

Complaint

IN THE MATTER OF

TRU-VANTAGE INTERNATIONAL, L.L.C.

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

Docket C-4034; File No. 0023210

Complaint, February 5, 2002--Decision, February 5, 2002

This consent order addresses advertising and promotional practices used by Respondent Tru-Vantage International, L.L.C., an infomercial producer, in connection with the sale of Snorenz, a dietary supplement consisting of oils and vitamins that is sprayed on the back of the throat of persons who snore. The order, among other things, requires the respondent to possess competent and reliable scientific evidence to substantiate representations that Snorenz – or any other food, drug, or dietary supplement – reduces or eliminates snoring or the sound of snoring, or eliminates, reduces or mitigates the symptoms of sleep apnea. The order also requires the respondent – whenever it represents that certain products are effective in reducing or eliminating snoring or the sounds of snoring – to affirmatively disclose a warning statement about sleep apnea and the need for physician consultation. In addition, the order requires the respondent to possess and rely upon adequate substantiation to support any representation about the benefits, performance, efficacy, or safety of Snorenz or any other product, service or program. The order also prohibits the respondent from making false claims about scientific support for any product, service, or program. In addition, the order requires the respondent – if it uses any consumer endorsement or testimonial to promote a product, service or program – either to possess competent and reliable scientific evidence that the testimonial represents the typical or ordinary experience of users, or to affirmatively disclose that the testimonial is not typical. The order also requires the respondent to affirmatively disclose any material connection between itself and any endorser, or between an endorser and the marketer.

Participants

For the Commission: *Lemuel W. Dowdy, Walter C. Gross,
James Reilly Dolan, Elaine D. Kolish, and Randi M. Boorstein..*

For the Respondent: *David J. Bradford and Theresa A.
Chmara, Jenner & Block, and Craig B. Sherman, Sherman Law
Offices.*

Complaint

COMPLAINT

The Federal Trade Commission, having reason to believe that Tru-Vantage International, L.L.C., a limited liability company ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is an Illinois limited liability company, with its principal office or place of business at 7300 North Lehigh Avenue, Niles, Illinois 60714.
2. Respondent advertised, offered for sale, sold, and distributed products to the public, including but not limited to, SNORenz, a topical spray that purports to reduce or eliminate snoring or the sounds associated with snoring by lubricating the vibrating tissues in the throat with a combination of oils, vitamins, and trace ingredients. SNORenz is a "food," and/or "drug" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
3. Respondent's advertisements include, but are not limited to, program-length television commercials ("infomercials") which run for 30 minutes or less and fit within normal television broadcasting time slots. Respondent's television commercials were and are broadcast on network, independent and cable television stations throughout the United States.
4. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
5. Respondent has disseminated or has caused to be disseminated advertisements for SNORenz, including but not necessarily limited to television infomercials that were aired on various broadcast and cable channels. These advertisements contain the following statements:

Complaint

INFOMERCIAL: TRU SNORENZ 1 - KT [Exhibit A]

A. KEVIN TRUDEAU: And this is a patented product. It has been clinically tested in double-blind studies –

JOHN ZIGLAR: Yes.

KEVIN TRUDEAU: Tell us about that.

JOHN ZIGLAR: What we did is we had two double-blind studies done in two separate locations. Basically, we had where the doctors did not know which was the placebo product nor did the patient know. And in each of the cases, the people that took the product that had the SNOREnz product in it in 97 percent of the cases they quit snoring immediately.

B. KEVIN TRUDEAU: If you use this product one time, for the first time in years, you will get the best night's sleep you've ever had. You'll actually go and get deep sleep for the very first time. And you'll wake up the next morning probably with more energy than you've ever imagined having. Because, folks, if you snore, I can tell you right now you are not getting deep sleep and you are not full of the energy that you can be by just getting a full night's rest. You'll also be more pleasant, you won't be as irritable, your body could even function better, your immune system and all of your systems can work better when you've had a full-night's rest.

C. KEVIN TRUDEAU: -- just make sure you spray it at the back of your throat, we'll show you exactly how to do that, and make sure 30 minutes before you use the product, don't drink or eat anything, primarily alcohol, that way it will stay on the throat, then go to sleep and guaranteed to work or your money back. Double-blind studies -- two of them -- proved -- clinical research -- that 97 percent of the times this

Complaint

was effective in eliminating the snoring noise all night long. It's all natural, it's patented and you can't beat the value.

- D. KEVIN TRUDEAU: This is exclusive, it's a breakthrough, we're announcing it for the very first time, this is a revolutionary product that's patented, guaranteed to work, you get a three-month's supply -- this is your refill -- and this is the little squirter. You just put this by the bed stand and then all you do -- you can see how it sprays out here -- you just put three squirts in your mouth, on the back of your throat, just squirt it in right before you go to sleep, it tastes great, it's all natural, it's a patented product. In double-blind studies, clinical testing, guaranteed to work 97 percent of the time. And, you know, we have never seen it fail. And I think the reason it says 97 percent, if they put 100 percent people would think, oh, it sounds too good to be true. And it does sound too good to be true, but the double-blind studies, the people that use it, and you can find out for yourself --
- E. KEVIN TRUDEAU: If you are a snorer or know somebody that is, it will eliminate the snoring just like that, guaranteed or your money back. It's a patented process, double-blind studies, clinical research. If it doesn't work, send it back for a full refund, no questions asked. But the statistics show, 97 percent effective in eliminating the noise of snoring the very first application. Folks, your life can be changed when you get a good night's rest.

INFOMERCIAL: VP SNORenz 2- JD [Exhibit B]**ON SCREEN: Dr. Bob Courier, Physician Surgeon**

- F. DR. BOB COURIER: Another side effect, a cute story, my brother's also a snorer, I think this is just something that runs in families, as well. Anyway, he has since tried the product, as I have, and I use it, and I think it's fantastic, because it does stop the snoring. . . .

Complaint

G. JOHN ZIGLAR: Jon, what we've done is we have taken all natural oils, and we have taken and put them together in a liposome formulation, and we have taken it and so that you can actually spray this product into the back of your throat, and the process is really quite simple. Have you ever seen a car go down the road that didn't have enough oil in it, and you hear the clatter and the clanking?

**ON SCREEN: John Ziglar, Master Strategies
Researcher**

JOHN ZIGLAR: Well, what happens is we took that same philosophy, that same technology, and we said, Hey, if we can oil the parts and we can take and make a topical solution that will stay in a place for an extended period of time, we can eliminate the noise of snoring. You're still going to have the same amount of air that's going to pass through the passage, but all we're going to do is we're going to lubricate the parts so that there is no noise associated so that you don't then wake up or wake up your neighbor.

H. DR. BOB COURIER: Well, to take this just a little bit further, a dentist has studied this and has actually sprayed this in models, and he actually used a dye at the time so he could see where it was applied. In the soft tissues, in the back of the throat, the ones that we see that flap and flutter and that need the lubrication, what -- it is applied there, but where the technology goes even further and better through this liposome technology is to apply it evenly, and the very neat thing about this is it stays. It stays there all night. That's where others have failed. And that's also where a lot of the appliances, that's where also a lot of the applications of surgeries, pills, other things that have been attempted and tried have failed. This product here stays there. It's easy application.

Complaint

I. JON DENNY: If -- if you have a snoring problem, if you have problems sleeping next to a snorer, then SNORenz may be the answer you've been waiting for. Remember, snoring is a medical condition. Studies have shown that snoring can seriously reduce your energy levels, your concentration and can seriously affect your work habits, as well, and you can be sure your snoring is seriously bothering someone other than you. SNORenz is the first all-natural spray that has been proven to give you a healthy, natural, good night's sleep. It has no side effects. It's as easy as a few sprays before bed, and it lasts all night, and if you want more information on SNORenz, if you want to stop the snoring, if it's a snorer next to you or if you be the snorer, you may want to call the 800 number on your screen.

J. JON DENNY: We have I believe a caller on the line from Arizona, and I believe it's Tina Hines (phonetic). Tina, are you on the air with us?

. . .

TINA HINES: I'm listening to your show, and I have to tell you that snoring, you know, is a lot more dangerous that people think. My husband was a chronic snorer, he's a firefighter/paramedic, so I wasn't the only one affected by this. I mean, we didn't sleep together for years.

JON DENNY: Now, you've been married for how long, Tina?

TINA HINES: Sixteen years.

JON DENNY: Sixteen years, and this was a problem that occurred right from the start of your marriage?

TINA HINES: Oh, yeah.

JON DENNY: You found you were married to a snorer?

Complaint

TINA HINES: Oh, absolutely, and the poor guy, it would be all night, John, turn over, turn over. It did not matter, he could be sleeping on his head, and he would still snore. Well, it got so bad that even at the fire department, he was being hassled at the fire department, because these guys sleep at different shifts, they don't all sleep at the same time, and when John was sleeping, he would be waking everybody else up, so they would be pounding on the walls and he'd come home all aggravated, he'd come home and want to sleep. They even built a partition around my husband's bunk bed to try to keep out the noise. Well, it got so bad he finally went to the doctor, and in order for the insurance company to pay for this surgery, they put him in the hospital, in the sleep center, and found out that he also had sleep apnea, which is very dangerous, because when you're snoring, you stop breathing, then you forget to sleep. So, they did the surgery, and needless to say, it lasted for a while, and then after that he started up again, and he would not even believe when I would tell him, John, you're snoring again. You don't want to go through surgery and find out that you're snoring again.

JON DENNY: So, this was after a surgery, he had -- the problem re-emerged.

TINA HINES: Right, they did surgery on all his sinuses, they went through his nose and removed all his polyps, thinking that was the problem. So, now he's in for the second surgery, and they decided they are going to remove part of his uvula, and the roof of his mouth, his tonsils and his adenoids, and this way it will give his tongue more room, I guess is what they said, so he wouldn't snore. Well, he went through this, and it was a horrible surgery. I really felt very, very bad for him. He was out of work for six weeks, and he had high hopes that this was going to work and our life was going to change, we could sleep in the same room together, go on vacation, the guys wouldn't be hassling him. Well, that did work for quite a while, and then it

Complaint

started up again, and I'll tell you what, I was even afraid to tell him, because I couldn't believe it myself. It's aggravating, it's annoying, I don't get a good night's sleep, he doesn't get a good night's sleep. I hated to say it, but I was happier when he was at the fire department because I got a good night's sleep.

. . .

TINA HINES: And I was aggravated. You're talking two surgeries, what's it going to take? He tried those stupid nose strip things, they didn't work. So, one day I'm sitting here watching TV and I see a commercial out here in Phoenix and a couple is talking about the same thing, and I'm thinking, Well, what have I got to lose? Well, my husband tells me I'm nuts, because if two surgeries didn't work, the spray was not going to work. I figure, Well, I'm going to try it. So, I sent for it, put it on the nightstand, the first night he was home, I woke him up, I said, John, spray your throat. He said, Yeah, yeah, yeah, yeah. I said, John, please, spray your throat. So, we sprayed his throat, and I'm like waiting -- I'm laying there, I'm laying there, I'm like, Oh, wow, he was sleeping, there was no noise coming out of him. And I was -- I was pretty well hooked. And he still was not a believer. He said it was just a fluke. So, it took a few times of using the SNOREnz. Now, I'll tell you what, he's taken it up to the fire department. I have the wives calling from the fire department asking me the 800 number. I've given away more bottles, I can't tell you, because I belong to the SNOREnz Bottle of the Month Club, and I just gave one to my daughter last week, she came over, and she was like, Mom, I'm going crazy, Kenny's snoring. I said, Here, take my last bottle, take it home.

INFOMERCIAL: VP SNORENZ 3 - KT [Exhibit C]

K. KEVIN TRUDEAU: Now . . . was this a patented process that this Korean gentleman invented?

Complaint

JOHN ZIGLAR: No, it wasn't, Kevin. At the time, what he had was a combination of oils that he had in a little formula that he sprayed in the back of his throat and then Paul went to his laboratories and he developed a liposome formulation of the all-natural oils. He put some vitamins, minerals in it and put a whole lot better taste. He put a spearmint taste into the product so that it would taste good and then still solve the problem.

KEVIN TRUDEAU: So, now this is a patented formula?

JOHN ZIGLAR: Yes, it is.

KEVIN TRUDEAU: Okay. Patented process.

L. KEVIN TRUDEAU: So, this -- this -- this is an all-natural product; this is clinically tested; no after effects; natural ingredients; vitamin enhanced; fresh breath -- 97 percent effective. . . .

M. KEVIN TRUDEAU: Tell me how this eliminates the snoise of noing (sic). What exactly happens when I spray this in my mouth before I go to sleep?

JOHN ZIGLAR: Because of the technology -- what we have been able to do with the oils in this product, is we have been able through a liposome technology, put it so that when it lands on the back of your throat it will actually stay there. It will stay topical for up to eight hours.

N. KEVIN TRUDEAU: It's a patented product. It's not available in any stores. It's only available directly from the company. Call the number on your screen to get more information on SNORenz. It's very inexpensive, it tastes great, it's all-natural, it's clinically proven to eliminate the noise of snoring in 97 percent of the cases, and in our personal experience is virtually 100 percent.

Complaint

O. KEVIN TRUDEAU: The person who snores, Dr. Leonard, if they are snoring and it "doesn't bother them."

DR. LEONARD: Um-hmm.

KEVIN TRUDEAU: They don't get woken up. Is it, in fact, having an adverse effect on the person's sleep patterns, thus making them more potentially irritable and fatigued during the day?

DR. LEONARD: Certainly. Potential irritability and fatigue throughout the day has got to be commonplace.

KEVIN TRUDEAU: Now, why is that? I mean, if I snore and I don't wake up during the night and I don't -- I don't even know I snore --

DR. LEONARD: Um-hmm.

KEVIN TRUDEAU: -- how is it having that effect on me?

DR. LEONARD: If you're sleeping and snoring, obviously, like you're talking about exchanging air and still breathing and your air passage is restricted, once things are restricted to a point, you automatically or for the most part most people will wake up, catch a deep breath, roll over, what-have-you. So, yeah, your sleep pattern is disturbed by that.

KEVIN TRUDEAU: So, a person may not even realize that he's constantly waking up and going back to bed during the night?

DR. LEONARD: That's right.

P. KEVIN TRUDEAU: Folks, if you're watching right now and you are a snorer or if you know someone that is, get on the telephone and call to get SNORenz. It's a very simple, all natural product, it's just natural oils with some vitamins

Complaint

and minerals. You simply just spray it in your mouth three times before you go to bed. It tastes great, it's a patented product, it has been proven to be 97 percent effective in eliminating the snoise -- the noise of snoring. . . . It's all natural, it's patented, and it's not available in any store. So, pick up the phone right now for more information on SNORenz. And it's pennies, it's very cheap and it'll eliminate your snoring.

. . .

(Music playing.)

**ON SCREEN: For more information or to order
Snorenz call:**

**Tru-Vantage International, 7300 N. Lehigh Ave, Niles,
IL 60714 (847)647-0300.**

**If snoring is accompanied by any signs of Sleep Apnea,
you should consult a physician before using any
product.**

**The preceding has been a paid commercial for
SNORENZ brought to you by Kevin Trudeau's Tru-
Vantage International, America's premier direct
response marketing company.**

INFOMERCIAL: VP SNORENZ 4 - JD [Exhibit D]

- Q. JON DENNY: If you have a snoring problem, if you have problems sleeping next to a snorer, then SNORenz may be the answer you've been waiting for. Snoring can seriously reduce your energy levels, your concentration, and can seriously affect your work habits, as well. And you can be sure your snoring is seriously bothering someone other than you. SNORenz is the first all-natural spray that has been proven to give you a healthy, natural, good night's sleep. It has no side effects, it's as easy as a few sprays before bed, and it lasts all night.

Complaint

R. JON DENNY: If you're sleeping and snoring, obviously, like you're talking about exchanging air and still breathing and your air passage is restricted, once things are restricted to a point, you automatically or for the most part most people will wake up, catch a deep breath, roll over, what-have-you. So, yeah, your sleep pattern is disturbed by that.. Do it for him, do it for yourself, do it for your family. It is worth the phone call, and it is pennies per day to end the snoring problem. This is a product, as I mentioned, that has been proven effective in studies. And you actually conducted the studies out of your offices in Michigan. Tell us about how SNORenz worked.

DR. BOB CURRIER: Interestingly enough, it's not only the results of the studies we got, but the comments we received. Many people, again, they're aware of snoring, but they aren't aware of the problems that come with it. And actually it's like until it's resolved, the snoring itself, oh, my word, what a problem it was. And you can see the changes it's made. That was probably the most interesting part of doing that whole study –

JON DENNY: Um-hmm.

DR. BOB CURRIER: -- was the comments that we got back, the little stories that people had through the week –

JON DENNY: Yes.

DR. BOB CURRIER: -- you know, of using this product. And that was the beauty of this. I loved doing the study, it was highly effective.

INFOMERCIAL: VP SNORenz 8 JD/JPK [Exhibit E]

S. JON DENNY: For millions of Americans, this is the most annoying and unwelcome sound in the world. That's right, more than 90 million Americans have a snoring problem,

Complaint

and it could cause sleeplessness, headaches and a lack of energy, and that goes for the snorer as well as the person trying to sleep next to the snorer. What can be done about it? On Vantage Point today, hear about a new discovery that could eliminate the sound of snoring.

ON SCREEN: Vantage Point with Jon Denny

T. JON DENNY: Hi, I'm Jon Denny, and welcome to Vantage Point. We are going to talk about snoring today and we're going to do it with Paul Kravitz, who has brought to the market an exciting break-through product called SNORenz, which has been proven from snorers around the country to reduce or eliminate their snoring problem. Paul, welcome to the show.

PAUL Kravitz: Thank you, Jon.

JON DENNY: Tell me, is this a break-through medical discovery; is this a revolutionary new direction to help people stop this snoring problem?

ON SCREEN: Paul Kravitz/SNORenz/TVI

PAUL Kravitz: Well, Jon, I don't know if you'd call it a medical breakthrough or a new discovery. To me it was a major breakthrough. In fact, it saved my marriage. I had been a heavy snorer for years and at one point in my life my -- my ribs hurt so much in the morning from my wife poking me to wake up to stop snoring, it was just a terrible thing. And over the course of many years I was thinking about surgery -- there were a lot of potential cures that I -- that I thought I would find to help the situation out. And I met somebody about six or seven years ago, a Korean gentleman who lived in Brazil, actually, and who was working with an EMT specialist who lived next door, and they came up with a -- with a product and I had met him, they were looking for somebody to invest in a company, and

Complaint

things just went -- went the way of the world -- and finally I asked him if I could try the product, and I did. And it worked. It was -- at the it was in its infancy, it was terrible tasting, and -- but it worked, and I used it for five days straight and I made a small investment, which became a larger investment, and even a larger investment. Until, finally, I bought the formula from the Korean and we went to work on it. It took a year and a half to develop, and, Jon, we've tested it, we've proven it, it works. And it works and it's a very simple way it does work.

U. JON DENNY: How does SNORenz work to correct or address the problem you're talking about?

PAUL Kravitz: Well, very simply put, it oils the vibrating parts of your -- of your throat. And when you put oil on a -- on a rusty part, it silences it. And that's exactly how it does work. The secret of the product, and what we've spent millions of dollars to find out, is how to get it to attach itself -- the product itself -- the spray -- to stay in the back of the throat so that the noise stays -- I mean, that the noise stays away for six to eight hours.

V. JON DENNY: Now, why is snoring a problem? On one hand we know it's a problem for the person sleeping next to us, the snorer, they're not getting enough sleep because of that sound coming right next to them, but in what other ways is snoring a real problem for both the snorer as well as the person trying to sleep next to them?

PAUL KRAVITZ: Well, from the snorer's point of view, Jon, it's a major problem. First of all, you don't know it, but if you were a snorer, you wake up maybe a thousand times a night, because the snoring does wake you up. You go right back to sleep again, and then you wake up again. Even if your wife doesn't wake you up or your girlfriend doesn't wake you up, you are really not sleeping soundly.

Complaint

W. JON DENNY: Interestingly. We have Dr. Mike Leonard on the line from Kalamazoo, Michigan. Dr. Leonard, are you with us?

DR. LEONARD: Yes, I am.

JON DENNY: Dr. Leonard, I believe, conducted some tests on the efficacy of this product out of his offices in Michigan. Dr. Leonard, let me ask a question. As a dentist, is this something that you have recommended to your patients who have sleep problems, most particularly snoring problems?

ON SCREEN: caller: Dr. Michael Leonard/Kalamazoo, MI/TVI

DR. LEONARD: Yes. Initially, as a dentist, we -- in the -- historically we fabricate occlusal appliances or guards that go in your mouth that, oh, essentially keep your mouth open wider or really position your lower jaw forward so you can keep the airway open like you were talking about earlier and don't have those tissues vibrating and rolling around. The problem is a lot of people can't tolerate those appliances. They are large, they are cumbersome and throughout the night if you've got it in your mouth you may end up with it on your pillow in the morning because you just subconsciously take it out.

JON DENNY: These are clamps that dentists have in the past put into people's mouths to create more air space?

DR. LEONARD: Exactly. Very -- of varying different sizes and shapes, et cetera, but they're custom-made appliances and for some people that can't tolerate them, it's - it's an expense to go through if you're not going to be able to utilize it.

So, I had -- through the grapevine -- heard about a spray to use and got the name of the company, called them up and

Complaint

ordered a case of SNORenz and had it sent to my office to start dispensing to patients and having them try it out and see what they thought, because, quite simply, it's easily reversible. If you are not tolerating it, if it was not working, you just stop using it. You're not really out anything. And that -- the feedback that I got was very, very positive. People were getting good results and the people that were coming in with the problems were not the snorers themselves, it was the mate -- the partner -- that was sleeping next to them that was kept up all night or irritated all night that they're having to roll their spouse over to get them to quiet down a little bit so they could get a more restful sleep.

- X. JON DENNY: Now, there have been not only clamps but also pills that have been tried and also strips across one's nose, and very expensive and painful surgeries as well.

DR. LEONARD: That's right.

JON DENNY: So, Doctor, would you consider SNORenz to be a logical common-sense approach to a typical snoring problem?

DR. LEONARD: It's an extremely logical, common-sense, first-line approach to dealing with it. Use it and if you use it properly and if you use it consistently, I find that it works. It works for me and it works for a number of the patients that I'm having use it in the practice.

- Y. JON DENNY: If you want more information about SNORenz, the patented process, all-natural spray that could help reduce or eliminate the sound of snoring, if you are a snorer or you sleep next to a snorer, this may be the product for you. Money-back guarantee, it costs pennies to address this very serious problem, and hopefully you shall all get a full, restful, silent night's sleep. I'm Jon Denny on Vantage Point. I think I'm going to knock off a few sprays, because

Complaint

I've been told I'm a snorer. We'll see you next time on Vantage Point. Take care.

ON SCREEN: For more information or to order Snorenz call:

**Tru-Vantage International
7300 N. Lehigh Ave.
Niles, IL 60714
(847)647-0300**

If snoring is accompanied by any signs of Sleep Apnea, you should consult a physician before using any product.

The preceding has been a paid commercial program for SNORENZ.

6. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that:
- A. SNORenz significantly reduces or eliminates snoring or the sound of snoring in users of the product.
 - B. A single application of SNORenz significantly reduces or eliminates snoring or the sound of snoring for six to eight hours.
 - C. SNORenz can eliminate, reduce or mitigate the symptoms of sleep apnea including daytime tiredness and frequent interruptions of deep restorative sleep.
 - D. Testimonials from consumers appearing in the advertisements for SNORenz reflect the typical or ordinary experience of members of the public who use the product.

Complaint

7. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 6, at the time the representations were made.

8. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 6, at the time the representations were made. Among other reasons, the single study that respondent relied upon that purported to use a double blind, controlled design contained basic flaws in design (such as failure to apply an appropriate measurement to assess sound reduction, failure to include a statistical analysis of the results, insufficient duration of the testing period, and failure to develop a baseline against which any improvement could be measured). Therefore, the representation set forth in Paragraph 7 was, and is, false or misleading.

9. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that clinical research proves that SNORenz significantly reduces or eliminates snoring or the sound of snoring.

10. In truth and in fact, clinical research does not prove that SNORenz significantly reduces or eliminates snoring or the sound of snoring. Therefore, the representations set forth in Paragraph 9 were, and are, false or misleading.

11. In its advertising and sale of SNORenz, respondent has represented, expressly or by implication, that the product reduces or eliminates snoring or the sound of snoring. Respondent has failed to disclose or to disclose adequately that SNORenz is not intended to treat sleep apnea for which snoring is a primary symptom, that sleep apnea is a potential life-threatening condition, and that persons who have symptoms of sleep apnea should consult a physician. These facts would be material to consumers in their purchase or use of the product. The failure to disclose

Complaint

adequately these facts, in light of the representation made, was, and is, a deceptive practice.

12. In its advertising and sale of SNORenz, respondent has represented, expressly or by implication, that a physician, Robert (or “Bob”) Currier (or “Courier”), M.D., endorses SNORenz. Respondent should have known but failed to inquire as to whether Dr. Currier had a material connection with SNORenz’s marketer and manufacturer, Med-Gen, Inc. Therefore, respondent failed to disclose that Dr. Currier has a material connection with Med Gen, Inc., in that he is an investor in the company and may have a financial interest in promoting the sale of SNORenz. This fact would be material to consumers in their purchase decision regarding SNORenz. The failure to disclose this fact, in light of the representations made, was and is a deceptive practice.

13. The acts and practices of respondent 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 fifth day of February, 2002, has issued this complaint against respondent.

By the Commission.

[1]
[2] OFFICIAL TRANSCRIPT PROCEEDING
[3]
[4] FEDERAL TRADE COMMISSION
[5]
[6] MATTER NO. 0023211
[7]
[8] TITLE MED GEN INC.
[9]
[10] DATE RECORDED: OCTOBER 13, 1999
[11] TRANSCRIBED: MAY 12, 2000
[12]
[13] PAGES 1 THROUGH 34
[14]
[15]
[16] TRU SNORENZ 1 - KT \$49.95 TRS1 - HARD
[17] VIDEOTAPE
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 1

[1] FEDERAL TRADE COMMISSION
[2] INDEX
[3]
[4] VIDEOTAPE PRESENTATION: PAGE:
[5] TRU SNORENZ 1 - KT \$49.95 TRS1 - HARD 3
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 2

[1] FEDERAL TRADE COMMISSION
[2]
[3] In the Matter of:)
[4] Med Gen, Inc.,) Matter No. 0023211
[5]
[6] October 13, 1999
[7]
[8]
[9]
[10]
[11]
[12] The following transcript was produced from a
[13] videotape provided to For The Record, Inc. on May 8,
[14] 2000.
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 3

[1] PROCEEDINGS
[2]
[3] ON SCREEN:
[4] Client: Trudeau Marketing/TVI
[5] Project: VP SNORENZ 1
[6] Price Point: \$49.95
[7] Edit Date: 9/29/98
[8] Editor: SR
[9] Audio: Mixed
[10] Notes: 800-385-6663
[11] The following is a paid commercial for SNORENZ
[12] brought to you by Kevin Trudeau's Tru-Vantage
[13] International, America's premier direct response
[14] marketing company.
[15] TRU-VISION
[16] UNIDENTIFIED MALE: The following is a paid
[17] commercial brought to you by Kevin Trudeau's Tru-Vantage
[18] International.
[19] (Music playing.)
[20] ON SCREEN:
[21] John Ziglar Kevin Trudeau
[22] KEVIN TRUDEAU: Hi, I'm Kevin Trudeau, you're
[23] watching Tru-Vision. If you're a snorer or know someone
[24] that is, stay with us for this half-hour. I have my good
[25] friend, John Ziglar, with me. We're going to be talking

Page 4

[1] about a — almost a medical breakthrough. It's not quite
[2] a medical breakthrough, but it's certainly a
[3] revolutionary breakthrough —
[4] **JOHN ZIGLAR:** Yes, it is.
[5] **KEVIN TRUDEAU:** — for getting rid of the noise
[6] of snoring. And if you are a snorer or you know somebody
[7] that is a snorer, we have a product being introduced on
[8] Tru-Vision for the very first time. It's called Snorenz.
[9] It's an all-natural product that you simply just spray
[10] into your mouth and it gets rid of the noise of snoring
[11] in 97 percent of the cases.
[12] John, tell us a little bit about the problems
[13] people have with snoring, what people have tried in the
[14] past and why this works.
[15] **JOHN ZIGLAR:** Kevin, I was introduced to the
[16] product a couple of months ago by a friend named Paul
[17] Kravitz down in Florida.
[18] **KEVIN TRUDEAU:** Um-hmm.
[19] **JOHN ZIGLAR:** And he was a snorer and he had a
[20] Korean man that came into his office one day and
[21] introduced him to this product. It was a similar
[22] product, it wasn't this one exactly.
[23] And Paul was a snorer and, so, he took the
[24] product home, he used it, he quit snoring immediately.
[25] **KEVIN TRUDEAU:** Hmmm.

