

Complaint

IN THE MATTER OF
MAXCELL BIOSCIENCE, INC., ET AL.

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

Docket C-4017; File No. 0023098
Complaint, July 30, 2001--Decision, July 30, 2001

This consent order addresses representations that Respondent MaxCell BioScience, Inc. and its president, Respondent Stephen Cherniske, made about (1) the ability of Longevity Signal Formula ("LSF") – a dietary supplement containing, among other ingredients, arginine, DHEA, and 7-Keto DHEA – to reverse the aging process and, consequently, to prevent, treat, or cure numerous age-related diseases and conditions, and (2) the ability of an Anabolic/Catabolic Index™ ("ACI") test – an at-home (with laboratory analysis) urine test that measures the ratio of 17-ketosteroids to creatinine in one urine sample – to measure a person's overall healthiness and youthfulness, and to prove the effectiveness of LSF for reversing aging. The order, among other things, prohibits the respondents from representing that the ACI Test or any other substantially similar device provides a clinical gauge of an individual's overall healthiness or youthfulness. The order also requires that future claims that any test or device provides a clinical gauge of an individual's overall healthiness or youthfulness be both true and substantiated by competent and reliable scientific evidence. In addition, the order prohibits the respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research. The order also requires Respondent MaxCell BioScience, Inc. to disseminate a notice about the order to both current and future MaxCell distributors, and requires both respondents to pay \$150,000 to the Commission, which the Commission can in turn either forward to the United States Treasury as disgorgement or use for consumer redress purposes.

Participants

For the Commission: *Matthew Daynard, Jock K. Chung,*
C. Lee Peeler, Janis K. Pappalardo, Gerard R. Butters, and Paul
A. Pautler.

For the Respondents: *Claude C. Wild III, Patton Boggs LLP.*

Complaint

COMPLAINT

The Federal Trade Commission, having reason to believe that MaxCell BioScience, Inc., a corporation, and Stephen Cherniske, individually and as an officer of the corporation ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent MaxCell BioScience, Inc. ("MaxCell"), is a Delaware corporation with its principal office or place of business at 100 Technology Drive, Broomfield, Colorado 80021. MaxCell has also done business as Oasis Wellness Network.
2. Respondent Stephen Cherniske is President of MaxCell. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of MaxCell, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of MaxCell.
3. Respondents have manufactured, advertised, labeled, offered for sale, sold, and distributed directly to the public and through distributors dietary supplements and related products, including:
 - A. Longevity Signal Formula ("LSF"), a product containing, among other ingredients, arginine, DHEA, and 7-Keto DHEA, that is advertised as an anti-aging capsule, and
 - B. The Anabolic/Catabolic Index™ ("ACI") test, an at-home (with laboratory analysis) urine test that measures the ratio of 17-ketosteroids to creatinine in one urine sample, purportedly to determine an individual's "biological age," or health status.

LSF is a "food" and/or "drug" and the ACI test is a "device" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

Complaint

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

ACI Test

5. Respondents have disseminated or have caused to be disseminated advertisements, including but not necessarily limited to the attached Exhibits A, portions of a website located at www.oasisnetwork.com, and B, a marketing audiotape. These advertisements contain the following statements:

A. **How fast are you AGING?**

How old are you? Let's ask this another way.

HOW OLD IS YOUR BODY?

Is it younger or older . . . (sic) than your chronological age?

* * *

Announcing the world's first at home anti-aging test (analyzed in a lab), which gives you an amazingly accurate measurement of your rate of aging. It's called

Anabolic/Catabolic Index or ACI.TM

* * *

Anabolic/Catabolic Index

Track your health progress in the comfort of your own home and monitor your body's ability to prevent many of the side effects of aging.

* * *

...[b]ecome biologically younger within 30 days. (Exhibit A).

B. Draw a straight line horizontally from left to right. At the starting point on the left, write birth, and at the end point on the right, put death. Now, I've got two questions for you. Number one, where are you right now on the scale of birth

Complaint

and death? And number two, if you had a choice, would you like to move to the left back towards greater vitality and youthfulness?

* * *

You see, if you use this safe, all-natural product for 30 days, we guarantee that you will look and feel younger. More important, we'll prove it with a before and after test that will verify in black and white that your body's regenerative activity has been increased and you have, as a result, grown biologically younger.

* * *

Stephen Cherniske: "I mean, today, the average anti-aging work-up costs about \$2,000 and involves a lot of painful needle sticks. We found a way to capture that information in one simple and inexpensive test, and there's no pain. The ACI test is a simple urine test that you collect at home."

Narrator: "And once more, what do the results look like? What's the information that no other test can provide?"

Stephen Cherniske: "Well, the ACI pinpoints your location on that line from birth to death. I mean, we compare that to two points, the normal for your age, but more important, the level that has been determined to be optimal for slowing or reversing the aging process." (Exhibit B).

6. Through the means described in Paragraph 5, respondents have represented, expressly or by implication, that the ACI test provides a clinical gauge of an individual's overall healthiness or youthfulness.

7. In truth and in fact, the ACI test does not provide a clinical gauge of an individual's overall healthiness or youthfulness. In fact, the ACI test only measures inactive androgen breakdown products in the urine, which products, in most instances, are not a significant or reliable measure of overall healthiness or

Complaint

youthfulness. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

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

9. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 6, at the time the representation was made. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

Longevity Signal Formula

10. Respondents have disseminated or have caused to be disseminated advertisements, including but not necessarily limited to the attached Exhibits A and B. These advertisements contain the following statements:

A. **"Anti-Aging in a bottle**

Activate your body's regenerative powers!

Amazing New Youth Formula is Guaranteed to make you biologically younger in 30 Days or Less and we have the test to prove it!

* * *

'Twelve years ago I was 4 years older than I am right now. That's right. 12 years ago I was 39 years old, both chronologically and biologically. My blood pressure was high normal, cholesterol was 214, and body fat was twice what it is today. Since then by applying the antiaging principles that our new youth formula is based on, I reversed my biological age by 16 years.'

- Stephen Cherniske, President Wellness Network

Your Secret weapon against aging!

Complaint

Add years to your life, no matter what your present age may be.

* * *

Longevity Signal Formula will reset your biological clock and we have the test that proves it!" (Exhibit A).

"[O]n this interview, you will learn how to add years to your life, no matter what your present age might be."

Stephen Cherniske: I've developed a formula that can help you reset your biological clock and a breakthrough scientific test that can prove it. The product, called Longevity Signal Formula, has a tremendous amount of research support, over 150 scientific studies.

* * *

So, in a very real sense, aging, as we know it, the rapid downhill slide of degeneration is no longer inevitable. In fact, it can be completely avoided.

* * *

Stephen Cherniske: "[With Longevity Signal Formula] the body sends longevity signals to the brain, the brain sends anabolic instructions to the body and this puts you on an upward spiral that you'll never forget as long as you live. And indications are that that will be a very long life, probably 100 years or more."

* * *

You see, if you use this safe, all-natural product for 30 days, we guarantee that you will look and feel younger. More important, we'll prove it with a before and after test that will verify in black and white that your body's regenerative activity has been increased and you have, as a result, grown biologically younger.

* * *

Complaint

[W]e provide a product that's been shown in double-blind, placebo-controlled studies to help you achieve the optimal anabolic/catabolic balance." (Exhibit B).

- B. Stephen Cherniske: "I mean, there are, as I said, literally hundreds of scientific studies supporting the components of this breakthrough formula. Here are some of the most dramatic new findings.

A study with postmenopausal women demonstrating increased bone density, improved glucose tolerance, enhanced feelings of well-being, decreased body fat, increased muscle mass and increased growth hormone levels.

* * *

And finally, a breakthrough study on nearly 1,000 subjects published in the prestigious journal of epidemiology showing a significant reduction in the risk for atherosclerosis. Now, that's the leading cause of death in Western nations." (Exhibit B).

- C. Endorser: "Since starting on Longevity Signal (sic)

* * *

3) After four weeks, I can see better. I can now read my digital alarm clock in the mornings without my glasses.

4) I have lost 18 pounds.

* * *

My wife is happy to have the arthritis in her hands, elbows and knees gone." (Exhibit A).

- D. Stephen Cherniske, identified as being 52 years old: "Life extension wasn't enough. I was looking for health extension, and I applied that research at first to myself and I've achieved a 16-year reduction in my biological age. . . . [M]y blood pressure is 90 over 60, . . . my

Complaint

cholesterol level is 140, percent body fat is 9 percent, about the level of a highly trained college athlete, and my reaction time, immune profile, blood tests are all better than most 35-year olds.

* * *

[T]welve years ago my blood pressure was high normal, cholesterol was 214, body fat was twice what it is today.

* * *

I didn't try to lower my blood pressure, I didn't try to lower my cholesterol, I didn't try at all to lose weight or gain muscle. I made no effort to burn fat. These are simply the consequences of a highly anabolic metabolism. The Oasis breakthrough is making this opportunity available to everyone, not just a select group of biochemists." (Exhibit B).

