FEDERAL TRADE COMMISSION

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VP SNORENZ 3 - KT W/DISCLAIMERS SNR3 SOFT 3

PROCEEDINGS

ON SCREEN:

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The following is a paid commercial for SNORENZ brought to you by Kevin Trudeau's Tru-Vantage International, America's premier direct response marketing company.
Lower test scores linked to snoring
There's More to Snoring Than Meets the Ears
Can you win the snore war?
Something to lose sleep over
MALE ANNOUNCER: The following is a paid commercial brought to you by Kevin Trudeau's Tru Vantage International.
(Music playing.)
KEVIN TRUDEAU: For years over 150 million people have suffered from the effects of snoring. It can cause headaches, sleeplessness, irritability, poor job

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performance, a lack of energy and even big relationship problems. Well, what can be done about it? Until now, nothing.

On Vantage Point today, hear about a new breakthrough discovery that could possibly eliminate the sound of snoring.

VANTAGE POINT with Kevin Trudeau

KEVIN TRUDEAU: I am Kevin Trudeau, you're watching Vantage Point, and joining me is John Ziglar. John, how are you doing? Good to have you here.

JOHN ZIGLAR: Magnificent. Good to be here, Kevin.

KEVIN TRUDEAU: You have discovered a product, a new patented — I don't know if this is a medical discovery — that can solve the effects or the sound of snoring. Tell me about this product and what it does.

JOHN ZIGLAR: Kevin, a friend of mine introduced me to the product from down in Ft. Lauderdale, Florida. The guy's name is Paul Cravatz. And Paul was an investment banker and a Korean man came into his office one day and had a product called Snorenz that he wanted to have Paul look at to see if he could help him to market it.

Well, Paul put it over to the side of his desk, didn't think too much about it because he never really

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thought about snoring too much.

KEVIN TRUDEAU: Um-hmm.

JOHN ZIGLAR: But he made the mistake of saying something about it to his wife when he went home. Paul's been married for 37 years and his wife suggested that he might bring that product home. (Laughter.)

KEVIN TRUDEAU: (Laughter.)

JOHN ZIGLAR: And, so, when he brought the product home, then, he tasted the product; the product tasted terrible; but he quit snoring.

So, he found a product that actually worked and helped him to eliminate the noise of snoring.

KEVIN TRUDEAU: Now, when he found that product, was this a patented process that this Korean gentleman invented?

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 lysosome 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

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formula?

JOHN ZIGLAR: Yes, it is.

KEVIN TRUDEAU: Okay. Patented process. Now, explain to me why somebody snores.

JOHN ZIGLAR: The reason people snore, Kevin, when somebody lays down at night and they go to sleep, what happens is your muscles on your skeletal structure begin to relax, and the muscles and the tissues inside of your throat also relax at the same time.

KEVIN TRUDEAU: Um-hmm.

JOHN ZIGLAR: And when that occurs, what happens is the air passageway inside of your throat actually diminishes in size. When that happens, then you've got the same amount of air flow and so the velocity is greater and it causes the air to run across your uvula and the soft tissue from the back of your throat and your tongue and they hit against each other and that clatter is the noise that we call snoring.

KEVIN TRUDEAU: Now, up until this point, John, what has been done to solve the problem? Are there any drugs, any surgery, any other herbal or natural supplements that people have tried?

JOHN ZIGLAR: There've been — people have been trying to solve the problem for years. In the dental profession, they have a mechanical device that you put

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inside of your mouth that will actually bring your jaw forward to make the air passageway larger.

KEVIN TRUDEAU: Um-hmm.

JOHN ZIGLAR: It's very uncomfortable; very few people are able to live with that on a consistent basis. There have been — there's surgery that people have gone through where they go in and they actually take part of the uvula — the little hangy-down part in your throat —

KEVIN TRUDEAU: Un-huh.

JOHN ZIGLAR: — where they take and they cut that out. They take some of the soft tissues off of the back of the throat and it's an expensive surgery, it's very painful and the results up to date have been that a year, two years, down the road you've got wives poking their husbands in the chin — in their ribs again because they've begun to snore again.

KEVIN TRUDEAU: Any drugs available?

JOHN ZIGLAR: I'm not aware of any drugs that have been used. I know from time to time you see a thing where there have been pills that people can take to try to eliminate snoring, but I do not know exactly what the technology has been.

KEVIN TRUDEAU: So, this — this — this is an all-natural product; this is clinically tested; no after effects; natural ingredients; vitamin enhanced; fresh

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breath — 97 percent effective — now, let's explain exactly — all that's in here are natural oils and it just says the natural oils and is a taste like a peppermint — type of wintergreen taste. And all you do — I just want to show people what it looks like.

This is the spray and you just spray this in your mouth three times before you go to sleep.

JOHN ZIGLAR: Right.

KEVIN TRUDEAU: I just want to spray it now. I'll just spray it once. Now, the first thing is before I did this I assume — you mentioned it tasted terrible

JOHN ZIGLAR: Yes.

KEVIN TRUDEAU: — but, until Paul Cravatz fixed the taste.

JOHN ZIGLAR: Correct.

KEVIN TRUDEAU: It tastes either like either a chewing gum or a — a mint.

JOHN ZIGLAR: It tastes like spearmint gum.

KEVIN TRUDEAU: Okay, it tastes just like spearmint gum.

JOHN ZIGLAR: Yes, it does.

KEVIN TRUDEAU: It's actually a very refreshing taste.

JOHN ZIGLAR: Yes.

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KEVIN TRUDEAU: Tell me how this eliminates the snoise of noring (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 lysosome 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.

And, so, it's just like — Kevin, have you ever seen a car going down the road that didn't have enough oil in it and you could hear the pinging and the knocking of the engine?

KEVIN TRUDEAU: Right.

JOHN ZIGLAR: What we're doing right here is we're going to oil the parts inside your throat so that we eliminate the clatter and that's all this product will do.

KEVIN TRUDEAU: So, you just spray this on your throat and it just basically lubricates, if you will, the inside of your throat.

JOHN ZIGLAR: Exactly.

KEVIN TRUDEAU: And it's designed, because of the proprietary formula, where it lasts all night long.

JOHN ZIGLAR: That's right.

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KEVIN TRUDEAU: And there's nothing else — you can't buy this at a store or something — they can only get it directly from the company.

JOHN ZIGLAR: That's correct.

KEVIN TRUDEAU: And then all night long the person sleeps without any noise?

JOHN ZIGLAR: That's right.

KEVIN TRUDEAU: We have on the phone, Dr. Michael Leonard. Dr. Michael Leonard is a doctor I believe in Detroit —

JOHN ZIGLAR: Um-hmm.

DR. LEONARD: Kalamazoo.

KEVIN TRUDEAU: Kalamazoo. How you doing, Dr. Leonard?

DR. LEONARD: Good, how are you.

KEVIN TRUDEAU: I'm doing great. Explain to me what type of reaction or results or experience you've had with this product?

ON SCREEN: Called from Kalamazoo, MI — DR. MICHAEL LEONARD — TVI.

DR. LEONARD: Uh — originally I was introduced to it by a friend of mine. Again, I'm a dentist, and dealing with patients that have problems with snoring and making appliances, et cetera, that are difficult for people to comply with. We can look for, you know, making

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these appliances, advancing the jaw and getting the tissues up off the — (inaudible) — aspect of the mouth, but a lot of those people won't wear the appliance but for many a couple of nights because they are fairly uncomfortable.

