its distributors and concerning distributor advertising. In accordance with that agreement, as a condition to your future purchase of EHP products intended for distribution, or resale, or recommendation to others in the context of a professional or commercial relationship, you must not use, rely on, or distribute any advertising or promotional materials containing false or unsubstantiated claims. Further, you must not make false or unsubstantiated oral representations concerning any EHP product. You must also notify your customers who purchase the products for redistribution to do the same. If you or those customers use

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such materials or make such representations we are obliged to, and we will, stop doing business with you.

In its settlement agreement with the FTC, EHP has agreed to review distributor advertising before it is disseminated to ensure its compliance with substantiation requirements. Accordingly, as a condition of distributing EHP's products, you must submit to EHP, in advance and prior to use, dissemination, or publication, all advertisements or promotional materials that you intend to use, publish, or disseminate with regard to any EHP product or program. In addition, you must furnish us with the URL (Internet address) of any Web site you intend to use in connection with the marketing or promotion of our products. You must not use, disseminate, or publish any such advertisement or promotional materials without our prior approval. We may, in our discretion, send you materials you are authorized to use in your advertising.

In accordance with its settlement agreement with the FTC, EHP shall not do business with any distributor who fails to comply with the terms of this letter. Moreover, EHP is obligated to, and will, report to the FTC any instance of a claim made for its products that is false or unsubstantiated. Please sign, date, and return the enclosed copy of this letter to EHP Products, Inc., P.O. Box 1306, Ashland, KY 41105-1306, acknowledging your receipt of this letter and your agreement to the terms set forth herein.

Thank you very much for your cooperation.

Sincerely,

Elaine H. Parrish
President

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ACKNOWLEDGMENT AND AGREEMENT

The undersigned acknowledges receipt of this letter and hereby agrees to its terms and conditions.

Date

Signature

Title

ATTACHMENT B

**LETTER TO DISTRIBUTORS WITH WHOM RESPONDENTS
HAVE DONE BUSINESS FOLLOWING SERVICE OF THIS
ORDER**

[To be printed on letterhead of EHP Products, Inc.]

[Name and address of recipient]

[Date]

Dear [recipient's name]

The Federal Trade Commission Act requires advertisers to have adequate substantiation for all objective product claims. It is unlawful to advertise without adequate substantiation. The Federal Trade Commission ("FTC") deems deceptive health-related advertising claims which are not supported by competent and reliable scientific evidence. Competent and reliable scientific

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evidence is defined as tests, 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. Anecdotal evidence and consumer testimonials are not considered competent and reliable scientific evidence. The granting of a U.S. patent is not considered proof that a product or process is effective for a particular purpose.

The FTC alleges that certain advertising by EHP Products, Inc. ("EHP") includes claims concerning cetyl myristoleate ("CMO") products that lack adequate substantiation. In particular, the FTC alleges claims that CMO products are effective in the treatment, relief, mitigation, prevention, or cure of arthritis and other health conditions are not substantiated by competent and reliable scientific evidence. Rather than contest this matter, EHP and the FTC have agreed to a settlement. Under the terms of the settlement, EHP has agreed to send this letter to its customers who purchase EHP's products for distribution or resale and to institute certain procedures, described below. EHP's agreement with the FTC is for settlement purposes only and does not constitute an admission by EHP that the law has been violated as alleged in the complaint, or that the facts alleged in the complaint, other than the jurisdictional facts, are true.

In its settlement agreement with the FTC, EHP agreed to certain conditions concerning the sale of its products to its distributors and concerning distributor advertising. In accordance with that agreement, as a condition to your future purchase of EHP products intended for distribution, or resale, or recommendation to others in the context of a professional or commercial relationship, you must not use, rely on, or distribute any advertising or promotional materials containing false or unsubstantiated claims. Further, you must not make false or unsubstantiated oral representations concerning any EHP product. You must also notify your customers who purchase the products for redistribution to do the same. If you or those customers use

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such materials or make such representations we are obliged to, and we will, stop doing business with you.

In its settlement agreement with the FTC, EHP has agreed to review distributor advertising before it is disseminated to ensure its compliance with substantiation requirements. Accordingly, as a condition of distributing EHP's products, you must submit to EHP, in advance and prior to use, dissemination, or publication, all advertisements or promotional materials that you intend to use, publish, or disseminate with regard to any EHP product or program. In addition, you must furnish us with the URL (Internet address) of any Web site you intend to use in connection with the marketing or promotion of our products. You must not use, disseminate, or publish any such advertisement or promotional materials without our prior approval. We may, in our discretion, send you materials you are authorized to use in your advertising.