- E. "It makes your bones stronger, the mind sharper, the mood higher." (Exhibit B).
- F. Endorser: "I would have to say I had been training seven weeks prior to getting on the Longevity Signal and had some good results prior to the Longevity Signal, but I just really start (sic) shredding up, I mean, practically overnight. In one week I lost 11 pounds which I was just amazed to see my entire physical being transformed right in front of the mirror." (Exhibit B).
- G. "Here's two breakthrough studies showing remarkable improvement in liver function. Now, why is that such a powerful anti-aging benefit? Because aging is associated with a marked reduction in liver function. A typical adult will lose more than 40 percent of their liver function by age 70 and that age-related defect contributes greatly to the degeneration of the entire body. Here's a study showing that you can reverse that." (Exhibit B).

Complaint

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

- A. Significantly reduces the risk of atherosclerosis.
- B. Cures arthritis.
- C. Lowers blood pressure.
- D. Significantly lowers cholesterol levels in the bloodstream.
- E. Strengthens bones.
- F. Reduces or eliminates the need for corrective eyewear.
- G. Promotes significant weight loss and muscle gain without dieting or exercise.
- H. Increases glucose tolerance.
- I. Increases Growth Hormone levels in the body, thereby causing positive clinical effects on health.
- J. Improves liver function.
- K. Prevents or reverses aging.
- L. Significantly increases life expectancy.

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

13. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set

Complaint

forth in Paragraph 11, at the time the representations were made. Therefore, the representation set forth in Paragraph 12 was, and is, false or misleading.

14. Through the means described in Paragraph 10, respondents have represented, expressly or by implication, that scientific testing demonstrates that LSF:

- A. Significantly reduces the risk of atherosclerosis.
- B. Increases bone density, improves glucose tolerance, reduces body fat, increases muscle mass, and increases growth hormone levels in post-menopausal women.
- C. Improves liver function.
- D. Prevents or reverses aging.
- E. Significantly increases life expectancy.

15. In truth and in fact, scientific testing does not demonstrate that LSF:

- A. Significantly reduces the risk of atherosclerosis.
- B. Increases bone density, improves glucose tolerance, reduces body fat, increases muscle mass, and increases growth hormone levels in post-menopausal women.
- C. Improves liver function.
- D. Prevents or reverses aging.
- E. Significantly increases life expectancy.

Therefore, the representations set forth in Paragraph 14 were, and are, false or misleading.

Complaint

16. Respondents have provided advertisements and promotional materials to distributors for use in their marketing and sale of LSF and the ACI test, including but not necessarily limited to the attached Exhibits A and B.

17. Through the means described in Paragraph 16, respondents have provided means and instrumentalities to distributors of respondents' products in furtherance of the deceptive and misleading acts or practices alleged in Paragraphs 5 through 15.

18. 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 thirtieth day of July, 2001, has issued this complaint against respondents.

By the Commission.



◀ back one ◀ home page

products

Technological Breakthrough How fast are you AGING?

How old are you? Let's ask this another way.

HOW OLD IS YOUR BODY?

Is it younger or older . . . than your chronological age?

There's power in knowing the answer!

ACI test

▶ order now

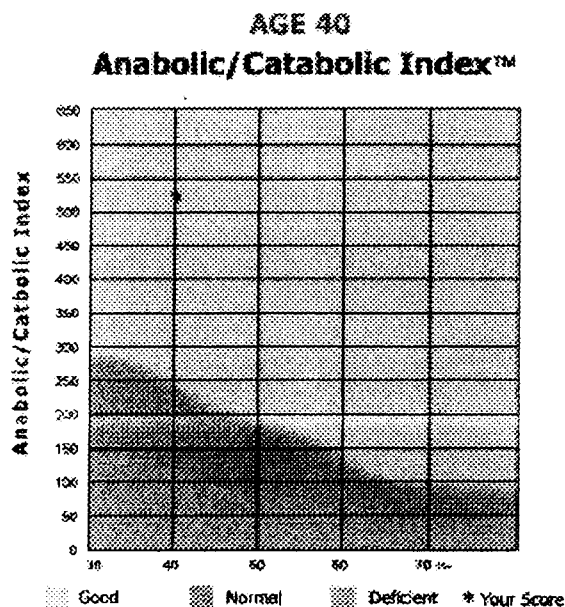
▶ more details

ACI
Clinical Rationale
pdf format

Many people today are aging way too quickly. They're biologically older (by 10, 20, or more years) than their chronological age.

100% Product Performance Guarantee

(see your Oasis Associate for details.)



Learn to age slowly -- Not Quickly!

Announcing the world's first at home anti-aging test (analyzed in a lab), which gives you an amazingly accurate measurement of your rate of aging. It's called **Anabolic/Catabolic Index or ACI™**

- Provides a painless and inexpensive view of your rate of aging
- Accurately measures anabolic (youthful) metabolism in a urine sample down to 1 billionth of a gram

Oasis is the only source for this anti-aging test in all of North America

- Proprietary Test - Patents Pending

- Risk-Free Money Back Guarantee

EXHIBIT A

- With the information you get from the ACI Test, you can slow

down many of the effects of aging.

- We guarantee the ACI Test will prove that the Oasis Longevity Signal Formula is slowing down your rate of aging in 30 days or less – or you get your money back on the product, and your money back on the test. (see product or your Oasis Associate for details)

Empower Yourself

Find out how fast you are aging
Take the incredible ACI test today!

Turn back the hands of time!

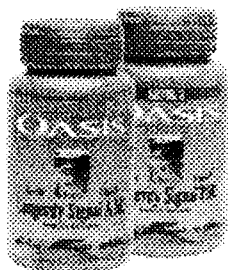
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products



longevity signal
formula™

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Anti-Aging in a Bottle

Activate your body's regenerative powers!

**Amazing New Youth Formula is Guaranteed to
make you biologically younger in 30 Days or Less
and we have the test to prove it!**

21st Century Youth Formulation

You're about to discover one of the most amazing health breakthroughs
right when it's being released to the world.

"Twelve years ago I was 4 years older than I am right now.
That's right. 12 years ago I was 39 years old, both
chronologically and biologically. My blood pressure was
high normal, cholesterol was 214, and body fat was twice
what it is today. Since then by applying the anti-aging
principles that our new youth formula is based on, I
reversed my biological age by 16 years."

- Stephen Cherniske, President Wellness Network

Your Secret weapon against aging!

Add years to your life, no matter
what your present age may be.

- Increase your energy,
strength and stamina.
- Lower your levels of stress
and body fat.
- Improve your mental and
physical performance while
unlocking the door to an
improved sense of well-being
and fulfillment.



**Longevity Signal Formula will reset your
biological clock and we have the**

test that proves it!

Anabolic/Catabolic Index

Track your health progress in the comfort of your own home and monitor
your body's ability to prevent many of the effects of aging. You may
actually be biologically older than your birthday indicates. Take this test

and find out for sure.

It's simple and risk free. Try Longevity Signal Formula. You can't lose. Experience for yourself the power of the Longevity Signal Formula and become biologically younger within 30 days.

Unconditional 90 day money back Guarantee!

Longevity Signal Formula contains a powerful blend of anti-aging compounds including 7-Keto DHEA (8 patents pending), DHEA, L-arginine (GH stimulator), chlorella, Fo-ti ("Elixir of Life") and Lycium (chinese wolfberry).

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webmaster@oasisnetwork.com



◀ back one

Longevity Signal Formula™ / **30-Day Renewal™** **Oasis Wellness Network**

"I am a 56 years old and quite active. Last August I started on the LSF and Renewal System. Since that time I have seen an energy increase, I have reduced my body fat, increased muscle mass and my workouts at the gym have gone ballistic... incredible stamina!! Also, I sleep less and more deeply."

- Mike, Walnut Creek, CA

"I don't know where to begin. There are so many little things that add up to making the Oasis products so exciting! For myself personally - I lost weight the first month I was on the product - 15 pounds. As I have gotten older I have found myself getting depressed about a week before my period. I would also experience strong cramps in my back. In April I was taken by surprise! I had not had the depression and cramps!! I realized that the same thing had happened in March. In March, I was on the 30 Day Renewal System. In April I was on the 30 Day Renewal System and the Female formula. I have also experienced an increase in my energy and stamina. I can come home from my Ju Jitsu class and still have energy to do other things like.

I put my 22-year-old daughter on the 30-Day Renewal System. She has suffered from "rheumatoid -like" symptoms since about the 5th grade, i.e.: swollen hands, pain in her joints and back. Almost immediately, she noticed a decrease in her symptoms. She tells everyone about what has happened to her.

Finally, my friend Christine - Christine suffers from several chronic conditions: Diabetes, Congestive Heart Failure, Asthma and Spastic Colon. Christine would frequently come to work with severe stomach cramps and diarrhea. She couldn't get very far from a bathroom. I gave her 10 days worth of the 30-Day Renewal System. She was thrilled! She noticed that she was not passing her vitamins in her urine, she felt more energetic. She decided to get on the product. When I told her what it would cost (this was in May, the price was still \$89.00) she decided that she couldn't afford them. At that time I asked her if she 'could afford not to take them.' We were going through a very stressful time as the company we were working for was closing us down. As soon as she stopped the product, her Spastic Colon started acting up again. About 3 days later she came into my office, threw a check on my desk and said, 'You were right! I can't afford not to.'

- Chris, Las Cruces, NM

"The results I have gotten with the Renewal System and Longevity Signal Formula really surprised me. Not because I didn't think they were great products, but because I had been taking what I thought were good nutritionals and I didn't expect to notice a difference. I was wrong! My benefits were very pronounced: They include

sleeping better and waking up rested and alert in the morning (this is really something for me), great and even energy throughout the day and well into the evening, my nails are better, stronger and longer than they've ever been, I can deal with day to day stresses much better and my workout sessions seem to take less effort.