I was told about this product and went ahead and ordered a case hoping to start dispensing to a few patients and let them try it out and see if it worked, and got positive feedback from these people.

So, I was telling my wife about it and she said, Yeah, before you give all that stuff away you better bring some home for yourself, because you also have a problem with snoring. And to tell you the truth I'm using it for a year and it doesn't bother me that I snore but certainly my wife, who gets my attention at night as I'm falling asleep and, you know, she knows I haven't sprayed down just yet, she'll give me a little nudge and say, you know, be sure and use that before you go to bed, because it does eliminate to a point where she's quite comfortable also.

KEVIN TRUDEAU: Now, in your profession, you said you've used other things to help patients of yours with the snoring problem, like appliances?

DR. LEONARD: Correct.

KEVIN TRUDEAU: And what — what's the success

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rate of one of those appliances? I know they're very uncomfortable —

ON SCREEN: Called from Kalamazoo, MI — DR. MICHAEL LEONARD — TVI.

DR. LEONARD: Yeah, it really — it really is dictated on patient compliance, and when things are uncomfortable, the compliance drops to very, very low numbers.

KEVIN TRUDEAU: Un-huh.

DR. LEONARD: And I don't have a percentage of number of people that are — 100 percent comply with it and, on the other hand, with something like this that you can keep with you, throw it in your dog kit, have one at home — it's there, it's available and it's easy to use and it works.

KEVIN TRUDEAU: Yeah, I mean, it tastes really good. So, I mean, obviously, right before you go to sleep to have this by your nightstand to just spray a couple of squirts, it shouldn't be a problem.

As a matter of fact, John was telling me that if somebody forgets to spray it in your mouth, it's not a problem at all because your wife will remind you about an hour and a half after you've gone to sleep —

DR. LEONARD: That's right.

KEVIN TRUDEAU: — with a little nudge —

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DR. LEONARD: Yeah.

KEVIN TRUDEAU: — and you just spray it there and then sleep the whole night.

DR. LEONARD: Yeah. Well, just like Pablo's dog, eventually you remember to do it before you go to sleep.

(All laughing.)

KEVIN TRUDEAU: Now, you've given this to many of your patients?

DR. LEONARD: Correct.

KEVIN TRUDEAU: And do you find it working for everyone? It says 97 percent effective, so there's some people, allegedly, that it does not work for. What's your personal experience?

DR. LEONARD: My experience has been people that use it and use it properly — and by properly, I'll get to that in just a second — people that are using it on a regular basis, they are getting relief.

And, again, when you talk to somebody who comes into the office and says, I'm having — my wife tells me or my husband tells me — I've having difficulty with snoring and it's bothering her, the next time they come in and you don't get that complaint or the wife comes in shortly thereafter and is not complaining at that point, it works well.

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KEVIN TRUDEAU: Say —

DR. LEONARD: The — the trick with using it properly is just getting it to these tissues in the back of your mouth. Now, if you open your mouth wide and spray the surface of your tongue only, it's not going to be effective.

So, I ended up doing a study here in the office and taking some photographs of distribution of the product, staining it and spraying it in people's mouths with different head positions so we're assured that it gets to where it needs to go.

KEVIN TRUDEAU: Um-hmm.

DR. LEONARD: With the proper positioning of the head and spraying it to the back of your throat, letting it sit there for maybe five seconds before you swallow, I think the effectiveness is tremendously increased.

KEVIN TRUDEAU: Hold with us just for a few moments, but I do want people to know right now if you're watching and you do want information on Snorenz, if you are a snorer or if you know someone that is, this really could be a Godsend. 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

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tastes great, it's all-natural, it's clinically proven to eliminate the noise of snoring in 97 percent of the cases, and in my personal experience is virtually 100 percent.

Call right now, it's unconditionally guaranteed. The very first time you use it, it will eliminate your snoring.

Michael, just stay with us for just a moment. John, I want to go back to the people that it's worked for and those it hasn't worked for.

I have a friend of mine that I sent this to when you first came to me and said, I got this product, it gets rid of snoring. I said, well —

JOHN ZIGLAR: Right.

KEVIN TRUDEAU: — you know, I know snoring can be an issue because I've known people that snore like freight trains.

JOHN ZIGLAR: Right.

KEVIN TRUDEAU: I was fishing with a fellow who was in a log cabin, we were up north — as a matter of fact, you were with us last year —

JOHN ZIGLAR: Right.

KEVIN TRUDEAU: — but this was like the year before — and there were nine guys in this cabin. They threw this fellow out. Now, we're there for a week, they

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threw — this poor guy had to sleep in the shower cabin — the shower stall because he was so loud and still — you could still hear him in the cabin across camp.

JOHN ZIGLAR: I know.

KEVIN TRUDEAU: This guy was — crazy. But I had sent this to a friend of mine who snored so bad his wife was not sleeping in the bedroom anymore. They — they'd go to sleep together and then an hour later she would leave and go and sleep on the couch because she just could not get a good night's rest.

JOHN ZIGLAR: That's common.

KEVIN TRUDEAU: Now, he used this and the first night he called me up and said, Gosh, darn it, I sprayed this — I woke up, my wife was lying next to me for the first time in like three years. This actually worked. I mean, it knocked out my snoring. He says and better than that, Kevin, I had the best night's sleep I ever had.

Now, we'll talk about what happens when you keep waking up in the middle of the night.

JOHN ZIGLAR: Right.

KEVIN TRUDEAU: But here's the thing: three days he called me and he said, It doesn't work any more.

JOHN ZIGLAR: No.

KEVIN TRUDEAU: And I said, What do you mean? So, I got back to you and let's talk about why it

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wouldn't work in a particular case. We had a situation last night with Doug McCleary and with this fellow. Explain some of the reasons why it wouldn't work.

JOHN ZIGLAR: Okay. Here's — there's a couple of things. What happened in this particular guy's case is before he went to bed, he had a beer.

KEVIN TRUDEAU: Um-hmm.

JOHN ZIGLAR: And when he had the beer, he didn't clean his palate off. In order words, there was still alcohol. Well, alcohol is an agent that will cut through oils. And, so, since this is an oil-based, a natural oil-based product, when he had the alcohol still on his palate and he sprayed it, it cut through and the Snorenz actually went right straight down his throat, was not on the tissues where it would create the lubrication.

KEVIN TRUDEAU: So, you can't eat or drink for a half an hour before you use the product?

JOHN ZIGLAR: Exactly.

KEVIN TRUDEAU: Which is a good healthy practice anyway. You shouldn't be drinking or eating right before you go to sleep.

JOHN ZIGLAR: Of course. Or you could even brush your teeth before you go to bed. It would be a good practice.

KEVIN TRUDEAU: You know, a fellow last night

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said it worked up until he went to bed at 11:00 at night, 10:00 at night —

JOHN ZIGLAR: Yes.

KEVIN TRUDEAU: — and at 5:30 in the morning got woken up because of the snoring.

JOHN ZIGLAR: Exactly.

KEVIN TRUDEAU: So, it worked up until 5:30 a.m. What happened there?

ON SCREEN: JOHN ZIGLAR, Master Strategies Researcher, TVI.

JOHN ZIGLAR: What happened is when he sprayed the product in his mouth, he did it correctly, but he only put one spray.