Page 5

[1] **JOHN ZIGLAR:** The problem was it didn't taste
[2] very good, so Paul took it to his own laboratories, put
[3] spearmint flavor into the product so that it didn't have
[4] a bad after-taste, came up with this product, Snorenz,
[5] with a lysosome, patented product — process — and it's
[6] been phenomenal
[7] **KEVIN TRUDEAU:** Now, this is a patented, all-
[8] natural product and, basically, what's in it is just
[9] natural oils, correct?
[10] **JOHN ZIGLAR:** That's correct.
[11] **KEVIN TRUDEAU:** And this is a patented product.
[12] It has been clinically tested in double-blind studies —
[13] **JOHN ZIGLAR:** Yes.
[14] **KEVIN TRUDEAU:** Tell us about that.
[15] **JOHN ZIGLAR:** What we did is we had two double-
[16] blind studies done in two separate locations. Basically,
[17] we had where the doctors did not know which was the
[18] placebo product or did the patient know. And in each of
[19] the cases, the people that took the product that had the
[20] Snorenz product in it in 97 percent of the cases they
[21] quit snoring immediately.
[22] **KEVIN TRUDEAU:** Now, let's talk about how this
[23] actually works. And by the way, if you're watching right
[24] now, and you would like to get Snorenz — it's not
[25] available in any stores, it's made available right now

Page 6

[1] exclusively through Tru-Vision, you can buy it at an
[2] incredible price, look on your screen.
[3] **ON SCREEN:** Limited Time Only!
[4] Exciting New Product
[5] SNORENZ
[6] End Your Snoring Problem, Now!
[7] All-Natural
[8] 3 Month's Supply!
[9] Compare \$99.95
[10] Now Only
[11] \$49.99 +S&H
[12] Results
[13] Guaranteed or
[14] Your Money Back!
[15] 1-800-385-6663
[16] This is a three-month's supply of Snorenz.
[17] It's all natural, it's patented, it's available
[18] exclusively through Tru-Vision. You can call right now.
[19] This is a limited-time offer. This is a three-month's
[20] supply and the suggested retail price for a three-month's
[21] supply is \$99 — that's the suggested retail price.
[22] That's only \$33 per month.
[23] But you can buy it right now, \$49.95 — just
[24] \$49.95, plus shipping and handling, gets you a three-
[25] month's supply. That's about \$15 a month, a little bit

Page 7

[1] more than that, that's it, and you can eliminate the
[2] sound of snoring virtually instantly.
[3] Now, John, let's talk about how it works and
[4] what a person actually does. It's all natural, it's just
[5] natural oils in a patented process —
[6] **JOHN ZIGLAR:** Right.
[7] **KEVIN TRUDEAU:** — it has a great spearmint
[8] taste and before I go to bed, what do I do?
[9] **JOHN ZIGLAR:** What you do is you simply lean
[10] your head back, you spray three squirts into the back of
[11] your throat —
[12] **KEVIN TRUDEAU:** Um-hmm.
[13] **JOHN ZIGLAR:** — and then you virtually go to
[14] sleep. It's that easy. It's really that easy.
[15] **KEVIN TRUDEAU:** Now, the first thing I've got
[16] to let everybody know is how good this tastes. Because
[17] you said the first product —
[18] **JOHN ZIGLAR:** Yes.
[19] **KEVIN TRUDEAU:** — that came over from Korea
[20] was a horrible taste —
[21] **JOHN ZIGLAR:** Yes.
[22] **KEVIN TRUDEAU:** — and this tastes like
[23] spearmint gum. If you were here, you could smell how
[24] wonderful the spearmint flavor is.
[25] Now, when I spray this in, what's actually

Page 8

[1] happening in the mouth to get rid of the snoring, just
[2] like that, instantly?
[3] **JOHN ZIGLAR:** What happens, when you go to
[4] sleep, Kevin, is all of your muscles and your tissues
[5] begin to relax. The same thing occurs inside of your
[6] throat. And, so, what happens is the — the hole, the
[7] air passageway, inside your throat will actually become
[8] smaller. And as it becomes smaller than the air that
[9] passes through passes through faster because it's going
[10] through a smaller hole.

[11] And when it does, it rubs against — it causes
[12] the uvula and the soft tissues inside your throat to
[13] flutter. And what they do is they hit against each
[14] other, they begin to stick and that is the noise that we
[15] call snoring.

[16] What this product does is lubricates the parts.

[17] **KEVIN TRUDEAU:** Un-huh.

[18] **JOHN ZIGLAR:** And what the patented process
[19] does is we have found a way to keep this product inside
[20] your throat for eight hours, and that's why you don't
[21] have the noise of snoring.

[22] **KEVIN TRUDEAU:** So, you just spray it in your
[23] mouth, just like that, it tastes great. I mean —

[24] **JOHN ZIGLAR:** Yeah.

[25] **KEVIN TRUDEAU:** — it really tastes incredible.

Page 9

[1] I was concerned about it was going to give me a crummy
[2] feeling or anything, but it just tastes wonderful. It
[3] smells great, and you just go to sleep and it basically
[4] eliminates that noise.

[5] **JOHN ZIGLAR:** That's exactly right. That was
[6] my biggest concern too. I thought, you know, if it
[7] doesn't taste good, people won't take it on a consistent
[8] basis.

[9] **KEVIN TRUDEAU:** Right.

[10] **JOHN ZIGLAR:** This one is easy.

[11] **KEVIN TRUDEAU:** Now, what other techniques or
[12] methods or drugs is available out there right now for
[13] somebody who's watching that's a snorer?

[14] **JOHN ZIGLAR:** You've seen a lot of different
[15] things that people have introduced as snoring fixes.
[16] You've seen the little strips that go across the bridge
[17] of your nose.

[18] In the dental industry what you have is you
[19] have a mechanical piece that goes inside your mouth and
[20] it will actually pull your jaw forward and it's very
[21] uncomfortable and they have a very hard time getting
[22] people to wear it because it's hard to sleep with this in
[23] your mouth.

[24] **KEVIN TRUDEAU:** Right.

[25] **JOHN ZIGLAR:** There have been pills that people

Page 10

[1] have suggested will help you to stop snoring. At this
[2] point in time, there has not been anything that has
[3] lasted long-term.

[4] They even have surgical procedures where a
[5] surgeon will come in and they will take the uvula, which
[6] is the little hangy-down part of your throat, they'll
[7] take that, Kevin, and they will surgical remove all or
[8] part of that, and then the back part of your tongue and
[9] parts of your throat.

[10] It's a very painful process; it's expensive and
[11] the recovery time is about six months.

[12] **KEVIN TRUDEAU:** Folks, if you've watching right
[13] now, get on the telephone, this is a three-month's
[14] supply, unconditionally guaranteed, you will know whether
[15] it works the very first night you use it, and if it
[16] doesn't work for you, send it back for a full refund, no
[17] questions asked.

[18] This is a revolutionary — it should be called
[19] a medical breakthrough — what can you call it?

[20] **JOHN ZIGLAR:** I call it miracle in a bottle.

[21] I'll just tell you.

[22] (Laughter.)

[23] **KEVIN TRUDEAU:** And if you're a snorer, you
[24] know how powerful this can be. Now, we're going to talk
[25] about some of the health benefits of getting a full-

Page 11

[1] night's sleep in a just a moment.

[2] But get on the telephone right now. This is a
[3] limited-time offer. This is normally going to sell —
[4] manufacturer's suggested retail price — \$99 for a three-
[5] month's supply. That's \$33 a month. But if you call
[6] right now, get on the telephone, call right now, while
[7] the supply lasts, this is the only place you can buy this
[8] product today, on sale, a three-month's supply, \$49.95.
[9] That's an incredible value — this is a limited-time
[10] offer — it is an all-natural product, it's patented,
[11] it's guaranteed to work or your money back,
[12] unconditionally guarantee.

[13] There's been a double-blind study, clinical
[14] testing, 97+ percent effective, will guarantee to wipe
[15] out all the noise of snoring, all night long, just three
[16] squirts, this is really — as John said — a miracle in a
[17] bottle.

[18] I want to go to the phone lines. We have Tina
[19] from Phoenix on the line. Tina, are you there?

[20] **TINA:** I'm here.

[21] **KEVIN TRUDEAU:** How you doing?

[22] **TINA:** I have a little cold, so bear with me.

[23] **KEVIN TRUDEAU:** Oh, that's fine. That's fine.

[24] Now, tell us about your experience with your husband's
[25] snoring, what — what you've done — and how this product

Page 12

[1] has worked.

[2] **TINA:** Well, everything you've spoken about,
[3] actually, my husband's had done. He's had two surgeries,
[4] he's a fire fighter/paramedic, so I'm not the only one
[5] who was affected by his snoring.

[6] I mean, we do not sleep in the same room —
[7] well, we do not, thank God, because of Snorenz, but at
[8] the station where he works the guys even built a
[9] partition around his bunk bed because they couldn't stand
[10] the snoring any longer.

[11] He went in for one surgery, they removed all
[12] the polyps in his nose, they thought it was his sinuses

[13]
[14] **KEVIN TRUDEAU:** Un-huh.

[15] **TINA:** — that didn't work. Then, they put him
[16] in the Sleep Center for sleep apnea, then they okayed —
[17] because you have to get an okay because it's a very
[18] expensive operation, as — you know — you said, they
[19] removed part of his uvula, part of the roof of his mouth
[20] — his tonsils, his adenoids — and this poor man, this
[21] was a very, very, very painful operation.

[22] And it did work for a while. We were thinking,
[23] thank, God, we can go on vacation, we can sleep in the
[24] same room together, and then the one night when he
[25] started snoring again, I woke him up, he thought I was

Page 13

[1] nuts, he was telling me there is no way, he's had two
[2] surgeries, that it's in my imagination, he's just
[3] breathing hard.

[4] Well, that wasn't the case. So, back to the
[5] couch again and arguing about the snoring and I saw a
[6] commercial out here in Phoenix on my news station and
[7] this couple was talking about this Snorenz. So, I
[8] figured what have I got to lose?

[9] I called up and I ordered it. And my husband
[10] thinks, okay, you're a real nut. If two surgeries didn't
[11] work, some spray stuff is not going to work.

[12] Well, I've got to tell you, it's now been — it
[13] has to be at least six months that we're using this
[14] product. I belong to the Snorenz Bottle of the Month
[15] Club, my husband brought it up to the station because
[16] there was fire fighter up there that was driving him
[17] crazy now snoring —

[18] **KEVIN TRUDEAU:** (Laughter.)

[19] **TINA:** — wives are calling me for the number.
[20] My daughter was here last Sunday and she says why didn't
[21] I tell her about this product. So, I gave her my last
[22] bottle, so I have to go call another order in, because I
[23] will not be without it. I keep it on my nightstand and
[24] I'm telling you, my husband, the minute he starts
[25] snoring, he turns around, sprays his throat, and it

Page 14

[1] stops.

[2] **KEVIN TRUDEAU:** Now, when you said — when they
[3] start snoring — when your husband starts, you have to
[4] spray his throat. Is that because he forgot to spray
[5] before he went to sleep?

[6] **TINA:** He doesn't — he doesn't even think
[7] about it. He'll wake up maybe — it doesn't happen even
[8] all the time. If he had a hard night, if he was working
[9] all night on a shift or whatever, and I start hearing
[10] that it's coming on — I'm a light sleeper — I just say,
[11] John, he turns over, reaches for the bottle, sprays his
[12] throat, and that's it.

[13] **KEVIN TRUDEAU:** And it's — and for the whole
[14] night —

[15] **TINA:** The whole night.

[16] **KEVIN TRUDEAU:** — there's no more sound?

[17] **TINA:** That's it. We're good to go.

[18] **KEVIN TRUDEAU:** That's —

[19] **TINA:** It's amazing, it really is. And to
[20] think he went through all of these surgeries and what he
[21] — I'll tell you, he was out of work for at least, I
[22] would say six weeks with this. He was black and blue, he
[23] couldn't eat, he had food coming out of his nose when
[24] he'd try to eat —

[25] **KEVIN TRUDEAU:** Hmmm.

Page 15

[1] **TINA:** — because they removed part of the
[2] upper part of his — the roof of his mouth —

[3] **KEVIN TRUDEAU:** Ummmm.

[4] **TINA:** I mean, he went through hell and high
[5] water and now here's something that is great and — it's
[6] terrible being with a snorer because you cannot go on
[7] vacations, you can't get a good night's sleep yourself —
[8] neither one of you do — so I — I have to say try this
[9] product, I'm a believer.

[10] **KEVIN TRUDEAU:** Now, Tina, the people that
[11] you've given the product to —

[12] **TINA:** Un-huh.

[13] **KEVIN TRUDEAU:** — you said some friends and so
[14] forth —

[15] **TINA:** Correct.

[16] **KEVIN TRUDEAU:** Is it working for them too?

[17] **TINA:** Absolutely.

[18] **KEVIN TRUDEAU:** Is there anyone that you've
[19] given it to that it hasn't worked for?

[20] **TINA:** No.

[21] **KEVIN TRUDEAU:** It works for everybody?

[22] **TINA:** Everybody — nobody's called me up and
[23] said any otherwise and my husband's a happy camper at
[24] work because his partner doesn't snore anymore.

[25] **KEVIN TRUDEAU:** (Laughter.)

Page 16

[1] TINA: So, everybody's happy.
[2] KEVIN TRUDEAU: That's terrific. Tina, thanks
[3] very much for calling. I hope you get better with that
[4] cold.
[5] TINA: Thank you.
[6] KEVIN TRUDEAU: All right, have a great day.
[7] TINA: Okay. Bye-bye.
[8] KEVIN TRUDEAU: Now, John, we hear stories like
[9] that all the time —
[10] JOHN ZIGLAR: I know.
[11] KEVIN TRUDEAU: — about this product. Really,
[12] I wish we could call it a medical breakthrough. I mean,
[13] it's really a revolutionary breakthrough, certainly for
[14] snorers, a miracle in a bottle.
[15] Well, let's talk about what really is the
[16] problem with not only the snorer but the person that
[17] they're snoring, you know, with.
[18] Why is it bad for a person to snore? What's
[19] the problem with snoring? I mean, if I snore and don't
[20] know I snore —
[21] JOHN ZIGLAR: Right.
[22] KEVIN TRUDEAU: — why would I want to get
[23] this?
[24] JOHN ZIGLAR: Right.
[25] KEVIN TRUDEAU: Hey, I'm not affecting

Page 17

[1] everybody. Nobody's complaining —
[2] JOHN ZIGLAR: Exactly.
[3] KEVIN TRUDEAU: — what's the problem?
[4] JOHN ZIGLAR: Kevin, when I was introduced to
[5] the product, and I started using the product myself in my
[6] own home, I didn't realize I was a snorer. Now, I'm been
[7] married for 25 years and Linda had never really
[8] complained.
[9] But when I told her that we had this new
[10] product, she suggested that I bring it home. And I
[11] obviously suggested that I didn't think she snored that
[12] bad.
[13] KEVIN TRUDEAU: (Laughter.)
[14] JOHN ZIGLAR: She told me it wasn't — it
[15] wasn't her that had the problem.
[16] KEVIN TRUDEAU: (Laughter.)
[17] JOHN ZIGLAR: So — but here's the point: The
[18] point is is when you do snore what happens to you is you
[19] wake yourself up multiple times in a nighttime. And, so,
[20] what I did is I found myself waking up 10, 15, 20 times a
[21] night and turning over. And what I did is I never got
[22] deep sleep.
[23] KEVIN TRUDEAU: Hmmm.
[24] JOHN ZIGLAR: I got a letter from a lady a
[25] couple of weeks ago and she had said that for the first

Page 18

[1] time in his life she is now beginning to remember dreams.
[2] KEVIN TRUDEAU: Hmmm.
[3] JOHN ZIGLAR: She got to deep sleep, where she
[4] was able now to recognize dreams patterns that she had
[5] had. And she wasn't getting that before when she was in
[6] the bed with a husband that snored.
[7] KEVIN TRUDEAU: If you're watching right now,
[8] we are offering a three-month's supply of Snorenz — this
[9] is the refill bottle, this is the pump spray — you just
[10] spray three squirts in your mouth before you go to sleep,
[11] guaranteed to instantly stop the snoring noise all night
[12] long.
[13] And what John's saying is, if you are a snorer
[14] and maybe you think, oh, it doesn't affect me, it doesn't
[15] wake me up, it doesn't affect my partner. It is.
[16] JOHN ZIGLAR: Yeah.
[17] KEVIN TRUDEAU: If you use this product one
[18] time, for the first time in years, you will get the best
[19] night's sleep you've ever had. You'll actually go and
[20] get deep sleep for the very first time. And you'll wake
[21] up the next morning probably with more energy than you've
[22] ever imagined having. Because, folks, if you snore, I
[23] can tell you right now you are not getting deep sleep and
[24] you are not full of the energy of that you can be by just
[25] getting a full night's rest.

Page 19

[1] You'll also be more pleasant, you won't be as
[2] irritable, your body could even function better, your
[3] immune system and all of your systems can work better
[4] when you've had a full-night's rest.
[5] Get on the phone right now. This normally
[6] sells — manufacturer's suggested retail price for a
[7] three-month's supply is \$99 — that's only \$33 a month —
[8] this is a patented process, it's exclusive, you cannot
[9] buy this in any stores, but for a first time, as our
[10] introductory special on Tru-Vision, you can get this
[11] product, while the supplies last, just \$49.95.
[12] Call the number on your screen for Snorenz,
[13] unconditionally guaranteed.
[14] Now, let's talk about — in addition to the
[15] sleep patterns — how about kids or younger people that
[16] may actually snore and does it affect their school work
[17] or job performance.
[18] JOHN ZIGLAR: There's actually a study, Kevin,
[19] that's been done over in West Germany with medical
[20] students. And what they did is they divided the class
[21] into snorers and nonsnorers. And what they did is they
[22] took and they did a profile on these students and they
[23] measured their performance over the entire process of
[24] their medical career —
[25] KEVIN TRUDEAU: Um-hmm.

Page 20

[1] JOHN ZIGLAR: — and they found that snorers
[2] actually tested six percent lower than the nonsnorers
[3] did.
[4] KEVIN TRUDEAU: Hmmmm.
[5] JOHN ZIGLAR: And in our own office, we have
[6] people who have children who snore. I know myself with
[7] four children that when they don't get enough sleep, then
[8] the next day their performance is hampered. They simply
[9] are not as pleasant —
[10] KEVIN TRUDEAU: Um-hmm.
[11] JOHN ZIGLAR: — with themselves, with each
[12] other, with the work that they do — whatever it is.
[13] Sleep deprivation is a big problem in our
[14] country.
[15] KEVIN TRUDEAU: Now, of all the medical
[16] discoveries out there, there's nothing that we know of
[17] right now that gets rid of snoring. I mean, you've got
[18] surgery, there's no drugs, there's these little things
[19] you put on your nose — they don't work. There's —
[20] there's really not a lot of things out there. A person
[21] doesn't have a lot of choices or options —
[22] JOHN ZIGLAR: No, they don't.
[23] KEVIN TRUDEAU: — it's just basically roll
[24] over, turn around — you're basically stuck with the
[25] problem.

Page 21

[1] JOHN ZIGLAR: Or go to the next room.
[2] KEVIN TRUDEAU: Or go to the next room.
[3] JOHN ZIGLAR: Yeah.
[4] KEVIN TRUDEAU: This product, folks, guaranteed
[5] — get on the telephone right now — guaranteed —
[6] JOHN ZIGLAR: Um-hmm.
[7] KEVIN TRUDEAU: — the first time you open this
[8] bottle, you open up your mouth, go to sleep — three
[9] squirts — and it tastes good.
[10] JOHN ZIGLAR: I know it does.
[11] KEVIN TRUDEAU: I mean, it tastes good. It's
[12] got that spearmint — spearmint — taste, tastes great —
[13] all night long, no snoring.
[14] Now, let's talk about why it wouldn't work.
[15] JOHN ZIGLAR: Yes.
[16] KEVIN TRUDEAU: Because there are a couple
[17] situations where you just need to know about this.
[18] There's just kind of — kind of a couple directions to
[19] make sure that you — that it does work for you.
[20] JOHN ZIGLAR: Absolutely. What you have is —
[21] you have to use the product correctly, okay? We had a
[22] dentist that did a research project for us to find out
[23] exactly where this product lands when you squirt it in
[24] your throat. You've got to get it on the back of your
[25] throat —

Page 22

[1] KEVIN TRUDEAU: Um-hmm.
[2] JOHN ZIGLAR: — or else it will not work.
[3] KEVIN TRUDEAU: Right.
[4] JOHN ZIGLAR: Next thing is, we — you cannot
[5] — you've got to have a clean palate. In other words,
[6] what I'm saying, before you go to bed, drink a glass of
[7] water or else don't drink anything or eat anything at
[8] least 30 minutes before you go to bed.
[9] And particularly alcohol. If you drink any
[10] alcohol, then what it will do is it will naturally cut
[11] the oils in the product, it'll flow down your throat and
[12] it simply will not be there. So, it cannot work.
[13] KEVIN TRUDEAU: So, that's really the only
[14] thing —
[15] JOHN ZIGLAR: That's the only thing.
[16] KEVIN TRUDEAU: — just make sure you spray it
[17] at the back of your throat, we'll show you exactly how to
[18] do that, and make sure 30 minutes before you use the
[19] product, don't drink or eat anything, primarily alcohol,
[20] that way it will stay on the throat, then go to sleep and
[21] guaranteed to work or your money back; double-blind
[22] studies — two of them proved, clinical research, that 97
[23] percent of the times this was effective in eliminating
[24] the snoring noise all night long. It's all natural, it's
[25] patented, and you can't beat the value.

Page 23

[1] You can't beat this value, folks. If this
[2] thing works, and it does, guaranteed, how much would you
[3] pay? As a matter of fact, you don't even know how much
[4] it's worth, because you haven't gotten a good night's
[5] rest in years. You have no idea of how much energy you
[6] can have the next day when you get a good night's rest.
[7] We're going to go to the phone lines again. I
[8] believe we have Kevin and Cindy from Sandwich, Illinois,
[9] on the phone.
[10] Kevin and Cindy, are you there?
[11] CINDY: Yes, we are.
[12] KEVIN: Yeah.
[13] KEVIN TRUDEAU: How you doing?
[14] CINDY: Good.
[15] KEVIN: Terrific, how about yourself?
[16] KEVIN TRUDEAU: I'm well. It's a little rainy
[17] out here today, but okay. Wish I was on the golf course.
[18] KEVIN: I heard that.
[19] CINDY: (Laughter.)
[20] KEVIN TRUDEAU: So, tell me about your
[21] experience. I sent you a bottle of this stuff and tell
[22] me what happened.
[23] KEVIN: Well, actually, first of all, I was
[24] king of skeptical about it. I'm like, yeah, what — I
[25] didn't know who sent it at first —

Page 24

[1] KEVIN TRUDEAU: (Laughter.)
[2] KEVIN: And I thought, yeah, what am I going to
[3] do with this? I thought it was a joke. But then Cindy
[4] kind of conned me into trying it, and I tried it and it's
[5] really weird because we've only been married like three
[6] years, and so we — some say you're still in the
[7] honeymoon stage, but I used to wake up in bed by myself
[8] because I didn't realize that I was snoring so bad my
[9] wife would get up and go sleep on the couch.
[10] KEVIN TRUDEAU: Wow.
[11] KEVIN: I couldn't understand why. But I
[12] started taking it and I started waking up with my wife
[13] every morning and things have been a whole lot better
[14] since.
[15] CINDY: His snoring was so bad that he would be
[16] in the room and I would be in the living room and the
[17] door would be closed and I still could hear him.
[18] KEVIN TRUDEAU: Now, Cindy, you knew that his
[19] snoring was bad and, obviously, it affected your sleep so
[20] you had to leave the room, correct?
[21] CINDY: Oh, it was awful, yes.
[22] KEVIN TRUDEAU: Kevin, did you — you never
[23] realized how bad your snoring was, right?
[24] KEVIN: I didn't realize I snored that bad,
[25] other than in the mornings I waked up — woke up and, you

Page 25

[1] know, had that nasty taste in my mouth and just couldn't
[2] get enough water down — like dry mouth almost every
[3] morning.
[4] KEVIN TRUDEAU: Right.
[5] KEVIN: That's the only way I knew, you know, I
[6] wasn't breathing well.
[7] KEVIN TRUDEAU: Have you noticed when you —
[8] because this product really tastes good —
[9] KEVIN: Right.
[10] KEVIN TRUDEAU: Now, I just tried it for the
[11] first time today, so I know how good it tastes. Have you
[12] noticed any difference in that dry mouth or that morning
[13] breath in the mornings since you've been using the
[14] product or when you use it?
[15] KEVIN: Oh, absolutely. I mean, it's — it's
[16] night and day difference. I wake up in the morning, I
[17] don't have that taste, I don't need to get a drink first
[18] thing in the morning. Plus, I honestly, myself, feel
[19] that I'm getting a better night's sleep, absolutely. I
[20] mean, wake up in the morning with more energy and ready
[21] to face the day instead of dragging my butt out of bed
[22] and whining and pissing and moaning about going to work.
[23] KEVIN TRUDEAU: Yeah. Does — does it — so
[24] you feel that a good night's rest is maybe even affecting
[25] your personality or pleasantness?

Page 26

[1] KEVIN: Absolutely, I feel.
[2] CINDY: Yes, he's much better.
[3] (Laughter.)
[4] KEVIN TRUDEAU: Well, wait a minute. Wait a
[5] minute, Cindy. If you're getting a good night's rest
[6] now, too —
[7] CINDY: Oh, exactly.
[8] KEVIN TRUDEAU: — it's probably affecting your
[9] — your maybe personality or happiness level or emotional
[10] level also, right?
[11] CINDY: Exactly. Yeah, because, I mean, I
[12] would never get a good night's sleep because I kept
[13] thinking, oh, he'll stop, I'll turn him over this way or
[14] I'll turn him over the other way, and it — it doesn't
[15] work.
[16] KEVIN: Hey, another added benefit is I'm
[17] getting a lot less bruises in my sleep.
[18] (Laughter.)
[19] KEVIN TRUDEAU: Hey, would you recommend this
[20] — and, obviously, you've seen the results — and would
[21] you recommend this to other people that snore, do you
[22] think they can get the same benefits?
[23] KEVIN: Absolutely.
[24] CINDY: Highly recommend it.
[25] KEVIN TRUDEAU: It's easy to use, right, Kevin?