But you don't have to take my word for it as I had lab tests done by an independent lab that specializes in oxidative stress testing. That lab had tested me several times before being introduced to the Oasis products so I had a base line from which to judge the results. I was amazed to see such a marked improvement - over 600% improvement in oxidative stress in my body. I knew I could feel the results and my ACI test showed that I have reduced my affective rate of aging by 25 years and then to see the results by the independent lab - that was incredible!"

- Pat, Bellevue, WA

"In the middle of September, I attended a naturopathic physicians convention in Las Vegas. I visited lots of booths and listened to a lot of speakers-what really caught my attention was Oasis' Longevity Signal Formula. On Thursday, September 23, I did the ACI test-which proved how bad off physically I really was. My score was 21, 0 is dead, normal for a 51 to 60-year old is 172. Age 30-40 normal is 272. I was closer to dead than I thought. Since starting on Longevity Signal

- 1) During the first week, my overall energy was way up.
- 2) After three weeks, my gums quit bleeding when I brushed my teeth.
- 3) After four weeks, I can see better. I can now read my digital alarm clock in the mornings without my glasses.
- 4) I have lost 18 pounds.
- 5) I can now sleep on my back-in the last 15-20 years, if I lie flat on my back for over three or four breaths, I would start coughing and couldn't breathe.
- 6) My libido came back to youthful levels after a long drought.
- 7) Lots of old aches and pains are gone or leaving
- 8) My skin has been very dark for many years. I thought it was due to farming and other outside activities. In my ninth week of Longevity Signal, my skin changes color! I think my liver must be functioning normally again.

My wife is happy to have the arthritis in her hands, elbows and knees gone. She also has a hip that she injured in a fall last January that has bothered her until she began the Longevity Signal. She is thrilled to have the aches and pains gone and much more energy.

We are both growing biologically younger."

-Stephen, Cokeville, WY

(results may vary)

**To submit a testimonial please write to
testimonials@oasisnetwork.com.**

We can not post all testimonials received, but our editors will do their best to review and consider all submissions.

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webmaster@oasisnetwork.com

OFFICIAL TRANSCRIPT PROCEEDING

FEDERAL TRADE COMMISSION

MATTER NO. P994506

TITLE INTERNET ADVERTISING

**DATE RECORDED: COPYRIGHT 1999
TRANSCRIBED: JANUARY 11, 2000**

PAGES 1 THROUGH 34

**IF YOU ONLY KNEW. . .
ANTI-AGING SECRETS OF A RESEARCH BIOCHEMIST**

**FOR THE RECORD, INC.
603 POST OFFICE ROAD, SUITE 309
WALDORF, MARYLAND 20602
(301)870-8025**

FEDERAL TRADE COMMISSION

I N D E XTAPED PRESENTATION:PAGE:

If You Only Knew. . .

3

FEDERAL TRADE COMMISSION

In the Matter of:)
Internet Advertising) Matter No. P994506
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The following transcript was produced from a
live tape provided to For The Record, Inc. on January 11,
2000.

For The Record, Inc.
Waldorf, Maryland
(301) 870-8025

P R O C E E D I N G S

- - - - -

IF YOU ONLY KNEW. . .

ANTI-AGING SECRETS OF A RESEARCH BIOCHEMIST

(Music playing)

STEPHEN CHERNISKE: Take out a piece of paper and a pen. If you don't have those handy, that's okay, because the image I'm going to ask you to illustrate is simple enough for you to create in your mind. Draw a straight line horizontally from left to right. At the starting point on the left, write birth, and at the end point on the right, put death.

Now, I've got two questions for you. Number one, where are you right now on the scale of birth and death? And number two, if you had a choice, would you like to move to the left back towards greater vitality and youthfulness.

MALE NARRATOR: If you only knew. If you only knew that you could turn back the aging clock and grow biologically younger. Up until now, the idea of reducing your biological age has been mere conjecture and fantasy. But today, that all changes.

That's why what you will hear in the next 35 minutes is so important. I encourage you to listen to every word at least once, because on this interview, you

For The Record, Inc.
Waldorf, Maryland
(301)870-8025

1 will learn how to add years to your life, no matter what
2 your present age might be. And even more important, how
3 to enhance your life with more energy, strength and
4 stamina, improved immunity, better sleep, less fat and
5 lower levels of stress.

6 If you only knew that a remarkable health
7 breakthrough, a youth formula, is about to be released to
8 the world, would you jump at the chance to be one of the
9 first to experience it?

10 Well, before you answer, it's important that
11 you hear about the man whose voice began this tape. I'll
12 be talking with Stephen Cherniske, a nutritional
13 biochemist credited with helping to launch the anti-aging
14 movement with his 1996 bestseller, DHEA Breakthrough.

15 Now, in his 52nd year of life, Stephen's
16 biomarkers are that of a 36-year old. Stephen taught at
17 two Southern California universities, ran the nation's
18 first FDA-licensed nutritional testing lab and served on
19 the faculty of the American College of Sports Medicine.
20 A former consultant for the U.S. Olympic Team and
21 nutritionist for top athletes and Hollywood stars,
22 Stephen is a member of the National Academy of Research
23 Biochemists, the American Medical Writers Association and
24 is listed in Who's Who in American Professionals.

25 Stephen, you've been at the forefront of anti-

1 aging research for decades. How did this become so much
2 of a passion?

3 STEPHEN CHERNISKE: Well, my life changed in
4 graduate school in a genetics class. The professor held
5 up two mice. These animals, he said, were both born six
6 weeks ago. Are they the same age? We all looked at each
7 other like he was nuts and said, well, of course they're
8 the same age. Ah, said the professor, this one has an
9 immune defect that will cause it to die in about a month.
10 The other will enjoy a normal mouse life span of about 20
11 months. Now, are they the same age?

12 That's when it hit me that chronological age,
13 the year you were born, is meaningless. It's not about
14 your birthdate, it's about your expiration date. I left
15 that class determined to focus my research on a new
16 paradigm of aging and ultimately pioneered a concept
17 known as biological age. The understanding that the year
18 you were born is not nearly as important as your health,
19 how you look, feel and perform.

20 Life extension wasn't enough. I was looking
21 for health extension, and I applied that research at
22 first to myself and I've achieved a 16-year reduction in
23 my biological age. Every doctor I've ever seen wants to
24 know how I did this. When they find out that my blood
25 pressure is 90 over 60, that my cholesterol level is 140,

1 percent body fat is 9 percent, about the level of a
2 highly trained college athlete, and my reaction time,
3 immune profile, blood tests are all better than most 35-
4 year olds.

5 MALE NARRATOR: Well, you know, you certainly
6 don't look like a man in his fifties. But let me play
7 devil's advocate here. Couldn't that just be good genes?

8 STEPHEN CHERNISKE: Well, except for the fact
9 that 12 years ago my blood pressure was high normal,
10 cholesterol was 214, body fat was twice what it is today.

11 MALE NARRATOR: Hmm.

12 STEPHEN CHERNISKE: And I was more tired and
13 less enthusiastic than I am now. Now, in a very real
14 sense, I'm younger now than I was 12 years ago and that's
15 been the result of specific steps that I've taken based
16 on a new understanding of the aging process.

17 First and foremost, you have to forget about
18 chronological age. If you can improve your biological
19 age, and I'll explain how to do that in a moment, you can
20 literally grow younger. Now, once more, this is the
21 critical point.

22 I've developed a formula that can help you
23 reset your biological clock and a breakthrough scientific
24 test that can prove it. The product, called Longevity
25 Signal Formula, has a tremendous amount of research

1 support, over 150 scientific studies. And the test has
2 been written up in biomedical literature. It's for real
3 and everything I say in this interview is documentable.
4 In fact, anyone can prove this extraordinary system for
5 themselves. In 30 days or less, you can see and feel the
6 rejuvenating power of your body being reactivated.

7 People who have used the product in pre-
8 clinical and clinical trials experienced more energy,
9 lower stress, a restored feeling of vitality and
10 youthfulness, and these changes are not coming from a
11 stimulant effect. There's no stimulants at all in this
12 product.

13 These benefits are obtained by creating a
14 metabolic shift that restores the repair, rebuild and
15 rejuvenate activity of your body to levels that you
16 enjoyed when you were young. So, in a very real sense,
17 aging, as we know it, the rapid downhill slide of
18 degeneration is no longer inevitable. In fact, it can be
19 completely avoided.

20 MALE NARRATOR: Oh, wow. Well, let's hear from
21 someone who's involved in one of our clinical
22 evaluations.

23 CAROLYN: Hi, I'm Carolyn. I'm from Agoura,
24 California, and I've been a business professional and an
25 attorney for about the last 15 years and I'd have to say

1 I have a pretty demanding schedule. And I turned 40
2 recently and I noticed in the last few years I've had a
3 decrease in my overall energy and stamina and my facial
4 skin tone has weakened up a little bit and I've also had
5 more mood swings throughout the day, which is something
6 that I never used to have.

7 And I got on the Oasis Longevity Signal Formula
8 about a month and a half ago, and boy, within a couple of
9 weeks the improvements, the increase in energy and
10 stamina that I began to feel, not just when I was out
11 exercising, but I would literally come home from work and
12 have enough energy to want to go out and either do a walk
13 or a hike after work, which is a very unusual thing for
14 me.