KEVIN TRUDEAU: Um-hmm.

JOHN ZIGLAR: He only did one pump. And what we recommend is three. All right? So, if you do three, it will last the full eight hours.

KEVIN TRUDEAU: Dr. Leonard — let's go back to you. I have a question about — you're a dentist —

DR. LEONARD: Yes.

KEVIN TRUDEAU: — obviously. Bad breath —

DR. LEONARD: Yes.

KEVIN TRUDEAU: Do you — have you found that people who snore have a worse bad breath problem when they wake up as opposed to nonsnorers?

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DR. LEONARD: I don't know of a direct correlation with that —

KEVIN TRUDEAU: Does this —

ON SCREEN: Caller from Kalamazoo, MI — DR. MICHAEL LEONARD — TVI.

DR. LEONARD: — certainly having your mouth open and all the tissues drying out and — you could see where — and it depends on the diet, also — but it's interesting. I don't know that offhand. It has to be something to look into a bit.

KEVIN TRUDEAU: Does this product help with breath in the morning? I mean, a lot of us have morning breath.

DR. LEONARD: Oh, yes. Just by nature of the way it tastes. You know, you're going to bed with something that tastes and has a pleasant smell to it to begin with —

KEVIN TRUDEAU: Um-hmm.

DR. LEONARD: — as opposed to like the guy who went to bed slugging down a beer.

KEVIN TRUDEAU: Right, right.

DR. LEONARD: I don't know about you, but I'd rather have somebody have a mint candy before they went to bed and slept for eight hours instead of a Miller Lite or whatever.

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

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sleep.
KEVIN TRUDEAU: Correct. But, let's talk about that. 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 use 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.

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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.
KEVIN TRUDEAU: And, therefore, their sleep pattern's getting —
Dr. Leonard, I know you have to get back to your practice, thanks very much for calling in.
DR. LEONARD: Thank you.
KEVIN TRUDEAU: Have a great day.
DR. LEONARD: Thanks.
KEVIN TRUDEAU: Let's talk about that, John, because —
JOHN ZIGLAR: Yeah, Kevin, because that's what my experience has been.
KEVIN TRUDEAU: Okay.
JOHN ZIGLAR: When I started to take the product myself —
KEVIN TRUDEAU: Um-hmm.
JOHN ZIGLAR: — I noticed — first of all, that I don't turn over in my sleep as many times. And, so, I noticed it because I don't pull the covers out of the bottom of the bed every night.
KEVIN TRUDEAU: Right.
JOHN ZIGLAR: And, you see, it's not a

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

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

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JOHN ZIGLAR: Kevin, as you know, I have four children myself —
KEVIN TRUDEAU: Um-hmm.
JOHN ZIGLAR: — and I know that with my own children if I let them stay up too late at night or they do not get enough sleep, I notice the next day whether or not they're as pleasant to their brothers and sisters. I notice, for instance, if they go for a period of time where they don't get good sleep, that it does impact their grades, their performance on the athletic field or wherever they are, and, quite honestly, it's no different for them than it is for us. Sleep depravation affects us all.
KEVIN TRUDEAU: So, it can affect us in our job performance?
JOHN ZIGLAR: Certainly.
KEVIN TRUDEAU: Irritability during the day?
JOHN ZIGLAR: Yes.
KEVIN TRUDEAU: Relationship with your spouse?
JOHN ZIGLAR: Of course.
KEVIN TRUDEAU: And not just because you're not maybe sleeping in the same room or same bed, but the next day because you're tired, because your sleep pattern has been interrupted all night long, that you're just probably not as pleasant and you can be a little snippy and snappy and that's going to have an adverse affect on the relationship.

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JOHN ZIGLAR: Exactly.
KEVIN TRUDEAU: Now, let's talk about this — there was this article we were talking about right before the start of the show —
JOHN ZIGLAR: Yeah.
KEVIN TRUDEAU: — in the Chicago Tribune, I think it was.
JOHN ZIGLAR: Right.
KEVIN TRUDEAU: What was that about?
JOHN ZIGLAR: There was a study that was done with medical students over in West Germany.
KEVIN TRUDEAU: Um-hmm.
JOHN ZIGLAR: And what they did is they found — they did a test and they found which of the students snored and which of the students did not snore, and then what they did is they just simply took and put them in two distinct categories and then they took and they took the average of the grades of the snorers and the nonsnorers, and in this particular case, the snorers ended up with six points less than the nonsnorers did.
KEVIN TRUDEAU: That seems like a major difference in grades.
JOHN ZIGLAR: I would have to think so,

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

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

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

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JOHN ZIGLAR: And in my own relationship I can tell you for a fact I am getting better sleep.
KEVIN TRUDEAU: So, you're having more energy during the day?
JOHN ZIGLAR: I am.
KEVIN TRUDEAU: Thinking clearer?
JOHN ZIGLAR: Uh — I don't know — I don't think I was thinking unclear.
(Laughter.)
KEVIN TRUDEAU: But you definitely — well, let me ask you this: You definitely feel better during the day?
JOHN ZIGLAR: Yes, I do. I do not get tired.
KEVIN TRUDEAU: Because now you are actually really getting a full night's sleep.
JOHN ZIGLAR: Exactly.
KEVIN TRUDEAU: As — and you didn't notice — you, like most snorers —
JOHN ZIGLAR: Right.
KEVIN TRUDEAU: — did not notice that you were actually waking up all night?
JOHN ZIGLAR: No.
KEVIN TRUDEAU: So, your rapid eye movements, your dreams, all those things are being adversely affected by this interruption of the breathing pattern

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waking you up and then going back to sleep; and waking you up and going back to sleep?
JOHN ZIGLAR: Exactly. I really didn't notice that much, Kevin, except for when I'm up here in Chicago in my apartment by myself.
KEVIN TRUDEAU: Um-hmm.
JOHN ZIGLAR: Where I have to make the bed myself.
KEVIN TRUDEAU: (Laughter.)
JOHN ZIGLAR: And I noticed that I don't turn over and get the sheets out of the foot of the bed. That's when I really noticed it.
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 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. You'll wake up with a great, fresh, clean mouth.
You'll have more energy during the day, you'll have less irritability, you'll be more pleasant, kids get better grades in school, as evidenced by the study in the

Chicago Tribune, you'll think clearer, potentially, throughout the day, perhaps better job performance, definitely a better relationship with your spouse or significant other. So, call the number right now for Snorenz.

The reason I have John here is we tested it with the people that I know in my life and it works beyond a shadow of a doubt.

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.

This is Kevin Trudeau with my guest John Ziglar. We've been talking about snoring and you've been watching Vantage Point. We'll see you next time. Bye-bye.

(Music playing.)

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

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

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

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.

(End of videotape.)

CERTIFICATION O F TYPIST

MATTER NUMBER: 0023211
CASE TITLE: MED GEN INC.
TAPING DATE: OCTOBER 13, 1999
TRANSCRIPTION DATE: MAY 9, 2000

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

DATED: MAY 9, 2000

DIANE QUADE

CERTIFICATIONOFPROOFREADER

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

ELIZABETH M. FARRELL

Lawyer's Notes

OFFICIAL TRANSCRIPT PROCEEDING

FEDERAL TRADE COMMISSION

MATTER NO. 0023211

TITLE MED GEN INC.