Page 27

[1] KEVIN: Oh, it's simple. I mean, at first I —
[2] you know — I was real apprehensive. I thought it was
[3] going to taste nasty, like you said earlier. I mean, the
[4] taste is just — it's very pleasant. I thought it was
[5] going to be like a medicine. I'm almost ready to pinch
[6] my nose, but the taste is like, Wow!
[7] But it's simple. You just need a couple of
[8] squirts in your mouth and you're done.
[9] KEVIN TRUDEAU: That's great. And did it seem
[10] to work all night long?
[11] KEVIN: Yeah, absolutely, for me. I mean, I —
[12] I don't know, I didn't realize I was waking up, but it's
[13] very evident with my wife.
[14] KEVIN TRUDEAU: Right. Well, that's great.
[15] Well, listen, thanks very much for calling in. I
[16] appreciate it.
[17] CINDY: Okay.
[18] KEVIN TRUDEAU: You guys have a great day.
[19] KEVIN: You, too, take care.
[20] CINDY: Thank you.
[21] KEVIN TRUDEAU: Bye-bye.
[22] CINDY: Bye.
[23] KEVIN TRUDEAU: You know, it's funny, because
[24] he said he's — oh, I feel better, I'm not, you know,
[25] pissing —

Page 28

[1] JOHN ZIGLAR: Yes.
[2] KEVIN TRUDEAU: — and moaning when I wake up.
[3] And so forth and so on. And this is interesting because
[4] people who snore really don't realize that they are
[5] waking up throughout the night. I mean, every little
[6] while they're waking up and then going back to sleep; and
[7] then waking up and then going back to sleep; waking up —
[8] and they don't realize that that's never allowing them to
[9] get into that deep sleep.
[10] JOHN ZIGLAR: That's right.
[11] KEVIN TRUDEAU: But when they wake up they
[12] don't realize that they haven't gotten a good night's
[13] rest.
[14] JOHN ZIGLAR: Right. I didn't personally
[15] realize it until I came up to the apartment in Chicago
[16] and I was sleeping in the bed by myself and I realized
[17] that I was not having to make the bed up all the time
[18] where I had pulled the covers out of the foot of the bed
[19] because I didn't turn over so many times —
[20] KEVIN TRUDEAU: Oh, that's interesting.
[21] JOHN ZIGLAR: — as a result of using the
[22] Snorenz. It's the only single other difference.
[23] KEVIN TRUDEAU: Folks, if you're watching right
[24] now. Get on the phone and get Snorenz. This is
[25] exclusive, it's a breakthrough, we're announcing it for

Page 29

[1] the very first time, this is a revolutionary product
[2] that's patented, guaranteed to work, you get a three-
[3] month's supply — this is your refill — and this is the
[4] little squirter. You just put this by the bed stand and
[5] then all you do — you can see how it sprays out here —
[6] you just put three squirts in your mouth, on the back of
[7] your throat, just squirt it in right before you go to
[8] sleep, it tastes great, it's all natural, it's a patented
[9] product. In double-blind studies, clinical testing,
[10] guaranteed to work 97 percent of the time.
[11] And, you know, we have never seen it fail. And
[12] I think the reason it says 97 percent, if they put 100
[13] percent people would think, oh, it sounds too good to be
[14] true.
[15] And it does sound too good to be true, but the
[16] double-blind studies, the people that use it, and you can
[17] find out for yourself —
[18] JOHN ZIGLAR: Yes.
[19] KEVIN TRUDEAU: — it's guaranteed to work or
[20] your money back. You'll know the very first time you try
[21] it.
[22] It normally sells for the three-month's supply,
[23] \$99. You can buy it here today on Tru-Vision — look at
[24] the price on your screen — just \$49.95. That's less
[25] than \$15 a month for a great night's sleep. That's \$.50

Page 30

[1] a day for a restful, peaceful, wonderful sleep. You're
[2] not going to wake up your partner.
[3] If you are a snorer or you know somebody that
[4] is a snorer, get on the phone right now. This will be
[5] the best gift you could ever give yourself or you could
[6] ever give anyone else.
[7] They will get a good night's sleep, and I'll
[8] tell you something, when — and you found this out —
[9] JOHN ZIGLAR: Yeah.
[10] KEVIN TRUDEAU: — when people are getting a
[11] good night's sleep for the very first time, they wake up
[12] — and from people who order this — they don't realize
[13] for maybe five, 10, 20, 30 years, they haven't gotten a
[14] good night's rest.
[15] JOHN ZIGLAR: Right.
[16] KEVIN TRUDEAU: And I can guarantee you
[17] something. When a person gets a good night's rest and
[18] wakes up the next morning, they're going to have —
[19] probably have more energy than they've had in years.
[20] They're going to feel better about themselves, they're
[21] going to have a better relationship with their spouse and
[22] family and friends —
[23] JOHN ZIGLAR: Exactly.
[24] KEVIN TRUDEAU: — they're going to do better
[25] on the job, better in school, they're going to

Page 31

[1] potentially think clearer, they're going to be less
[2] irritable, they're going to be happier.
[3] You know, we hear all these people are
[4] depressed today —
[5] JOHN ZIGLAR: I know.
[6] KEVIN TRUDEAU: — taking Prozac and everything
[7] else, and a lot of it may have to do with just getting a
[8] good night's rest.
[9] JOHN ZIGLAR: Sleep is a — sleep deprivation
[10] is huge. It's a huge, huge problem.
[11] KEVIN TRUDEAU: You know, when a person gets a
[12] good night's rest — you mentioned this too —
[13] JOHN ZIGLAR: Um-hmm.
[14] KEVIN TRUDEAU: — people can actually start
[15] dreaming better —
[16] JOHN ZIGLAR: Yes.
[17] KEVIN TRUDEAU: — thinking clearer. And,
[18] again, that relationship with your spouse can get much,
[19] much better.
[20] It's a big problem, folks, snoring. If you
[21] know a snorer, if you are one, get on the phone right now
[22] and get Snorenz. This is a limited-time offer, this is
[23] the first time we've made it available on Tru-Vision. We
[24] don't know how long this will be made available at this
[25] price, it is a limited inventory. We're not sure how

Page 32

[1] long we'll be making it available at this price.
[2] You get a three-month's supply, it's all
[3] natural, it's easy to use. If you are a snorer or know
[4] somebody that is, it will eliminate the snoring just like
[5] that, guaranteed or your money back. It's a patented
[6] process, double-blind studies, clinical research. If it
[7] doesn't work, send it back for a full refund, no
[8] questions asked.
[9] But the statistics show, 97 percent effective
[10] in eliminating the noise of snoring the very first
[11] application. Folks, your life can be changed when you
[12] get a good night's rest.
[13] Get on the telephone right now and get Snorenz.
[14] This is Kevin Trudeau with John Ziglar. You're
[15] watching Tru-Vision. It's a limited supply, one-time
[16] only price, get on the phone and get a good night's rest
[17] for the first time in years.
[18] Kevin Trudeau, Tru-Vision, with John Ziglar.
[19] John, thanks very much for being here.
[20] **JOHN ZIGLAR:** Thank you, Kevin.
[21] **KEVIN TRUDEAU:** We'll see you next time —
[22] order now.
[23] **JOHN ZIGLAR:** Bye-bye.
[24] (Music playing.)
[25] **ON SCREEN:** The preceding has been a paid

Page 33

[1] commercial for SNORENZ brought to you by Kevin Trudeau's
[2] Tru-Vantage International, America's premier direct
[3] response marketing company.
[4] (End of video.)
[5]
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 34

CERTIFICATION OF TYPIST

[1]
[2]
[3] **MATTER NUMBER:** 0023211
[4] **CASE TITLE:** MED GEN INC.
[5] **TAPING DATE:** OCTOBER 13, 1999
[6] **TRANSCRIPTION DATE:** MAY 12, 2000
[7]
[8] I HEREBY CERTIFY that the transcript contained
[9] herein is a full and accurate transcript of the tapes
[10] transcribed by me on the above cause before the FEDERAL
[11] TRADE COMMISSION to the best of my knowledge and belief.
[12]
[13] **DATED:** MAY 12, 2000
[14]
[15]

DIANE QUADE

CERTIFICATION OF PROOFREADER

[16]
[17]
[18]
[19]
[20] I HEREBY CERTIFY that I proofread the transcript for
[21] accuracy in spelling, hyphenation, punctuation and
[22] format.
[23]
[24]
[25] **ELIZABETH M. FARRELL**

Lawyer's Notes

Page 1

[1] FEDERAL TRADE COMMISSION
[2] INDEX

[5] VIDEOTAPE: Page

[6] VP Snorenz 2- JD (3 mos. Free)

[7] VPS2 Soft 3

[8]

[9]

[10]

[11]

[12]

[13]

[14]

[15]

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 2

[1] FEDERAL TRADE COMMISSION

[2]

[3] In the Matter of:)

[4] Med Gen, Inc.)Matter No. 0023211

[5]

[6]

[7] October 13, 1999

[8]

[9]

[10]

[11]

[12]

[13] The following transcript was produced from a

[14] live tape provided to For The Record, Inc. On May 8,

[15] 2000.

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 3

PROCEEDINGS

[1]

[2]

[3] **ON SCREEN:** Client:Trudeau Marketing/TVI

[4] Project:VP Snorenz 2 (JD)

[5] **Price Point:** Soft Offer

[6] Edit Date: 10-6-98

[7] Editor: SR

[8] Audio: Mixed

[9] Notes: 800-392-4006

[10] **MALE ANNOUNCER:**The following is a paid

[11] commercial brought to you by Kevin Trudeau's Tru

[12] Vantage International.

[13] **ON SCREEN:** The following is a paid commercial

[14] for Snorenz brought to you by Kevin Trudeau's

[15] Tru-Vantage International,America's premier direct

[16] response marketing company.

[17] **JON DENNY:** For millions of Americans, this is

[18] the most annoying and unwelcome signed imaginable.

[19] That's right, more than 90 million Americans have a

[20] snoring problem, and it can cause sleeplessness,

[21] headaches, a lack of energy throughout the day, and

[22] that goes for the snorer as well as the person trying

[23] to sleep nearby.

[24] Join us and find out how to instantly solve

[25] your snoring problem in this special edition of Vantage

Page 4

[1] Point.

[2] **ON SCREEN:** Vantage Point with Kevin Trudeau

[3] Jon Denny

[4] **JON DENNY:** I'm Jon Denny, and this is a

[5] special edition of Vantage Point. We're going to talk

[6] about snoring today, and if you're a snorer or just

[7] happen to sleep next to one, then you know snoring is

[8] no laughing matter. Snoring can and does seriously

[9] diminish the quality of your sleep, your life and it

[10] could drive two people apart, meaning the snorer and

[11] the person next to the snorer.

[12] My guests today are Dr. Bob Courier, physician,

[13] surgeon and associate clinical professor at Michigan

[14] State University, and John Ziglar, who represents a

[15] company that manufactures a product called Snorenz,

[16] which is designed to end your snoring problem.

[17] Gentlemen, thank you for joining me.

[18] Guys, got to ask you this first question,

[19] because for some people it's a light matter, and for

[20] others it seriously impacts their life, certainly

[21] impacts their sleep. What causes snoring? What is the

[22] reason behind that all-too-familiar rumbling sound that

[23] keeps half of America, it seems, up every night?

[24] **ON SCREEN:** DR. BOB COURIER, Physician Surgeon

[25] DR. BOB COURIER: Well, what snoring really is,

Page 5

[1] Jon, is simply a relaxation of the tissues in the back
[2] of your throat. It's when we fall asleep, much of our
[3] muscles in our body as well as our throat relax.
[4] That's the time we sleep. We're supposed to get our
[5] rest.
[6] What happens with that, though, unfortunately
[7] is as the tissues relax, they occlude or actually
[8] narrow, and they cause a funnel effect for the air as
[9] it goes through, flapping the tissue. This is in the
[10] back of the throat, hence creating the noise. It's
[11] very positional, it's very — also very dependent on
[12] habits that we have, such as smoking, our dietary
[13] habits, and then also it affects really how much we
[14] sleep and how much rest we actually get throughout a
[15] night.
[16] **JON DENNY:** Now, you were both snorers
[17] presumably.
[18] **DR. BOB COURIER:** Absolutely.
[19] **JOHN ZIGLAR:** Sure.
[20] **JON DENNY:** Tell me, how did you get involved
[21] in Snorenz? How did this all come about?
[22] **JOHN ZIGLAR:** This all came about, Jon, I met a
[23] friend down in Fort Lauderdale, Florida named Paul
[24] Cravitz. Paul Cravitz was in the banking industry, and
[25] he had a Korean man that came into his office with a

Page 6

[1] product in a little bottle and it didn't have any
[2] labels on it or anything, but he says, This will make
[3] you quit snoring. And Paul looked at it, and he put it
[4] over on the side of his desk and didn't think too much
[5] about it, but he did make the mistake of telling his
[6] wife that somebody had come in with this product, and
[7] she asked him would he go ahead and bring it home and
[8] try it.
[9] **ON SCREEN:** John Ziglar, Master Strategies
[10] Researcher
[11] **JOHN ZIGLAR:** The bottom line is, he did use
[12] the product, it did make him quit snoring, but it
[13] tasted terrible, and so Paul says, Whoa, you know, what
[14] a price to pay. So, he took that product, he developed
[15] it, he took it to the laboratories, and they did some
[16] liposome technology with the product, and they put a
[17] flavor to the product to make it so that it tasted
[18] good, and we now call the product Snorenz, and it's
[19] just phenomenal.
[20] **JON DENNY:** And in your first exposure to it,
[21] you were a rumbler. We heard Harley Davidson sounds
[22] coming from you at night is the word on the street.
[23] Tell me your first experience with the product.
[24] **JOHN ZIGLAR:** My first experience really, when
[25] I — I had been married for 25 years, my wife, Linda, I

Page 7

[1] came home after talking with Paul, and I told my wife
[2] about this new product that we were looking at, and she
[3] said — and she says, Well, when are you going to bring
[4] it home? And I said, Well, honey, I said really, you
[5] know, you don't snore that bad. And she said it really
[6] wasn't for her. And up until that point, I really
[7] didn't realize that I snored.
[8] **JON DENNY:** Um-hum.
[9] **JOHN ZIGLAR:** But I did turn over in the bed an
[10] awful lot at night, and I knew that, and so I used the
[11] product, and John, what I found is for me personally, I
[12] quit turning over so many times at night, and I began
[13] to get a more peaceful, restful sleep. So, that's what
[14] personally happened in my life.
[15] **JON DENNY:** Well, that raises an interesting
[16] point, because for some people snoring — in a litany
[17] of problems that we face on an everyday basis, snoring
[18] is not at the top of the list. But in fact, if you
[19] speak to people who sleep next to a snorer, as well as
[20] the snorer themselves, there are some real health
[21] issues, there are some real serious concerns that a
[22] snorer has or should have. How does and why does a
[23] snorer — why should a snorer worry about this? Why is
[24] it a problem?
[25] **DR. BOB COURIER:** Well, it is a problem, but

Page 8

[1] the real problem is an awareness. A lot of people
[2] aren't aware, as you were, that you didn't snore. You
[3] don't snore. It's — and people don't want to offend
[4] someone else that they may sleep with or someone in
[5] their family by telling them they snore, and they have
[6] put up with it for years.
[7] The problem with that is all the things that go
[8] with it, even on a personal level. Me personally, I
[9] snore and have snored, and I've used the product, as
[10] well, and it's worked great for me. Why do I know
[11] this? Because of my energy level, I feel better, I get
[12] better sleep. The problems that happen, I think people
[13] go to sleep, they assume they're automatically going to
[14] wake up rested. They don't. And then they wake up
[15] with a headache, less energy, they hurt, they're sore,
[16] they're irritable.
[17] The health problems are really insidious. We
[18] can go into hypertension, problems with your heart,
[19] your cardiovascular system that can go into this, but
[20] let's not even go that deep. Let's just talk about the
[21] things that happen to us on an everyday basis, the
[22] energy level that we have. We're not rested. That's
[23] the problem.
[24] **JON DENNY:** So, you're saying snorers get less
[25] rest — get a less restful sleep?

Page 9

[1] DR. BOB COURIER: Absolutely, they do not
[2] sleep.

[3] JOHN ZIGLAR: See, what happened to me — what
[4] was going on in my night is I would literally turn over
[5] 20 or 30 times a night, and the reason I would is
[6] because I would go to sleep, my tissues would relax, I
[7] would snore — I would literally wake myself up, and
[8] then I would turn over, and I would turn — I didn't
[9] wake up and get up out of the bed to turn over.

[10] I would just wake up and turn over, and what
[11] that does is it keeps me, John, from getting the deep,
[12] restful sleep.

[13] We get letters, we've got a letter from a lady
[14] out in Phoenix, also, who told us that for the first
[15] time in her life she started taking this product, and
[16] she can remember her dreams. Well, you see, dreaming
[17] is an important thing, and we all dream if we get
[18] peaceful, restful sleep.

[19] JON DENNY: But isn't — isn't dreaming or the
[20] dream state indicative of a deep, restful, REM sleep I
[21] think they call it?

[22] JOHN ZIGLAR: Yes, it is.

[23] JON DENNY: So, if you're a snorer, you won't
[24] dream as much, meaning you're not getting as deep a
[25] sleep. Is that the point?

Page 10

[1] DR. BOB COURIER: That is correct. You almost,
[2] because of the snoring, and sometimes we're not aware
[3] of it, we keep waking ourselves up. We snore, then we
[4] wake up, then we try to reposition ourselves. We're
[5] just not comfortable. We can't get our air, we can't
[6] get the oxygen we need, hence the headache, the
[7] irritability when we wake up. We're not rested, that's
[8] the problem.

[9] ON SCREEN: Dr. Bob Courier, Physician Surgeon

[10] DR. BOB COURIER: Another side effect, a cute
[11] story, my brother's also a snorer, I think this is just
[12] something that runs in families, as well. Anyway, he
[13] has since tried the product, as I have, and I use it,
[14] and I think it's fantastic, because it does stop the
[15] snoring. My brother has also — he doesn't have the
[16] aches and pains he used to wake up with.

[17] You were also talking about the tossing and
[18] turning. We're also forgetting his wife used to jab
[19] him in the middle of the night. So, he does not wake
[20] up bruised. So, this also helps, a little sidelight
[21] there.

[22] JON DENNY: How does Snorenz work? Is there
[23] have been other products available over the course of
[24] the last, you know, 10 to 20 years that have been in
[25] pill form, surgeries, people have gone through painful,

Page 11

[1] expensive surgeries. In fact, we're going to — I
[2] think we're going to talk to a caller later who has a
[3] story to share with us about this product and the
[4] journey she went through with her husband to
[5] essentially reduce this problem or eliminate this
[6] problem. How does this product work?

[7] JOHN ZIGLAR: John, what we've done is we have
[8] taken all natural oils, and we have taken and put them
[9] together in a liposome formulation, and we have taken
[10] it so that you can actually spray this product into the
[11] back of your throat, and the process is really quite
[12] simple. Have you ever seen a car go down the road that
[13] didn't have enough oil in it, and you hear the clatter
[14] and the clanking?

[15] ON SCREEN: John Ziglar, Master Strategies
[16] Researcher

[17] JOHN ZIGLAR: Well, what happens is we took
[18] that same philosophy, that same technology, and we
[19] said, Hey, if we can oil the parts and we can take and
[20] make a topical solution that will stay in a place for
[21] an extended period of time, we can eliminate the noise
[22] of snoring. You're still going to have the same amount
[23] of air that's going to pass through the passage, but
[24] all we're going to do is we're going to lubricate the
[25] parts so that there is no noise associated so that you

Page 12

[1] don't then wake up or wake up your neighbor.

[2] JON DENNY: So, it's essentially lubricating
[3] what part of the throat and which part of the throat is
[4] causing that sound?

[5] DR. BOB COURIER: Well, to take this just a
[6] little bit further, a dentist has studied this and has
[7] actually sprayed this in models, and he actually used a
[8] dye at the time so he could see where it was applied.
[9] In the soft tissues, in the back of the throat, the
[10] ones that we see that flap and flutter and that need
[11] the lubrication, what — it is applied there, but where
[12] the technology goes even further and better through
[13] this liposome technology is to apply it evenly, and the
[14] very neat thing about this is it stays. It stays there
[15] all night. That's where others have failed. And
[16] that's also where a lot of the appliances, that's where
[17] also a lot of the applications of surgeries, pills,
[18] other things that have been attempted and tried have
[19] failed. This product here stays there. It's easy
[20] application.

[21] As a physician, one of the problems that I have
[22] with patients is compliance, trying to get them to use
[23] and continually use something. If we're going to get
[24] restful sleep, we need it on an every-night basis.
[25] This is accrued, we have a clock and a bank and it's

Page 13

[1] for sleeping purposes.

[2] So, this isn't something just one night good
[3] sleep will help. This is something that's accrued over
[4] time. When you get good sleep, that helps a lot. We
[5] need compliance. With the ease of application, what he
[6] is talking about, where the effectiveness of it staying
[7] there, it's a winner, and that's how it works.

[8] **JON DENNY:** So, it's basically, correct me if
[9] I'm wrong, it's two or three sprays in the back of your
[10] mouth. I have a friend who underwent a session with a
[11] dentist who fitted him with a clamp of some sort, which
[12] pushed his jaw out and tried to create more breathing
[13] space essentially, and that lasted for about three or
[14] four months. This works, and it stays working for
[15] people?

[16] **DR. BOB COURIER:** Yes, and what you're trying
[17] to do with the appliance is just simply trying to open
[18] up the airway more so you don't get the fluttering of
[19] the tissues, and that's what we do when we snore. When
[20] we snore, we essentially wake ourselves up in a snore
[21] and then reposition ourselves, trying to, again, open
[22] up our airway to get more air so we get more oxygen.

[23] What happens with this product, this
[24] lubricates, stays there, again through the technology,
[25] and then you don't have the snore; hence, you don't

Page 14

[1] wake up; hence, you get a more restful sleep.

[2] **JOHN ZIGLAR:** And the problem, John, with the
[3] appliance is it's very uncomfortable, and there have
[4] been a lot of people — and dentists will tell you that
[5] they have got patients who have paid for the procedure,
[6] paid to get the appliance, could not sleep with it
[7] hooked up, and so it did not work for them, because
[8] they were so uncomfortable.

[9] **JON DENNY:** Right.

[10] **JOHN ZIGLAR:** Okay? So, when I saw this first
[11] — this product the first time, I looked at this thing
[12] and I thought, Oh, my goodness, you know, I'm going to
[13] spray oil in the back of my throat, I'm thinking WD-40
[14] or something like that and an oil slick, and I'm going,
[15] Oh, but it's the consistency of water, and the nice
[16] thing about it is that it doesn't — there's no feeling
[17] associated with the spray in the back of your throat.
[18] All you get is a nice, clean, peppermint taste, which
[19] made it wonderful, so compliance — people will do it.

[20] **JON DENNY:** Well, the after taste —

[21] **JOHN ZIGLAR:** Yes.

[22] **JON DENNY:** — in the morning when you wake up
[23] is much better.

[24] **JOHN ZIGLAR:** Exactly.

[25] **JON DENNY:** You don't feel like you have an oil

Page 15

[1] sludge at all. It's a minty taste.

[2] **ON SCREEN:** 800-392-4006

[3] **MR. DENNY:** If you have a snoring problem, if
[4] you have problems sleeping next to a snorer, then
[5] Snorenz may be the answer you've been waiting for.
[6] Remember, snoring is a medical condition. Studies have
[7] shown that shoring can seriously reduce your energy
[8] levels, your concentration and can seriously affect
[9] your work habits, as well, and you can be sure your
[10] snoring is seriously bothering someone other than you.

[11] Snorenz is the first all-natural spray that has
[12] been proven to give you a healthy, natural, good
[13] night's sleep. It has no side effects. It's as easy
[14] as a few sprays before bed, and it lasts all night, and
[15] if you want more information on Snorenz, if you want to
[16] stop the snoring, if it's a snorer next to you or if
[17] you be the snorer, you may want to call the 800 number
[18] on your screen.

[19] We have I believe a caller on the line from
[20] Arizona, and I believe it's Tina Hines (phonetic).
[21] Tina, are you on the air with us?

[22] **TINA HINES:** I'm here.

[23] **JON DENNY:** Great. How are you feeling today?

[24] **TINA HINES:** I've got a sore throat, but other
[25] than that, good. I'm listening to your show, and I

Page 16

[1] have to tell you that snoring, you know, is a lot more
[2] dangerous than people think. My husband was a chronic
[3] snorer, he's a firefighter/paramedic, so I wasn't the
[4] only one affected by this. I mean, we didn't sleep
[5] together for years.

[6] **JON DENNY:** Now, you've been married for how
[7] long, Tina?

[8] **TINA HINES:** Sixteen years.

[9] **JON DENNY:** Sixteen years, and this was a
[10] problem that occurred right from the start of your
[11] marriage?

[12] **TINA HINES:** Oh, yeah.

[13] **JON DENNY:** You found you were married to a
[14] snorer?

[15] **TINA HINES:** Oh, absolutely, and the poor guy,
[16] it would be all night, John, turn over, turn over. It
[17] did not matter, he could be sleeping on his head, and
[18] he would still snore.

[19] Well, it got so bad that even at the fire
[20] department, he was being hassled at the fire
[21] department, because these guys sleep at different
[22] shifts, they don't all sleep at the same time, and when
[23] John was sleeping, he would be waking everybody else
[24] up, so they would be pounding on the walls and he'd
[25] come home all aggravated, he'd come home and want to

Page 17

[1] sleep.

[2] They even built a partition around my husband's
[3] bunk bed to try to keep out the noise. Well, it got so
[4] bad he finally went to the doctor, and in order for the
[5] insurance company to pay for this surgery, they put him
[6] in the hospital, in the sleep center, and found out
[7] that he also had sleep apnea, which is very dangerous,
[8] because when you're snoring, you stop breathing, then
[9] you forget to sleep.

[10] So, they did the surgery, and needless to say,
[11] it lasted for a while, and then after that he started
[12] up again, and he would not even believe when I would
[13] tell him, John, you're snoring again. You don't want
[14] to go through surgery and find out that you're snoring
[15] again.

[16] JON DENNY: So, this was after a surgery, he
[17] had — the problem re-emerged.

[18] TINA HINES: Right, they did surgery on all his
[19] sinuses, they went through his nose and removed all his
[20] polyps, thinking that was the problem. So, now he's in
[21] for the second surgery, and they decided they are going
[22] to remove part of his uvula, and the roof of his mouth,
[23] his tonsils and his adenoids, and this way it will give
[24] his tongue more room, I guess is what they said, so he
[25] wouldn't snore.

Page 18

[1] Well, he went through this, and it was a
[2] horrible surgery. I really felt very, very bad for
[3] him. He was out of work for six weeks, and he had high
[4] hopes that this was going to work and our life was
[5] going to change, we could sleep in the same room
[6] together, go on vacation, the guys wouldn't be hassling
[7] him.

[8] Well, that did work for quite a while, and then
[9] it started up again, and I'll tell you what, I was even
[10] afraid to tell him, because I couldn't believe it
[11] myself. It's aggravating, it's annoying, I don't get a
[12] good night's sleep, he doesn't get a good night's
[13] sleep. I hated to say it, but I was happier when he
[14] was at the fire department because I got a good night's
[15] sleep.

[16] JON DENNY: Tina, I want to interrupt you for a
[17] second, because this is a — you know, a real relatable
[18] story to some. Perhaps not all have gone through
[19] surgeries and so forth, but for the millions of people
[20] who sleep next to a snorer, their lives are affected,
[21] as well. How did you find your life or your sleep
[22] quality affected by sleeping next to a snorer?