15 One of the other things that I noticed was
16 improvement in my facial skin tone and then a dramatic
17 change in my mood swings and I was now in a much more
18 consistently better mood throughout the day. I can
19 honestly say that I never forget to take the Oasis
20 Longevity Signal Formula, unlike other nutritional
21 supplement programs that I've been on where I had
22 forgotten to take the supplements either in the evening
23 or in the morning. I've noticed such a dramatic
24 improvement in my overall sense of well-being that I
25 never forget to take the formula.

1 MALE NARRATOR: So, what I hear from Carolyn is
2 not only a dramatic shift in energy, but attitude and
3 outlook as well.

4 STEPHEN CHERNISKE: Exactly. Think for a
5 moment what that means. If you've watched your parents
6 or grandparents growing old --

7 MALE NARRATOR: Um-hum.

8 STEPHEN CHERNISKE: -- you're no doubt acutely
9 aware of the pain, both physical and emotional, that
10 aging normally entails. Perhaps many of our listeners
11 have already started to experience some tiredness,
12 decreased immunity, stiffness or pain. What would it be
13 like to boost your body's natural repair and rebuild
14 activity to restore feelings of vitality that you thought
15 were gone forever?

16 MALE NARRATOR: Yes. But, you know, a lot of
17 people would say it's too good to be true.

18 STEPHEN CHERNISKE: Yeah. And here's the
19 point. You don't have to take my word for it. For the
20 first time, a leading pharmaceutical research laboratory
21 has teamed up with a nutritional supplement manufacturer
22 to make an unprecedented offer. You see, if you use this
23 safe, all-natural product for 30 days, we guarantee that
24 you will look and feel younger. More important, we'll
25 prove it with a before and after test that will verify in

1 black and white that your body's regenerative activity
2 has been increased and you have, as a result, grown
3 biologically younger.

4 MALE NARRATOR: Okay. Well then, let's talk a
5 bit about the test. If someone went to their doctor,
6 would their doctor know about this test?

7 STEPHEN CHERNISKE: Well, we're working with a
8 large, and fortunately, a growing number of doctors, but
9 the truth is, there are still relatively few who practice
10 anti-aging or preventive medicine. The vast majority are
11 still waiting for the patient to break down and fall
12 apart and then they go into fix-it mode. I happen to
13 think that's crazy. It's like waiting for your engine to
14 seize up before you change your oil.

15 The fact is millions of baby boomers today
16 don't want to wait until they fall apart. That's exactly
17 what they want to avoid, and that's precisely what
18 Longevity Signal Formula does. It shifts your metabolism
19 towards more repair, rebuild and rejuvenate activity.
20 It's the essence of preventive health care.

21 Now, the first thing people want to know about
22 the test, is it expensive or painful, and the answer is
23 neither. It's certainly not painful. It's a simple, at-
24 home urine test. And the cost is a fraction of what
25 you'd pay for any anti-aging profile that's now

1 available. Plus if you take the Oasis Longevity Signal
2 Formula and your test score doesn't improve, we'll refund
3 the cost of the product and the test. That's about as
4 straightforward as it gets.

5 MALE NARRATOR: Um-hum. Now, what exactly does
6 the test measure?

7 STEPHEN CHERNISKE: It measures your anabolic/
8 catabolic index. Remember that I started this tape with
9 a line illustrating the continuum between life and death.
10 Again, the important question is, where are you? You
11 see, that's your anabolic/catabolic index or ACI score.

12 Anabolic refers to the repair, rebuild and
13 rejuvenate activity of the body. Catabolic, on the other
14 hand, refers to the breakdown activity. Now, when you
15 were young, you were mostly anabolic, and as you age,
16 catabolic activity starts to predominate. So, the
17 critical question is, where are you and how fast are you
18 moving towards that endpoint known as death.

19 MALE NARRATOR: And I'd imagine that a lot of
20 people wouldn't want to know.

21 STEPHEN CHERNISKE: Well, you're right. After
22 all, that can be scary.

23 MALE NARRATOR: Um-hum.

24 STEPHEN CHERNISKE: Some seemingly healthy
25 people are actually older biologically than they are in

1 years and they don't know it. Until now, there was no
2 way that they could know. But what if I told you no
3 matter where you are on this line, the Longevity Signal
4 Formula can help move you to the left by restoring
5 anabolic repair and rebuild activity.

6 MALE NARRATOR: And personally, that would make
7 all the difference. I mean, if you are just going to
8 give me bad news, who wants it. But if you're saying
9 that I can change my location on that line between birth
10 and death, to add years to that line, I'd say, hey, count
11 me in, I want this information.

12 STEPHEN CHERNISKE: In fact, that's what
13 thousands of people are saying because this information
14 has never been available before. People were floundering
15 in the dark, trying mega-vitamins, liquid minerals,
16 exotic injections, special exercises. But they never
17 knew if what they were doing was doing them any good. We
18 now have a reliable test to validate any anti-aging
19 therapy and it has to do with enhancing metabolism.

20 And remember, anabolic refers to all of the
21 rebuild, repair and rejuvenate activity of the body.
22 Catabolic metabolism is the breakdown activity. My
23 physiology professor said it best. The day -- he said,
24 the day your total catabolic activity exceeds your
25 anabolic activity is the day you begin to die.

1 I remember sitting there and I was only in my
2 twenties. I mean, you don't spend a lot of time thinking
3 about mortality, but this hit me like a ton of bricks. I
4 mean, another one of those defining moments. And I
5 remember writing in my notebook, metabolism equals key to
6 aging. You see?

7 When you increase your anabolic metabolism,
8 you're regenerating it and becoming more youthful. When
9 you're catabolic, you're breaking down and deteriorating.
10 So, then I wrote another rather prophetic line. Goal,
11 find a way to increase anabolic metabolism.

12 MALE NARRATOR: Um-hum. Well, now that was a
13 long time ago. You've done an awful lot in the last 25
14 years. What was the key to fulfilling this goal?

15 STEPHEN CHERNISKE: Well, the key turned out to
16 be the discovery of cell signals, how your body
17 communicates with your brain. And I certainly can't take
18 credit for that. I've crystallized this breakthrough
19 research into a product that works and a test that proves
20 that you can turn back the clock.

21 But the discovery was a group process, an
22 international collaboration. In 1994, the Nobel Prize in
23 medicine was awarded to Gillman and Rodbell (phonetic)
24 for their discovery of G-peptides, microscopic strands of
25 protein that relay messages at lightning speed through

1 tens of millions of cells. I mean, that revolutionized
2 the entire field of biochemistry.

3 Three years later, Bill Lee, the founder of the
4 Oasis Wellness Network, commissioned an international
5 research project to unlock the secrets of cell signals as
6 they relate specifically to aging. And this two-year,
7 multimillion dollar effort, known as the Bioregenics
8 Project, provided an extraordinary wealth of information
9 that was ultimately distilled into this breakthrough test
10 and product. You know, again, the secret is in restoring
11 anabolic rebuild and repair activity. And your body will
12 do this if you can send the right signals.

13 If you can find a way to find that switch and,
14 as you might imagine, the switch is in your brain. Now,
15 whether the cell signals travel through G-peptides,
16 hormones and neurons, they do one of two things. They
17 can tell the brain that you're over the hill, in which
18 case the brain switches to catabolic breakdown, what I
19 call the shut-down sequence. Or you can send longevity
20 signals, which tell the brain that you're fit, healthy
21 and strong. And that triggers a metabolic shift that
22 stimulates anabolic repair and rebuild functions.

23 MALE NARRATOR: I'm sure that many listeners
24 are wondering why their brain would send catabolic or
25 breakdown instructions to their body. The answer is

1 going to surprise you because basically this is how we
2 age. I mean, you have to remember that the brain
3 controls every cell in your body and that control
4 includes all the issues surrounding the aging process,
5 the breakdown of immunity, thinning hair, changes in body
6 composition, reduced metabolic efficiency, lower energy
7 production. All of that is initiated by the brain.

8 But I'll say it again. The brain is only
9 acting on the information it gets from the body. Your
10 brain doesn't care how many candles were on your last
11 cake. See, it's a wonderfully elegant design which is
12 part of the survival imperative built into all living
13 things.

14 When an organism is past the age where it can
15 reproduce, basically Mother Nature says, time to exit
16 stage left, make room for a newer, younger model. And
17 that's accomplished through this body/brain dialogue.
18 Now, the dialogue takes place biochemically, but if I was
19 to translate it into English, it would sound something
20 like this.

21 Attention, everyone. This is the brain and
22 I've got some rather sad news. I just learned that we
23 are, as they say, over the hill now. It's been fun, but
24 the game is about over and I'll be initiating the
25 catabolic shut-down sequence from here. So, don't be

1 surprised if you see the lights dimming and the energy
2 flow decreasing.

3 Immune system, things are going to go
4 particularly bad for you because the shut-down sequence
5 involves progressive immune failure. Oh, you've done an
6 absolutely splendid job all these years. I really mean
7 that. But now, I want you to surrender. It could be
8 heart disease, cancer, pneumonia, any number of
9 infections that will be coming along in the next few
10 years.

11 And muscles, great job, but we're going to be
12 making mostly fat from now on. And I'll be completely
13 shutting down libido, no need for a sex drive. And don't
14 be alarmed if the overall mood starts to get rather glum,
15 shutting down a long-running show is always kind of sad.