DATE RECORDED: OCTOBER 13, 1999
TRANSCRIBED: MAY 10, 2000

PAGES 1 THROUGH 35

VP SNORENZE 4 - JD W/ DISCLAIMER SNR4
VIDEOTAPE

FEDERAL TRADE COMMISSION

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FEDERAL TRADE COMMISSION

In the Matter of:)
Med Gen, Inc.,) Matter No. 0023211

October 13, 1999

The following transcript was produced from a videotape provided to For The Record, Inc. on May 8, 2000.

PROCEEDINGS

ON SCREEN:

Tru-Vantage & Mercury Media
Present
VP SNORENZ 4
JD WITH DISCLAIMERS // SNR4
28:30 MINUTES
1-800-835-8941
TUESDAY, NOVEMBER 17, 1998
NCMG MASTER #293 Randy Pfeiffer
CUSTOMIZATION BY NORTH COUNTRY MEDIA GROUP
www.ncmg.com

ON SCREEN:

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

ANNOUNCER: The following is a paid commercial brought to you by Kevin Trudeau's Tru Vantage International.

(Music playing.)

UNIDENTIFIED MALE: For millions of Americans,

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this is the most annoying and unwelcome sound in the world.

ON SCREEN: News clippings.

ANNOUNCER: That's right, more than 90 million Americans have a snoring problem and it can 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 Kevin Trudeau.

ON SCREEN: John Denny.

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

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

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is designed to end your snoring problem.

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

ON SCREEN: Dr. Bob Currier, Physician/Surgeon.

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

JOHN DENNY: Um-hmm.

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

JOHN DENNY: Um-hmm.

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

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

JOHN DENNY: Now, you were both snorers, presumably?

DR. BOB CURRIER: Um-hmm.

JOHN ZIGLAR: Sure.

DR. BOB CURRIER: Absolutely.

JOHN DENNY: Tell me, how did you get involved in Snorenz? How did this all come about?

ON SCREEN: John Ziglar, SNORENZ.

JOHN ZIGLAR: This all came about, John, I met a friend down in Fort Lauderdale, Florida, named Paul Kravitz.

JOHN DENNY: Um-hmm.

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

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product, it did make him quit snoring, but it tasted terrible.

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

JOHN DENNY: And in your first exposure to it -

JOHN ZIGLAR: Correct.

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

JOHN ZIGLAR: (Laughter).

JOHN DENNY: — is the word on the street.

JOHN ZIGLAR: (Laughter).

JOHN DENNY: Tell me your first experience with the product.

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

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

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

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

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peaceful, restful sleep.
JOHN DENNY: But isn't dreaming or the dream state indicative of a deep, restful, REM sleep, I think they call it?
DR. BOB CURRIER: Yes. Yes, it is.
JOHN DENNY: So if you're a snorer, you won't dream as much, meaning you're not getting as deep a sleep. Is that what —
DR. BOB CURRIER: That is correct. You almost, because of the snoring, and sometimes we're not aware of it, keep waking ourselves up. We snore, and we huh (indicating), and then we wake up, then we try to reposition ourselves. We're just not comfortable. We can't get our air; we can't get the oxygen we need, hence the headache, the irritability when we wake up. We're not rested. That's the problem.
ON SCREEN:
Dr. Bob Currier
Physician/Surgeon.
DR. BOB CURRIER: Another side effect, a cute story, my brother is 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. My brother has also — he doesn't have the aches and

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pains he used to wake up with.
You were also talking about the tossing and turning, we're also forgetting his wife used to jab him in the middle of the night, so he does not wake up bruised, so this also helps, a little sidelight there.
DR. BOB CURRIER: Yes.
JOHN DENNY: How does Snorenz work? There have been other products available, over the course of the last, you know, 10 and 20 years that are — have been in pill form, surgeries. People have gone through painful, expensive surgeries.
In fact, we're going to — I think we're going to talk to a caller later who has a story to share with us about this product and the journey she went through with her husband to essentially reduce this problem or eliminate this problem. How does this product work?
JOHN ZIGLAR: John, 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?
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: And you hear the clatter and the

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clanking.

ON SCREEN:
JOHN ZIGLAR
SNORENZ

JOHN DENNY: Yes.
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 —
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: — 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.
JOHN DENNY: So, it's essentially lubricating what part of the throat, and which part of the throat is causing that sound?
DR. BOB CURRIER: 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

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that we say that flap and flutter and then need the lubrication —
JOHN DENNY: Yeah.
DR. BOB CURRIER: — when it is applied there, but when 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.
JOHN DENNY: Hmm.
DR. BOB CURRIER: 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.
JOHN DENNY: Um-hmm.
DR. BOB CURRIER: This product here stays there. It's easy application. As a physician, one of the problems that I have with patients is compliance, trying to get them to use and continually use something.
JOHN DENNY: Um-hmm.
DR. BOB CURRIER: If we're going to get a restful sleep, we need it on an every-night basis. This is accrued, we have a clock and we have a bank and it's for sleeping purposes. So, it isn't something that just one night good sleep will help. This is something that's

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

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and then you don't have the snore; hence, you don't wake up; hence, you get a more restful sleep.

JOHN ZIGLAR: And the problem, John, with the appliance is it's very uncomfortable.

JOHN DENNY: Um-hmm.

JOHN ZIGLAR: And there have been a lot of people, and dentists will tell you that they have got patients who have paid for the procedure, paid to get the appliance, could not sleep with it hooked up.

JOHN DENNY: Um-hmm.

JOHN ZIGLAR: And, so, it did not work for them because they were so uncomfortable.

JOHN DENNY: Um-hmm.

JOHN ZIGLAR: Okay? And, so, when I saw this first — this product the first time, I looked at this thing and I thought oh, my goodness, you know, I'm going to spray oil in the back of my throat. I'm thinking WD-40 or something like that, you know —

JOHN DENNY: Right.

JOHN ZIGLAR: — and an oil slick, and I'm going oh, but it's the consistency of water. And the nice thing about it is is that it does — there's no feeling associated with the spray in the back of your throat. All you get is a nice, clean, peppermint taste -

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JOHN DENNY: Hmm.

JOHN ZIGLAR: — which made it wonderful, so compliant, people will do it.

ON SCREEN: This is a paid commercial for Snorenz.

DR. BOB CURRIER: Well, the aftertaste.

JOHN ZIGLAR: Yes.

DR. BOB CURRIER: In the morning, when you wake up, it's better.

JOHN ZIGLAR: Exactly.

DR. BOB CURRIER: You don't feel like you have an oil sludge at all. It's a minty taste.

ON SCREEN: 1-800-835-8941

JOHN 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. If you want more information on Snorenz, if you want to stop the

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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.

We have, I believe, a caller on the line from Arizona, and I believe it's Tina Heinz. Tina, are you on the air with us?

TINA HEINZ: I'm here.

JOHN DENNY: Great. How you feeling today?

TINA HEINZ: Good. I'm listening to your show, and I have to tell you that snoring, you know, is a lot more dangerous than people think.

JOHN DENNY: Hmm.

TINA HEINZ: My husband was a chronic snorer. He's a firefighter/paramedic, so I wasn't the only one affected by this.

JOHN DENNY: Hmm. Um-hmm.

TINA HEINZ: I mean, we didn't sleep together for years.

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

TINA HEINZ: Sixteen years.