In accordance with its settlement agreement with the FTC, EHP shall not do business with any distributor who fails to comply with the terms of this letter. Moreover, EHP is obligated to, and will, report to the FTC any instance of a claim made for its products that is false or unsubstantiated. Please sign, date, and return the enclosed copy of this letter to EHP Products, Inc., P.O. Box 1306, Ashland, KY 41105-1306, acknowledging your receipt of this letter and your agreement to the terms set forth herein.

Thank you very much for your cooperation.

Sincerely,

Elaine H. Parrish
President

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ACKNOWLEDGMENT AND AGREEMENT

The undersigned acknowledges receipt of this letter and hereby agrees to its terms and conditions.

Date

Signature

Title

ATTACHMENT C

LETTER TO CUSTOMERS (OTHER THAN DISTRIBUTORS)
WITH WHOM RESPONDENTS HAVE DONE BUSINESS
PRIOR TO EXECUTING THIS ORDER

[To be printed on letterhead of EHP Products, Inc.]

[Name and address of recipient]

[Date]

Dear [recipient's name]

The Federal Trade Commission ("FTC") alleges certain advertising claims that cetyl myristoleate ("CMO") products are effective in the treatment, relief, mitigation, prevention, or cure of

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arthritis and other health conditions are not substantiated by competent and reliable scientific evidence. Rather than contest this matter, EHP Products, Inc. ("EHP") and the FTC have agreed to a settlement. Under the terms of the settlement, EHP has agreed to send this letter to its retail customers and former customers and institute the refund program described below.

If your purchase of an EHP CMO product was intended for your personal use or that of your family and not for distribution, or resale, or recommendation to others, you may be entitled to a refund of the purchase price for the CMO (or "Myristin®") capsules, together with \$3.50 to reimburse shipping and handling charges. As part of its settlement agreement with the FTC, EHP has agreed to offer refunds to certain customers who sign the verification below: (1) that they purchased EHP's CMO capsules for their own use or the use of their family, (2) that they are dissatisfied with the purchase, (3) that they did not distribute, offer the products for resale, or recommend the products to others outside their family, and (4) that they have not made a previous request for a refund from EHP.

To claim a refund, complete the attached form, or a copy of it, and return it to the indicated address within ninety (90) days of the date of this letter. You may indicate on the form the price you paid for the capsules you purchased; and you may submit copies of any documentation substantiating the expense. If you do not supply this information, we will calculate your refund from our records.

Please Note: If any request for a refund from a single purchaser is for more than three bottles of CMO capsules, we reserve the right to provide a refund only upon receipt of all unopened packages of the CMO capsules. Such returns will be made at the expense of EHP, as we will provide you with a prepaid means of return.

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We will honor all eligible, undisputed claims within thirty days after receiving them.

Sincerely,

Elaine H. Parrish
President

To apply for a refund:

Complete the form below, or make a copy of it. Please print legibly.

Return the form to EHP Products, Inc., P.O. Box 1306, Ashland, KY 41105-1306, no later than ninety (90) days after the date of this letter.

To: EHP Products, Inc., P.O. Box 1306, Ashland, KY 41105

From: _____ (Name)

_____ (Mailing Address)

_____ (City, State, and Zip Code)

_____ (Telephone Number)

I confirm: (1) that I purchased cetyl myristoleate (CMO) capsules made or distributed by EHP Products, Inc., for my personal use or that of persons in my family; (2) that I have not distributed, offered for resale, or recommended the CMO to others outside my family; (3) that I am dissatisfied with the purchase; and (4) that I

Analysis to Aid Public Comment

have not made a previous request for a refund from EHP. Please refund my purchase price of \$_____ (amount, if known), together with \$3.50 to reimburse me for shipping and handling.

I understand that the refund amount will be equal to the value of the CMO capsules that I purchased, plus \$3.50 to reimburse me for shipping and handling, and will not include the value of any other products that I may have purchased from EHP.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Date

Signature

Name (printed)

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 ("proposed order") from EHP Products, Inc., and Elaine H. Parrish, individually and as an officer of EHP Products, Inc.