16 MALE NARRATOR: (Laughter). That's a pretty
17 chilling view of aging.

18 STEPHEN CHERNISKE: Oh, but a very realistic
19 one. You see, this is not a metaphor. This dialogue
20 does take place biochemically. I mean, we can measure
21 the decreased muscle synthesis, failing immunity, a
22 decreased metabolic efficiency, leading to fatigue,
23 depression and ultimately fatal disease.

24 But unlike what your doctor is probably telling
25 you, this is not inevitable. And please, I'm not bashing

1 doctors. I'm just saying that if your doctor tells you
2 that you're aging at a normal rate, you should be very
3 concerned, because he's basing his analysis on life
4 expectancy, the point at which so-called normal people
5 are expected to feel back pain, become fatigued, get
6 overweight, fall apart and eventually die.

7 But remember, normal is nothing to aspire to.
8 I mean, today, boomers are looking for optimal health and
9 maximal life span. But to achieve that, you have to step
10 beyond normal. Now, that's our specialty. We've
11 discovered how to activate longevity signals and
12 completely alter the brain's instructions to every cell
13 in your body. With the longevity signal formula, the new
14 dialogue sounds more like this.

15 Attention, everyone. This is the brain. I've
16 just received month end reports and I have exciting news.
17 We're actually growing younger. I'm serious. I don't
18 know exactly how we're doing it, but listen to this.
19 Muscle mass is up and much more active. Stress is down.
20 Energy is way up. You're not going to believe this, but
21 I verified the data. Hormone levels indicate that we're
22 somewhere in our late twenties or early thirties. So,
23 I'll be turning up anabolic activity, sex drive, mental
24 clarity, respiratory efficiency, energy production and
25 immunity.

1 I mean, don't be alarmed if things sound a bit
2 rusty at first. A lot of this metabolic machinery hasn't
3 been used in years. But we're on a roll. The guys over
4 in the mood department are working overtime making a raft
5 of new endorphines. We're young again.

6 Now, imagine what that would feel like, this
7 sense of rejuvenation. You see, the Longevity Signal
8 Formula enables you to activate longevity signals at any
9 age and sends a different message to the brain, a
10 different message, different, more anabolic response and
11 a new you.

12 MALE NARRATOR: That's still going to be hard
13 for most people to accept, though, don't you think? I
14 mean, we're so conditioned to thinking that aging has to
15 follow this inexorable path of degeneration leading to
16 decrepitude.

17 STEPHEN CHERNISKE: Yeah, and you're right. It
18 is conditioning, and only because so few people have
19 actually achieved a true state of regeneration. But the
20 numbers are growing and soon there will be a new model to
21 follow. We already have hints of what's coming, a golden
22 age of wellness.

23 Now, I admit, when I present this at
24 conferences I still get looks of amazement and disbelief.
25 But that's because people don't understand their bodies.

1 We now know that the average adult creates about 200
2 million new cells every minute. That's almost 300
3 billion cells a day. This massive cell creation is under
4 the direct influence of the brain's anabolic/catabolic
5 instructions.

6 If you can amplify the anabolic repair and
7 rejuvenate signal, these cells will be stronger and
8 healthier than the ones they replace and you will
9 literally grow younger.

10 FEMALE NARRATOR: This is the end of Side 1.
11 Please turn the tape over to continue.

12 (Music playing)

13 (END OF SIDE 1)

14 (Music playing)

15 MALE NARRATOR: I think one of the problems or
16 difficulties in accepting the possibility of true
17 regeneration is that people, especially baby boomers,
18 have been trying all kinds of products and programs for
19 years and they just haven't seen results. They've tried
20 every vitamin known, liquid minerals, exotic herbs,
21 special exercises and still they look in the mirror and
22 they say, wait a minute, I'm aging just like my parents.

23 STEPHEN CHERNISKE: Well, sure. I mean,
24 without changing the metabolic balance towards anabolic,
25 just about anything you do in terms of anti-aging will

1 have limited results. Remember, not too long ago
2 collagen injections were all the rage. You see, as we
3 age, the production of collagen by our body starts to
4 decline and we start to sag, especially around the eyes,
5 the cheeks and the jaw line. So, people were spending a
6 fortune having collagen injected into their faces.

7 But what happened? Well, because their body
8 was highly catabolic, the injected collagen was quickly
9 broken down. And when people found out that they had to
10 go back for repeated injections every few months, they
11 lost interest real fast.

12 Well, that's a perfect example of the short-
13 sighted, treat the symptom conventional approach. The
14 Longevity Signal approach says treat the underlying
15 problem, and that is a high level of catabolic breakdown
16 activity.

17 When you improve that, when you restore your
18 body's own anabolic rebuild activity, your body
19 manufacturers more collagen. It's infinitely better
20 because it treats the problem naturally and enhances
21 beauty from the inside out.

22 MALE NARRATOR: As you say, using the wisdom of
23 Mother Nature to fool Father Time. You know, another
24 advantage, of course, is that the idea of treating the
25 underlying cause of aging instead of running after all

1 the myriad symptoms is a concept that most people quickly
2 understand and appreciate.

3 STEPHEN CHERNISKE: Well, and again, how is
4 that done? By sending longevity signals to the brain,
5 the brain concludes that you're young and initiates an
6 entire cascade of rebuild and restore instructions to
7 every cell of your body. And, you know, it's been
8 estimated that this approach affects more than 200
9 separate metabolic functions. It enhances cell
10 communication, boosts immunity, restores metabolic
11 efficiency and vitality, feelings of strength and
12 confidence. It makes your bones stronger, the mind
13 sharper, the mood higher.

14 Again, the body sends longevity signals to the
15 brain, the brain sends anabolic instructions to the body
16 and this puts you on an upward spiral that you'll never
17 forget as long as you live. And indications are that
18 that will be a very long life, probably 100 years or
19 more.

20 MALE NARRATOR: And again, in the last 12
21 years, you've grown measurably younger.

22 STEPHEN CHERNISKE: Well, and here's the point,
23 I didn't try to lower my blood pressure, I didn't try to
24 lower my cholesterol, I didn't try at all to lose weight
25 or gain muscle. I made no effort to burn fat. These are

1 simply the consequences of a highly anabolic metabolism.
2 The Oasis breakthrough is making this opportunity
3 available to everyone, not just a select group of
4 biochemists.

5 MALE NARRATOR: Now, since the announcement of
6 this test and product, your lab at Oasis Wellness Network
7 has been flooded with calls, most of the callers, I'm
8 sure, have questions and most of the questions probably
9 revolve around the how. How does the Longevity Signal
10 Formula stimulate this incredible metabolic shift?

11 STEPHEN CHERNISKE: Well, the answer,
12 fortunately, is rather simple. I mean, remember that
13 we're not tweaking and manipulating all the various
14 organs and glands and tissues. We're altering the
15 signals that inform the brain and letting the brain take
16 care of the details.

17 Now, when your brain asks your body how old you
18 are, your body uses a dipstick to measure hormones
19 produced by two key glands, the adrenals and the
20 pituitary. So, creating a product that signaled along
21 both of those pathways was absolutely critical. Now, no
22 other research firm or nutraceutical company has taken
23 this important step. I mean, most are still stuck either
24 treating the symptoms of aging or working with one of the
25 pathways without fully understanding the longevity signal

1 concept.

2 The Bioregenics Project found that the adrenal
3 hormone, DHEA, is the most comprehensive longevity signal
4 that there is. And we went on to develop a new more
5 powerful and effective DHEA complex. You see, DHEA is
6 the youth hormone. I mean, it's remarkably high when
7 you're in your prime. DHEA gave you the sense that you
8 could conquer the world. It was responsible for the sex
9 drive, energy, stamina, mental clarity and amazing
10 metabolic efficiency that you had in your twenties.

11 Well then, at about age 30, it starts to
12 decline and every year it gets lower and lower until at
13 age 70 most people are producing only 10 or 15 percent of
14 what they were making at age 25. I mean, there is no
15 biochemical in the human body that decreases at such an
16 alarming rate or whose decline causes such dire
17 consequences.

18 Now, stay with me here because this is the key.
19 For decades the so-called experts simply assumed that
20 this decline was just another inevitable consequence of
21 aging. I was one of the first to suggest that it was as
22 much a cause of the aging process as an effect, and that
23 by keeping DHEA levels at prime peak, one could maintain
24 a highly anabolic, maximum energy, powerful immune state
25 well into advancing years.

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1 But I was also the first to understand that
2 this could not be accomplished simply by supplementing
3 with DHEA. I mean, people have been taking DHEA now for
4 years, but in the wrong dose and in the wrong form. You
5 see, the amount required to activate clear longevity
6 signals can be excessive for some people. That's because
7 the body converts DHEA to other hormones like estrogen
8 and testosterone.

9 So, the solution to that critical dilemma came
10 from Dr. Henry Lardi (phonetic), one of the nation's
11 leading hormone biochemists and his team at the
12 University of Wisconsin. They had been working on a
13 natural analog or a purified form of DHEA that would
14 maintain DHEA's powerful benefits without being converted
15 to sex hormones. And after eight years of research, they
16 succeeded in producing the perfect molecule. They trade-
17 named it 7-Keto DHEA (phonetic).