JOHN DENNY: Sixteen years. And this was a problem that occurred right from the start of your marriage?

TINA HEINZ: Oh, yeah.

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JOHN DENNY: I mean, you found you were married to a snorer?

TINA HEINZ: 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, you know, hassled at the fire department because these guys sleep at different shifts, they don't all sleep at the same time.

JOHN DENNY: Um-hmm.

TINA HEINZ: And when John was sleeping, he would be waking everybody else up, and they'd be pounding on the walls, and he'd come home all aggravated, he'd come home and want to sleep. They built a partition around my husband's bunk bed to try to keep out the noise.

(Laughter).

TINA HEINZ: 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 and you forget to sleep.

JOHN ZIGLAR: Um-hmm.

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TINA HEINZ: So, they did this surgery, and needless to say, it lasted for a while and after that he started up again, and he would not even believe when I would tell him John, you're snoring again.

JOHN DENNY: Hmm.

TINA HEINZ: You don't want to go through surgery and find out that you're snoring again.

JOHN DENNY: So, this was after a surgery, he had — the problem re-emerged?

TINA HEINZ: Right, they did surgery on all his sinuses. They went through his nose, and they removed all his polyps, thinking that was the problem. So, now, he's in for a second surgery, and they decided that they're going to remove part of his uvula and the roof of his mouth, his tonsils and his adenoids.

JOHN DENNY: Hmm.

TINA HEINZ: And this will give his tongue more room, I guess is what they said, so he wouldn't snore.

DR. BOB CURRIER: Um-hmm.

TINA HEINZ: 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,

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that did work for quite a while and then it started up again.

ON SCREEN:

Caller from Phoenix, AZ

Tina Heinz

TINA HEINZ: And I tell you, 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, but I was happy when he was at the fire department because I got a good night's sleep.

(Laughter).

JOHN DENNY: Tina, I want to interrupt you for a second, because this is, you know, a real relatable story to some, perhaps not all have gone through surgeries and so forth, but for the millions of people who sleep next to a snorer, their lives are affected as well. How did you find your life or your sleep quality affected by sleeping next to a snorer?

TINA HEINZ: Well, I didn't, I chased him out.

JOHN DENNY: Right.

TINA HEINZ: Actually, I have insomnia, and I don't get — I mean, I could hear the dog turn over, so he'd have to go into the other room, and I would still hear him through the vents, but I would get up in the

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morning and I would be a grouch at work because I was — I was tired.

JOHN DENNY: Yes.

JOHN ZIGLAR: Um-hmm.

TINA HEINZ: And I was aggravated. You're talking two surgeries, what is it going to take? He tried those stupid nose-strip things, they didn't work.

JOHN DENNY: Hmm.

TINA HEINZ: So, one day I'm sitting here watching TV and I see a commercial out here in Phoenix, and a couple's talking about the same things. And I'm thinking, well, what have I got to lose. My husband tells me I'm nuts because his two surgeries didn't work, a 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. First night he was home, I woke him up, I said John, spray your throat; he's like yeah, yeah, yeah, yeah. I said John, please, spray your throat. So, we sprayed his throat, and I'm like wait, 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

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tell you what, he's taking it up to the fire department. I had the wives calling up from the fire department asking me the 800 number. I've given away more bottles, I can't tell you —

JOHN DENNY: (Laughter).

TINA HEINZ: — because I bought the Snorenz bottle-of-the month club.

JOHN DENNY: Um-hmm.

TINA HEINZ: And I just gave one to my daughter last week. She came over and she was like Mom, I'm going crazy, Timmy's snoring. I said here, take my last bottle, take it home.

JOHN DENNY: And how long now has your family or your husband in particular been using Snorenz?

TINA HEINZ: Oh, for months.

JOHN DENNY: For months?

TINA HEINZ: Months, absolutely.

JOHN DENNY: And it works for him pretty much every night?

TINA HEINZ: Well, he takes it in his little duffle bag when he goes to the fire department, because being a medic also he might be called to another station. He doesn't want to go to another station with, you know, guys he doesn't know and start snoring.

JOHN DENNY: Hmm.

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TINA HEINZ: So, he carries it in his little bag and every place he goes the Snorenz goes with him.
JOHN DENNY: Right. Well, Tina, thank you for calling from Arizona.
TINA HEINZ: Hey, thanks for the Snorenz, I'll tell you.
JOHN DENNY: Well, we appreciate your calling and continue to get a full, silent night's sleep.
TINA HEINZ: Absolutely.
JOHN DENNY: Okay, Tina, thank you.
TINA HEINZ: Thank you.
JOHN DENNY: Bob, tell us about some of your patients who have been turned on to Snorenz.
DR. BOB CURRIER: Well, I'll give you a good example. I have Mike. Now, we always think of a snorer as someone that's older, okay, and that's a little bit more past middle age, always a male, and it's always Grandpa, the chain saw —
JOHN DENNY: Um-hmm.
DR. BOB CURRIER: — somebody like that. Interestingly enough, I had a 25-year-old patient of mine named Mike who is an optician. Now, Mike was trying to qualify, okay, for the certifying exam to become a certified optician. He was losing energy. He just couldn't — he couldn't understand it, he couldn't

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understand why he didn't have the get-up-and-go to do his job plus go home to study.
He's single. He lives by himself. So, he's wondering why. I said, well, you know, maybe you're not sleeping well. And he said well, you know, I just — I just can't sleep. And so what happens to him is I give him some Snorenz. I said well, just try this, it's just an outside shot, and I said you've got to try this, let me know how it works.
He comes back, now I don't see him in a week or two, on another appointment basis. He comes back and my word, he says — he's just aglow. He passed the certifying exam; he feels like he is more awake, more energetic. He feels like he can do anything. He can conquer the world, he's 25 years old.
ON SCREEN: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.
DR. BOB CURRIER: And what has happened is he relayed the story. What happened to him is he would fall asleep; he couldn't get to sleep at night, okay, so he'd sit up and watch late-night TV, he becomes and insomniac. What he would do is fall asleep, but he'd wake with a snore.

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This way, with using Snorenz, he could get his clock back in order, he could go to sleep, and he could go to sleep snoring free, wake up refreshed in the morning. He figured it all out real simple, and it took us years to figure all this out and he did it in a very short time.
JOHN DENNY: Um-hmm.
DR. BOB CURRIER: Now, he doesn't have a bed partner, and so what happens is he did this for himself, for his own energy level.
JOHN DENNY: Um-hmm.
DR. BOB CURRIER: And, so, you know, there it has worked successfully for him. It isn't always a bed mate telling someone that they have it.
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: That's right.
DR. BOB CURRIER: He did it for himself.
JOHN ZIGLAR: Right.
JOHN DENNY: You think of snorers as older people, your grandfather, your father. I remember growing up, my father — listening to my father across the hallway snoring. It sounded like the start of the Indianapolis 500 every night. But, in fact, younger people snore, too, do they not? In fact, there's a study out about students who were snorers who were proven to

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have lower test scores. Tell me about that.
JOHN ZIGLAR: I was reading the newspaper here in Chicago one day, and the Sun-Times has an article and the top of the article says Test Scores Affected by Snoring. And, so, I'm looking at it and I'm thinking wow, you know, there's actually been a study done. And what had happened is a research program was done over in West Germany with medical students.
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: And what they did is they tracked an entire medical school class from the day they started to the day they finished, and they put them in two categories. One category was the snorers, and over here was the category of the non-snorers. And after everything was said and done from start to finished, the non-snorers scored 6 percent higher on their tests —
JOHN DENNY: Hmm.
JOHN ZIGLAR: — than the snorers did, all other things being equal.
DR. BOB CURRIER: Hmm. And you just happened to run across this, so it's now becoming an awareness.
JOHN ZIGLAR: Exactly.
DR. BOB CURRIER: Right. People are becoming aware now. And it's — see, it's all too obvious now when you read something like this why that would happen,

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because we're all aware, and my patients are aware. Interestingly enough, I store this on — well on shelves and such in the office. When we do our inventory at the end of the day, I find that some has been taken. I don't want to say stolen, because these are my patients and we've created a relationship, but actually it's missing.