The proposed consent order has been placed on the public record for thirty (30) days for the reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the

Analysis to Aid Public Comment

Commission will again review the agreement and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns advertisements on the Internet and print advertisements provided to consumers and prospective distributors, for a product called cetyl myristoleate ("CMO"), purportedly useful in the treatment, prevention, or cure of arthritis and other diseases. Purportedly, the substance, in one or two courses of treatment, each lasting four weeks or less, provides long term relief from the symptoms of osteoarthritis and rheumatoid arthritis. CMO is also claimed to be useful for the treatment, mitigation, prevention, and cure of most forms of arthritis and a number of other diseases.

The Commission's complaint charges that the proposed respondents engaged in deceptive advertising in violation of Sections 5 and 12 of the FTC Act by making unsubstantiated claims that their CMO products: (1) are safe and effective in the mitigation, treatment, prevention, and cure of most forms of arthritic conditions, including rheumatoid arthritis and osteoarthritis; (2) significantly relieve pain, swelling, and tenderness caused by arthritis; (3) are effective in the mitigation, treatment, and cure of hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, aches and pains of the back and extremities, fibromyalgia, tendonitis, systemic lupus erythematosus, scleroderma, bursitis, temporomandibular joint disease, gout, arthropathy, osteitis, osteochondritis, osteomalacia, and osteomyelitis; (4) are effective in the prevention of fever blisters, colds, flu, and allergy symptoms; and (5) effectively lower cholesterol, blood pressure, and blood sugar levels.

The complaint further alleges that the proposed respondents made false claims that (1) the issuance of two patents proves that the respondents' products are effective in treating and alleviating the symptoms of rheumatoid arthritis and osteoarthritis; and that (2) laboratory tests prove that respondents' CMO products

Analysis to Aid Public Comment

promote resistance to pain, swelling, and tenderness caused by arthritis.

The proposed order contains provisions designed to remedy the violations charged and to prevent proposed respondents from engaging in similar acts in the future.

Paragraph I of the proposed order prohibits proposed respondents from making any representation that CMO or any similar product: (1) is safe or effective in the mitigation, treatment, prevention, or cure of arthritic conditions, including rheumatoid arthritis and osteoarthritis; (2) significantly relieves pain, swelling, or tenderness caused by arthritis; (3) is effective in the mitigation, treatment, or cure of hepatitis C, emphysema, obstructive lung disease, spinal stenosis, eczema, psoriasis, aches and pains of the back and extremities, fibromyalgia, tendonitis, systemic lupus erythematosus, scleroderma, bursitis, temporomandibular joint disease, gout, arthropathy, rheumatism, osteitis, osteochondritis, osteomalacia, or osteomyelitis; (4) is effective in the prevention of fever blisters, colds, flu, or allergy symptoms; or (5) effectively lowers cholesterol, blood pressure, or blood sugar levels, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Paragraph II of the proposed order prohibits proposed respondents from making any representations about the performance, safety, efficacy, or health benefits of CMO or any other food, drug, dietary supplement, or program, unless the claims are substantiated by competent and reliable scientific evidence.

Paragraph III of the proposed order prohibits proposed respondents from misrepresenting that the issuance of a patent proves the safety or efficacy of any product or program.

Analysis to Aid Public Comment

Additionally, Paragraph IV of the proposed order prohibits proposed respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Paragraph V of the proposed order prohibits proposed respondents from representing that the experience represented by any user testimonial or endorsement of any product or program represents the typical or ordinary experience of members of the public who use the product or program, unless the representation is true, and competent and reliable scientific evidence substantiates that claim, or respondents clearly and prominently disclose either: (1) what the generally expected results would be for users or the product or program; or (2) the limited applicability of the endorser's experience to what consumers may generally expect to achieve, that is, that consumers should not expect to experience similar results.

Paragraph VI of the proposed order provides that proposed respondents are not prohibited from making representations which are specifically permitted by regulations of the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990. Paragraph VII of the proposed order provides that proposed respondents are not prohibited from making representations for a drug that are permitted under tentative final or final standards issued by the Food and Drug Administration or under any new drug application approved by that agency.