18 Today, this extraordinary compound is protected
19 by seven U.S. patents. Now, these patents cover the
20 molecule itself, the technology required to make the
21 molecule and the use of 7-Keto for the treatment of a
22 wide range of health disorders.

23 Oasis Wellness Network is the first and only
24 company to combine 7-Keto with DHEA in a proprietary,
25 carefully balanced formula. Costing thousands of dollars

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1 per kilo, 7-Keto is not only the most expensive raw
2 material in the natural products industry, it's one of
3 the rarest and the most effective.

4 I asked Dr. John Zenk (phonetic), a board-
5 certified internist and anti-aging specialist, to comment
6 on 7-Keto and the Longevity Signal Formula.

7 DR. JOHN ZENK: Hello, this is Dr. John Zenk.
8 I am a board-certified internal medicine physician in
9 Minneapolis. I'm also author of a book called, Living
10 Longer in the Boomer Age. In that book, I introduced a
11 new dietary ingredient called 7-Keto.

12 7-Keto is a metabolic derivative of DHEA, which
13 is more potent than DHEA. 7-Keto has shown promising
14 beneficial results in improving memory, up-regulating the
15 immune system and increasing alertness. The Longevity
16 Signal Formula is the first time 7-Keto and DHEA have
17 been placed together in a single product.

18 I expect to see even more promising beneficial
19 effects from this product.

20 MALE NARRATOR: So, with 7-Keto, you had two
21 pieces of the puzzle.

22 STEPHEN CHERNISKE: That's right. I could keep
23 DHEA at low levels to maintain a high safety profile, but
24 utilize enough 7-Keto to send powerful longevity signals
25 to the brain. Now, still, I knew that I needed two more

1 factors because the perfect longevity signal would have
2 to enhance the pituitary pathway at the same time.

3 I mean, it would have to increase growth
4 hormone or GH. And it would have enhance the body's
5 ability to detoxify.

6 Now, we achieve the growth hormone boost by
7 adding a GH stimulator, the amino acid Arginine
8 (phonetic). And we obtain the high nutrient detox
9 benefits from a special group of botanical extracts, and
10 importantly, these extracts are standardized compounds
11 provided in clinically effective doses and supported by
12 extensive research.

13 MALE NARRATOR: Well, speaking of research,
14 you've got a file there with some of the latest findings.

15 STEPHEN CHERNISKE: Well, actually, this is
16 only a sample of what's been published in medical
17 journals and only in the last year. I mean, there are,
18 as I said, literally hundreds of scientific studies
19 supporting the components of this breakthrough formula.
20 Here are some of the most dramatic new findings.

21 A study with postmenopausal women demonstrating
22 increased bone density, improved glucose tolerance,
23 enhanced feelings of well-being, decreased body fat,
24 increased muscle mass and increased growth hormone
25 levels.

1 Here's a study with men. Produced
2 significantly increased IGF-1, the body's main repair and
3 rebuild biochemical, as well as improvements in immunity.
4 And here's a study with depressed patients showing that
5 one compound out of the formula improved not only mood,
6 but memory and learning ability at the same time.

7 Here's two breakthrough studies showing
8 remarkable improvement in liver function. Now, why is
9 that such a powerful anti-aging benefit? Because aging
10 is associated with a marked reduction in liver function.
11 A typical adult will lose more than 40 percent of their
12 liver function by age 70 and that age-related defect
13 contributes greatly to the degeneration of the entire
14 body. Here's a study showing that you can reverse that.

15 And finally, a breakthrough study on nearly
16 1,000 subjects published in the prestigious journal of
17 epidemiology showing a significant reduction in the risk
18 for atherosclerosis. Now, that's the leading cause of
19 death in Western nations.

20 MALE NARRATOR: In the time remaining, Stephen,
21 we need to answer some final questions about the ACI
22 Test. We've heard about Nobel laureates, the Bioregenics
23 Project, world-renowned professors, medical doctors and
24 researchers. Where did the ACI come from?

25 STEPHEN CHERNISKE: Well, there, the pioneering

1 work was conducted at Halkito (phonetic) University in
2 Japan. We picked up on their research, spent months
3 improving the methodology and performed initial studies
4 proving that the test was accurate, reproducible and
5 clinically valuable.

6 Now, a more rigorous double-blind, placebo-
7 controlled intervention trial has just been completed and
8 the results are nothing short of spectacular. In fact,
9 everyone was shocked except the test subjects. I mean,
10 they knew something amazing was taking place by the way
11 they felt. Imagine in less than 30 days waking up in the
12 morning before the alarm clock, blazing through the day
13 with energy to spare, dramatic increases in exercise
14 tolerance.

15 Well, you tend to notice things like that.
16 Now, just listen to what a few test subjects have to say
17 about their results.

18 HARRIS: Hi, my name is Harris from Sarasota,
19 Florida, and I've been a trained athlete involved in
20 competitive sports for over 20 years. When I turned 40,
21 I started experiencing a decrease in my overall
22 performance, including unwanted weight gain.

23 In order to continue competing and excelling at
24 a level I was accustomed to, I knew I needed to do
25 something that would give me back my edge. That's when I

1 heard about the Oasis Longevity Signal Formula. After
2 one month on the formula, I have noticed a decrease in
3 body fat, increased stamina and strength, and I'm back
4 competing against top athletes around the country.

5 This is a product I'll definitely never be
6 without.

7 DAVE: My name is Dave and I'm from Southern
8 California, and it's been pretty amazing since I've been
9 taking the Longevity Signal. I used to dip in my energy
10 levels quite a bit. But since I've been taking the
11 Longevity Signal, I have to say I've got a consistent
12 bioenergy all day long. At night, I sleep through the
13 entire night like a rock, waking up early in the morning
14 fresh, ready to go. I just feel like a million bucks.

15 As far as some special results, I would have to
16 say I had been training seven weeks prior to getting on
17 the Longevity Signal and had some good results prior to
18 the Longevity Signal, but I just really start shredding
19 up, I mean, practically overnight. In one week I lost 11
20 pounds which I was just amazed to see my entire physical
21 being transformed right in front of the mirror.

22 And another little special result is my sexual
23 vigor has just gone through the roof and -- which is a
24 great thing.

25 So, a long story short of it is I feel great, I

1 feel like a million dollars all day long. I sleep like a
2 rock at night and I would highly recommend it for
3 anybody.

4 MALE NARRATOR: I can easily see how the ACI
5 Test will change the field of anti-aging medicine.

6 STEPHEN CHERNISKE: And for a number of
7 reasons. I mean, today, the average anti-aging work-up
8 costs about \$2,000 and involves a lot of painful needle
9 sticks. We found a way to capture that information in
10 one simple and inexpensive test, and there's no pain.
11 The ACI Test is a simple urine test that you collect at
12 home.

13 MALE NARRATOR: And once more, what do the
14 results look like? What's the information that no other
15 test can provide?

16 STEPHEN CHERNISKE: Well, the ACI pinpoints
17 your location on that line from birth to death. I mean,
18 we compare that to two points, the normal for your age,
19 but more important, the level that has been determined to
20 be optimal for slowing or reversing the aging process.
21 That gives you critical information regarding where you
22 are or where you want to be, and most important, we
23 provide a product that's been shown in double-blind,
24 placebo-controlled studies to help you to achieve the
25 optimal anabolic/catabolic balance.

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1 Now, just listen to what a few doctors have to
2 say about their results.

3 DR. JESSIE HANDLEY: Hi, I'm Dr. Jessie Handley
4 (phonetic), M.D., Medical Director of Malibu Health and
5 Rehabilitation. I've been in private practice for over
6 20 years practicing holistic and longevity medicine. The
7 ACI is an exciting and insightful new laboratory
8 evaluation of degeneration and regeneration. I find it a
9 very valuable assay in my practice of wellness-oriented
10 health care.

11 DR. MICHAEL ROSENBAUM: This is Dr. Michael
12 Rosenbaum (phonetic) and I am a physician in Northern
13 California, and I've been practicing nutritional medicine
14 for over 25 years. The ACI Test is a remarkable and
15 impressive laboratory tool that can help evaluate your
16 current health status. The word "anabolic" means the
17 ability of your body to heal and to regenerate.

18 Catabolic, in contrast, means to breakdown and
19 it reflects the degree to which the body is degenerating
20 or aging.

21 Most healing therapies impact directly on this
22 critical balance between healing or anabolism and
23 breakdown or catabolism. I'm very, very excited about
24 the potential of the ACI Test, not only to enhance my
25 nutritional practice, but the practice of anti-aging

1 medicine in general.

2 MALE NARRATOR: Well, this has been incredible
3 information, Stephen. Do you have any closing comments?

4 STEPHEN CHERNISKE: Well, yes. I'd like to
5 close with the observation that life is short. At some
6 point, everyone becomes aware that life is a precious
7 journey and there's really no time for dead-ends and
8 detours. You need an effective, practical and scientific
9 anti-aging program. Oasis offers you that and more. It
10 offers you a chance to experience true rejuvenation in
11 every gland, tissue and organ in your body.

12 Time is the currency of life. I urge you to
13 spend it wisely. And that means knowing where to go for
14 help. And I want to suggest that the conventional
15 medical approach has nothing to offer, nothing but a raft
16 of palliative drugs to treat the ever-increasing symptoms
17 of aging.

18 And if you're tired of empty promises, the
19 smile and trust me approach, Oasis Wellness Network
20 shakes your hand, looks you in the eye and says, let me
21 prove it to you. Now, the difference is profound.