JOHN DENNY: Right.

DR. BOB CURRIER: So, what happens is it just plain gets taken, people want this.

JOHN DENNY: Hmm.

DR. BOB CURRIER: People are now aware. And I think this is what's happening here, and we know why people don't score well, they don't sleep well, they snore.

ON SCREEN: This is a paid commercial for Snorenz.

JOHN DENNY: Ninety million Americans snore. That doesn't include the countless millions who sleep next to a snorer.

ON SCREEN: 1-800-835-8941.

JOHN DENNY: And if you wanted more information about this revolutionary, breakthrough product which has been proven effective in 97 percent of cases to eliminate or reduce the sound of snoring, call the toll-free 800 number on your screen, get more information about

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Snorenz.

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 auspices 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 —

JOHN DENNY: Um-hmm.

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

JOHN 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.

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JOHN DENNY: And, John, this is an all-natural product?

JOHN ZIGLAR: It's all-natural oils. And we also have some vitamins —

JOHN DENNY: Um-hmm.

JOHN ZIGLAR: — that we have also put into the product.

JOHN DENNY: And tell us about snorer's breath. I'm going to test this here.

JOHN ZIGLAR: Yes.

JOHN DENNY: I hope I don't get it in my eye.

(Laughter).

JOHN DENNY: In my — in my — some problem in my eye perhaps, but it's minty.

JOHN ZIGLAR: Yes.

JOHN DENNY: Actually, it tastes a lot like mouthwash, I mean, in a good way. Three sprays of this before bed.

JOHN ZIGLAR: Right.

JOHN DENNY: And how long will this last, through the night?

JOHN ZIGLAR: It'll last through the night. It'll last from six to eight hours.

JOHN DENNY: Um-hmm. In what cases doesn't this work?

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JOHN ZIGLAR: You know, when I first got this product, we did test, and I've given it to everybody that I know that snores —

JOHN DENNY: Um-hmm.

JOHN ZIGLAR: — so that I could find out, you know, because I always wanted to know exactly how did it work on everybody else. And, so, we had one friend we gave it to and, quite honestly, they've been married for three years, they're already sleeping in different bedrooms because he snores so loudly —

JOHN DENNY: Hmm.

JOHN ZIGLAR: — and he would go to bed, they would go to bed together, wake up in different rooms. And, so, Kevin was taking the product and the first night it worked perfectly; second night it worked perfectly; third night it worked perfectly; fourth night, didn't work; fifth night, didn't work.

He called me up and he says look, you know, it works temporarily but after that it doesn't work. And I said wait a minute, you know, there's got to be a reason, there's something wrong here that only guy it doesn't work for all in the world. (Laughter). And he says well — and so I started to ask him some questions, and here's the point, what I found out was the night that it did not work, he had a beer just before he went to bed.

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JOHN DENNY: Hmm.
JOHN ZIGLAR: And what we have here was a situation where the alcohol in the beer literally cut through the oils in our product and it went down his throat, so it was not there.
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: Since it was not there, it could not work, and it proved that he still was a snorer, he just needed the product to stay where it was —
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: — so that he would live without the noise.
JOHN DENNY: So, you suggested that he sort of cut down his drinking right before going to bed?
JOHN ZIGLAR: Exactly. Don't eat or drink anything 30 minutes before you go to bed —
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: — or if you do, then take a couple of swallows of water just to clear your palate so that your throat is clean —
JOHN DENNY: Um-hmm.
JOHN ZIGLAR: — so that when you put the product in, on the back of your tongue, that it'll stay there.
JOHN DENNY: Your wives are happy, gentlemen,

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

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JOHN DENNY: I may knock off a few sprays tonight and try to get my snoring down. This is John Denny saying goodbye from Vantage Point, and we will see you next time.
(Music playing.)
ON SCREEN:
For more information or to order Snorenz call:
1-800-835-8941
If snoring is accompanied by any signs of Sleep Apnea, you should consult a physician before using any product.
ON SCREEN:
Tru-Vantage International
7300 N. Lehigh Ave. Niles, IL 60714 (847)647-0300
ANNOUNCER: The preceding has been a paid commercial brought to you by Kevin Trudeau's Tru Vantage International.
ON SCREEN:
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.
(End of videotape.)

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CERTIFICATION O F TYPIST

MATTER NUMBER: 0023211
CASE TITLE: MED GEN INC.
TAPING DATE: OCTOBER 13, 1999
TRANSCRIPTION DATE: MAY 13, 2000

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

DATED: MAY 15, 2000

SARA J. VANCE

CERTIFICATIONOFPROOFREADER

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

ELIZABETH M. FARRELL

Lawyer's Notes

FEDERAL TRADE COMMISSION

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(Replace SNZ6)
Rollout SNZ8 Soft 3

FEDERAL TRADE COMMISSION

In the Matter of:)
) Matter No. 0023211
Med Gen, Inc.)

October 13, 1999

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

PROCEEDINGS

ON SCREEN: Client:TVI
Project:VP Snorenz 8 Generic
Price Point: Soft Offer
Edit Date: 3/29/99
Editor:WPS
Audio: Mixed
Notes: Generic
ON SCREEN:The following is a paid commercial program for SNORENZ.

MALE ANNOUNCER: The following is a paid program.

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, 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
Jon Denny

JON DENNY: Hi, I'm Jon Denny, and welcome to Vantage Point.We are going to talk about snoring today, and we are going to do it with Paul Kravitz, who has brought to the market an exciting breakthrough 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 breakthrough medical discovery, is this a revolutionary new direction to help people stop their snoring problem?

ON SCREEN: Paul Kravitz, Snorenz

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PAUL KRAVITZ: Well, John, I don't know if you would 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, 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 was — lived in Brazil, actually, and who was working with an EMT specialist who lived next door, and they came up with a product, and I had met him, they were looking for somebody to invest in the company, and 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 that time 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

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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.

JON DENNY: Now, before we get into how Snorenz works, what is snoring? What causes that terrible Harley Davidson rumbling sound that seems to emanate from almost every bedroom across America? I mean, I grew up with a father, and it sounded like the start of the Indianapolis 500 every night, the house would literally rattle. What is snoring?

PAUL KRAVITZ: Well, snoring is caused by a vibration of three parts of your mouth — in your throat. It's a vibration of the back of your tongue against the uvula, which is the small part of the skin that hangs down from your throat, and your soft pallet, which vibrates. Now, you can either vibrate the two pieces together, either the back of the tongue and the uvula, or you can vibrate all three, and the deeper the resonance, the more vibrations you're going to hear.