[23] TINA HINES: Well, I didn't, I chased him out.
[24] Actually, I had insomnia and I don't get a good — I
[25] mean, I could hear the dog turn over. So, he would

Page 19

[1] have to go out in the other room, but I could still
[2] hear him through the vents, but I'd get up in the
[3] morning, and I would be a grouch at work, because I was
[4] — I was tired.

[5] JON DENNY: Yes.

[6] TINA HINES: And I was aggravated. You're
[7] talking two surgeries, what's it going to take? He
[8] tried those stupid nose strip things, they didn't work.

[9] So, one day I'm sitting here watching TV and I
[10] see a commercial out here in Phoenix and a couple is
[11] talking about the same thing, and I'm thinking, Well,
[12] what have I got to lose?

[13] Well, my husband tells me I'm nuts, because if
[14] two surgeries didn't work, the spray was not going to
[15] work. I figure, Well, I'm going to try it. So, I sent
[16] for it, put it on the nightstand, the first night he
[17] was home, I woke him up, I said, John, spray your
[18] throat. He said, Yeah, yeah, yeah, yeah. I said,
[19] John, please, spray your throat. So, we sprayed his
[20] throat, and I'm like waiting — I'm laying there, I'm
[21] laying there, I'm like, Oh, wow, he was sleeping, there
[22] was no noise coming out of him. And I was — I was
[23] pretty well hooked. And he still was not a believer.
[24] He said it was just a fluke. So, it took a few times
[25] of using the Snorenz.

Page 20

[1] Now, I'll tell you what, he's taken it up to
[2] the fire department. I have the wives calling from the
[3] fire department asking me the 800 number. I've given
[4] away more bottles, I can't tell you, because I belong
[5] to the Snorenz Bottle of the Month Club, and I just
[6] gave one to my daughter last week, she came over, and
[7] she was like, Mom, I'm going crazy, Kenny's snoring. I
[8] said, Here, take my last bottle, take it home.

[9] JON DENNY: And how long now has your family or
[10] your husband in particular been using Snorenz?

[11] TINA HINES: Oh, for — oh, months.

[12] JON DENNY: For months.

[13] TINA HINES: Months, absolutely.

[14] JON DENNY: And it works for him pretty much
[15] every night.

[16] TINA HINES: Well, he takes it in his little
[17] duffle bag when he goes to the fire department, because
[18] being a medic, also, he might be called to another
[19] station, he doesn't want to go to another station with,
[20] you know, guys he doesn't know and start snoring. So,
[21] he carries it in his little bag, and everyplace he
[22] goes, the Snorenz goes with him.

[23] JON DENNY: Right. Well, Tina, thank you for
[24] calling from Arizona.

[25] TINA HINES: Hey, thanks for the Snorenz, I'll

Page 21

Page 23

[1] tell you.
[2] **JON DENNY:** Well, we appreciate you calling and
[3] continue to get a full silent night's sleep.
[4] **TINA HINES:** Absolutely.
[5] **JON DENNY:** Okay, Tina, thank you.
[6] **TINA HINES:** Thank you.
[7] **JON DENNY:** Bob, tell us about some of your
[8] patients who have been turned on to Snorenz.
[9] **DR. BOB COURIER:** Well, I'll give you a good
[10] example. I have Mike. Now, we always think of a
[11] snorer as someone that's older, okay, that's a little
[12] bit more passed middle age, always a male, and it's
[13] always grandpa, the chainsaw, somebody like that.
[14] Interestingly enough, I had a 25-year-old patient of
[15] mine named Mike who is an optician. Now, Mike was
[16] trying to qualify, okay, for the certifying exam to
[17] become a certified optician. He was losing energy.
[18] He just couldn't — he couldn't understand it.
[19] He couldn't understand why he didn't have the get-up
[20] and go to do his job, plus go home to study. He's
[21] single. He lives by himself.
[22] So, he's wondering why. I said, Well, you
[23] know, maybe you're not sleeping well. And he said,
[24] Well, you know, I just can't sleep. So, what happens
[25] to him is I give him some Snorenz. I said, Well just

Page 22

Page 24

[1] try this, it's just an outside shot, I said you have
[2] got to try this, let me know how it works.
[3] He comes back, now, I don't see him in a week
[4] or two on another appointment basis, he comes back, and
[5] my word, he just — he's just aglow. He passed the
[6] certifying exam, he feels like he is more awake, more
[7] energetic, he feels like he can do anything, he can
[8] conquer the world. He's 25 years old.
[9] What has happened is he relayed this story:
[10] What happened to him is he would fall asleep, he
[11] couldn't get to sleep at night, okay, so he'd sit up
[12] and watch late night TV and he becomes an insomniac.
[13] What he would do is fall asleep, but he would
[14] awake with a snore. This way, with using Snorenz, he
[15] could get his clock back in order, he could go to
[16] sleep, and he could go to sleep snoring free, wake up
[17] refreshed in the morning. He figured it all out real
[18] simply, and it took us years to figure all this out,
[19] and he did it in a very short time.
[20] Now, he doesn't have a bed partner, and so what
[21] happens is he did this for himself, for his own energy
[22] level, and so, you know, it has worked successfully for
[23] him. It isn't always a bedmate telling someone that
[24] they have it. He did it for himself.
[25] **JON DENNY:** You think of snorers as older

[1] people, your grandfather, your father. I remember
[2] growing up my father — listening to my father across
[3] the hallway snoring, it sounded like the start of the
[4] Indianapolis 500 every night. But, in fact, younger
[5] people snore, too, do they not? In fact, there's a
[6] study out about students who were snorers who were
[7] proven to have lower test scores. Tell me about that.
[8] **JOHN ZIGLAR:** I was reading the newspaper here
[9] in Chicago one day and the Sun Times has an article,
[10] and the top of the article says, "Test scores affected
[11] by snoring." So, I'm looking at it, I'm thinking, Wow,
[12] you know, there's actually been a study done, and what
[13] had happened is a research program was done over in
[14] West Germany with medical students, and what they did
[15] is they tracked an entire medical school class from the
[16] day they started until the day they finished, and they
[17] put them in two categories.
[18] One category was the snorers and over here was
[19] the category of the nonsnorers, and after everything
[20] was said and done, are from start to finish, the
[21] nonsnorers scored six percent higher on their test than
[22] the snorers did, all other things being equal.
[23] **JON DENNY:** And you just happened to run across
[24] this. So, it's now becoming an awareness. People are
[25] becoming aware now, and it's — see, it's all too

[1] obvious now when you read something like this why that
[2] would happen, because we're all aware, and my patients
[3] are aware of this.
[4] Interestingly enough, I store this on the —
[5] well, on shelves and such in the office. When we do
[6] our inventory at the end of the day, I find that some
[7] has been taken. I don't want to say stolen, because
[8] these are my patients, and we have created a
[9] relationship, but actually, it's missing.
[10] **ON SCREEN:** This is a paid commercial for
[11] Snorenz
[12] **DR. BOB COURIER:** So, what happens is it just
[13] plain gets taken. People want this. People are now
[14] aware, and I think this is what's happening here, and
[15] we know why people don't score well. They don't sleep
[16] well. They snore.
[17] **ON SCREEN:** 800-392-4006
[18] **JON DENNY:** Ninety million Americans snore.
[19] That doesn't include the countless millions who sleep
[20] next to a snorer, and if you want more information
[21] about this revolutionary, breakthrough product, which
[22] has been proven effective in 97 percent of cases to
[23] eliminate or reduce the sound of snoring, call the
[24] toll-free 800 number on your screen, get more
[25] information about Snorenz, do it for him, do it for

Page 25

[1] yourself, do it for your family. It is worth the phone
[2] call, and it is pennies per day to end the snoring
[3] problem forever.

[4] This is a product, as I mentioned, that has
[5] been proven effective in double-blind studies, and you
[6] actually conducted the studies out of your auspices in
[7] Michigan. Tell us about a double-blind study, what it
[8] is and how Snorenz worked.

[9] **DR. BOB COURIER:** Really, just to define what a
[10] double-blind study is in general is nobody knows what
[11] product anybody is getting. The doctor isn't aware of
[12] it, okay, and nor are the patients. For example, we're
[13] giving a block or a bunch of bottles, for example, in
[14] this case, Snorenz, and we are to distribute this out
[15] to our patients in a test pattern, they are going to
[16] use it for a week, but I am blind to the fact of what
[17] product am I giving them, the placebo or dummy product
[18] versus the actual product itself. I'm not aware, so I
[19] cannot influence the study results.

[20] I accumulate the study results, I gather the
[21] patients and have them get compliant with it for use
[22] over a week's time, but I don't — I can't affect it.
[23] The patients can't affect it. So, I am blind to it,
[24] and so are the patients.

[25] Interestingly enough, it's not only the results

Page 26

[1] of the studies we got but the comments we received.
[2] Many people, again, they're aware of snoring, but they
[3] aren't aware of the problems that come with it, and
[4] actually it's like — until it's resolved, the snoring
[5] itself, oh, my word, what a problem it was, and you can
[6] see the changes it's made. That was probably the most
[7] interesting part of doing that whole study, was the
[8] comments that we got back, the little stories that
[9] people have through the week, you know, of using this
[10] product, and that was the beauty of this.

[11] I loved doing this study. It was highly
[12] effective.

[13] **JON DENNY:** And John, this is an all-natural
[14] product?

[15] **JOHN ZIGLAR:** It's all-natural oils, and we
[16] also have some vitamins that we have also put into the
[17] product.

[18] **JON DENNY:** Tell us about snorer's breath. I'm
[19] going to test this here. I hope I don't get it in my
[20] eye. It would eliminate my — some problem in my eye,
[21] perhaps, but I — it's minty, actually it tastes a lot
[22] like mouthwash, I mean, it's — in a good way. Three
[23] sprays of this before bed, and how long will this last,
[24] through the night?

[25] **JOHN ZIGLAR:** It will last through the night.

Page 27

[1] It will last from six to eight hours.

[2] **JON DENNY:** And in what cases doesn't this
[3] work?

[4] **JOHN ZIGLAR:** You know, when I first got this
[5] product, we did test — and I have given it to
[6] everybody that I know that snores so that I could find
[7] out, you know, because I always wanted to know exactly
[8] how did it work on everybody else. So, we had one
[9] friend we gave it to, and quite honestly, they had been
[10] married for three years, they're already sleeping in
[11] different bedrooms because he snores so loudly, and he
[12] would go to bed — they would go to bed together, wake
[13] up in different rooms.

[14] And so Kevin was taking the product, and the
[15] first night it worked perfectly, the second night it
[16] worked perfectly, third night it worked perfectly,
[17] fourth night, didn't work, fifth night, didn't work.
[18] He called me up and he says, Look, you know, it works
[19] temporarily, but after that, it doesn't — it doesn't
[20] work. And I said, Wait a minute, you know, there's got
[21] to be a reason. There's something wrong here, the only
[22] guy it doesn't work on in the world.

[23] And he says, Well — so, I started to ask him
[24] some questions, and here's the point. What I found out
[25] was the night that it did not work, he had a beer just

Page 28

[1] before he went to bed, and what we had here was a
[2] situation where the alcohol in the beer literally cut
[3] through the oils in our product, and it went down his
[4] throat, so it was not there. Since it was not there,
[5] it could not work, and it proved that he still was a
[6] snorer, he just needed the product to stay where it was
[7] so that he would live without the noise.

[8] **JON DENNY:** So, you suggested that he sort of
[9] cut down his drinking right before going to bed.

[10] **JOHN ZIGLAR:** Exactly, don't eat or drink
[11] anything 30 minutes before you go to bed, or if you do,
[12] then take a couple of swallows of water just to clear
[13] your pallet so that your throat is clean so that when
[14] you put the product in on the back of your tongue, then
[15] it will stay there.

[16] **JON DENNY:** Right. Your wives are happy,
[17] gentlemen, that you —

[18] **DR. BOB COURIER:** Happier, happier.

[19] **JON DENNY:** We won't get into that, but they're
[20] happy that your snoring problems have been reduced or
[21] eliminated.

[22] **DR. BOB COURIER:** Yes, very much so.

[23] **JOHN ZIGLAR:** And now, you know, I roll over
[24] and Linda gives me a kiss before we go to bed, and I
[25] think that's just real sweet. She's checking to see if

Page 29

[1] I've taken the Snorenz, okay?
[2] **JON DENNY:** If you want more information about
[3] this revolutionary, all-natural, vitamin-based spray,
[4] no pills, no surgery, no clamps, no strips across your
[5] nose, Snorenz will end your snoring problem and do it
[6] naturally. It is pennies in comparison to the value
[7] and the almost priceless value of a full, restful,
[8] silent night's sleep for all, and that goes for the
[9] snorer as well as the person sleeping next to the
[10] snorerailroad.
[11] For more information, call the 800 number on
[12] the screen.
[13] Dr. Bob Courier, thank you for joining us on
[14] Vantage Point.
[15] **DR. BOB COURIER:** Thank you for having me.
[16] **JON DENNY:** And, John Ziglar, thank you.
[17] **JOHN ZIGLAR:** Enjoyed it.
[18] **JON DENNY:** I may knock off a few sprays
[19] tonight and try to get my snoring down. This is Jon
[20] Denny saying good-bye from Vantage Point, and we will
[21] see you next time.
[22] **ON SCREEN:** For more information on Snorenz
[23] call: 800-392-4006
[24] Tru-Vantage International
[25] 7300 Lehigh Ave.

Page 30

[1] Niles, IL 60714
[2] (847)647-0300
[3] **ON SCREEN:** The preceding has been a paid
[4] commercial for SNORENZ brought to you by Kevin
[5] Trudeau's Tru-Vantage International, America's premier
[6] direct response marketing company.
[7] (The videotape was concluded.)
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 31

CERTIFICATION OF TRANSCRIBER

[1]
[2]
[3] **DOCKET/FILE NUMBER:** 0023211
[4] **CASE TITLE:** MED GEN, INC.
[5] **RECORDING DATE:** OCTOBER 13, 1999
[6] **TRANSCRIPTION DATE:** MAY 15, 2000
[7] I HEREBY CERTIFY that the transcript contained
[8] herein is a full and accurate transcript of the
[9] videotapes transcribed by me on the above cause before
[10] the FEDERAL TRADE COMMISSION to the best of my
[11] knowledge and belief.
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

DATED:

SUSANNE Q. TATE

CERTIFICATION OF PROOFREADER

[1]
[2]
[3]
[4]
[5]
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20] I HEREBY CERTIFY that I proofread the
[21] transcript for accuracy in spelling, hyphenation,
[22] punctuation and format.
[23]
[24]
[25]

DIANE QUADE

[1]
[2] OFFICIAL TRANSCRIPT PROCEEDING
[3]
[4] FEDERAL TRADE COMMISSION
[5]
[6] MATTER NO. 0023211
[7]
[8] TITLE MED GEN INC.
[9]
[10] DATE RECORDED: OCTOBER 13, 1999
[11] TRANSCRIBED: MAY 8, 2000
[12]
[13] PAGES 1 THROUGH 34
[14]
[15]
[16] VP SNORENZ 3 - KT W/DISCLAIMERS SNR3 SOFT
[17] VIDEOTAPE
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 1

[1] FEDERAL TRADE COMMISSION
[2] INDEX
[3]
[4] VIDEOTAPE PRESENTATION: PAGE:
[5] VP SNORENZ 3 - KT W/DISCLAIMERS SNR3 SOFT 3
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 2

[1] FEDERAL TRADE COMMISSION
[2]
[3] In the Matter of:)
[4] Med Gen, Inc.,) Matter No. 0023211
[5]
[6] October 13, 1999
[7]
[8]
[9]
[10]
[11]
[12] The following transcript was produced from a
[13] videotape provided to For The Record, Inc. on May 8,
[14] 2000.
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 3

[1] PROCEEDINGS
[2]
[3] ON SCREEN:
[4] Client: Trudeau Marketing/TVI
[5] Project: VP SNORENZ 3
[6] Price Point: Soft Offer
[7] Edit Date: 11/13/98
[8] Editor: WPS
[9] Audio: Mixed
[10] Notes: Generic - Keys, No Phone
[11] The following is a paid commercial for SNORENZ
[12] brought to you by Kevin Trudeau's Tru-Vantage
[13] International, America's premier direct response
[14] marketing company.
[15] Lower test scores linked to snoring
[16] There's More to Snoring Than Meets the Ears
[17] Can you win the snore war?
[18] Something to lose sleep over
[19] MALE ANNOUNCER: The following is a paid
[20] commercial brought to you by Kevin Trudeau's Tru Vantage
[21] International.
[22] (Music playing.)
[23] KEVIN TRUDEAU: For years over 150 million
[24] people have suffered from the effects of snoring. It can
[25] cause headaches, sleeplessness, irritability, poor job

Page 4

[1] performance, a lack of energy and even big relationship
[2] problems. Well, what can be done about it? Until now,
[3] nothing.
[4] On Vantage Point today, hear about a new
[5] breakthrough discovery that could possibly eliminate the
[6] sound of snoring.
[7] VANTAGE POINT with Kevin Trudeau
[8] KEVIN TRUDEAU: I am Kevin Trudeau, you're
[9] watching Vantage Point, and joining me is John Ziglar.
[10] John, how are you doing? Good to have you here.
[11] JOHN ZIGLAR: Magnificent. Good to be here,
[12] Kevin.
[13] KEVIN TRUDEAU: You have discovered a product,
[14] a new patented — I don't know if this is a medical
[15] discovery — that can solve the effects or the sound of
[16] snoring. Tell me about this product and what it does.
[17] JOHN ZIGLAR: Kevin, a friend of mine
[18] introduced me to the product from down in Ft. Lauderdale,
[19] Florida. The guy's name is Paul Cravatz. And Paul was
[20] an investment banker and a Korean man came into his
[21] office one day and had a product called Snorenz that he
[22] wanted to have Paul look at to see if he could help him
[23] to market it.
[24] Well, Paul put it over to the side of his desk,
[25] didn't think too much about it because he never really

Page 5

[1] thought about snoring too much.
[2] KEVIN TRUDEAU: Um-hmm.
[3] JOHN ZIGLAR: But he made the mistake of saying
[4] something about it to his wife when he went home. Paul's
[5] been married for 37 years and his wife suggested that he
[6] might bring that product home. (Laughter.)
[7] KEVIN TRUDEAU: (Laughter.)
[8] JOHN ZIGLAR: And, so, when he brought the
[9] product home, then, he tasted the product; the product
[10] tasted terrible; but he quit snoring.
[11] So, he found a product that actually worked and
[12] helped him to eliminate the noise of snoring.
[13] KEVIN TRUDEAU: Now, when he found that
[14] product, was this a patented process that this Korean
[15] gentleman invented?
[16] JOHN ZIGLAR: No, it wasn't, Kevin. At the
[17] time, what he had was a combination of oils that he had
[18] in a little formula that he sprayed in the back of his
[19] throat and then Paul went to his laboratories and he
[20] developed a lysosome formulation of the all-natural oils.
[21] He put some vitamins, minerals in it and put a whole lot
[22] better taste. He put a spearmint taste into the product
[23] so that it would taste good and then still solve the
[24] problem.
[25] KEVIN TRUDEAU: So, now this is a patented

Page 6

[1] formula?
[2] JOHN ZIGLAR: Yes, it is.
[3] KEVIN TRUDEAU: Okay. Patented process. Now,
[4] explain to me why somebody snores.
[5] JOHN ZIGLAR: The reason people snore, Kevin,
[6] when somebody lays down at night and they go to sleep,
[7] what happens is your muscles on your skeletal structure
[8] begin to relax, and the muscles and the tissues inside of
[9] your throat also relax at the same time.
[10] KEVIN TRUDEAU: Um-hmm.
[11] JOHN ZIGLAR: And when that occurs, what
[12] happens is the air passageway inside of your throat
[13] actually diminishes in size. When that happens, then
[14] you've got the same amount of air flow and so the
[15] velocity is greater and it causes the air to run across
[16] your uvula and the soft tissue from the back of your
[17] throat and your tongue and they hit against each other
[18] and that clatter is the noise that we call snoring.
[19] KEVIN TRUDEAU: Now, up until this point, John,
[20] what has been done to solve the problem? Are there any
[21] drugs, any surgery, any other herbal or natural
[22] supplements that people have tried?
[23] JOHN ZIGLAR: There've been — people have been
[24] trying to solve the problem for years. In the dental
[25] profession, they have a mechanical device that you put

Page 7

[1] inside of your mouth that will actually bring your jaw
[2] forward to make the air passageway larger.
[3] KEVIN TRUDEAU: Um-hmm.
[4] JOHN ZIGLAR: It's very uncomfortable; very few
[5] people are able to live with that on a consistent basis.
[6] There have been — there's surgery that people have gone
[7] through where they go in and they actually take part of
[8] the uvula — the little hangy-down part in your throat —
[9] KEVIN TRUDEAU: Un-huh.
[10] JOHN ZIGLAR: — where they take and they cut
[11] that out. They take some of the soft tissues off of the
[12] back of the throat and it's an expensive surgery, it's
[13] very painful and the results up to date have been that a
[14] year, two years, down the road you've got wives poking
[15] their husbands in the chin — in their ribs again because
[16] they've begun to snore again.
[17] KEVIN TRUDEAU: Any drugs available?
[18] JOHN ZIGLAR: I'm not aware of any drugs that
[19] have been used. I know from time to time you see a thing
[20] where there have been pills that people can take to try
[21] to eliminate snoring, but I do not know exactly what the
[22] technology has been.
[23] KEVIN TRUDEAU: So, this — this — this is an
[24] all-natural product; this is clinically tested; no after
[25] effects; natural ingredients; vitamin enhanced; fresh

Page 8

[1] breath — 97 percent effective — now, let's explain
[2] exactly — all that's in here are natural oils and it
[3] just says the natural oils and is a taste like a
[4] peppermint — type of wintergreen taste. And all you do
[5] — I just want to show people what it looks like.
[6] This is the spray and you just spray this in
[7] your mouth three times before you go to sleep.
[8] **JOHN ZIGLAR:** Right.
[9] **KEVIN TRUDEAU:** I just want to spray it now.
[10] I'll just spray it once. Now, the first thing is before
[11] I did this I assume — you mentioned it tasted terrible
[12]
[13] **JOHN ZIGLAR:** Yes.
[14] **KEVIN TRUDEAU:** — but, until Paul Cravatz fixed
[15] the taste.
[16] **JOHN ZIGLAR:** Correct.
[17] **KEVIN TRUDEAU:** It tastes either like either a
[18] chewing gum or a — a mint.
[19] **JOHN ZIGLAR:** It tastes like spearmint gum.
[20] **KEVIN TRUDEAU:** Okay, it tastes just like
[21] spearmint gum.
[22] **JOHN ZIGLAR:** Yes, it does.
[23] **KEVIN TRUDEAU:** It's actually a very refreshing
[24] taste.
[25] **JOHN ZIGLAR:** Yes.

Page 9

[1] **KEVIN TRUDEAU:** Tell me how this eliminates the
[2] snoise of noring (sic)? What exactly happens when I
[3] spray this in my mouth before I go to sleep?
[4] **JOHN ZIGLAR:** Because of the technology — what
[5] we have been able to do with the oils in this product, is
[6] we have been able through a lysosome technology, put it
[7] so that when it lands on the back of your throat it will
[8] actually stay there. It will stay topical for up to
[9] eight hours.
[10] And, so, it's just like — Kevin, have you ever
[11] seen a car going down the road that didn't have enough
[12] oil in it and you could hear the pinging and the knocking
[13] of the engine?
[14] **KEVIN TRUDEAU:** Right.
[15] **JOHN ZIGLAR:** What we're doing right here is
[16] we're going to oil the parts inside your throat so that
[17] we eliminate the clatter and that's all this product will
[18] do.
[19] **KEVIN TRUDEAU:** So, you just spray this on your
[20] throat and it just basically lubricates, if you will, the
[21] inside of your throat.
[22] **JOHN ZIGLAR:** Exactly.
[23] **KEVIN TRUDEAU:** And it's designed, because of
[24] the proprietary formula, where it lasts all night long.
[25] **JOHN ZIGLAR:** That's right.

Page 10

[1] **KEVIN TRUDEAU:** And there's nothing else — you
[2] can't buy this at a store or something — they can only
[3] get it directly from the company.
[4] **JOHN ZIGLAR:** That's correct.
[5] **KEVIN TRUDEAU:** And then all night long the
[6] person sleeps without any noise?
[7] **JOHN ZIGLAR:** That's right.
[8] **KEVIN TRUDEAU:** We have on the phone, Dr.
[9] Michael Leonard. Dr. Michael Leonard is a doctor I
[10] believe in Detroit —
[11] **JOHN ZIGLAR:** Um-hmm.
[12] **DR. LEONARD:** Kalamazoo.
[13] **KEVIN TRUDEAU:** Kalamazoo. How you doing, Dr.
[14] Leonard?
[15] **DR. LEONARD:** Good, how are you.
[16] **KEVIN TRUDEAU:** I'm doing great. Explain to me
[17] what type of reaction or results or experience you've had
[18] with this product?
[19] **ON SCREEN:** Called from Kalamazoo, MI — DR.
[20] MICHAEL LEONARD — TVI.
[21] **DR. LEONARD:** Uh — originally I was introduced
[22] to it by a friend of mine. Again, I'm a dentist, and
[23] dealing with patients that have problems with snoring and
[24] making appliances, et cetera, that are difficult for
[25] people to comply with. We can look for, you know, making

Page 11

[1] these appliances, advancing the jaw and getting the
[2] tissues up off the — (inaudible) — aspect of the mouth,
[3] but a lot of those people won't wear the appliance but
[4] for many a couple of nights because they are fairly
[5] uncomfortable.
[6] I was told about this product and went ahead
[7] and ordered a case hoping to start dispensing to a few
[8] patients and let them try it out and see if it worked,
[9] and got positive feedback from these people.
[10] So, I was telling my wife about it and she
[11] said, Yeah, before you give all that stuff away you
[12] better bring some home for yourself, because you also
[13] have a problem with snoring. And to tell you the truth
[14] I'm using it for a year and it doesn't bother me that I
[15] snore but certainly my wife, who gets my attention at
[16] night as I'm falling asleep and, you know, she knows I
[17] haven't sprayed down just yet, she'll give me a little
[18] nudge and say, you know, be sure and use that before you
[19] go to bed, because it does eliminate to a point where
[20] she's quite comfortable also.
[21] **KEVIN TRUDEAU:** Now, in your profession, you
[22] said you've used other things to help patients of yours
[23] with the snoring problem, like appliances?
[24] **DR. LEONARD:** Correct.
[25] **KEVIN TRUDEAU:** And what — what's the success

Page 12

[1] rate of one of those appliances? I know they're very
[2] uncomfortable —
[3] **ON SCREEN:** Called from Kalamazoo, MI — DR.
[4] **MICHAEL LEONARD** — TVI.
[5] **DR. LEONARD:** Yeah, it really — it really is
[6] dictated on patient compliance, and when things are
[7] uncomfortable, the compliance drops to very, very low
[8] numbers.
[9] **KEVIN TRUDEAU:** Un-huh.
[10] **DR. LEONARD:** And I don't have a percentage of
[11] number of people that are — 100 percent comply with it
[12] and, on the other hand, with something like this that you
[13] can keep with you, throw it in your dog kit, have one at
[14] home — it's there, it's available and it's easy to use
[15] and it works.
[16] **KEVIN TRUDEAU:** Yeah, I mean, it tastes really
[17] good. So, I mean, obviously, right before you go to
[18] sleep to have this by your nightstand to just spray a
[19] couple of squirts, it shouldn't be a problem.
[20] As a matter of fact, John was telling me that
[21] if somebody forgets to spray it in your mouth, it's not a
[22] problem at all because your wife will remind you about an
[23] hour and a half after you've gone to sleep —
[24] **DR. LEONARD:** That's right.
[25] **KEVIN TRUDEAU:** — with a little nudge —

Page 13

[1] **DR. LEONARD:** Yeah.
[2] **KEVIN TRUDEAU:** — and you just spray it there
[3] and then sleep the whole night.
[4] **DR. LEONARD:** Yeah. Well, just like Pablo's
[5] dog, eventually you remember to do it before you go to
[6] sleep.
[7] (All laughing.)
[8] **KEVIN TRUDEAU:** Now, you've given this to many
[9] of your patients?
[10] **DR. LEONARD:** Correct.
[11] **KEVIN TRUDEAU:** And do you find it working for
[12] everyone? It says 97 percent effective, so there's some
[13] people, allegedly, that it does not work for. What's
[14] your personal experience?
[15] **DR. LEONARD:** My experience has been people
[16] that use it and use it properly — and by properly, I'll
[17] get to that in just a second — people that are using it
[18] on a regular basis, they are getting relief.
[19] And, again, when you talk to somebody who comes
[20] into the office and says, I'm having — my wife tells me
[21] or my husband tells me — I've having difficulty with
[22] snoring and it's bothering her, the next time they come
[23] in and you don't get that complaint or the wife comes in
[24] shortly thereafter and is not complaining at that point,
[25] it works well.