22 (Music playing)

23 MALE NARRATOR: If you only knew. Well, now
24 you do know. You know that the Oasis ACI Test can
25 measure your true age simply and inexpensively. You know

1 that the Oasis Longevity Signal Formula is guaranteed to
2 make you biologically younger in 30 days or less. You
3 know that your body is sending your brain longevity
4 signals this very moment, but that they're not as strong
5 as they could be.

6 And now that you know, there is only one thing
7 left to do. Call the person who gave you this tape and
8 ask about the unconditionally guaranteed way to become
9 biologically younger. There's absolutely no risk. Make
10 this call today because now you know.

11 Thanks for listening.

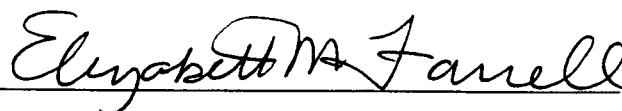
12 **(The audiotape presentation was concluded.)**

C E R T I F I C A T I O N O F T Y P I S T

DOCKET/FILE NUMBER: P994506CASE TITLE: INTERNET ADVERTISINGTAPING DATE: COPYRIGHT 1999TRANSCRIPTION DATE: JANUARY 11, 2000

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

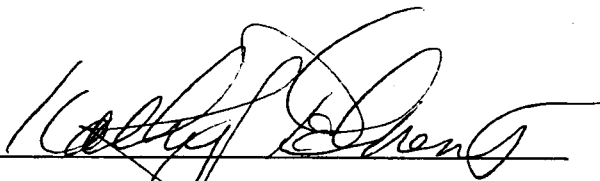
DATED: JANUARY 11, 2000



ELIZABETH M. FARRELL

C E R T I F I C A T I O N O F P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.



KATHY J. DE MENT

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

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that 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 MaxCell BioScience, Inc. is a Delaware corporation with its principal office or place of business at 100 Technology Drive, Broomfield, Colorado 80021.

Decision and Order

2. Respondent Stephen Cherniske is an officer of the corporate respondent. His principal office or place of business is the same as that of MaxCell BioScience, Inc.
3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

DEFINITIONS

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

1. Unless otherwise specified, "respondents" shall mean MaxCell BioScience, Inc., a corporation, its successors and assigns and its officers; Stephen Cherniske, individually and as an officer of the corporation; and each of the above's agents, representatives, and employees.
2. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
3. "Distributor" shall mean any purchaser or other transferee of any product or service covered by this order who acquires such product or service from respondents, with or without valuable consideration, and who sells, or who has sold, such product or service to other sellers or to consumers, including but not limited to individuals, retail stores, or catalogs.
4. "Food," "drug" and "device," shall mean as "food," "drug," and "device" are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.

Decision and Order

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

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, including franchisees, licensees, or distributors, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the Anabolic/Catabolic Index test, or any other substantially similar device, in or affecting commerce, shall not represent, in any manner, expressly or by implication, that such device provides a clinical gauge of an individual's overall healthiness or overall youthfulness. For purposes of this Part, "substantially similar device" shall mean any product that measures the ratio of 17-ketosteroids to creatinine in one urine sample.

II.

IT IS FURTHER ORDERED that respondents, directly or through any 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 test or other device, in or affecting commerce, shall not represent, in any manner, expressly or by implication, that such device provides a clinical gauge of an individual's overall healthiness or overall youthfulness, unless the representation is true and, at the time it 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 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 Longevity Signal Formula or any

Decision and Order

other food, drug, device, service, or dietary supplement, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

- B. That such product or service reduces the risk of atherosclerosis,
- C. That such product or service cures arthritis,
- D. That such product or service lowers blood pressure,
- E. That such product or service lowers cholesterol levels in the bloodstream,
- F. That such product or service strengthens bones,
- G. That such product or service reduces or eliminates the need for corrective lenses,
- H. That such product or service promotes weight loss or muscle gain without dieting or exercise,
- I. That such product or service increases glucose tolerance,
- J. That such product or service increases Growth Hormone levels in the body, thereby causing positive clinical effects on health,
- K. That such product or service improves liver function,
- L. That such product or service prevents or reverses aging, or increases life expectancy, or
- M. About the effect of such product or service on any disease, or about the effect of such product or service on the structure or function of the human body, or about any other health benefit, or the safety, of such product or service,

Decision and Order

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

IV.

IT IS FURTHER ORDERED that respondents shall not provide to any person or entity means and instrumentalities that contain any claim about the effect of any product or service on any disease, or about the effect of any product or service on the structure or function of the human body, or about any other health benefit, or the safety, of any product or service, unless such claim is true, and substantiated by competent and reliable scientific evidence. For purposes of this Part, “means and instrumentalities” shall mean any information, including but not necessarily limited to any advertising, labeling or promotional materials, for use by distributors in their marketing or sale of the Anabolic/Catabolic Index test or Longevity Signal Formula or any other product or service covered under this order, in or affecting commerce.

V.

IT IS FURTHER ORDERED that respondents, directly or through any 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 food, drug, device, service, or dietary supplement, 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.

VI.

IT IS FURTHER ORDERED that respondents shall:

- A. Within seven (7) days after service of this order upon respondents, deliver to the Commission a list, in the form of

Decision and Order

a sworn affidavit, of all distributors who purchased the Anabolic/Catabolic Index test or Longevity Signal Formula from respondents or from one of respondents' other distributors on or after January 1, 2000. Such list shall include each distributor's name and address, and, if available, the telephone number and email address of each distributor.

- B. Within thirty (30) days after service of this order upon respondents, send by first class mail, with postage prepaid, an exact copy of the notice attached hereto as Attachment A, showing the date of mailing, to each distributor who purchased the Anabolic/Catabolic Index test or Longevity Signal Formula from respondents or from one of respondents' other distributors between January 1, 2000, and the date of service of this order. This mailing shall not include any other document.

VII.

IT IS FURTHER ORDERED that respondent MaxCell BioScience, Inc., directly or through any corporation, subsidiary, division, trade name, or other device, shall:

- A. For a period of three (3) years following entry of this order, send a copy of the notice attached hereto (Attachment A) by first class mail, with postage prepaid, to any distributor of the Anabolic/Catabolic Index test, Longevity Signal Formula, or any other food, drug, device, service, or dietary supplement; provided, however, that the requirement of this subpart shall not apply to any distributor who received a copy of the notice attached hereto (Attachment A) pursuant to the requirements of subpart VI.B of this order. Such notice shall be sent within one (1) week from the first shipment of respondent's products or programs to said distributor. The mailing shall not include any other documents.

Decision and Order

- B. Institute a reasonable program of surveillance adequate to reveal whether any of respondent's distributors are disseminating advertisements or promotional materials that contain any representation about the Anabolic/Catabolic Index test, Longevity Signal Formula, or any other food, drug, device, service, or dietary supplement manufactured by or purchased from respondent, that is prohibited by Part I, II, III, or IV of this order.
- C. Terminate all sales of the Anabolic/Catabolic Index test, Longevity Signal Formula, or any other food, drug, device, service, or dietary supplement to any distributor who is engaged in disseminating advertisements or promotional materials that contain any representation about the Anabolic/Catabolic Index test, Longevity Signal Formula, or any other food, drug, device, service, or dietary supplement manufactured by or purchased from respondent, that is prohibited by Part I, II, III, or IV of this order once respondent knows or should know that the distributor is or has been engaged in such conduct.

VIII.

Nothing in this order shall prohibit respondents from making any representation for any drug that is permitted in labeling for such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new medical device application approved by the Food and Drug Administration. Nor shall it prohibit respondents from making any representation for any product that is specifically permitted in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

Decision and Order

IX.

IT IS FURTHER ORDERED that respondents shall pay the Federal Trade Commission the sum of **one hundred fifty thousand dollars** (\$150,000). This payment shall be made in the following manner:

- A. The payment shall be made by wire transfer or certified or cashier's check made payable to the Federal Trade Commission, the payment to be made no later than the date that this order becomes final.
- B. In the event of any default in payment, which default continues for ten (10) days beyond the due date of payment, the amount due, together with interest, as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of payment, shall immediately become due and payable.
- C. The funds paid by respondents, together with any accrued interest, shall, in the discretion of the Commission, be used by the Commission to provide direct redress to purchasers of Longevity Signal Formula and/or the Anabolic/Catabolic Index test in connection with the acts and practices alleged in the complaint, and to pay any attendant costs of administration. If the Commission determines, in its sole discretion, that redress to purchasers of these products is wholly or partially impracticable or is otherwise unwarranted, any funds not so used shall be paid to the United States Treasury. Respondents shall be notified as to how the funds are distributed, but shall have no right to contest the manner of distribution chosen by the Commission. No portion of the payment as herein provided shall be deemed a payment of any fine, penalty or punitive assessment.
- D. Respondents relinquish all dominion, control, and title to the funds paid, and all legal and equitable title to the funds vests in the Treasurer of the United States and in the

Decision and Order

designated consumers. Respondents shall make no claim to or demand for return of funds, directly or indirectly, through counsel or otherwise; and in the event of bankruptcy of any respondent, respondents acknowledge that the funds are not part of the debtor's estate, nor does the estate have any claim or interest therein.

X.

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

- A. All advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation; and
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

XI.