Our product really addresses the vibrations. You can't stop the vibration, but you

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can stop the snoring noise.

JON DENNY: Well, how does Snorenz work? It is a spray, an all-natural spray?

PAUL KRAVITZ: It's an all-natural spray, yes:

JON DENNY: Vitamin-based?

PAUL KRAVITZ: It's vitamin based, it's all natural, and it's manufactured in a very special technique called liposome.

JON DENNY: And is this a patented process?

PAUL KRAVITZ: Yes, it is, it's patented.

JON DENNY: And how does it work exactly? So, we have a snorer — we are going to go to some video feeds of some couples who have experienced what snoring has done in their lives and really impacted their marriages. We may consider this a laughing matter, but for many people, it isn't a laughing matter at all.

PAUL KRAVITZ: No, it's a very serious problem, John.

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

PAUL KRAVITZ: Well, very simply put, it

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oils the vibrating parts of your — of your throat, and when you put oil 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 staying in the back of the throat so that the noise stays for — I mean, the noise stays away for six to eight hours.

JON DENNY: Um-hum.

PAUL KRAVITZ: And we were able to find a trace product that we use in all of our products that let's it stick to the back of the throat, thereby quieting the noise. So, in its simplest form, what you're doing is greasing the noisy parts.

JON DENNY: Right, like someone would if a car's axis or car parts were rumbling or rattling together, oil would essentially grease those areas?

PAUL KRAVITZ: That's it, right, that's it.

JON DENNY: Now, when I hear oil and I hear grease, my word, not yours, I'm thinking terrible tasting, I'm thinking that — I'm not sure that I want to spray oil in my mouth. Tell me

about the taste of this.
PAUL KRAVITZ: Well, we've added peppermint flavor to it, so — as a matter of fact, the taste is delicious. It almost tastes like bubble gum, and I used to love bubblegum as a kid, and I love it. I take it in every day — every night, I go to bed at night, I spray my throat, I wake up in the morning, my throat is fresh, I have had a good, restful night's sleep, and so has my wife, as a matter of fact. We both think this product is wonderful, and we've turned a lot of people on to this product.
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.
As a matter of fact, there was a Times article, the Los Angeles Times, if you don't mind me reading it, it says basically that the snoring decreased — as snoring decreased, you were able to function better in the daytime, and they've actually been able to prove that people function better with a better night's sleep, obviously if you don't snore, you do get a better night's sleep.
As far as your wife is concerned or your girlfriend is concerned or anybody nearby you, obviously they're going to sleep better, as well. So, it's a dual effect.
JON DENNY: Interestingly. We have Dr. Mike Leonard on the line from Kalamazoo, Michigan. Dr. Leonard, are you with us?
DR. MIKE LEONARD: Yes, I am.
ON SCREEN: Caller: Dr. Michael Leonard Kalamazoo, MI
JON DENNY: Dr. Leonard, I believe conducted some tests on the efficacy of this product out of his auspices in Michigan. Dr. Leonard, let me ask you a question. As a dentist,

is this something that you have recommended to your patients who have sleep problems, most particularly snoring problems?
DR. MIKE LEONARD: Yes. Initially, as a dentist, we — 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're just subconsciously take it out.
JON DENNY: These are clamps that dentists are in the past put into people's mouth to create more airspace?
DR. MIKE LEONARD: Exactly, of varying different sizes and shapes, et cetera, but they're custommade appliances, and for some people that can't tolerate them, 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 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 were having to roll their spouse over to get them to quiet down a little bit so they could get a more restful sleep.
JON DENNY: Now, the rumor out of Michigan was that not only did you dispense Snorenz to some of your patients, but you may have tried it or been urged to try it yourself. Tell me about your personal experience with the product.
DR. MIKE LEONARD: Yes, exactly, I was at home one night talking — just talking to my wife

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

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

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

PAUL KRAVITZ: Well, actually, for this

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

JON DENNY: Great, great.

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

DR. MIKE LEONARD: Very good.

PAUL KRAVITZ: And it's a pleasure.

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

DR. MIKE LEONARD: That's right.

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

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typical snoring problem?

DR. MIKE 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.

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

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

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JULIE DYNEK: Hi.

RALPH DYNEK: Thank you.

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

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

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

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

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snoring problem. But you actually, Ralph, you didn't believe that you had a snoring problem until Julie did something. Is that correct?

RALPH DYNEK: Yeah, that's true. She got up in the evening while we were sleeping and went and got the tape recorder, and it was — it was a widening of the eyes. It was just — I couldn't believe it. I mean, I was loud, and I felt really bad.

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

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

JON DENNY: And Julie and Ralph from Chicago, how did the problem, before you addressed

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

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

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

JON DENNY: And tell me about the experience and the success that you've had with

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Snorenz.

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

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

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

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

JON DENNY: And it's worked throughout the night for you every night?

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

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

JULIE DYNEK: Thank you.

ON SCREEN: Paul Kravitz, Snorenz

PAUL KRAVITZ: You know, Jon, they say snorers are broken into three categories, those who know they snore, those who are in denial and those

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who sleep alone. I'm happy to hear that these people bought some of our product and it works.

JON DENNY: Now, Paul, tell us how snoring can affect other aspects of people's lives. There have been — there's a study, I believe, in a Chicago newspaper about how — a study was conducted that students who snored actually were proven to get worse grades, that as the snoring decreased or was eliminated, energy levels were up, restlessness, and better grades. Have you heard that story?

PAUL KRAVITZ: Yeah, I've heard it. I have heard so many stories, Jon, talking to doctors, and I'm not a doctor, I'm a businessman, but I'm happy to have introduced this product into the world.

I have heard so many stories about students who are now getting better grades because they found a way to sleep well at night and get rest. I have heard stories of mothers — you know, actually, speaking, 60 percent — in studies that have been conducted, 60 percent of the men — of the people in the world are male are snorers and 40 percent are female, which is kind of wild when you think about it, that there are more men snorers

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than women, and I have no answer for that.

The truth of the matter is that the stories that I have — that are bound today, and the medical profession is really getting into this big time. In fact, I read an article about a month ago in the New England Medical Journal that addressed the problem of snoring. They had tried almost everything, surgery and everything else, and here's a very simple product which costs very little money, easy to use, tastes good. As a matter of fact, it's a breath freshener.

JON DENNY: I wanted to ask you about this. Essentially tree sprays, and I know Dr. Leonard is still on the line from Kalamazoo — and compliance, patient compliance is a very important issue, to actually do it right. So, it's actually three easy sprays of this.

PAUL KRAVITZ: Three sprays in the back of your throat.

JON DENNY: Right.

PAUL KRAVITZ: And you will have a good night's sleep.

JON DENNY: And tell me about morning breath, because snorers are notorious —

PAUL KRAVITZ: Well, John, I haven't slept

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with you lately, but morning breath is a problem.

JON DENNY: And we are going to keep it that way.

PAUL KRAVITZ: Right.

JON DENNY: But tell me about morning breath.

PAUL KRAVITZ: Morning breath is — actually, this takes away morning breath. I mean, everybody has a stale mouth when they wake up in the morning. This — this gives you a lasting, sweetness, pepperminty flavor in your mouth, and it lasts all day long almost. It never — it lingers, and it's just a wonderful product. It really takes away that stale breath — mouth feeling when you wake up in the morning.