Page 14

[1] **KEVIN TRUDEAU:** Say —
[2] **DR. LEONARD:** The — the trick with using it
[3] properly is just getting it to these tissues in the back
[4] of your mouth. Now, if you open your mouth wide and
[5] spray the surface of your tongue only, it's not going to
[6] be effective.
[7] So, I ended up doing a study here in the office
[8] and taking some photographs of distribution of the
[9] product, staining it and spraying it in people's mouths
[10] with different head positions so we're assured that it
[11] gets to where it needs to go.
[12] **KEVIN TRUDEAU:** Um-hmm.
[13] **DR. LEONARD:** With the proper positioning of
[14] the head and spraying it to the back of your throat,
[15] letting it sit there for maybe five seconds before you
[16] swallow, I think the effectiveness is tremendously
[17] increased.
[18] **KEVIN TRUDEAU:** Hold with us just for a few
[19] moments, but I do want people to know right now if you're
[20] watching and you do want information on Snorenz, if you
[21] are a snorer or if you know someone that is, this really
[22] could be a Godsend. It's a patented product, it's not
[23] available in any stores, it's only available directly
[24] from the company. Call the number on your screen to get
[25] more information on Snorenz. It's very inexpensive, it

Page 15

[1] tastes great, it's all-natural, it's clinically proven to
[2] eliminate the noise of snoring in 97 percent of the
[3] cases, and in my personal experience is virtually 100
[4] percent.
[5] Call right now, it's unconditionally
[6] guaranteed. The very first time you use it, it will
[7] eliminate your snoring.
[8] Michael, just stay with us for just a moment.
[9] John, I want to go back to the people that it's
[10] worked for and those it hasn't worked for.
[11] I have a friend of mine that I sent this to
[12] when you first came to me and said, I got this product,
[13] it gets rid of snoring. I said, well —
[14] **JOHN ZIGLAR:** Right.
[15] **KEVIN TRUDEAU:** — you know, I know snoring can
[16] be an issue because I've known people that snore like
[17] freight trains.
[18] **JOHN ZIGLAR:** Right.
[19] **KEVIN TRUDEAU:** I was fishing with a fellow who
[20] was in a log cabin, we were up north — as a matter of
[21] fact, you were with us last year —
[22] **JOHN ZIGLAR:** Right.
[23] **KEVIN TRUDEAU:** — but this was like the year
[24] before — and there were nine guys in this cabin. They
[25] threw this fellow out. Now, we're there for a week, they

Page 16

[1] threw — this poor guy had to sleep in the shower cabin
[2] — the shower stall because he was so loud and still —
[3] you could still hear him in the cabin across camp.
[4] **JOHN ZIGLAR:** I know.
[5] **KEVIN TRUDEAU:** This guy was — crazy. But I
[6] had sent this to a friend of mine who snored so bad his
[7] wife was not sleeping in the bedroom anymore. They —
[8] they'd go to sleep together and then an hour later she
[9] would leave and go and sleep on the couch because she
[10] just could not get a good night's rest.
[11] **JOHN ZIGLAR:** That's common.
[12] **KEVIN TRUDEAU:** Now, he used this and the first
[13] night he called me up and said, Gosh, darn it, I sprayed
[14] this — I woke up, my wife was lying next to me for the
[15] first time in like three years. This actually worked. I
[16] mean, it knocked out my snoring. He says and better than
[17] that, Kevin, I had the best night's sleep I ever had.
[18] Now, we'll talk about what happens when you
[19] keep waking up in the middle of the night.
[20] **JOHN ZIGLAR:** Right.
[21] **KEVIN TRUDEAU:** But here's the thing: three
[22] days he called me and he said, It doesn't work any more.
[23] **JOHN ZIGLAR:** No.
[24] **KEVIN TRUDEAU:** And I said, What do you mean?
[25] So, I got back to you and let's talk about why it

Page 17

[1] wouldn't work in a particular case. We had a situation
[2] last night with Doug McCleary and with this fellow.
[3] Explain some of the reasons why it wouldn't work.
[4] **JOHN ZIGLAR:** Okay. Here's — there's a couple
[5] of things. What happened in this particular guy's case
[6] is before he went to bed, he had a beer.
[7] **KEVIN TRUDEAU:** Um-hmm.
[8] **JOHN ZIGLAR:** And when he had the beer, he
[9] didn't clean his palate off. In other words, there was
[10] still alcohol. Well, alcohol is an agent that will cut
[11] through oils. And, so, since this is an oil-based, a
[12] natural oil-based product, when he had the alcohol still
[13] on his palate and he sprayed it, it cut through and the
[14] Snorenz actually went right straight down his throat, was
[15] not on the tissues where it would create the lubrication.
[16] **KEVIN TRUDEAU:** So, you can't eat or drink for
[17] a half an hour before you use the product?
[18] **JOHN ZIGLAR:** Exactly.
[19] **KEVIN TRUDEAU:** Which is a good healthy
[20] practice anyway. You shouldn't be drinking or eating
[21] right before you go to sleep.
[22] **JOHN ZIGLAR:** Of course. Or you could even
[23] brush your teeth before you go to bed. It would be a
[24] good practice.
[25] **KEVIN TRUDEAU:** You know, a fellow last night

Page 18

[1] said it worked up until he went to bed at 11:00 at night,
[2] 10:00 at night —
[3] **JOHN ZIGLAR:** Yes.
[4] **KEVIN TRUDEAU:** — and at 5:30 in the morning
[5] got woken up because of the snoring.
[6] **JOHN ZIGLAR:** Exactly.
[7] **KEVIN TRUDEAU:** So, it worked up until 5:30
[8] a.m. What happened there?
[9] **ON SCREEN:** JOHN ZIGLAR, Master Strategies
[10] Researcher, TVI.
[11] **JOHN ZIGLAR:** What happened is when he sprayed
[12] the product in his mouth, he did it correctly, but he
[13] only put one spray.
[14] **KEVIN TRUDEAU:** Um-hmm.
[15] **JOHN ZIGLAR:** He only did one pump. And what
[16] we recommend is three. All right? So, if you do three,
[17] it will last the full eight hours.
[18] **KEVIN TRUDEAU:** Dr. Leonard — let's go back to
[19] you. I have a question about — you're a dentist —
[20] **DR. LEONARD:** Yes.
[21] **KEVIN TRUDEAU:** — obviously. Bad breath —
[22] **DR. LEONARD:** Yes.
[23] **KEVIN TRUDEAU:** Do you — have you found that
[24] people who snore have a worse bad breath problem when
[25] they wake up as opposed to nonsnorers?

Page 19

[1] **DR. LEONARD:** I don't know of a direct
[2] correlation with that —
[3] **KEVIN TRUDEAU:** Does this —
[4] **ON SCREEN:** Caller from Kalamazoo, MI — DR.
[5] MICHAEL LEONARD — TVI.
[6] **DR. LEONARD:** — certainly having your mouth
[7] open and all the tissues drying out and — you could see
[8] where — and it depends on the diet, also — but it's
[9] interesting. I don't know that offhand. It has to be
[10] something to look into a bit.
[11] **KEVIN TRUDEAU:** Does this product help with
[12] breath in the morning? I mean, a lot of us have morning
[13] breath.
[14] **DR. LEONARD:** Oh, yes. Just by nature of the
[15] way it tastes. You know, you're going to bed with
[16] something that tastes and has a pleasant smell to it to
[17] begin with —
[18] **KEVIN TRUDEAU:** Um-hmm.
[19] **DR. LEONARD:** — as opposed to like the guy who
[20] went to bed slugging down a beer.
[21] **KEVIN TRUDEAU:** Right, right.
[22] **DR. LEONARD:** I don't know about you, but I'd
[23] rather have somebody have a mint candy before they went
[24] to bed and slept for eight hours instead of a Miller Lite
[25] or whatever.

Page 20

[1] KEVIN TRUDEAU: Right.
[2] DR. LEONARD: So, in that case, yeah, I think
[3] it could be — could be said that that would certainly
[4] help out a bit with morning breath.
[5] KEVIN TRUDEAU: Yeah, because that's one of the
[6] things that I'm finding from people that I have actually
[7] given this to in my testing —
[8] DR. LEONARD: Um-hmm.
[9] KEVIN TRUDEAU: — and I say, you know, what's
[10] your reaction? And primarily from the wives, they say,
[11] Wow, I can give him a kiss in the morning and it's not
[12] that yucky morning breath.
[13] DR. LEONARD: They're not blown away, huh?
[14] KEVIN TRUDEAU: Yeah, which is kind of
[15] interesting. And then, of course, the fellows are saying
[16] the same thing. I wake up and I feel more refreshed
[17] because my mouth is clean and it has this great taste to
[18] it.
[19] So, in addition to having a soundful sleep
[20] without any snoring whatsoever, but they wake up — they
[21] have this clean feeling in their mouth. You know, with
[22] addition to the extra energy they'll get —
[23] DR. LEONARD: Sure.
[24] KEVIN TRUDEAU: — and —
[25] DR. LEONARD: Plus they've had a good night's

Page 21

[1] sleep.
[2] KEVIN TRUDEAU: Correct. But, let's talk about
[3] that. The person who snores, Dr. Leonard, if they are
[4] snoring and it "doesn't bother them."
[5] DR. LEONARD: Um-hmm.
[6] KEVIN TRUDEAU: They don't get woken up. Is
[7] it, in fact, having an adverse effect on the person's
[8] sleep patterns, thus making them more potentially
[9] irritable and fatigued during the day?
[10] DR. LEONARD: Certainly. Potential
[11] irritability and fatigue throughout the day has got to be
[12] commonplace.
[13] KEVIN TRUDEAU: Now, why use that? I mean, if
[14] I snore and I don't wake up during the night and I don't
[15] — I don't even know I snore —
[16] DR. LEONARD: Um-hmm.
[17] KEVIN TRUDEAU: — how is it having that effect
[18] on me?
[19] DR. LEONARD: If you're sleeping and snoring,
[20] obviously, like you're talking about exchanging air and
[21] still breathing and your air passage is restricted, once
[22] things are restricted to a point, you automatically or
[23] for the most part most people will wake up, catch a deep
[24] breath, roll over, what-have-you. So, yeah, your sleep
[25] pattern is disturbed by that.

Page 22

[1] KEVIN TRUDEAU: So, a person may not even
[2] realize that he's constantly waking up and going back to
[3] bed during the night?
[4] DR. LEONARD: That's right.
[5] KEVIN TRUDEAU: And, therefore, their sleep
[6] pattern's getting —
[7] Dr. Leonard, I know you have to get back to
[8] your practice, thanks very much for calling in.
[9] DR. LEONARD: Thank you.
[10] KEVIN TRUDEAU: Have a great day.
[11] DR. LEONARD: Thanks.
[12] KEVIN TRUDEAU: Let's talk about that, John,
[13] because —
[14] JOHN ZIGLAR: Yeah, Kevin, because that's what
[15] my experience has been.
[16] KEVIN TRUDEAU: Okay.
[17] JOHN ZIGLAR: When I started to take the
[18] product myself —
[19] KEVIN TRUDEAU: Um-hmm.
[20] JOHN ZIGLAR: — I noticed — first of all,
[21] that I don't turn over in my sleep as many times. And,
[22] so, I noticed it because I don't pull the covers out of
[23] the bottom of the bed every night.
[24] KEVIN TRUDEAU: Right.
[25] JOHN ZIGLAR: And, you see, it's not a

Page 23

[1] conscious thing when you wake yourself up snoring and
[2] then you immediately go back to sleep. We've got
[3] testimonial letters from all over the country.
[4] One of the ladies said that for the first time
[5] in her life she can remember dreams.
[6] KEVIN TRUDEAU: Hmmm.
[7] JOHN ZIGLAR: And what that means is that she,
[8] for the first time in a long time, has gotten some deep
[9] sleep where she now has recollection of dreams. We all
[10] dream —
[11] KEVIN TRUDEAU: Um-hmm.
[12] JOHN ZIGLAR: — if we get deep sleep.
[13] KEVIN TRUDEAU: Now, 90 million people snore —
[14] JOHN ZIGLAR: Yeah.
[15] KEVIN TRUDEAU: — that means about 150 million
[16] people are affected because of the sleeping partners.
[17] JOHN ZIGLAR: Correct.
[18] KEVIN TRUDEAU: How young does somebody snore,
[19] they start snoring? I mean, can they start as child?
[20] JOHN ZIGLAR: They can absolutely. We've got
[21] someone in our office who has a child who started snoring
[22] and the child is eight years old.
[23] KEVIN TRUDEAU: I want to talk about that,
[24] about how snoring can affect even grades in school,
[25] because there was an article I know in the Chicago

Page 24

[1] Tribune about that.
[2] **JOHN ZIGLAR:** Yes.
[3] **KEVIN TRUDEAU:** But if you're watching right
[4] now and you do want more information on Snorenz, it's an
[5] all-natural product, it's not available at any stores,
[6] call the number on your screen. If you are a snorer or
[7] know someone that is, call that number and get this very
[8] inexpensive, it's all natural, tastes great, it's
[9] guaranteed to work the very first time you try it. You
[10] just put three squirts in your mouth before you go to
[11] sleep, no snoring all night long.
[12] If you're not thrilled, send it back for a
[13] refund. Clinically proven in studies to eliminate the
[14] sound of snoring in 97 percent of the cases. And in my
[15] personal experience, virtually everybody that we've given
[16] it to. It's all natural and it can work for you.
[17] Call the number on your screen for Snorenz if
[18] you are a snorer or know anyone that is, they need this
[19] product for their own health and the people around them.
[20] Let's talk about the kids. As young as eight
[21] years old —
[22] **JOHN ZIGLAR:** Yeah.
[23] **KEVIN TRUDEAU:** — that can start snoring. And
[24] how does that adversely affect their grade performance in
[25] school?

Page 25

[1] **JOHN ZIGLAR:** Kevin, as you know, I have four
[2] children myself —
[3] **KEVIN TRUDEAU:** Um-hmm.
[4] **JOHN ZIGLAR:** — and I know that with my own
[5] children if I let them stay up too late at night or they
[6] do not get enough sleep, I notice the next day whether or
[7] not they're as pleasant to their brothers and sisters. I
[8] notice, for instance, if they go for a period of time
[9] where they don't get good sleep, that it does impact
[10] their grades, their performance on the athletic field or
[11] wherever they are, and, quite honestly, it's no different
[12] for them than it is for us. Sleep deprivation affects us
[13] all.
[14] **KEVIN TRUDEAU:** So, it can affect us in our job
[15] performance?
[16] **JOHN ZIGLAR:** Certainly.
[17] **KEVIN TRUDEAU:** Irritability during the day?
[18] **JOHN ZIGLAR:** Yes.
[19] **KEVIN TRUDEAU:** Relationship with your spouse?
[20] **JOHN ZIGLAR:** Of course.
[21] **KEVIN TRUDEAU:** And not just because you're not
[22] maybe sleeping in the same room or same bed, but the next
[23] day because you're tired, because your sleep pattern has
[24] been interrupted all night long, that you're just
[25] probably not as pleasant and you can be a little snippy

Page 26

[1] and snappy and that's going to have an adverse affect on
[2] the relationship.
[3] **JOHN ZIGLAR:** Exactly.
[4] **KEVIN TRUDEAU:** Now, let's talk about this —
[5] there was this article we were talking about right before
[6] the start of the show —
[7] **JOHN ZIGLAR:** Yeah.
[8] **KEVIN TRUDEAU:** — in the Chicago Tribune, I
[9] think it was.
[10] **JOHN ZIGLAR:** Right.
[11] **KEVIN TRUDEAU:** What was that about?
[12] **JOHN ZIGLAR:** There was a study that was done
[13] with medical students over in West Germany.
[14] **KEVIN TRUDEAU:** Um-hmm.
[15] **JOHN ZIGLAR:** And what they did is they found
[16] — they did a test and they found which of the students
[17] snored and which of the students did not snore, and then
[18] what they did is they just simply took and put them in
[19] two distinct categories and then they took and they took
[20] the average of the grades of the snorers and the
[21] nonsnorers, and in this particular case, the snorers
[22] ended up with six points less than the nonsnorers did.
[23] **KEVIN TRUDEAU:** That seems like a major
[24] difference in grades.
[25] **JOHN ZIGLAR:** I would have to think so,

Page 27

[1] especially where the amount of sleep that a med student
[2] would have an opportunity to get.
[3] **KEVIN TRUDEAU:** Right.
[4] **JOHN ZIGLAR:** You — another — let me just
[5] share a story with you. This — we talked with a lady
[6] who — whose husband was a fireman —
[7] **KEVIN TRUDEAU:** Um-hmm.
[8] **JOHN ZIGLAR:** — and he was out in Phoenix, and
[9] he snored so loud and since he was a fireman he was
[10] required to sleep at the fire station —
[11] **KEVIN TRUDEAU:** Um-hmm.
[12] **JOHN ZIGLAR:** — with the other guys who were
[13] on duty at the same time. Well, they only have a certain
[14] amount of hours that they can sleep and, so, they would
[15] all rush — when it got time to go to bed — they would
[16] all rush to get to bed before John got up there because
[17] when he got to sleep — if you weren't to sleep before he
[18] got to sleep, his snoring was so loud that you couldn't
[19] get to sleep.
[20] **KEVIN TRUDEAU:** Um-hmm.
[21] **JOHN ZIGLAR:** And it was such a problem for him
[22] that he went to the expense of having the surgery and
[23] everybody in the fire station was thrilled to death that
[24] he had done that. It was an expensive process and the
[25] healing process from the surgery is six months —

Page 28

[1] KEVIN TRUDEAU: Hmmmm.
[2] JOHN ZIGLAR: — so, it affected diet, it
[3] affect a lot of different things in his life, but he
[4] wasn't snoring.
[5] A year after the surgery, he gets the old elbow
[6] in the ribs from his wife and she says, Roll over, John,
[7] you've started to snore.
[8] And, so, even with the surgery —
[9] KEVIN TRUDEAU: Hmmmm.
[10] JOHN ZIGLAR: — he had started to snore again.
[11] And when he started back up —
[12] KEVIN TRUDEAU: Is that normal — is that
[13] common, by the way? I mean, you had this expensive
[14] surgery, you go through six months of healing, all this
[15] pain, it eliminates the snoring for a year and then it
[16] picks up. Is that — is that common?
[17] JOHN ZIGLAR: I have heard lots of cases where
[18] that has occurred.
[19] KEVIN TRUDEAU: It's amazing.
[20] JOHN ZIGLAR: Yes, it is. So, all of a sudden
[21] appears at the fire station, now, the guys in his
[22] dormitory where he sleeps, had taken and gotten some
[23] sheet rock —
[24] KEVIN TRUDEAU: Um-hmm.
[25] JOHN ZIGLAR: — and built a cage around John's

Page 29

[1] bed because he had started to snore again.
[2] KEVIN TRUDEAU: Hmmmm.
[3] JOHN ZIGLAR: And we had put a small ad on a
[4] radio station out there, his wife had heard about
[5] Snorenz, she said, My goodness, we've got nothing to
[6] lose. She bought the product, she squirted it in his
[7] mouth before he went to bed that night, and from that day
[8] to this John does not snore.
[9] KEVIN TRUDEAU: That's incredible. I mean, it
[10] seems incredible — you could call this a medical
[11] breakthrough, but it's not a medical device and it's not
[12] a drug.
[13] JOHN ZIGLAR: No, no.
[14] KEVIN TRUDEAU: What do you call it?
[15] JOHN ZIGLAR: I don't know — you call it a
[16] miracle.
[17] KEVIN TRUDEAU: (Laughter.)
[18] JOHN ZIGLAR: I don't know what you call it.
[19] Let me tell you, when I — when I first got the product
[20] myself, I, you know, I told Linda, my wife, about the
[21] product and she says, Well, you know, you need to bring
[22] some home. And I told her, Well, Honey, I said, you
[23] really don't snore that bad. (Laughter.)
[24] She suggested it wasn't for her.
[25] KEVIN TRUDEAU: (Laughter.)

Page 30

[1] JOHN ZIGLAR: And in my own relationship I can
[2] tell you for a fact I am getting better sleep.
[3] KEVIN TRUDEAU: So, you're having more energy
[4] during the day?
[5] JOHN ZIGLAR: I am.
[6] KEVIN TRUDEAU: Thinking clearer?
[7] JOHN ZIGLAR: Uh — I don't know — I don't
[8] think I was thinking unclear.
[9] (Laughter.)
[10] KEVIN TRUDEAU: But you definitely — well, let
[11] me ask you this: You definitely feel better during the
[12] day?
[13] JOHN ZIGLAR: Yes, I do. I do not get tired.
[14] KEVIN TRUDEAU: Because now you are actually
[15] really getting a full night's sleep.
[16] JOHN ZIGLAR: Exactly.
[17] KEVIN TRUDEAU: As — and you didn't notice —
[18] you, like most snorers —
[19] JOHN ZIGLAR: Right.
[20] KEVIN TRUDEAU: — did not notice that you were
[21] actually waking up all night?
[22] JOHN ZIGLAR: No.
[23] KEVIN TRUDEAU: So, your rapid eye movements,
[24] your dreams, all those things are being adversely
[25] affected by this interruption of the breathing pattern

Page 31

[1] waking you up and then going back to sleep; and waking
[2] you up and going back to sleep?
[3] JOHN ZIGLAR: Exactly. I really didn't notice
[4] that much, Kevin, except for when I'm up here in Chicago
[5] in my apartment by myself.
[6] KEVIN TRUDEAU: Um-hmm.
[7] JOHN ZIGLAR: Where I have to make the bed
[8] myself.
[9] KEVIN TRUDEAU: (Laughter.)
[10] JOHN ZIGLAR: And I noticed that I don't turn
[11] over and get the sheets out of the foot of the bed.
[12] That's when I really noticed it.
[13] KEVIN TRUDEAU: Folks, if you're watching right
[14] now and you are a snorer or if you know someone that is,
[15] get on the telephone and call to get Snorenz. It's a
[16] very simple, all natural product, it's just natural oils
[17] with some vitamins and minerals. You simply just spray
[18] it in your mouth three times before you go to bed.
[19] It tastes great, it's a patented product, it
[20] has been proven to be 97 percent effective in eliminating
[21] the snoise — the noise of snoring. You'll wake up with
[22] a great, fresh, clean mouth.
[23] You'll have more energy during the day, you'll
[24] have less irritability, you'll be more pleasant, kids get
[25] better grades in school, as evidenced by the study in the

Page 32

[1] Chicago Tribune, you'll think clearer, potentially,
[2] throughout the day, perhaps better job performance,
[3] definitely a better relationship with your spouse or
[4] significant other. So, call the number right now for
[5] Snorenz.
[6] The reason I have John here is we tested it
[7] with the people that I know in my life and it works
[8] beyond a shadow of a doubt.
[9] It's all natural, it's patented, and it's not
[10] available in any store. So, pick up the phone right now
[11] for more information on Snorenz. And it's pennies, it's
[12] very cheap and it'll eliminate your snoring.
[13] This is Kevin Trudeau with my guest John
[14] Ziglar. We've been talking about snoring and you've been
[15] watching Vantage Point. We'll see you next time. Bye-
[16] bye.
[17] (Music playing.)
[18] **ON SCREEN:** For more information or to order
[19] Snorenz call:
[20] If snoring is accompanied by any signs of Sleep
[21] Apnea, you should consult a physician before using any
[22] product.
[23] Tru-Vantage International, 7300 N. Lehigh Ave,
[24] Niles, IL 60714 (847)647-0300.
[25] The preceding has been a paid commercial for

Page 33

[1] SNORENZ brought to you by Kevin Trudeau's Tru-Vantage
[2] International, America's premier direct response
[3] marketing company.
[4] (End of videotape.)
[5]
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 34

CERTIFICATION O F TYPIST

[1]
[2] **MATTER NUMBER:** 0023211
[3] **CASE TITLE:** MED GEN INC.
[4] **TAPING DATE:** OCTOBER 13, 1999
[5] **TRANSCRIPTION DATE:** MAY 9, 2000
[6]
[7]

[8] I HEREBY CERTIFY that the transcript contained
[9] herein is a full and accurate transcript of the tapes
[10] transcribed by me on the above cause before the FEDERAL
[11] TRADE COMMISSION to the best of my knowledge and belief.
[12]

[13] **DATED:** MAY 9, 2000
[14]
[15]

[16] **DIANE QUADE**
[17]

[18] **CERTIFICATION OF PROOFREADER**
[19]

[20] I HEREBY CERTIFY that I proofread the transcript for
[21] accuracy in spelling, hyphenation, punctuation and
[22] format.
[23]

[24] **ELIZABETH M. FARRELL**
[25]

Lawyer's Notes

[1]
[2] OFFICIAL TRANSCRIPT PROCEEDING
[3]
[4] FEDERAL TRADE COMMISSION
[5]
[6] MATTER NO. 0023211
[7]
[8] TITLE MED GEN INC.
[9]
[10] DATE RECORDED: OCTOBER 13, 1999
[11] TRANSCRIBED: MAY 10, 2000
[12]
[13] PAGES 1 THROUGH 35
[14]
[15]
[16] VP SNORENZE 4 - JD W/ DISCLAIMER SNR4
[17] VIDEOTAPE
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]
[26]

Page 1

[1] FEDERAL TRADE COMMISSION
[2] INDEX
[3]
[4] VIDEOTAPE PRESENTATION: PAGE:
[5] VP SNORENZE 4-JD W/ DISCLAIMER SNR4 3
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 2

[1] FEDERAL TRADE COMMISSION
[2]
[3] In the Matter of:)
[4] Med Gen, Inc.,) Matter No. 0023211
[5]
[6] October 13, 1999
[7]
[8]
[9]
[10]
[11]
[12] The following transcript was produced from a
[13] videotape provided to For The Record, Inc. on May 8,
[14] 2000.
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 3

[1] PROCEEDINGS
[2]
[3] ON SCREEN:
[4] Tru-Vantage & Mercury Media
[5] Present
[6] VP SNORENZ 4
[7] JD WITH DISCLAIMERS // SNR4
[8] 28:30 MINUTES
[9] 1-800-835-8941
[10] TUESDAY, NOVEMBER 17, 1998
[11] NCMG MASTER #293 Randy Pfeiffer
[12] CUSTOMIZATION BY NORTH COUNTRY MEDIA GROUP
[13] www.ncmg.com
[14]
[15] ON SCREEN:
[16] The following is a paid commercial for SNORENZ
[17] brought to you by Kevin Trudeau's Tru-Vantage
[18] International, America's premier direct response
[19] marketing company.
[20]
[21] ANNOUNCER: The following is a paid commercial
[22] brought to you by Kevin Trudeau's Tru Vantage
[23] International.
[24] (Music playing.)
[25] UNIDENTIFIED MALE: For millions of Americans,

Page 4

[1] this is the most annoying and unwelcome sound in the
[2] world.