IT IS FURTHER ORDERED that respondent MaxCell BioScience, Inc., and its successors and assigns, and respondent Stephen Cherniske 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

Decision and Order

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.

XII.

IT IS FURTHER ORDERED that respondent MaxCell BioScience, Inc., and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

XIII.

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

Decision and Order

Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C.
20580.

XIV.

IT IS FURTHER ORDERED that respondent MaxCell BioScience, Inc., and its successors and assigns, and respondent Stephen Cherniske shall, within sixty (60) days after 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.

XV.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the

Decision and Order

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

By the Commission.

Decision and Order

ATTACHMENT A

LETTER SENT TO DISTRIBUTORS WITH WHOM
RESPONDENT HAS DONE BUSINESS BETWEEN
JANUARY 1, 2000,
AND THE DATE OF SERVICE OF THIS ORDER

[To Be Printed on MaxCell BioScience letterhead]

[NAME AND ADDRESS OF RECIPIENT]

[DATE]

Dear [DISTRIBUTOR'S NAME]:

This letter is to inform you that MaxCell BioScience, Inc. recently settled a civil dispute with the Federal Trade Commission regarding its advertising for the *Anabolic/Catabolic Index test* and *Longevity Signal Formula*. Among other things, we have agreed to notify distributors of the settlement.

As a result of its agreement with the FTC, MaxCell BioScience, Inc. has consented to desist from, among other practices, making any claim about the effects on any disease or on the structure or function of the human body, or about any other health benefit, or the safety, of any dietary supplement, food, drug, device, or service, that is not supported by competent and reliable scientific evidence. Competent and reliable scientific evidence is defined as 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. Anecdotal evidence and consumer testimonials are not considered competent and reliable scientific evidence.

According the FTC complaint, we did not have a reasonable basis to claim that the ACI test measures a person's overall

Decision and Order

healthiness or youthfulness or that LSF reduces the risk of atherosclerosis, cures arthritis, lowers blood pressure, lowers cholesterol levels in the bloodstream, strengthens bones, reduces or eliminates the need for corrective lenses, or promotes weight loss and muscle gain without dieting or exercise, increases glucose tolerance, increases Growth Hormone levels in the body, thereby causing positive clinical effects on health, or improves liver function.

As always, your responsibility as a distributor is to utilize only claims made directly from corporate communications or to have your advertising approved by the corporation before transmitting it. Failure to comply with these requirements can result in termination.

This letter has been provided for your files. If you have any questions or if you want a copy of the FTC order, please contact [insert name and telephone number of respondents' contact].

MaxCell BioScience, Inc.

Analysis

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from MaxCell BioScience, Inc. and Stephen Cherniske, president of the corporation (collectively, "MaxCell").

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

This matter involves alleged misleading representations about Longevity Signal Formula ("LSF"), a dietary supplement containing, among other ingredients, arginine, DHEA, and 7-Keto DHEA, and an Anabolic/Catabolic Index™ ("ACI") test, an at-home (with laboratory analysis) urine test that measures the ratio of 17-ketosteroids to creatinine in one urine sample. This matter concerns allegedly false and unsubstantiated advertising claims made in cassette tapes and web sites distributed directly to consumers and through distributors regarding the ability of LSF to reverse the aging process and, consequently, to prevent, treat, or cure numerous age-related diseases and conditions, and the ability of the ACI test to measure a person's overall healthiness and youthfulness and to prove the effectiveness of LSF for reversing aging.

According to the FTC complaint, MaxCell falsely claimed that the ACI test provides a clinical gauge of an individual's overall healthiness or youthfulness and demonstrates that LSF prevents or reverses aging. In fact, the complaint alleges that the ACI test only measures inactive androgen breakdown products in the urine, which products, in most instances, are not a significant or reliable measure of overall healthiness or youthfulness. The complaint further alleges that MaxCell falsely claimed that scientific testing

Analysis

demonstrates the ability of LSF to: significantly reduce the risk of atherosclerosis; increase bone density, improve glucose tolerance, reduce body fat, increase muscle mass, and increase growth hormone levels in post-menopausal women; improve liver function; and significantly increase life expectancy.

In addition, the complaint challenges claims that LSF: significantly reduces the risk of atherosclerosis; cures arthritis; lowers blood pressure; significantly lowers cholesterol levels in the bloodstream; strengthens bones; reduces or eliminates the need for corrective eyewear; promotes significant weight loss and muscle gain without dieting or exercise; increases glucose tolerance; increases Growth Hormone levels in the body, thereby causing positive clinical effects on health; improves liver function; prevents or reverses aging; and significantly increases life expectancy. The complaint alleges that these claims are unsubstantiated.

Finally, the complaint charges that MaxCell, by providing advertisements and promotional materials to distributors for use in their marketing and sale of LSF and the ACI test, have provided means and instrumentalities to distributors of MaxCell's products in furtherance of the deceptive and misleading acts or practices alleged in the complaint.

The proposed consent order contains provisions designed to prevent MaxCell and its distributors from engaging in similar acts and practices in the future and to redress consumer injury by requiring MaxCell to make a monetary payment to the Commission.

Part I of the order bans claims that the ACI Test or any other substantially similar device provides a clinical gauge of an individual's overall healthiness or youthfulness. "Substantially similar device" is defined as any product that measures the ratio of 17-ketosteroids to creatinine in one urine sample.

Analysis

Part II of the order requires that future claims that any test or device provides a clinical gauge of an individual's overall healthiness or youthfulness be true and substantiated by competent and reliable scientific evidence.

Part III of the order requires competent and reliable scientific evidence as substantiation for future claims that LSF or any other food, drug, device, service, or dietary supplement provides any of the specific health benefits challenged above as unsubstantiated. In addition, Part III. L requires scientific substantiation for any future claim about the effect of covered products or services on any disease, on the structure or function of the human body, or about any other health benefit, or the safety, of any covered product or service.

Part IV of the order prohibits MaxCell from providing to any person or entity “means and instrumentalities” that contain any claim about the effect of any product or service on any disease, or about the effect of any product or service on the structure or function of the human body, or about any other health benefit, or the safety, of any product or service, unless such claim is true and substantiated by competent and reliable scientific evidence. “Means and instrumentalities” is defined as any information, including but not necessarily limited to any advertising, labeling, or promotional materials, for use by distributors in their marketing or sale of the ACI test or LSF or any other product or service covered under the order.

Part V of the order prohibits MaxCell from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Part VI of the order requires dissemination of a notice (“Attachment A”) about the order to MaxCell's distributors who have purchased the ACI Test or LSF since January 1, 2000. This notice indicates that MaxCell has agreed to cease making challenged representations, and warns distributors that they may

Analysis

be terminated if they do not conform their representations to the requirements placed on MaxCell.

Part VII of the order requires dissemination of Attachment A to future distributors, and that MaxCell monitor their distributors, and terminate sales to distributors who make representations prohibited by the order.

Part VIII of the order permits FDA-approved drug claims and claims for food or dietary supplements authorized under the Nutrition Labeling and Education Act of 1990.

Part IX of the order requires that MaxCell make a payment of \$150,000 to the Commission, which funds the FTC can forward to the U.S. Treasury as disgorgement or use for purposes of consumer redress.

Parts X, XI, XII, and XIV of the order require MaxCell to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, to provide copies of the order to certain of its personnel, to notify the Commission of changes in corporate structure, and to file compliance reports with the Commission. Part XIII requires Stephen Cherniske to notify the Commission of his employment status, and Part XV provides that the order will terminate after twenty (20) 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 interpretation of the agreement and proposed order or to modify in any way their terms.

Complaint

IN THE MATTER OF

FORMOR, INC. AND STAN GOSS

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

Docket C-4021; File No. 0023226
Complaint, July 30, 2001--Decision, July 30, 2001

This consent order addresses health-related advertising claims that Respondent ForMor, Inc., and one of its officers, Respondent Stan Goss, disseminated on the Internet and elsewhere for their St. John's Kava Kava (a dietary supplement that contains St. John's Wort) colloidal silver, and shark cartilage products. The order, among other things, prohibits the respondents from representing that ingesting a St. John's Wort product – or any covered product or service – is effective in the treatment of HIV/AIDS, colds, syphilis, tuberculosis, dysentery, whooping cough, mania, hypochondria, fatigue, or hysteria – unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation – and from representing that ingesting a St. John's Wort product has no serious drug interactions. The order also prohibits the respondents from representing that ingesting colloidal silver is proven effective in the treatment of disease or any number of diseases, or that medical studies demonstrate that ingesting colloidal silver is safe or has no adverse side effects. In addition, the order prohibits the respondents – in connection with the advertising or sale of any shark cartilage product or any covered product or service – from representing that ingesting such a product is effective in the treatment of arthritis or other degenerative or inflammatory conditions, or of brain cancer, without possessing and relying upon competent and reliable scientific evidence that substantiates the representation. The order also prohibits the respondents – in connection with the advertising or sale of any covered product or service – from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research. In addition, the order requires the respondents to provide refunds upon request to purchasers of colloidal silver and Ultimate II Shark Cartilage Concentrate.

Participants

For the Commission: *Susan M. Luciano, Donald G. D'Amato,*
Michael Joel Bloom, Thomas A. Cohn, Barbara Anthony, Janis K.
Pappalardo, Gerard R. Butters and Paul A. Pautler.

For the Respondent: *Stan Goss, pro se.*