JON DENNY: Now, Dr. Leonard, how has it worked for you personally back in Kalamazoo?

ON SCREEN: Caller: Dr. Michael Leonard Kalamazoo, MI

DR. MIKE LEONARD: I guess I would have to sum it up by saying my wife every night nudges me to make sure I use it, so the snoring never bothered me to begin with, and the only one that it really noticeably bothered was her. She consistently has me use it, so it works.

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JON DENNY: Right, and you would recommend this to other people out there who are experiencing the problems that snoring can bring?

DR. MIKE LEONARD: Right, I do recommend it.

JON DENNY: Dr. Leonard, thank you for joining us from Kalamazoo.

DR. MIKE LEONARD: Thank you.

ON SCREEN: This is a paid commercial for Snorenz

JON DENNY: Paul, if people want more information about Snorenz, this revolutionary product that is reducing or eliminating the sound of snoring in cases all across the world, because this product now, through your company only, is being distributed throughout the world and being — is being made — a special offer is being made here through this show, it's — do they call an 800 number that's on the screen now?

PAUL KRAVITZ: There's an 800 number that should appear on the screen, and if the — if your listeners call in, they will receive a special price for this show.

JON DENNY: Right.

PAUL KRAVITZ: And they will enjoy the

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product.
JON DENNY: And you had a little story flying here, did you not?
PAUL KRAVITZ: As a matter of fact, it was a great story. I brought — I was asked to bring a box of 24 of our Snorenz product to the show, and the box on the side had a label, it said, Snorenz," and it says, "Stops snoring," and so forth, and I was putting it up on the top of the seat on the plane, and the plane was full as all planes are today, and I get it up there.
And finally a gentleman — nice guy, got up, and he said, Let me fix it for you, and he put it up on the top, and that was — we take off, and about halfway into the flight here from — to Chicago from Florida, I hear this terrible noise, somebody snoring across the way from me. I mean, he had the plane in an uproar. It was the funniest thing you ever heard. I mean, the noise was just tremendous.
So, the guy next to me, the passenger next to me said, Well, why don't we just open up the box, I saw what you — I said, Well, I'm the manufacturer of the product. He says, Why don't we break out a bottle and spray it in his throat.

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But, you know, that's a remarkable thing. Sleeping — falling asleep on a plane, you're not only annoying other people, but you're just not getting a good restful sleep when you do that.
JON DENNY: Right. We have Cindy Brown with us from a studio, and Cindy, you have a story about snoring and how it actually affected your marriage. Tell us about that.
CINDY BROWN: Well, my husband, Kevin, and I have been married for four years now, and for the last two, he's been snoring really badly, and I always ended up on the couch because of him snoring.
JON DENNY: You ended up on the couch?
CINDY BROWN: Yes, I did.
JON DENNY: Now, how did that happen? You couldn't like hit him a couple times and send him out to Siberia?
CINDY BROWN: Yeah, I would try hitting and punching and rolling — trying to get him to roll over, and nothing worked. So, I just got frustrated and ended up on the couch.
JON DENNY: Now, what — how did it affect you? I mean, was the snoring that loud that you really couldn't sleep at night? Were you awakened

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in the middle of the night by his snoring?
CINDY BROWN: It was awful, because he would always fall asleep before me, and I would always end up not being able to go to sleep, and if I did go to sleep, I would wake right back up because of his snoring, even with the door closed in the other room, I still could hear him.
JON DENNY: You could hear him even with the door closed?
CINDY BROWN: Yes.
JON DENNY: So, your husband, Kevin, is snoring in the other room. You're out on the couch in the living room with the door closed still hearing the snoring. It's affecting your sleep, obviously.
CINDY BROWN: Right.
JON DENNY: How is it affecting your relationship?
CINDY BROWN: Well, it wasn't so good. We were never sleeping together, and I would wake up the next day being very angry at him for him snoring. I knew it wasn't his fault, but it was — it sure seemed like it should be.
JON DENNY: And how was it affecting you during the course of the day, you know, you're not

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getting obviously the full restful, silent night's sleep that you probably deserve.
CINDY BROWN: Right. Well, I was always tired, constant tired, never felt energetic. Then once he quit snoring, you realize how much you need sleep.
JON DENNY: It's a good thing, sleep.
CINDY BROWN: Oh, definitely.
JON DENNY: How did you get turned on to or at least become aware of this product called Snorenz?
CINDY BROWN: Well, it was given to us to try, and I thought, Yeah, right, this isn't going to work, but we tried it, and it ended up working.
JON DENNY: Hmm. And did it work for you right away and did it work for you through the night?
CINDY BROWN: Yeah, it did. Actually, it was funny, because the first week it worked, and then it quit working, and so then we found out that he shouldn't eat anything or drink anything about a half an hour to an hour before.
JON DENNY: Hmm. And does it now work for you? Is it something that Kevin is using at your behest and insistence, probably, every night?

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CINDY BROWN: Yes. Yes, it does. Yep, I make sure that if he doesn't take it, I'm waking him back up to make sure he takes it.

JON DENNY: And I presume that you've moved book into the bedroom?

CINDY BROWN: Yes, I have.

JON DENNY: And I feel like I'm prying here.

CINDY BROWN: No, no. I have — we're sleeping together again, and so everything is great.

JON DENNY: That's terrific. Cindy, thank you for your story, and continue to get a full restful silent night's sleep with Snorenz.

CINDY BROWN: Thank you.

PAUL KRAVITZ: Isn't that a wonderful story?

JON DENNY: Yeah, it really is.

Now, tell me about how as a former snorer before you tried Snorenz, how has it improved your life and your marriage?

PAUL KRAVITZ: Well, it really has. Obviously my — I'm bigger than my wife, so I — she left the bedroom, I didn't, but actually, my wife — my rest, my days are a lot more vigorous,

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my wife is very much happier, and even my daughter, who sleeps in a room four bedrooms down, doesn't hear me anymore. So, it really has improved my life.

JON DENNY: Right. And if people want more information about Snorenz, the all-natural spray that people are using all around the country now to great effect, where do they get more information, Paul?

PAUL KRAVITZ: Well, John, I'm delighted that we have a special offer today on your show, and if the listeners would call the 800 number on the bottom of the screen and call in their order today, they will receive a special price and a money-back guarantee if it doesn't work.

JON DENNY: All right. So, it must be gratifying for you to get all these letters and phone calls and people who come up to you on the street telling you thank you, you not only helped them get better sleep, you have saved some marriages, I assume, in the process.

PAUL KRAVITZ: It sounds like I have, John.

JON DENNY: That's great.

PAUL KRAVITZ: It truly does.

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JON DENNY: That's great. Paul, thank you for being here.

PAUL KRAVITZ: Thank you for having me.

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 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: NO NUMBER
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

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program for SNORENZ.

(The videotape was concluded.)

CERTIFICATE OF TRANSCRIBER

DOCKET/FILE NUMBER: 0023211
CASE TITLE: Med Gen, Incorporated
RECORDING DATE: October 13, 1999
TRANSCRIPTION DATE: May 15, 2000
I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the videotapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

DATED:

SUSANNE Q. TATE

CERTIFICATE OF PROOFREADER

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

DIANE QUADE

Lawyer's Notes

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.

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.

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

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

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.

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

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;

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

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

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

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

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.*