[3] **ON SCREEN:** News clippings.

[4] **ANNOUNCER:** That's right, more than 90 million
[5] Americans have a snoring problem and it can cause
[6] sleeplessness, headaches and a lack of energy, and that
[7] goes for the snorer, as well as the person trying to
[8] sleep next to the snorer.

[9] What can be done about it? On Vantage Point
[10] today, hear about a new discovery that could eliminate
[11] the sound of snoring.

[12] **ON SCREEN:** VANTAGE POINT with Kevin Trudeau.

[13] **ON SCREEN:** John Denny.

[14] **JOHN DENNY:** Hi, I'm John Denny, and this is a
[15] special edition of Vantage Point. We're going to talk
[16] about snoring today, and if you're a snorer, or just
[17] happen to sleep next to one, then you know snoring is no
[18] laughing matter. Snoring can and does seriously diminish
[19] the quality of your sleep, your life, and it could drive
[20] two people apart, meaning the snorer and the person next
[21] to the snorer.

[22] My guests today are Dr. Bob Currier, physician,
[23] surgeon and associate clinical professor at Michigan
[24] State University, and John Ziglar, who represents a
[25] company that manufactures a product called Snorenz, which

Page 5

[1] is designed to end your snoring problem.

[2] Gentlemen, thank you for joining me. Guys, got
[3] to ask you this first question, because for some people
[4] it's a light matter and for others it seriously impacts
[5] their life, certainly impacts their sleep. What causes
[6] snoring? What is the reason behind that all too familiar
[7] rumbling sound that keeps half of America, it seems, up
[8] every night?

[9] **ON SCREEN:** Dr. Bob Currier, Physician/Surgeon.

[10] **DR. BOB CURRIER:** Well, what snoring really is,
[11] John, is just simply a relaxation of the tissues in the
[12] back of your throat. It's when we fall asleep, much of
[13] our muscles in our body, as well as our throat relax.
[14] That's the time we sleep. We're supposed to get our
[15] rest.

[16] **JOHN DENNY:** Um-hmm.

[17] **DR. BOB CURRIER:** What happens with that,
[18] though, unfortunately, is as the tissues relax, they
[19] occlude or actually narrow, and they cause a funnel
[20] effect for the air as it goes through, flapping the
[21] tissue.

[22] **JOHN DENNY:** Um-hmm.

[23] **DR. BOB CURRIER:** This is in the back of the
[24] throat, hence creating the noise. It's very positional.
[25] It's very — also very dependant on habits that we have,

Page 6

[1] such as smoking or dietary habits. And then also it
[2] affects really how much we sleep and how much rest we
[3] actually get throughout a night.

[4] **JOHN DENNY:** Now, you were both snorers,
[5] presumably?

[6] **DR. BOB CURRIER:** Um-hmm.

[7] **JOHN ZIGLAR:** Sure.

[8] **DR. BOB CURRIER:** Absolutely.

[9] **JOHN DENNY:** Tell me, how did you get involved

[10] in Snorenz? How did this all come about?

[11] **ON SCREEN:** John Ziglar, SNORENZ.

[12] **JOHN ZIGLAR:** This all came about, John, I met
[13] a friend down in Fort Lauderdale, Florida, named Paul
[14] Kravitz.

[15] **JOHN DENNY:** Um-hmm.

[16] **JOHN ZIGLAR:** Paul Kravitz was in the banking
[17] industry. And he had a Korean man that came into his
[18] office with a product. He had a little bottle of it, it
[19] didn't have any labels on it or anything, but he says
[20] this will make you quit snoring. And Paul looked at it
[21] and he put it over on the side of his desk, he didn't
[22] think too much about it. But he did make the mistake of
[23] telling his wife that somebody had come in with this
[24] product. And she asked him would he go ahead and bring
[25] it home and try it. Bottom line is he did use the

Page 7

[1] product, it did make him quit snoring, but it tasted
[2] terrible.

[3] And, so, Paul says Whoa, you know, what a price
[4] to pay, so he took that product, he developed it, he took
[5] it to the laboratories and they did some liposome
[6] technology with the product and they put a flavor to the
[7] product to make it so that it tasted good and we now call
[8] the product Snorenz, and it's just phenomenal.

[9] **JOHN DENNY:** And in your first exposure to it -

[10]

[11] **JOHN ZIGLAR:** Correct.

[12] **JOHN DENNY:** — you were a rumbler. You — we
[13] heard Harley-Davidson sounds coming from you at night —

[14] **JOHN ZIGLAR:** (Laughter).

[15] **JOHN DENNY:** — is the word on the street.

[16] **JOHN ZIGLAR:** (Laughter).

[17] **JOHN DENNY:** Tell me your first experience with
[18] the product.

[19] **JOHN ZIGLAR:** My first experience really, when
[20] I — I had been married for 25 years, my wife, Linda. I
[21] came home after talking with Paul and I told my wife
[22] about this new product that we were looking at. And she
[23] said — and she says well, when are you going to bring it
[24] home. And I said Well, honey, I said, really, you know,
[25] you don't snore that bad. And she said it really wasn't

Page 8

[1] for her.
[2] **JOHN DENNY:** (Laughter).
[3] **DR. BOB CURRIER:** (Laughter).
[4] **JOHN ZIGLAR:** And up until that point I really
[5] didn't realize that I snored.
[6] **JOHN DENNY:** Um-hmm.
[7] **JOHN ZIGLAR:** But I did turn over in the bed an
[8] awful lot at night, and I knew that. And, so, I used the
[9] product and, John, what I found is for me personally, I
[10] quit turning over so many times at night. And I began to
[11] get a more peaceful, restful sleep.
[12] **JOHN DENNY:** Um-hmm.
[13] **JOHN ZIGLAR:** So, that's what personally
[14] happened in my life.
[15] **JOHN DENNY:** Well, that raises an interesting
[16] point, because for some people snoring in a litany of
[17] problems, you know, that we face on an everyday basis,
[18] snoring is not at the top of the list. But, in fact, if
[19] you speak to people who sleep next to a snorer, as well
[20] as the snorer themselves, there are some real health
[21] issues, there are some real serious concerns that a
[22] snorer has, or should have. How does, and why does, a
[23] snorer — why should a snorer worry about this? Why is
[24] it a problem?
[25] **DR. BOB CURRIER:** Well, it is a problem, but

Page 9

[1] the real problem is an awareness. A lot of people aren't
[2] aware, as you were, that you didn't snore, you don't
[3] snore. It's — and people don't want to offend someone
[4] else that they may sleep with or someone in their family
[5] by telling them they snore.
[6] **JOHN DENNY:** Um-hmm.
[7] **DR. BOB CURRIER:** And they've put up with it
[8] for years.
[9] **JOHN DENNY:** Um-hmm.
[10] **DR. BOB CURRIER:** The problem with that is all
[11] the things that go with it, even on a personal level. Me
[12] personally, I snore and have snored, and I've used the
[13] product, as well, and it's worked great for me.
[14] **ON SCREEN:** These statements have not been
[15] evaluated by the Food and Drug Administration. This
[16] product is not intended to diagnose, treat, cure or
[17] prevent any disease.
[18] **DR. BOB CURRIER:** Why do I know this? Because
[19] of my energy level, I feel better, I get better sleep.
[20] The problems that happen, I think people go to
[21] sleep, they assume they're automatically going to wake up
[22] rested. They don't. And then they wake up with a
[23] headache, less energy, they hurt, they're sore, they're
[24] irritable. The health problems are really insidious.
[25] But let's not even go that deep. Let's just talk about

Page 10

[1] the things that happen to us on an everyday basis: the
[2] energy level that we have. We're not rested.
[3] **JOHN DENNY:** So, you're saying snorers —
[4] **DR. BOB CURRIER:** That's the battle.
[5] **JOHN DENNY:** — snorers get less rest, get a
[6] less restful —
[7] **DR. BOB CURRIER:** Absolutely. They do not
[8] sleep.
[9] **JOHN ZIGLAR:** See, what happened to me, what
[10] was going on in my night, is I would literally turn over
[11] 20 or 30 times a night. And the reason I would is
[12] because I would go to sleep, my tissues would relax, I
[13] would snore — I would literally wake myself up, and then
[14] I would turn over. And I would turn. Well, now, I
[15] didn't wake up and get up out of the bed to turn over.
[16] **JOHN DENNY:** Um-hmm.
[17] **JOHN ZIGLAR:** I would just wake up and turn
[18] over. And what that does is it keeps me, John, from
[19] getting the deep, restful sleep.
[20] **JOHN DENNY:** Hmm.
[21] **JOHN ZIGLAR:** We get letters. We got a letter
[22] from a lady out in Phoenix also who told us that for the
[23] first time in her life she started taking this product
[24] and she can remember her dreams. Well, you see, dreaming
[25] is an important thing, and we all dream, if we get

Page 11

[1] peaceful, restful sleep.
[2] **JOHN DENNY:** But isn't dreaming or the dream
[3] state indicative of a deep, restful, REM sleep, I think
[4] they call it?
[5] **DR. BOB CURRIER:** Yes. Yes, it is.
[6] **JOHN DENNY:** So if you're a snorer, you won't
[7] dream as much, meaning you're not getting as deep a
[8] sleep. Is that what —
[9] **DR. BOB CURRIER:** That is correct. You almost,
[10] because of the snoring, and sometimes we're not aware of
[11] it, keep waking ourselves up. We snore, and we huh
[12] (indicating), and then we wake up, then we try to
[13] reposition ourselves. We're just not comfortable. We
[14] can't get our air; we can't get the oxygen we need, hence
[15] the headache, the irritability when we wake up. We're
[16] not rested. That's the problem.
[17] **ON SCREEN:**
[18] Dr. Bob Currier
[19] Physician/Surgeon.
[20] **DR. BOB CURRIER:** Another side effect, a cute
[21] story, my brother is also a snorer. I think this is just
[22] something that runs in families, as well. Anyway, he has
[23] since tried the product, as I have, and I use it and I
[24] think it's fantastic because it does stop the snoring.
[25] My brother has also — he doesn't have the aches and

Page 12

[1] pains he used to wake up with.
[2] You were also talking about the tossing and
[3] turning, we're also forgetting his wife used to jab him
[4] in the middle of the night, so he does not wake up
[5] bruised, so this also helps, a little sidelight there.
[6] DR. BOB CURRIER: Yes.
[7] JOHN DENNY: How does Snorenz work? There have
[8] been other products available, over the course of the
[9] last, you know, 10 and 20 years that are — have been in
[10] pill form, surgeries. People have gone through painful,
[11] expensive surgeries.
[12] In fact, we're going to — I think we're going
[13] to talk to a caller later who has a story to share with
[14] us about this product and the journey she went through
[15] with her husband to essentially reduce this problem or
[16] eliminate this problem. How does this product work?
[17] JOHN ZIGLAR: John, what we've done is we have
[18] taken all-natural oils, and we have taken and put them
[19] together in a liposome formulation. And we have taken it
[20] and so that you can actually spray this product into the
[21] back of your throat. And the process is really quite
[22] simple. Have you ever seen a car go down the road that
[23] didn't have enough oil in it?
[24] JOHN DENNY: Um-hmm.
[25] JOHN ZIGLAR: And you hear the clatter and the

Page 13

[1] clanking.
[2] ON SCREEN:
[3] JOHN ZIGLAR
[4] SNORENZ
[5] JOHN DENNY: Yes.
[6] JOHN ZIGLAR: Well, what happens is we took
[7] that same philosophy, that same technology, and we said
[8] hey, if we can oil the parts and we can take and make a
[9] topical solution that will stay in a place for an
[10] extended period of time, we can eliminate the noise —
[11] JOHN DENNY: Um-hmm.
[12] JOHN ZIGLAR: — of snoring. You're still
[13] going to have the same amount of air that's going to pass
[14] through the passage, but all we're going to do is we're
[15] going to lubricate the parts so that there is no noise
[16] associated so that you don't then wake up or wake up your
[17] neighbor.
[18] JOHN DENNY: So, it's essentially lubricating
[19] what part of the throat, and which part of the throat is
[20] causing that sound?
[21] DR. BOB CURRIER: Well, to take this just a
[22] little bit further, a dentist has studied this and has
[23] actually sprayed this in models, and he actually used a
[24] dye at the time so he could see where it was applied. In
[25] the soft tissues, in the back of the throat, the ones

Page 14

[1] that we say that flap and flutter and then need the
[2] lubrication —
[3] JOHN DENNY: Yeah.
[4] DR. BOB CURRIER: — when it is applied there,
[5] but when the technology goes even further and better
[6] through this liposome technology, is to apply it evenly.
[7] And the very neat thing about this is it stays. It stays
[8] there all night.
[9] JOHN DENNY: Hmm.
[10] DR. BOB CURRIER: That's where others have
[11] failed, and that's also where a lot of the appliances,
[12] that's where also a lot of the applications of surgeries,
[13] pills, other things that have been attempted and tried
[14] have failed.
[15] JOHN DENNY: Um-hmm.
[16] DR. BOB CURRIER: This product here stays
[17] there. It's easy application. As a physician, one of
[18] the problems that I have with patients is compliance,
[19] trying to get them to use and continually use something.
[20] JOHN DENNY: Um-hmm.
[21] DR. BOB CURRIER: If we're going to get a
[22] restful sleep, we need it on an every-night basis. This
[23] is accrued, we have a clock and we have a bank and it's
[24] for sleeping purposes. So, it isn't something that just
[25] one night good sleep will help. This is something that's

Page 15

[1] accrued over time. When you get good sleep, that helps a
[2] lot. We need compliance. With the ease of application,
[3] as what he is talking about, okay?
[4] JOHN DENNY: Um-hmm.
[5] DR. BOB CURRIER: With the effectiveness of its
[6] staying there, it's a winner. And that's how it works.
[7] JOHN DENNY: So, it's basically — correct me
[8] if I'm wrong — it's two or three sprays in the back of
[9] your mouth. I have a friend who underwent a session with
[10] a dentist who fitted him with a clamp of some sort, which
[11] pushed his jaw out and tried to create more breathing
[12] space essentially, and that lasted for about three to
[13] four months. This works, and it stays working for
[14] people?
[15] DR. BOB CURRIER: Yes, what you're trying to do
[16] with the appliance is just simply try to open up the
[17] airway more so you don't get the fluttering of the
[18] tissues.
[19] JOHN DENNY: Um-hmm.
[20] DR. BOB CURRIER: What — and that's what we do
[21] when we snore. When we snore, we essentially wake
[22] ourselves up in a snore, and then reposition ourselves,
[23] trying to again open up our airway to get more air so we
[24] get more oxygen. What happens with this product, this
[25] lubricates, stays there, again through the technology,

Page 16

[1] and then you don't have the snore; hence, you don't wake
[2] up; hence, you get a more restful sleep.
[3] **JOHN ZIGLAR:** And the problem, John, with the
[4] appliance is it's very uncomfortable.
[5] **JOHN DENNY:** Um-hmm.
[6] **JOHN ZIGLAR:** And there have been a lot of
[7] people, and dentists will tell you that they have got
[8] patients who have paid for the procedure, paid to get the
[9] appliance, could not sleep with it hooked up.
[10] **JOHN DENNY:** Um-hmm.
[11] **JOHN ZIGLAR:** And, so, it did not work for them
[12] because they were so uncomfortable.
[13] **JOHN DENNY:** Um-hmm.
[14] **JOHN ZIGLAR:** Okay? And, so, when I saw this
[15] first — this product the first time, I looked at this
[16] thing and I thought oh, my goodness, you know, I'm going
[17] to spray oil in the back of my throat. I'm thinking WD-
[18] 40 or something like that, you know —
[19] **JOHN DENNY:** Right.
[20] **JOHN ZIGLAR:** — and an oil slick, and I'm
[21] going oh, but it's the consistency of water. And the
[22] nice thing about it is that it does — there's no
[23] feeling associated with the spray in the back of your
[24] throat. All you get is a nice, clean, peppermint taste -
[25]

Page 17

[1] **JOHN DENNY:** Hmm.
[2] **JOHN ZIGLAR:** — which made it wonderful, so
[3] compliant, people will do it.
[4] **ON SCREEN:** This is a paid commercial for
[5] Snorenz.
[6] **DR. BOB CURRIER:** Well, the aftertaste.
[7] **JOHN ZIGLAR:** Yes.
[8] **DR. BOB CURRIER:** In the morning, when you wake
[9] up, it's better.
[10] **JOHN ZIGLAR:** Exactly.
[11] **DR. BOB CURRIER:** You don't feel like you have
[12] an oil sludge at all. It's a minty taste.
[13] **ON SCREEN:** 1-800-835-8941
[14] **JOHN DENNY:** If you have a snoring problem, if
[15] you have problems sleeping next to a snorer, then Snorenz
[16] may be the answer you've been waiting for. Snoring can
[17] seriously reduce your energy levels, your concentration,
[18] and can seriously affect your work habits, as well. And
[19] you can be sure your snoring is seriously bothering
[20] someone other than you.
[21] Snorenz is the first all-natural spray that has
[22] been proven to give you a healthy, natural, good night's
[23] sleep. It has no side effects, it's as easy as a few
[24] sprays before bed, and it lasts all night. If you want
[25] more information on Snorenz, if you want to stop the

Page 18

[1] snoring, if it's a snorer next to you or if you be the
[2] snorer, you may want to call the 800 number on your
[3] screen.
[4] We have, I believe, a caller on the line from
[5] Arizona, and I believe it's Tina Heinz. Tina, are you on
[6] the air with us?
[7] **TINA HEINZ:** I'm here.
[8] **JOHN DENNY:** Great. How you feeling today?
[9] **TINA HEINZ:** Good. I'm listening to your show,
[10] and I have to tell you that snoring, you know, is a lot
[11] more dangerous than people think.
[12] **JOHN DENNY:** Hmm.
[13] **TINA HEINZ:** My husband was a chronic snorer.
[14] He's a firefighter/paramedic, so I wasn't the only one
[15] affected by this.
[16] **JOHN DENNY:** Hmm. Um-hmm.
[17] **TINA HEINZ:** I mean, we didn't sleep together
[18] for years.
[19] **JOHN DENNY:** Now, you've been married for how
[20] long, Tina?
[21] **TINA HEINZ:** Sixteen years.
[22] **JOHN DENNY:** Sixteen years. And this was a
[23] problem that occurred right from the start of your
[24] marriage?
[25] **TINA HEINZ:** Oh, yeah.

Page 19

[1] **JOHN DENNY:** I mean, you found you were married
[2] to a snorer?
[3] **TINA HEINZ:** Oh, absolutely. And the poor guy,
[4] it would be all night, John, turn over, turn over. It
[5] did not matter, he could be sleeping on his head and he
[6] would still snore. Well, it got so bad that even at the
[7] fire department he was being, you know, hassled at the
[8] fire department because these guys sleep at different
[9] shifts, they don't all sleep at the same time.
[10] **JOHN DENNY:** Um-hmm.
[11] **TINA HEINZ:** And when John was sleeping, he
[12] would be waking everybody else up, and they'd be pounding
[13] on the walls, and he'd come home all aggravated, he'd
[14] come home and want to sleep. They built a partition
[15] around my husband's bunk bed to try to keep out the
[16] noise.
[17] (Laughter).
[18] **TINA HEINZ:** Well, it got so bad he finally
[19] went to the doctor and, in order for the insurance
[20] company to pay for this surgery, they put him in the
[21] hospital in the sleep center and found out that he also
[22] had sleep apnea, which is very dangerous because when
[23] you're snoring you stop breathing and you forget to
[24] sleep.
[25] **JOHN ZIGLAR:** Um-hmm.

Page 20

[1] TINA HEINZ: So, they did this surgery, and
[2] needless to say, it lasted for a while and after that he
[3] started up again, and he would not even believe when I
[4] would tell him John, you're snoring again.
[5] JOHN DENNY: Hmm.
[6] TINA HEINZ: You don't want to go through
[7] surgery and find out that you're snoring again.
[8] JOHN DENNY: So, this was after a surgery, he
[9] had — the problem re-emerged?
[10] TINA HEINZ: Right, they did surgery on all his
[11] sinuses. They went through his nose, and they removed
[12] all his polyps, thinking that was the problem. So, now,
[13] he's in for a second surgery, and they decided that
[14] they're going to remove part of his uvula and the roof of
[15] his mouth, his tonsils and his adenoids.
[16] JOHN DENNY: Hmm.
[17] TINA HEINZ: And this will give his tongue more
[18] room, I guess is what they said, so he wouldn't snore.
[19] DR. BOB CURRIER: Um-hmm.
[20] TINA HEINZ: Well, he went through this and it
[21] was a horrible surgery. I really felt very, very bad for
[22] him. He was out of work for six weeks, and he had high
[23] hopes that this was going to work and our life was going
[24] to change, we could sleep in the same room together, go
[25] on vacation, the guys wouldn't be hassling him. Well,

Page 21

[1] that did work for quite a while and then it started up
[2] again.
[3] ON SCREEN:
[4] Caller from Phoenix, AZ
[5] Tina Heinz
[6] TINA HEINZ: And I tell you, I was even afraid
[7] to tell him, because I couldn't believe it myself. It's
[8] aggravating; it's annoying. I don't get a good night's
[9] sleep; he doesn't get a good night's sleep. I hated to
[10] say, but I was happy when he was at the fire department
[11] because I got a good night's sleep.
[12] (Laughter).
[13] JOHN DENNY: Tina, I want to interrupt you for
[14] a second, because this is, you know, a real relatable
[15] story to some, perhaps not all have gone through
[16] surgeries and so forth, but for the millions of people
[17] who sleep next to a snorer, their lives are affected as
[18] well. How did you find your life or your sleep quality
[19] affected by sleeping next to a snorer?
[20] TINA HEINZ: Well, I didn't, I chased him out.
[21] JOHN DENNY: Right.
[22] TINA HEINZ: Actually, I have insomnia, and I
[23] don't get — I mean, I could hear the dog turn over, so
[24] he'd have to go into the other room, and I would still
[25] hear him through the vents, but I would get up in the

Page 22

[1] morning and I would be a grouch at work because I was —
[2] I was tired.
[3] JOHN DENNY: Yes.
[4] JOHN ZIGLAR: Um-hmm.
[5] TINA HEINZ: And I was aggravated. You're
[6] talking two surgeries, what is it going to take? He
[7] tried those stupid nose-strip things, they didn't work.
[8] JOHN DENNY: Hmm.
[9] TINA HEINZ: So, one day I'm sitting here
[10] watching TV and I see a commercial out here in Phoenix,
[11] and a couple's talking about the same things. And I'm
[12] thinking, well, what have I got to lose. My husband
[13] tells me I'm nuts because his two surgeries didn't work,
[14] a spray was not going to work.
[15] I figure well, I'm going to try it. So, I sent
[16] for it; put it on the nightstand. First night he was
[17] home, I woke him up, I said John, spray your throat; he's
[18] like yeah, yeah, yeah, yeah. I said John, please, spray
[19] your throat. So, we sprayed his throat, and I'm like
[20] wait, I'm laying there, I'm laying there, I'm like oh,
[21] wow, he was sleeping, there was no noise coming out of
[22] him.
[23] And I was — I was pretty well hooked. And he
[24] still was not a believer; he said it was just a fluke.
[25] So, it took a few times of using the Snorenz. Now, I

Page 23

[1] tell you what, he's taking it up to the fire department.
[2] I had the wives calling up from the fire department
[3] asking me the 800 number. I've given away more bottles,
[4] I can't tell you —
[5] JOHN DENNY: (Laughter).
[6] TINA HEINZ: — because I bought the Snorenz
[7] bottle-of-the month club.
[8] JOHN DENNY: Um-hmm.
[9] TINA HEINZ: And I just gave one to my daughter
[10] last week. She came over and she was like Mom, I'm going
[11] crazy, Timmy's snoring. I said here, take my last
[12] bottle, take it home.
[13] JOHN DENNY: And how long now has your family
[14] or your husband in particular been using Snorenz?
[15] TINA HEINZ: Oh, for months.
[16] JOHN DENNY: For months?
[17] TINA HEINZ: Months, absolutely.
[18] JOHN DENNY: And it works for him pretty much
[19] every night?
[20] TINA HEINZ: Well, he takes it in his little
[21] duffle bag when he goes to the fire department, because
[22] being a medic also he might be called to another station.
[23] He doesn't want to go to another station with, you know,
[24] guys he doesn't know and start snoring.
[25] JOHN DENNY: Hmm.

Page 24

[1] TINA HEINZ: So, he carries it in his little
[2] bag and every place he goes the Snorenz goes with him.

[3] JOHN DENNY: Right. Well, Tina, thank you for
[4] calling from Arizona.

[5] TINA HEINZ: Hey, thanks for the Snorenz, I'll
[6] tell you.

[7] JOHN DENNY: Well, we appreciate your calling
[8] and continue to get a full, silent night's sleep.

[9] TINA HEINZ: Absolutely.

[10] JOHN DENNY: Okay, Tina, thank you.

[11] TINA HEINZ: Thank you.

[12] JOHN DENNY: Bob, tell us about some of your
[13] patients who have been turned on to Snorenz.

[14] DR. BOB CURRIER: Well, I'll give you a good
[15] example. I have Mike. Now, we always think of a snorer
[16] as someone that's older, okay, and that's a little bit
[17] more past middle age, always a male, and it's always
[18] Grandpa, the chain saw —

[19] JOHN DENNY: Um-hmm.

[20] DR. BOB CURRIER: — somebody like that.
[21] Interestingly enough, I had a 25-year-old patient of mine
[22] named Mike who is an optician. Now, Mike was trying to
[23] qualify, okay, for the certifying exam to become a
[24] certified optician. He was losing energy. He just
[25] couldn't — he couldn't understand it, he couldn't

Page 25

[1] understand why he didn't have the get-up-and-go to do his
[2] job plus go home to study.

[3] He's single. He lives by himself. So, he's
[4] wondering why. I said, well, you know, maybe you're not
[5] sleeping well. And he said well, you know, I just — I
[6] just can't sleep. And so what happens to him is I give
[7] him some Snorenz. I said well, just try this, it's just
[8] an outside shot, and I said you've got to try this, let
[9] me know how it works.

[10] He comes back, now I don't see him in a week or
[11] two, on another appointment basis. He comes back and my
[12] word, he says — he's just aglow. He passed the
[13] certifying exam; he feels like he is more awake, more
[14] energetic. He feels like he can do anything. He can
[15] conquer the world, he's 25 years old.

[16] ON SCREEN: These statements have not been
[17] evaluated by the Food and Drug Administration. This
[18] product is not intended to diagnose, treat, cure or
[19] prevent any disease.

[20] DR. BOB CURRIER: And what has happened is he
[21] relayed the story. What happened to him is he would fall
[22] asleep; he couldn't get to sleep at night, okay, so he'd
[23] sit up and watch late-night TV, he becomes an insomniac.
[24] What he would do is fall asleep, but he'd wake with a
[25] snore.

Page 26

[1] This way, with using Snorenz, he could get his
[2] clock back in order, he could go to sleep, and he could
[3] go to sleep snoring free, wake up refreshed in the
[4] morning. He figured it all out real simple, and it took
[5] us years to figure all this out and he did it in a very
[6] short time.