Paragraph VIII of the proposed order requires that proposed respondents: (1) not disseminate to any distributor any material containing any representations prohibited by the order; (2) not authorize any distributor to make any representations prohibited by the order; (3) send a required notice to each distributor with whom proposed respondents have done business since January 1, 1996, requesting that the distributor cease using any advertising or promotional materials containing unsubstantiated claims for CMO, requesting distributors not to make unsubstantiated oral representations, informing the distributor of this settlement, and

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not including any other documents in the mailing; (4) for a period of three (3) years following service of the order, send the required notice to each distributor who has not previously received the notice; the notices shall be sent with the first shipment of respondents' products to the distributor; (5) require distributors to submit to proposed respondents all advertising and promotional materials and claims for any products or programs covered by the order for review prior to their dissemination and publication, and not authorize distributors to disseminate materials and claims unless they comply with the order; alternatively, proposed respondents must furnish to distributors marketing materials that comply with the order and require the distributors to submit for review all advertising and promotional materials for a particular product covered by the order that contain representations that are not substantially similar to the representations for the same product or program contained in the marketing materials most recently provided to the distributors by proposed respondents; and (6) use reasonable efforts to monitor distributors' advertising and promotional activities, immediately terminate the right of any distributor who disseminates advertisements or marketing material or makes oral representations prohibited by the order, and immediately provide information to the Federal Trade Commission about any such distributor and the materials used. "Distributor" is defined in the proposed order to mean any person who purchased a product covered by the order from proposed respondents for resale or at a discounted or wholesale price unavailable to the general public at the time of the purchase, or who has purchased more than twelve bottles or packages of a covered product from respondents within a twelve-month period.

Paragraph IX of the proposed order requires proposed respondents to send a prescribed notice to each person, other than a distributor, who purchased respondents' CMO products and can be identified through a diligent search of respondents' records. The notice offers a refund of the purchase price of the CMO

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products and an allowance for shipping and handling charges to customers who purchased respondents' CMO product for personal use or the use of a family member and who make an initial request for a refund within ninety days of the date of the notice. The notice further provides that, if any refund request from a single purchaser is for greater than three bottles of a product covered by the order, the purchaser may be required to return all unopened bottles of the product, at the expense of respondents, to receive a refund. Paragraph X of the proposed order requires proposed respondents to submit a report to the Federal Trade Commission specifying the actions they have taken to comply with the provisions of Paragraph IX. Paragraph XI of the proposed order requires proposed respondents to retain for five years after the last correspondence to which they pertain and to make available to the Federal Trade Commission on request, copies of notification letters, communications with distributors, and other materials relating to the requirements of Paragraph VIII and Paragraph IX.

Paragraph XII of the proposed order contains record keeping requirements for materials that substantiate, qualify, or contradict covered claims and requires proposed respondents to keep and maintain all advertisements and promotional materials containing any representation covered by the proposed order. In addition, Paragraph XIII requires distribution of a copy of the consent decree to current and future officers and agents. Paragraph XIV of the proposed order requires the respondents to notify the Federal Trade Commission in advance of any change in the corporation that may affect compliance obligations arising under the order. Further, Paragraph XV requires the filing of a compliance report.

Finally, Paragraph XVI of the proposed order provides for the termination of the order after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official

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interpretation of the agreement and proposed order, or to modify in any way their terms.

Complaint

IN THE MATTER OF

MICHAEL D. MILLERCONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

*Docket C-3941; File No. 9923225
Complaint, May 16, 2000--Decision, May 16, 2000*

This consent order prohibits Respondent Natural Heritage Enterprises from making representations, without competent and reliable scientific evidence, that any Essiac product, service, or program, or any other food, drug, or dietary supplement is effective in the treatment, prevention, mitigation, or cure of certain enumerated diseases, or regarding the health benefits, performance, safety or efficacy of any such product or service. The order also prohibits Respondent from misrepresenting the connection between their website and other website or the existence, contents, validity, result conclusions, or interpretation of any test, study, or research. In addition the order prohibits Respondent from representing that the experience represented by any user testimonial or endorsement of the product, service, or program represents the typical or ordinary experience of members of the public who use the product, service, or program, unless the representation is substantiated or Miller discloses, clearly and prominently, in close proximity to the endorsement or testimonial, either what the generally expected results would be for users of the product, or the limited applicability of the endorser's experience to what consumers may generally expect to achieve. Respondent is required to provide a list of consumers who ordered the product after September 15, 1996 and send to each of them, by first class mail a notice regarding the scientific research of their products. Respondent must also pay \$17,500 redress to be paid in redress to consumers. Any representations allowed by the Food and Drug Administration in a final or tentative standard are not prohibited by the order.

Participants

For the Commission: *L. Mark Eichorn, C. Lee Peeler, and BE.*

For the Respondents: *Jonathan Emord, Emord and Associates.*