[7] JOHN DENNY: Um-hmm.

[8] DR. BOB CURRIER: Now, he doesn't have a bed
[9] partner, and so what happens is he did this for himself,
[10] for his own energy level.

[11] JOHN DENNY: Um-hmm.

[12] DR. BOB CURRIER: And, so, you know, there it
[13] has worked successfully for him. It isn't always a bed
[14] mate telling someone that they have it.

[15] JOHN DENNY: Um-hmm.

[16] JOHN ZIGLAR: That's right.

[17] DR. BOB CURRIER: He did it for himself.

[18] JOHN ZIGLAR: Right.

[19] JOHN DENNY: You think of snorers as older
[20] people, your grandfather, your father. I remember
[21] growing up, my father — listening to my father across
[22] the hallway snoring. It sounded like the start of the
[23] Indianapolis 500 every night. But, in fact, younger
[24] people snore, too, do they not? In fact, there's a study
[25] out about students who were snorers who were proven to

Page 27

[1] have lower test scores. Tell me about that.

[2] JOHN ZIGLAR: I was reading the newspaper here
[3] in Chicago one day, and the Sun-Times has an article and
[4] the top of the article says Test Scores Affected by
[5] Snoring. And, so, I'm looking at it and I'm thinking
[6] wow, you know, there's actually been a study done. And
[7] what had happened is a research program was done over in
[8] West Germany with medical students.

[9] JOHN DENNY: Um-hmm.

[10] JOHN ZIGLAR: And what they did is they tracked
[11] an entire medical school class from the day they started
[12] to the day they finished, and they put them in two
[13] categories. One category was the snorers, and over here
[14] was the category of the non-snorers. And after
[15] everything was said and done from start to finished, the
[16] non-snorers scored 6 percent higher on their tests —

[17] JOHN DENNY: Hmm.

[18] JOHN ZIGLAR: — than the snorers did, all
[19] other things being equal.

[20] DR. BOB CURRIER: Hmm. And you just happened
[21] to run across this, so it's now becoming an awareness.

[22] JOHN ZIGLAR: Exactly.

[23] DR. BOB CURRIER: Right. People are becoming
[24] aware now. And it's — see, it's all too obvious now
[25] when you read something like this why that would happen,

Page 28

[1] because we're all aware, and my patients are aware.
[2] Interestingly enough, I store this on — well on shelves
[3] and such in the office. When we do our inventory at the
[4] end of the day, I find that some has been taken. I don't
[5] want to say stolen, because these are my patients and
[6] we've created a relationship, but actually it's missing.
[7] **JOHN DENNY:** Right.
[8] **DR. BOB CURRIER:** So, what happens is it just
[9] plain gets taken, people want this.
[10] **JOHN DENNY:** Hmm.
[11] **DR. BOB CURRIER:** People are now aware. And I
[12] think this is what's happening here, and we know why
[13] people don't score well, they don't sleep well, they
[14] snore.
[15] **ON SCREEN:** This is a paid commercial for
[16] Snorenz.
[17] **JOHN DENNY:** Ninety million Americans snore.
[18] That doesn't include the countless millions who sleep
[19] next to a snorer.
[20] **ON SCREEN:** 1-800-835-8941.
[21] **JOHN DENNY:** And if you wanted more information
[22] about this revolutionary, breakthrough product which has
[23] been proven effective in 97 percent of cases to eliminate
[24] or reduce the sound of snoring, call the toll-free 800
[25] number on your screen, get more information about

Page 29

[1] Snorenz.
[2] Do it for him, do it for yourself, do it for
[3] your family. It is worth the phone call, and it is
[4] pennies per day to end the snoring problem. This is a
[5] product, as I mentioned, that has been proven effective
[6] in studies. And you actually conducted the studies out
[7] of your auspices in Michigan. Tell us about how Snorenz
[8] worked.
[9] **DR. BOB CURRIER:** Interestingly enough, it's
[10] not only the results of the studies we got, but the
[11] comments we received. Many people, again, they're aware
[12] of snoring, but they aren't aware of the problems that
[13] come with it. And actually it's like until it's
[14] resolved, the snoring itself, oh, my word, what a problem
[15] it was. And you can see the changes it's made. That was
[16] probably the most interesting part of doing that whole
[17] study —
[18] **JOHN DENNY:** Um-hmm.
[19] **DR. BOB CURRIER:** — was the comments that we
[20] got back, the little stories that people had through the
[21] week —
[22] **JOHN DENNY:** Yes.
[23] **DR. BOB CURRIER:** — you know, of using this
[24] product. And that was the beauty of this. I loved doing
[25] the study, it was highly effective.

Page 30

[1] **JOHN DENNY:** And, John, this is an all-natural
[2] product?
[3] **JOHN ZIGLAR:** It's all-natural oils. And we
[4] also have some vitamins —
[5] **JOHN DENNY:** Um-hmm.
[6] **JOHN ZIGLAR:** — that we have also put into the
[7] product.
[8] **JOHN DENNY:** And tell us about snorer's breath.
[9] I'm going to test this here.
[10] **JOHN ZIGLAR:** Yes.
[11] **JOHN DENNY:** I hope I don't get it in my eye.
[12] (Laughter).
[13] **JOHN DENNY:** In my — in my — some problem in
[14] my eye perhaps, but it's minty.
[15] **JOHN ZIGLAR:** Yes.
[16] **JOHN DENNY:** Actually, it tastes a lot like
[17] mouthwash, I mean, in a good way. Three sprays of this
[18] before bed.
[19] **JOHN ZIGLAR:** Right.
[20] **JOHN DENNY:** And how long will this last,
[21] through the night?
[22] **JOHN ZIGLAR:** It'll last through the night.
[23] It'll last from six to eight hours.
[24] **JOHN DENNY:** Um-hmm. In what cases doesn't
[25] this work?

Page 31

[1] **JOHN ZIGLAR:** You know, when I first got this
[2] product, we did test, and I've given it to everybody that
[3] I know that snores —
[4] **JOHN DENNY:** Um-hmm.
[5] **JOHN ZIGLAR:** — so that I could find out, you
[6] know, because I always wanted to know exactly how did it
[7] work on everybody else. And, so, we had one friend we
[8] gave it to and, quite honestly, they've been married for
[9] three years, they're already sleeping in different
[10] bedrooms because he snores so loudly —
[11] **JOHN DENNY:** Hmm.
[12] **JOHN ZIGLAR:** — and he would go to bed, they
[13] would go to bed together, wake up in different rooms.
[14] And, so, Kevin was taking the product and the first night
[15] it worked perfectly; second night it worked perfectly;
[16] third night it worked perfectly; fourth night, didn't
[17] work; fifth night, didn't work.
[18] He called me up and he says look, you know, it
[19] works temporarily but after that it doesn't work. And I
[20] said wait a minute, you know, there's got to be a reason,
[21] there's something wrong here that only guy it doesn't
[22] work for all in the world. (Laughter). And he says well
[23] — and so I started to ask him some questions, and here's
[24] the point, what I found out was the night that it did not
[25] work, he had a beer just before he went to bed.

Page 32

[1] JOHN DENNY: Hmm.
[2] JOHN ZIGLAR: And what we have here was a
[3] situation where the alcohol in the beer literally cut
[4] through the oils in our product and it went down his
[5] throat, so it was not there.
[6] JOHN DENNY: Um-hmm.
[7] JOHN ZIGLAR: Since it was not there, it could
[8] not work, and it proved that he still was a snorer, he
[9] just needed the product to stay where it was —
[10] JOHN DENNY: Um-hmm.
[11] JOHN ZIGLAR: — so that he would live without
[12] the noise.
[13] JOHN DENNY: So, you suggested that he sort of
[14] cut down his drinking right before going to bed?
[15] JOHN ZIGLAR: Exactly. Don't eat or drink
[16] anything 30 minutes before you go to bed —
[17] JOHN DENNY: Um-hmm.
[18] JOHN ZIGLAR: — or if you do, then take a
[19] couple of swallows of water just to clear your palate so
[20] that your throat is clean —
[21] JOHN DENNY: Um-hmm.
[22] JOHN ZIGLAR: — so that when you put the
[23] product in, on the back of your tongue, that it'll stay
[24] there.
[25] JOHN DENNY: Your wives are happy, gentlemen,

Page 33

[1] that you are —
[2] DR. BOB CURRIER: Happier.
[3] JOHN DENNY: Happier. We won't get into that,
[4] but they're happy that your snoring problems have been
[5] reduced or eliminated?
[6] DR. BOB CURRIER: Yes, very much so.
[7] JOHN ZIGLAR: And now, you know, I roll over
[8] and Linda gives me a kiss before we go to bed, and I
[9] think that's just real sweet. She's checking to see if
[10] I've taken the Snorenz, okay?
[11] (Laughter).
[12] JOHN DENNY: If you want more information about
[13] this revolutionary, all-natural, vitamin-based spray, no
[14] pills, no surgery, no clamps, no strips across your nose,
[15] Snorenz will end your snoring problem and do it
[16] naturally. It is pennies in comparison to the value and
[17] the almost priceless value of a full, restful, silent
[18] night's sleep for all, and that goes for the snorer as
[19] well as the person sleeping next to the snorer.
[20] For more information, call the 800 number on
[21] the screen. Dr. Bob Currier, thank you for joining us on
[22] Vantage Point.
[23] DR. BOB CURRIER: Thank you for having me.
[24] JOHN DENNY: And, John Ziglar, thank you.
[25] JOHN ZIGLAR: You're welcome.

Page 34

[1] JOHN DENNY: I may knock off a few sprays
[2] tonight and try to get my snoring down. This is John
[3] Denny saying goodbye from Vantage Point, and we will see
[4] you next time.
[5] (Music playing.)
[6] ON SCREEN:
[7] For more information or to order Snorenz call:
[8] 1-800-835-8941
[9] If snoring is accompanied by any signs of Sleep
[10] Apnea, you should consult a physician before using any
[11] product.
[12] ON SCREEN:
[13] Tru-Vantage International
[14] 7300 N. Lehigh Ave. Niles, IL 60714 (847)647-
[15] 0300
[16] ANNOUNCER: The preceding has been a paid
[17] commercial brought to you by Kevin Trudeau's Tru Vantage
[18] International.
[19] ON SCREEN:
[20] The preceding has been a paid commercial for
[21] SNORENZ brought to you by Kevin Trudeau's Tru-Vantage
[22] International, America's premier direct response
[23] marketing company.
[24] (End of videotape.)
[25]

Page 35

[1] CERTIFICATION O F TYPIST
[2]
[3] MATTER NUMBER: 0023211
[4] CASE TITLE: MED GEN INC.
[5] TAPING DATE: OCTOBER 13, 1999
[6] TRANSCRIPTION DATE: MAY 13, 2000
[7]
[8] I HEREBY CERTIFY that the transcript contained
[9] herein is a full and accurate transcript of the tapes
[10] transcribed by me on the above cause before the FEDERAL
[11] TRADE COMMISSION to the best of my knowledge and belief.
[12]
[13] DATED: MAY 15, 2000
[14]
[15] SARA J. VANCE
[16]
[17] CERTIFICATION O F P R O O F R E A D E R
[18]
[19] I HEREBY CERTIFY that I proofread the transcript for
[20] accuracy in spelling, hyphenation, punctuation and
[21] format.
[22]
[23]
[24]
[25] ELIZABETH M. FARRELL

Lawyer's Notes

Page 1

[1] FEDERAL TRADE COMMISSION

[2] INDEX

[3]

[4] VIDEOTAPE: Page

[5] VP Snorenz 8 JD/JPK

[6] (Replace SNZ6)

[7] Rollout SNZ8 Soft 3

[8]

[9]

[10]

[11]

[12]

[13]

[14]

[15]

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 2

[1] FEDERAL TRADE COMMISSION

[2]

[3]

[4] In the Matter of:)
[5]) Matter No. 0023211
[6] Med Gen, Inc.)

[7]

[8] October 13, 1999

[9]

[10]

[11]

[12] The following transcript was produced from
[13] a live tape provided to For The Record, Inc. On May
[14] 8, 2000.

[15]

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 3

PROCEEDINGS

[1] ON SCREEN: Client:TVI

[4] Project:VP Snorenz 8 Generic

[5] Price Point: Soft Offer

[6] Edit Date: 3/29/99

[7] Editor: WPS

[8] Audio: Mixed

[9] Notes: Generic

[10] ON SCREEN: The following is a paid
[11] commercial program for SNORENZ.

[12] MALE ANNOUNCER: The following is a paid
[13] program.

[14] JON DENNY: For millions of Americans,
[15] this is the most annoying and unwelcome sound in
[16] the world. That's right, more than 90 million
[17] Americans have a snoring problem, and it could
[18] cause sleeplessness, headaches and a lack of
[19] energy, and that goes for the snorer as well as the
[20] person trying to sleep next to the snorer.

[21] What can be done about it? On Vantage
[22] Point today, hear about a new discovery that could
[23] eliminate the sound of snoring.

[24] ON SCREEN: Vantage Point with Jon Denny
[25] Jon Denny

Page 4

[1] JON DENNY: Hi, I'm Jon Denny, and welcome
[2] to Vantage Point. We are going to talk about
[3] snoring today, and we are going to do it with Paul
[4] Kravitz, who has brought to the market an exciting
[5] breakthrough product called Snorenz, which has been
[6] proven from snorers around the country to reduce or
[7] eliminate their snoring problem.

[8] Paul, welcome to the show.

[9] PAUL KRAVITZ: Thank you, Jon.

[10] JON DENNY: Tell me, is this a
[11] breakthrough medical discovery, is this a
[12] revolutionary new direction to help people stop
[13] their snoring problem?

[14] ON SCREEN: Paul Kravitz, Snorenz

[15]

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 5

[1] **PAUL KRAVITZ:** Well, John, I don't know if
[2] you would call it a medical breakthrough or a new
[3] discovery. To me it was a major breakthrough. In
[4] fact, it saved my marriage.
[5] I had been a heavy snorer for years, and
[6] at one point in my life, my — my ribs hurt so much
[7] in the morning from my wife poking me to wake up to
[8] stop snoring, it was just a terrible thing, and
[9] over the course of many years, I was thinking about
[10] surgery, a lot of potential cures that I — that I
[11] thought I would find to help the situation out, and
[12] I met somebody about six or seven years ago, a
[13] Korean gentleman who was — lived in Brazil,
[14] actually, and who was working with an EMT
[15] specialist who lived next door, and they came up
[16] with a product, and I had met him, they were
[17] looking for somebody to invest in the company, and
[18] things just went — went the way of the world, and
[19] finally, I asked him if I could try the product,
[20] and I did, and it worked.
[21] It was — at that time it was in its
[22] infancy, it was terrible tasting, and — but it
[23] worked, and I used it for five days straight, and I
[24] made a small investment, which became a larger
[25] investment and even a larger investment, until

Page 6

[1] finally I bought the formula from the Korean, and
[2] we went to work on it. It took a year and a half
[3] to develop, and Jon, we've tested it, we've proven
[4] it, it works. And it works, and it's a very simple
[5] way it does work.
[6] **JON DENNY:** Now, before we get into how
[7] Snorenz works, what is snoring? What causes that
[8] terrible Harley Davidson rumbling sound that seems
[9] to emanate from almost every bedroom across
[10] America? I mean, I grew up with a father, and it
[11] sounded like the start of the Indianapolis 500
[12] every night, the house would literally rattle.
[13] What is snoring?
[14] **PAUL KRAVITZ:** Well, snoring is caused by
[15] a vibration of three parts of your mouth — in your
[16] throat. It's a vibration of the back of your
[17] tongue against the uvula, which is the small part
[18] of the skin that hangs down from your throat, and
[19] your soft pallet, which vibrates. Now, you can
[20] either vibrate the two pieces together, either the
[21] back of the tongue and the uvula, or you can
[22] vibrate all three, and the deeper the resonance,
[23] the more vibrations you're going to hear.
[24] Our product really addresses the
[25] vibrations. You can't stop the vibration, but you

Page 7

[1] can stop the snoring noise.
[2] **JON DENNY:** Well, how does Snorenz work?
[3] It is a spray, an all-natural spray?
[4] **PAUL KRAVITZ:** It's an all-natural spray,
[5] yes:
[6] **JON DENNY:** Vitamin-based?
[7] **PAUL KRAVITZ:** It's vitamin based, it's
[8] all natural, and it's manufactured in a very
[9] special technique called liposome.
[10] **JON DENNY:** And is this a patented
[11] process?
[12] **PAUL KRAVITZ:** Yes, it is, it's patented.
[13] **JON DENNY:** And how does it work exactly?
[14] So, we have a snorer — we are going to go to some
[15] video feeds of some couples who have experienced
[16] what snoring has done in their lives and really
[17] impacted their marriages. We may consider this a
[18] laughing matter, but for many people, it isn't a
[19] laughing matter at all.
[20] **PAUL KRAVITZ:** No, it's a very serious
[21] problem, John.
[22] **JON DENNY:** How does Snorenz work to
[23] correct or address the problem you're talking
[24] about?
[25] **PAUL KRAVITZ:** Well, very simply put, it

Page 8

[1] oils the vibrating parts of your — of your throat,
[2] and when you put oil on a rusty part, it silences
[3] it, and that's exactly how it does work. The
[4] secret of the product and what we've spent millions
[5] of dollars to find out is how to get it to attach
[6] itself, the product itself, the spray, to staying
[7] in the back of the throat so that the noise stays
[8] for — I mean, the noise stays away for six to
[9] eight hours.
[10] **JON DENNY:** Um-hum.
[11] **PAUL KRAVITZ:** And we were able to find a
[12] trace product that we use in all of our products
[13] that let's it stick to the back of the throat,
[14] thereby quieting the noise. So, in its simplest
[15] form, what you're doing is greasing the noisy
[16] parts.
[17] **JON DENNY:** Right, like someone would if a
[18] car's axis or car parts were rumbling or rattling
[19] together, oil would essentially grease those areas?
[20] **PAUL KRAVITZ:** That's it, right, that's
[21] it.
[22] **JON DENNY:** Now, when I hear oil and I
[23] hear grease, my word, not yours, I'm thinking
[24] terrible tasting, I'm thinking that — I'm not sure
[25] that I want to spray oil in my mouth. Tell me

Page 9

[1] about the taste of this.

[2] **PAUL KRAVITZ:** Well, we've added
[3] peppermint flavor to it, so — as a matter of fact,
[4] the taste is delicious. It almost tastes like
[5] bubble gum, and I used to love bubblegum as a kid,
[6] and I love it. I take it in every day — every
[7] night, I go to bed at night, I spray my throat, I
[8] wake up in the morning, my throat is fresh, I have
[9] had a good, restful night's sleep, and so has my
[10] wife, as a matter of fact. We both think this
[11] product is wonderful, and we've turned a lot of
[12] people on to this product.

[13] **JON DENNY:** Now, why is snoring a problem?
[14] On one hand we know it's a problem for the person
[15] sleeping next to us, the snorer, they're not
[16] getting enough sleep because of that sound coming
[17] right next to them, but in what other ways is
[18] snoring a real problem for both the snorer as well
[19] as the person trying to sleep next to them?

[20] **PAUL KRAVITZ:** Well, from the snorer's
[21] point of view, Jon, it's a major problem. First of
[22] all, you don't know it, but if you were a snorer,
[23] you wake up maybe a thousand times a night, because
[24] the snoring does wake you up. You go right back to
[25] sleep again, and then you wake up again. Even if

Page 10

[1] your wife doesn't wake you up or your girlfriend
[2] doesn't wake you up, you are really not sleeping
[3] soundly.

[4] As a matter of fact, there was a Times
[5] article, the Los Angeles Times, if you don't mind
[6] me reading it, it says basically that the snoring
[7] decreased — as snoring decreased, you were able to
[8] function better in the daytime, and they've
[9] actually been able to prove that people function
[10] better with a better night's sleep, obviously if
[11] you don't snore, you do get a better night's sleep.

[12] As far as your wife is concerned or your
[13] girlfriend is concerned or anybody nearby you,
[14] obviously they're going to sleep better, as well.
[15] So, it's a dual effect.

[16] **JON DENNY:** Interestingly. We have Dr.
[17] Mike Leonard on the line from Kalamazoo, Michigan.
[18] Dr. Leonard, are you with us?

[19] **DR. MIKE LEONARD:** Yes, I am.

[20] **ON SCREEN:** Caller: Dr. Michael Leonard
[21] Kalamazoo, MI

[22] **JON DENNY:** Dr. Leonard, I believe
[23] conducted some tests on the efficacy of this
[24] product out of his auspices in Michigan. Dr.
[25] Leonard, let me ask you a question. As a dentist,

Page 11

[1] is this something that you have recommended to your
[2] patients who have sleep problems, most particularly
[3] snoring problems?

[4] **DR. MIKE LEONARD:** Yes. Initially, as a
[5] dentist, we — historically we fabricate occlusal
[6] appliances or guards that go in your mouth that,
[7] oh, essentially keep your mouth open wider or
[8] really position your lower jaw forward so you can
[9] keep the airway open like you were talking about
[10] earlier and don't have those tissues vibrating and
[11] rolling around.

[12] The problem is a lot of people can't
[13] tolerate those appliances. They are large, they
[14] are cumbersome, and throughout the night, if you've
[15] got it in your mouth, you may end up with it on
[16] your pillow in the morning, because you're just
[17] subconsciously take it out.

[18] **JON DENNY:** These are clamps that dentists
[19] are in the past put into people's mouth to create
[20] more airspace?

[21] **DR. MIKE LEONARD:** Exactly, of varying
[22] different sizes and shapes, et cetera, but they're
[23] custommade appliances, and for some people that
[24] can't tolerate them, it's an expense to go through
[25] if you're not going to be able to utilize it.

Page 12

[1] So, I had, through the grapevine, heard
[2] about a spray to use and got the name of the
[3] company, called them up and ordered a case of
[4] Snorenz and had it sent to my office to start
[5] dispensing to patients and having them try it out
[6] and see what they thought, because quite simply,
[7] it's easily reversible.

[8] If you are not tolerating it, if it was
[9] not working, you just stop using it. You're not
[10] really out anything. And that — the feedback that
[11] I got was very, very positive. People were getting
[12] good results, and the people that were coming in
[13] with the problems were not the snorers themselves;
[14] it was the mate, the partner that was sleeping next
[15] to them that was kept up all night or irritated all
[16] night that they were having to roll their spouse
[17] over to get them to quiet down a little bit so they
[18] could get a more restful sleep.

[19] **JON DENNY:** Now, the rumor out of Michigan
[20] was that not only did you dispense Snorenz to some
[21] of your patients, but you may have tried it or been
[22] urged to try it yourself. Tell me about your
[23] personal experience with the product.

[24] **DR. MIKE LEONARD:** Yes, exactly, I was at
[25] home one night talking — just talking to my wife

Page 13

Page 15

[1] about the daily goings-on, et cetera, and I was
[2] telling her I gave a patient of a sample of the
[3] Snorenz, and it kind of caught her ear, and she
[4] perked up a little bit and said, Well, what — tell
[5] me about this stuff. And I told her, got a case of
[6] it, been giving it out, and she said, Well, don't
[7] give all of it out, she said, you better bring some
[8] of it home yourself, because you snore like a
[9] lumberjack, which was prior to that unbeknownst to
[10] me, I had no idea.

[11] So, since then, I've been bringing it
[12] home. I've got a bottle of it on my bedside table
[13] that I use every night, and if I forget, as I'm
[14] dozing off to sleep at night, if I forget to use
[15] it, she will give me a little nudge at this point
[16] and make sure that I've used my spray, and I get a
[17] restful sleep, she gets a restful sleep, and we're
[18] both happy.

[19] JON DENNY: Now, Paul, if people want more
[20] information about Snorenz, this patented product
[21] process that is apparently helping people get a
[22] full, restful, silent night's sleep across the
[23] country, where do they get more information about
[24] it?

[25] PAUL KRAVITZ: Well, actually, for this

[1] typical snoring problem?

[2] DR. MIKE LEONARD: It's an extremely
[3] logical, common sense, first line approach to
[4] dealing with it. Use it, and if you use it
[5] properly and if you use it consistently, I find
[6] that it works. It works for me and it works for a
[7] number of the patients that I'm having use it in
[8] the practice.

[9] PAUL KRAVITZ: I am really so excited
[10] about listening to the successes of people that use
[11] the product, Jon. Every time I get a letter — I
[12] must have a stack of testimonials from different
[13] people, some of Dr. Leonard's clients — patients,
[14] as well, and I just — I get chilled all over,
[15] because I think it's just so wonderful, because to
[16] me, this was an affliction. I really think this is
[17] a major breakthrough, and for something that is
[18] really hurting people, not allowing them to sleep.
[19] Direct application of this oil or solution that we
[20] have that actually quiets the noise down, that's
[21] what happens.

[22] JON DENNY: We want to talk — we have
[23] from Chicago a couple, Ralph and Julie Dynek
[24] (phonetic), who are being beamed in to us as we
[25] speak. Welcome to the show, guys.

Page 14

Page 16

[1] show and this show only, Jon, we're giving a
[2] special bonus offer, and if they — people call in
[3] and they see this 800 number on the bottom of the
[4] screen, all they have to do is call in and they can
[5] get a special offer of Snorenz.

[6] JON DENNY: Great, great.

[7] PAUL KRAVITZ: And Dr. Leonard, you know,
[8] what was interesting about what you said is that I
[9] actually went to a dentist to get this appliance,
[10] and I have a terrible problem with gagging, and the
[11] appliance — I could not wear that appliance at
[12] night, and I just — I must tell you something,
[13] your wife turning you onto the product was really
[14] tremendous. I have seen your orders come through
[15] the office, so now I have gotten to speak to you,
[16] Doctor.

[17] DR. MIKE LEONARD: Very good.

[18] PAUL KRAVITZ: And it's a pleasure.

[19] JON DENNY: Now, there have been not only
[20] clamps but also pills that have been tried and also
[21] strips across one's nose, very expensive and
[22] painful surgeries, as well.

[23] DR. MIKE LEONARD: That's right.

[24] JON DENNY: So, Doctor, would you consider
[25] Snorenz to be a logical, common sense approach to a

[1] JULIE DYNEK: Hi.

[2] RALPH DYNEK: Thank you.

[3] JON DENNY: You experienced your own story
[4] with both a snoring problem and success with this
[5] product. Tell me a little bit about what happened
[6] and why snoring was a problem in your life.

[7] JULIE DYNEK: Well, it — for as long as
[8] I've known Ralph, as long as we've been married,
[9] the snoring has been terrible, absolutely terrible.
[10] Sometimes I'd get up, go sleep in another bedroom.
[11] Many times I'd be like punching him, telling him
[12] please stop snoring, you're snoring, I can't sleep.
[13] He's like, I don't snore, I don't snore, but it's
[14] been a real — it was a terrible, terrible problem,
[15] and I thought of millions of things, I didn't know
[16] what to do, because it was always waking me up,
[17] every single night, and I was getting no — barely
[18] any sleep.

[19] So, I thought of — I heard that you could
[20] like sew a tennis ball in their T-shirt, and when
[21] they roll over on their back, it's uncomfortable,
[22] but I didn't know what to do. I just said — you
[23] know, I'd just punch him overnight.

[24] JON DENNY: I would think you would want
[25] to put the tennis ball in his mouth to stop the

Page 17

[1] snoring problem. But you actually, Ralph, you
[2] didn't believe that you had a snoring problem until
[3] Julie did something. Is that correct?
[4] **RALPH DYNEK:** Yeah, that's true. She got
[5] up in the evening while we were sleeping and went
[6] and got the tape recorder, and it was — it was a
[7] widening of the eyes. It was just — I couldn't
[8] believe it. I mean, I was loud, and I felt really
[9] bad.

[10] I mean, I love Julie, and we have a very,
[11] very energetic life, and if you fall behind in your
[12] sleep, who knows how the next day is going to be,
[13] and sometimes, you know, we were running out of
[14] energy, and I know I was waking up, too, and the
[15] more information I got, we didn't know where to
[16] turn.

[17] We were concerned, she was concerned, and
[18] there was also threatening — you see ads in the
[19] paper or you hear ads on TV about people could be
[20] even having life-threatening situations. So, we
[21] wanted to address it. We were definitely
[22] concerned, and thank God we ran into this product.
[23] It's been just fabulous.

[24] **JON DENNY:** And Julie and Ralph from
[25] Chicago, how did the problem, before you addressed

Page 18

[1] it with Snorenz, how did the problem affect your
[2] relationship? I mean, was it difficult for, Julie,
[3] for you to get a good night's sleep next to Ralph?

[4] **JULIE DYNEK:** Oh, it was terrible,
[5] especially when I was pregnant, I mean, you don't
[6] get very much sleep anyways, I would be — like I
[7] said, I would punch him, I would kick the bed, I
[8] would like be, "shh, shh," all night long, and
[9] nothing — it would stop for a little while, I
[10] would fall asleep, and then it would start roaring
[11] again.

[12] I can remember one time when my
[13] sister-in-law slept over, and she was actually
[14] sleeping in a spare bedroom in the basement and
[15] through the ceiling of the basement she actually
[16] thought that there was either a tornado or an
[17] earthquake or something. She came running up the
[18] stairs, and she said, What is that? What is that?
[19] I'm like, What? She's like, Oh, my God, it's
[20] Ralph's snoring. I'm like, Oh, yeah — that — I'm
[21] so used to it, you know, it's like, you know, you
[22] get used to it, but somebody new coming into the
[23] house, it was just horrible for her.

[24] **JON DENNY:** And tell me about the
[25] experience and the success that you've had with

Page 19

[1] Snorenz.

[2] **JULIE DYNEK:** Well, it's kind of a funny
[3] story. My same sister-in-law told me, I have this
[4] product that I heard about, I think you guys should
[5] try it, and so we tried it for a whole week, and
[6] that week, it didn't really even dawn on me, I said
[7] to her one day, I said, I feel like I have so much
[8] energy, and I have — I don't know what's going on,
[9] I feel so rested, and she said, Oh, hello, don't
[10] you think it's that product I gave you? Don't you
[11] think it's the Snorenz? And then it dawned on me
[12] that definitely it was. At that point I was very
[13] happy.

[14] **JON DENNY:** And, Ralph, do you find
[15] yourself, now that the product has helped cut down
[16] or eliminate your sound of snoring, do you feel
[17] more rested? Are you getting a better night's
[18] sleep?

[19] **RALPH DYNEK:** Clearly I am, and I'll tell
[20] you what, I didn't really believe it, but I was
[21] waking up, and when you — when you go back and you
[22] think about the times or actually when it happens,
[23] if I fall asleep sometimes in the afternoon, if I'm
[24] having a nap after a rough day at work, then all of
[25] a sudden I'll be woken up, you know, you can do

Page 20

[1] these short, ten-minute naps, and I can actually
[2] hear the tail end of the snore — of course, I'm
[3] not using the product at that time, and then I just
[4] turn and go, Oh, my gosh, I can't believe it. It's
[5] a little bit embarrassing. It's a lot
[6] embarrassing. So —

[7] **JON DENNY:** And it's worked throughout the
[8] night for you every night?

[9] **RALPH DYNEK:** Yeah, it's been a very solid
[10] performance out of it, and it's amazing, and you
[11] know what, the — I can't really tell, but — but
[12] Julie tells me, and then I can tell in the morning,
[13] because I can just take one look at her and know if
[14] she had a good night's rest, if she says 48th
[15] although to me nicely, because sometimes she was a
[16] little bitter at me in the morning.

[17] **JON DENNY:** Um-hum, oh, I bet. Ralph and
[18] Julie, thank you for joining us from Chicago.
[19] Continue to get a full and restful, silent night's
[20] sleep.

[21] **JULIE DYNEK:** Thank you.

[22] **ON SCREEN:** Paul Kravitz, Snorenz
[23] **PAUL KRAVITZ:** You know, Jon, they say
[24] snorers are broken into three categories, those who
[25] know they snore, those who are in denial and those

Page 21

[1] who sleep alone. I'm happy to hear that these
[2] people bought some of our product and it works.
[3] **JON DENNY:** Now, Paul, tell us how snoring
[4] can affect other aspects of people's lives. There
[5] have been — there's a study, I believe, in a
[6] Chicago newspaper about how — a study was
[7] conducted that students who snored actually were
[8] proven to get worse grades, that as the snoring
[9] decreased or was eliminated, energy levels were up,
[10] restlessness, and better grades. Have you heard
[11] that story?
[12] **PAUL KRAVITZ:** Yeah, I've heard it. I
[13] have heard so many stories, Jon, talking to
[14] doctors, and I'm not a doctor, I'm a businessman,
[15] but I'm happy to have introduced this product into
[16] the world.
[17] I have heard so many stories about
[18] students who are now getting better grades because
[19] they found a way to sleep well at night and get
[20] rest. I have heard stories of mothers — you know,
[21] actually, speaking, 60 percent — in studies that
[22] have been conducted, 60 percent of the men — of
[23] the people in the world are male are snorers and 40
[24] percent are female, which is kind of wild when you
[25] think about it, that there are more men snorers

Page 22

[1] than women, and I have no answer for that.
[2] The truth of the matter is that the
[3] stories that I have — that are bound today, and
[4] the medical profession is really getting into this
[5] big time. In fact, I read an article about a month
[6] ago in the New England Medical Journal that
[7] addressed the problem of snoring. They had tried
[8] almost everything, surgery and everything else, and
[9] here's a very simple product which costs very
[10] little money, easy to use, tastes good. As a
[11] matter of fact, it's a breath freshener.
[12] **JON DENNY:** I wanted to ask you about
[13] this. Essentially tree sprays, and I know Dr.
[14] Leonard is still on the line from Kalamazoo — and
[15] compliance, patient compliance is a very important
[16] issue, to actually do it right. So, it's actually
[17] three easy sprays of this.
[18] **PAUL KRAVITZ:** Three sprays in the back of
[19] your throat.
[20] **JON DENNY:** Right.
[21] **PAUL KRAVITZ:** And you will have a good
[22] night's sleep.
[23] **JON DENNY:** And tell me about morning
[24] breath, because snorers are notorious —
[25] **PAUL KRAVITZ:** Well, John, I haven't slept

Page 23

[1] with you lately, but morning breath is a problem.
[2] **JON DENNY:** And we are going to keep it
[3] that way.
[4] **PAUL KRAVITZ:** Right.
[5] **JON DENNY:** But tell me about morning
[6] breath.
[7] **PAUL KRAVITZ:** Morning breath is —
[8] actually, this takes away morning breath. I mean,
[9] everybody has a stale mouth when they wake up in
[10] the morning. This — this gives you a lasting,
[11] sweetness, pepperminty flavor in your mouth, and it
[12] lasts all day long almost. It never — it lingers,
[13] and it's just a wonderful product. It really takes
[14] away that stale breath — mouth feeling when you
[15] wake up in the morning.
[16] **JON DENNY:** Now, Dr. Leonard, how has it
[17] worked for you personally back in Kalamazoo?
[18] **ON SCREEN:** Caller: Dr. Michael Leonard
[19] Kalamazoo, MI
[20] **DR. MIKE LEONARD:** I guess I would have to
[21] sum it up by saying my wife every night nudges me
[22] to make sure I use it, so the snoring never
[23] bothered me to begin with, and the only one that it
[24] really noticeably bothered was her. She
[25] consistently has me use it, so it works.

Page 24

[1] **JON DENNY:** Right, and you would recommend
[2] this to other people out there who are experiencing
[3] the problems that snoring can bring?
[4] **DR. MIKE LEONARD:** Right, I do recommend
[5] it.
[6] **JON DENNY:** Dr. Leonard, thank you for
[7] joining us from Kalamazoo.
[8] **DR. MIKE LEONARD:** Thank you.
[9] **ON SCREEN:** This is a paid commercial for
[10] Snorenz
[11] **JON DENNY:** Paul, if people want more
[12] information about Snorenz, this revolutionary
[13] product that is reducing or eliminating the sound
[14] of snoring in cases all across the world, because
[15] this product now, through your company only, is
[16] being distributed throughout the world and being —
[17] is being made — a special offer is being made here
[18] through this show, it's — do they call an 800
[19] number that's on the screen now?
[20] **PAUL KRAVITZ:** There's an 800 number that
[21] should appear on the screen, and if the — if your
[22] listeners call in, they will receive a special
[23] price for this show.
[24] **JON DENNY:** Right.
[25] **PAUL KRAVITZ:** And they will enjoy the

Page 25

[1] product.

[2] **JON DENNY:** And you had a little story
[3] flying here, did you not?

[4] **PAUL KRAVITZ:** As a matter of fact, it was
[5] a great story. I brought — I was asked to bring a
[6] box of 24 of our Snorenz product to the show, and
[7] the box on the side had a label, it said, Snorenz,"
[8] and it says, "Stops snoring," and so forth, and I
[9] was putting it up on the top of the seat on the
[10] plane, and the plane was full as all planes are
[11] today, and I get it up there.

[12] And finally a gentleman — nice guy, got
[13] up, and he said, Let me fix it for you, and he put
[14] it up on the top, and that was — we take off, and
[15] about halfway into the flight here from — to
[16] Chicago from Florida, I hear this terrible noise,
[17] somebody snoring across the way from me. I mean,
[18] he had the plane in an uproar. It was the funniest
[19] thing you ever heard. I mean, the noise was just
[20] tremendous.

[21] So, the guy next to me, the passenger next
[22] to me said, Well, why don't we just open up the
[23] box, I saw what you — I said, Well, I'm the
[24] manufacturer of the product. He says, Why don't we
[25] break out a bottle and spray it in his throat.

Page 26

[1] But, you know, that's a remarkable thing. Sleeping
[2] — falling asleep on a plane, you're not only
[3] annoying other people, but you're just not getting
[4] a good restful sleep when you do that.

[5] **JON DENNY:** Right. We have Cindy Brown
[6] with us from a studio, and Cindy, you have a story
[7] about snoring and how it actually affected your
[8] marriage. Tell us about that.

[9] **CINDY BROWN:** Well, my husband, Kevin, and
[10] I have been married for four years now, and for the
[11] last two, he's been snoring really badly, and I
[12] always ended up on the couch because of him
[13] snoring.

[14] **JON DENNY:** You ended up on the couch?

[15] **CINDY BROWN:** Yes, I did.

[16] **JON DENNY:** Now, how did that happen? You
[17] couldn't like hit him a couple times and send him
[18] out to Siberia?

[19] **CINDY BROWN:** Yeah, I would try hitting
[20] and punching and rolling — trying to get him to
[21] roll over, and nothing worked. So, I just got
[22] frustrated and ended up on the couch.

[23] **JON DENNY:** Now, what — how did it affect
[24] you? I mean, was the snoring that loud that you
[25] really couldn't sleep at night? Were you awakened

Page 27

[1] in the middle of the night by his snoring?

[2] **CINDY BROWN:** It was awful, because he
[3] would always fall asleep before me, and I would
[4] always end up not being able to go to sleep, and if
[5] I did go to sleep, I would wake right back up
[6] because of his snoring, even with the door closed
[7] in the other room, I still could hear him.

[8] **JON DENNY:** You could hear him even with
[9] the door closed?

[10] **CINDY BROWN:** Yes.

[11] **JON DENNY:** So, your husband, Kevin, is
[12] snoring in the other room. You're out on the couch
[13] in the living room with the door closed still
[14] hearing the snoring. It's affecting your sleep,
[15] obviously.

[16] **CINDY BROWN:** Right.

[17] **JON DENNY:** How is it affecting your
[18] relationship?

[19] **CINDY BROWN:** Well, it wasn't so good. We
[20] were never sleeping together, and I would wake up
[21] the next day being very angry at him for him
[22] snoring. I knew it wasn't his fault, but it was —
[23] it sure seemed like it should be.

[24] **JON DENNY:** And how was it affecting you
[25] during the course of the day, you know, you're not

Page 28

[1] getting obviously the full restful, silent night's
[2] sleep that you probably deserve.

[3] **CINDY BROWN:** Right. Well, I was always
[4] tired, constant tired, never felt energetic. Then
[5] once he quit snoring, you realize how much you need
[6] sleep.

[7] **JON DENNY:** It's a good thing, sleep.

[8] **CINDY BROWN:** Oh, definitely.

[9] **JON DENNY:** How did you get turned on to
[10] or at least become aware of this product called
[11] Snorenz?

[12] **CINDY BROWN:** Well, it was given to us to
[13] try, and I thought, Yeah, right, this isn't going
[14] to work, but we tried it, and it ended up working.

[15] **JON DENNY:** Hmm. And did it work for you
[16] right away and did it work for you through the
[17] night?

[18] **CINDY BROWN:** Yeah, it did. Actually, it
[19] was funny, because the first week it worked, and
[20] then it quit working, and so then we found out that
[21] he shouldn't eat anything or drink anything about a
[22] half an hour to an hour before.

[23] **JON DENNY:** Hmm. And does it now work for
[24] you? Is it something that Kevin is using at your
[25] behest and insistence, probably, every night?

Page 29

[1] CINDY BROWN: Yes. Yes, it does. Yep, I
[2] make sure that if he doesn't take it, I'm waking
[3] him back up to make sure he takes it.
[4] JON DENNY: And I presume that you've
[5] moved book into the bedroom?
[6] CINDY BROWN: Yes, I have.
[7] JON DENNY: And I feel like I'm prying
[8] here.
[9] CINDY BROWN: No, no. I have — we're
[10] sleeping together again, and so everything is
[11] great.
[12] JON DENNY: That's terrific. Cindy, thank
[13] you for your story, and continue to get a full
[14] restful silent night's sleep with Snorenz.
[15] CINDY BROWN: Thank you.
[16] PAUL KRAVITZ: Isn't that a wonderful
[17] story?
[18] JON DENNY: Yeah, it really is.
[19] Now, tell me about how as a former snorer
[20] before you tried Snorenz, how has it improved your
[21] life and your marriage?
[22] PAUL KRAVITZ: Well, it really has.
[23] Obviously my — I'm bigger than my wife, so I —
[24] she left the bedroom, I didn't, but actually, my
[25] wife — my rest, my days are a lot more vigorous,

Page 30

[1] my wife is very much happier, and even my daughter,
[2] who sleeps in a room four bedrooms down, doesn't
[3] hear me anymore. So, it really has improved my
[4] life.
[5] JON DENNY: Right. And if people want
[6] more information about Snorenz, the all-natural
[7] spray that people are using all around the country
[8] now to great effect, where do they get more
[9] information, Paul?
[10] PAUL KRAVITZ: Well, John, I'm delighted
[11] that we have a special offer today on your show,
[12] and if the listeners would call the 800 number on
[13] the bottom of the screen and call in their order
[14] today, they will receive a special price and a
[15] money-back guarantee if it doesn't work.
[16] JON DENNY: All right. So, it must be
[17] gratifying for you to get all these letters and
[18] phone calls and people who come up to you on the
[19] street telling you thank you, you not only helped
[20] them get better sleep, you have saved some
[21] marriages, I assume, in the process.
[22] PAUL KRAVITZ: It sounds like I have,
[23] John.
[24] JON DENNY: That's great.
[25] PAUL KRAVITZ: It truly does.

Page 31

[1] JON DENNY: That's great. Paul, thank you
[2] for being here.
[3] PAUL KRAVITZ: Thank you for having me.
[4] JON DENNY: If you want more information
[5] about Snorenz, the patented process, all-natural
[6] spray that could help reduce or eliminate the sound
[7] of snoring, if you are a snorer or you sleep next
[8] to a snorer, this may be the product for you.
[9] Money-back guarantee, it costs pennies to address
[10] this very serious problem, and hopefully you shall
[11] all get a full, restful, silent night's sleep.
[12] I'm Jon Denny on Vantage Point. I think
[13] I'm going to knock off a few sprays, because I've
[14] been told I'm a snorer. We'll see you next time on
[15] Vantage Point. Take care.
[16] ON SCREEN: For more information or to
[17] order Snorenz call: NO NUMBER
[18] Tru-Vantage International
[19] 7300 N. Lehigh Ave.
[20] Niles, IL 60714
[21] (847)647-0300
[22] If snoring is accompanied by any signs of
[23] Sleep Apnea, you should consult a physician before
[24] using any product.
[25] The preceding has been a paid commercial

Page 32

[1] program for SNORENZ.
[2] (The videotape was concluded.)
[3]
[4]
[5]
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 33

CERTIFICATE OF TRANSCRIBER

[1]
[2]
[3] **DOCKET/FILE NUMBER: 0023211**
[4] **CASE TITLE: Med Gen, Incorporated**
[5] **RECORDING DATE: October 13, 1999**
[6] **TRANSCRIPTION DATE: May 15, 2000**
[7] I HEREBY CERTIFY that the transcript
[8] contained herein is a full and accurate transcript
[9] of the videotapes transcribed by me on the above
[10] cause before the FEDERAL TRADE COMMISSION to the
[11] best of my knowledge and belief.

[12]
[13] **DATED:**

[14]
[15]
[16] **SUSANNE Q. TATE**

[17] **CERTIFICATE OF PROOFREADER**

[18]
[19]
[20] I HEREBY CERTIFY that I proofread the
[21] transcript for accuracy in spelling, hyphenation,
[22] punctuation and format.

[23]
[24] **DIANE QUADE**
[25]

Lawyer's Notes

Decision and Order

DECISION AND ORDER

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

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

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of (30) days for the receipt and consideration of public comments, and having duly considered the comments received from interested persons pursuant to section 2.34 of its Rules, and having determined to modify the Decision and Order in certain respects, 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, Tru-Vantage International, L.L.C., is a limited liability company with its office and principal place of business located at 7300 North Lehigh Avenue, Niles, Illinois 60714.

Decision and Order

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

ORDER

DEFINITIONS

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

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

2. "Clearly and prominently" shall mean as follows:

- A. In an advertisement communicated through an electronic medium (such as television, video, radio, and interactive media such as the Internet and online services), the disclosure shall be presented simultaneously in both the audio and video portions of the advertisement. Provided, however, that in any advertisement presented solely through video or audio means, the disclosure may be made through the same means in which the ad is presented. The audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size and shade, and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend it. In addition to the foregoing, in interactive media, the disclosure shall also be unavoidable and shall be presented prior to the consumer incurring any financial obligation.

Decision and Order

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

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

3. Unless otherwise specified, "respondent" shall mean Tru-Vantage International, L.L.C., and its successors and assigns and its officers, agents, representatives, and employees.
4. "Drug" shall mean as defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.
5. "Food" shall mean as defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.
6. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

I.

IT IS ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of SNORenz or any other food, drug, or dietary

Decision and Order

supplement, as “food” and “drug” are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication that:

- A. Such product reduces or eliminates snoring or the sound of snoring in users of the product,
- B. A single application of such product reduces or eliminates snoring or the sound of snoring for any specified period of time, or
- C. Such product can eliminate, reduce or mitigate the symptoms of sleep apnea including daytime tiredness and frequent interruptions of deep restorative sleep;

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

II.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product that has not been shown by competent and reliable scientific evidence to be effective in the treatment of sleep apnea, in or affecting commerce, shall not represent, in any manner, expressly or by implication, that the product is effective in reducing or eliminating snoring or the sounds of snoring, unless it discloses, clearly and prominently, and in close proximity to the representation, that such product is not intended to treat sleep apnea, that the symptoms of sleep apnea include loud snoring, frequent episodes of totally obstructed breathing during sleep, and excessive daytime sleepiness, that sleep apnea is a potentially life-threatening condition, and that persons who have symptoms of sleep apnea should consult their physician or a specialist in sleep medicine. Provided, however, that for any television commercial

Decision and Order

or other video advertisement fifteen (15) minutes in length or longer or intended to fill a broadcasting or cablecasting time slot fifteen (15) minutes in length or longer, the disclosure shall be made within the first thirty (30) seconds of the advertisement and immediately before each presentation of ordering instructions for the product. Provided further, that, for the purposes of this provision, the presentation of a telephone number, e-mail address, or mailing address for listeners to contact for further information or to place an order for the product shall be deemed a presentation of ordering instructions so as to require the announcement of the disclosure provided herein.

III.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of SNORenz or any other product, service, or program in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, about the benefits, performance, efficacy or safety of any such product, service, or program, unless, at the time the representation is made, respondent possesses and relies upon competent and reliable evidence, which, when appropriate, must be competent and reliable scientific evidence, that substantiates the representation.

IV.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, service, or program in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Decision and Order

V.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, service, or program in or affecting commerce, shall not represent, in any manner, expressly or by implication, that the experience represented by any user testimonial or endorsement of the product, service, or program represents, the typical or ordinary experience of members of the public who use the product, service, or program unless:

- A. At the time it is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation; or
- B. Respondent discloses, clearly and prominently, and in close proximity to the endorsement or testimonial, either:
 - 1. what the generally expected results would be for users of the product, or
 - 2. the limited applicability of the endorser's experience to what consumers may generally expect to achieve, that is, that consumers should not expect to experience similar results.

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

VI.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, service, or program in or affecting commerce, shall disclose, clearly and prominently, and in close proximity to the

Decision and Order

endorsement, a material connection, where one exists, between a person or entity providing an endorsement of any product, service, or program, as “endorsement” is defined 16 C.F.R. 255.0 (b) and respondent, or any other individual or entity manufacturing, labeling, advertising, promoting, offering for sale, selling, or distributing such product, service, or program. For purposes of this order, “material connection” shall mean any relationship that might materially affect the weight or credibility of the endorsement and would not be reasonably expected by endorsers.

VII.

Nothing in this order shall prohibit respondent 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 drug application approved by the Food and Drug Administration.

VIII.

Nothing in this order shall prohibit respondent 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.

IX.

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

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

Decision and Order

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

X.

IT IS FURTHER ORDERED that respondent and its successors and assigns shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

XI.

IT IS FURTHER ORDERED that respondent 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

Decision and Order

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, 601 Pennsylvania Ave., N.W., S-4302, Washington, D.C. 20580.

XII.

IT IS FURTHER ORDERED that respondent and its successors and assigns shall, within sixty (60) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

XIII.

This order will terminate on February 5, 2022, 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.

Analysis

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Tru-Vantage International, L.L.C. ("TVI" or the "proposed respondent"). TVI is an infomercial producer. It also purchases media time, disseminates its infomercials, and fulfills the orders for products featured in the infomercials.

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

This matter concerns advertising and promotional practices related to the sale of Snorenz, a purported anti-snoring product. Snorenz is a dietary supplement consisting of oils and vitamins that is sprayed on the back of the throat of persons who snore. The Commission's complaint charges that TVI failed to have a reasonable basis for claims, which were contained in infomercials it produced to promote Snorenz, about the product's efficacy in (1) reducing or eliminating snoring or the sounds of snoring, (2) reducing or eliminating snoring or the sounds of snoring for six to eight hours, and (3) treating the symptoms of sleep apnea. The complaint also alleges that TVI lacked a reasonable basis to substantiate representations that testimonials from consumers who used Snorenz represented the typical and ordinary experience of users of the product. TVI is also charged with making false claims that clinical proof establishes the efficacy of Snorenz. Further the complaint alleges that that the proposed respondent failed to disclose that the product is not intended to treat sleep apnea; that sleep apnea is a potentially life-threatening disorder characterized by loud snoring, frequent interruptions of sleep, and daytime tiredness; and that persons experiencing those symptoms should seek medical attention. Finally, the complaint alleges that

Analysis

TVI failed to disclose adequately that a material connection existed between a physician who appeared in the infomercials to endorse the product and the product's manufacturer and marketer, Med Gen, Inc. A separate consent settlement with Med Gen, Inc. (File No. 002-3211) is also being placed on the public record for comment.

Part I of the consent order requires that TVI possess competent and reliable scientific evidence to substantiate representations that Snorenz or any other food, drug, or dietary supplement reduces or eliminates snoring or the sound of snoring; reduces or eliminates snoring or the sound of snoring for any specified period of time through a single application; or eliminates, reduces or mitigates the symptoms of sleep apnea. Part II of the order requires that, for any product that has not been shown to be effective in the treatment of sleep apnea, TVI must affirmatively disclose, whenever it represents that a product is effective in reducing or eliminating snoring or the sounds of snoring, a warning statement about sleep apnea and the need for physician consultation. Part III of the order requires proposed respondent to substantiate any representation about the benefits, performance, efficacy, or safety of Snorenz or any other product, service or program. Part IV prohibits false claims about scientific support for any product, service, or program. Part V requires that, for any consumer endorsement or testimonial respondent uses to promote a product, service or program, it must either possess competent and reliable scientific evidence that the testimonial represents the typical or ordinary experience of users or make an affirmative disclosure that the testimonial is not typical. Part VI requires an affirmative disclosure of any material connection between TVI and any endorser or between an endorser and the marketer. Parts VII and VIII of the proposed order permit proposed respondent to make certain claims for drugs or dietary supplements, respectively, that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration.

The remainder of the proposed order contains standard requirements that respondent maintain advertising and any materials relied upon as substantiation for any representation

Analysis

covered by substantiation requirements under the order; distribute copies of the order to certain company officials and employees; notify the Commission of any change in the corporation that may affect compliance obligations under the order; and file one or more reports detailing its compliance with the order. Part XIII of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

This proposed order, if issued in final form, will resolve the claims alleged in the complaint against the named respondent. It is not the Commission's intent that acceptance of this consent agreement and issuance of a final decision and order will release any claims against any unnamed persons or entities associated with the conduct described in the complaint.

The purpose of this analysis is to facilitate public comment on the proposed order, and 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

INA-HOLDING SCHAEFFLER KG, ET AL.

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

Docket C-4071; File No. 0210002

Complaint, December 20, 2001--Decision, February 5, 2002

This consent order addresses the acquisition by Respondent INA-Holding Schaeffler KG (“INA”) of Respondent FAG Kugelfischer Georg Schäfer AG (“FAG”); the two firms are the only two suppliers in the world of cartridge ball screw support bearings, which are used in machine tools such as grinding machines, milling machines, and laser drilling and cutting systems to reduce the friction associated with the rotation of a rolling screw, which is used in turn to control linear motion for accurate positioning. The consent order, among other things, requires the respondents to divest FAG’s cartridge ball screw support bearings business – including specialized tooling equipment, technical drawings, advertising and training materials, customer lists, and other assets used in the research, development, manufacturing, quality assurance, marketing, customer support and sale of the bearings – to Aktiebolaget SKF. The order also requires the respondents, for six months, to provide SKF with personnel, assistance, and training, and transitional manufacturing services. In addition, the order requires the respondents to provide the Commission with prior notice before entering into any joint venture activities with NTN Corporation of Japan affecting North America.

Participants

For the Commission: *Nicholas R. Koberstein, Sean G. Dillon, Jeffrey H. Perry, Ann Malester, Rendell A. Davis, Jr., Daniel P. Ducore, Roy Levy, Leslie Farber and Mary T. Coleman.*

For the Respondents: *Wayne D. Collins, Shearman & Sterling, Christopher Smith and Eugene J. Meigher, Arent, Fox, Kintner, Plotkin & Kahn PLLC, and Michael L. Weiner and Jill A. Ross, Skadden, Arps, Slate, Meagher and Flom LLP.*