

Complaint

IN THE MATTER OF

ROBERT M. CURRIERCONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 AND SEC. 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-4067; File No. 0023211**Complaint, December 13, 2002--Decision, December 13, 2002*

This consent order addresses representations in infomercials for “Snorenz” – a dietary supplement consisting of oils and vitamins that is sprayed on the back of the throat of persons who snore – made by Respondent Dr. Robert M. Currier. The order, among other things, requires the respondent to possess competent and reliable scientific evidence to substantiate representations that Snorenz – or any other food, drug, or dietary supplement – reduces or eliminates snoring or the sound of snoring, or eliminates, reduces or mitigates the symptoms of sleep apnea. The order also requires the respondent – when acting as an expert endorser – actually to exercise his represented expertise in the form of an examination or testing at least as extensive as an expert in the field would normally conduct. In addition, the order requires the respondent – whenever he advertises that certain products are effective in reducing or eliminating snoring or the sounds of snoring – to affirmatively disclose a warning statement about sleep apnea and the need for physician consultation. The order also requires the respondent to possess and rely upon adequate substantiation to support any representation about the benefits, performance, efficacy, or safety of Snorenz or any other product, service or program, and – if the respondent makes such representations as an expert endorser – he must possess substantiation in the form of an examination or testing at least as extensive as an expert in the field would normally conduct. In addition, the order prohibits the respondent from making false claims about scientific support for any product, service, or program, and requires him to disclose any material connection between himself and any product, program or service he endorses.

Participants

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

For the Respondent: *Denise Burke.*

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COMPLAINT

The Federal Trade Commission, having reason to believe that Robert M. Currier ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Robert M. Currier is a resident of Michigan. He is a doctor of osteopathic medicine who specializes in eye surgery and diseases of the eye. His principal office and place of business is located at 127 Park Place, Alpena, Michigan 49707.
2. Respondent has appeared in television infomercials promoting SNORenz. These infomercials were aired on various broadcast and cable channels. SNORenz is a topical spray that purports to reduce or eliminate snoring or the sounds associated with snoring by lubricating the vibrating tissues in the throat with a combination of oils, vitamins, and trace ingredients. SNORenz is a "food," and/or "drug" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.
3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
4. Respondent has made statements as an expert endorser in advertisements for SNORenz, including but not necessarily limited to television infomercials that were aired on various broadcast and cable channels. These advertisements contained the following statements:

INFOMERCIAL: VP SNORenz 2- JD [Exhibit A]

ON SCREEN: Dr. Bob Currier, Physician and Surgeon

- A. DR. BOB CURRIER: Well what snoring really is, Jon, is simply a relaxation of the tissues in the back of the throat. It's when we fall asleep, much of our muscles in our body as

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well as our throat relax. That's the time we sleep. We're supposed to get our rest. 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. This is in the back of the throat, hence creating the noise. It's very positional, it's very – also very dependent on habits, and then also it affects really how much we sleep and how much we rest we actually get throughout the night.

B. 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 that we see that flap and flutter and that need the lubrication, what -- it is applied there, but where the technology goes even further and better through this liposome technology is to apply it evenly, and the very neat thing about this is it stays. It stays there all night. That's where others have failed. And that's also where a lot of the appliances, that's where also a lot of the applications of surgeries, pills, other things that have been attempted and tried have failed. This product here stays there. It's easy application.

INFOMERCIAL: VP SNORENZ 4 - JD [Exhibit B]

C. DR. BOB CURRIER. Well, it is a problem, but the real problem is awareness. A lot of people are not aware, as you were, that you didn't snore, you don't snore, and people don't want to offend someone else that they may sleep with or someone in their family by telling them that they snore. And they've put up with it for years. 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. Why do I know this? Because my energy level, I feel better. I get better sleep. The problems happen I think people go to

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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 things that happen to us on an everyday basis. The energy level we have. We're not rested. That's the problem.

D. 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 was the comments that we got back, the little stories that people had through the week you know, of using the product. And that was the beauty of this. I loved doing the study, it was highly effective.

E. DR. BOB CURRIER: With the effectiveness of its staying there, it's a winner. And that's how it works.

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that:

- A. SNORenz significantly reduces or eliminates snoring or the sound of snoring in users of the product.
- B. A single application of SNORenz significantly reduces or eliminates snoring or the sound of snoring for six to eight hours.
- C. SNORenz can eliminate, reduce or mitigate the symptoms of sleep apnea including daytime tiredness and frequent interruptions of deep restorative sleep.

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6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that he possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.
7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made. Among other reasons, the single study that respondent relied upon that purported to use a double blind, controlled design contained basic flaws in design (such as failure to apply an appropriate measurement to assess sound reduction, failure to include a statistical analysis of the results, insufficient duration of the testing period, and failure to develop a baseline against which any improvement could be measured). Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.
8. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that clinical research proves that SNORenz significantly reduces or eliminates snoring or the sound of snoring.
9. In truth and in fact, clinical research does not prove that SNORenz significantly reduces or eliminates snoring or the sound of snoring. Among other things, critical components of the research were not done by an independent entity qualified to conduct studies or by Dr. Currier. Rather, officials from Med Gen, Inc., the manufacturer of SNORenz, composed the questionnaire used in the study and compiled the results from completed questionnaires submitted by study participants. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.
10. In the advertising and sale of SNORenz, respondent has represented, expressly or by implication, that the product reduces or eliminates snoring or the sound of snoring. Respondent has failed to disclose or to disclose adequately that SNORenz is not

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intended to treat sleep apnea for which snoring is a primary symptom, that sleep apnea is a potential life-threatening condition, and that persons who have symptoms of sleep apnea should consult a physician. These facts would be material to consumers in their purchase or use of the product. The failure to disclose adequately these facts, in light of the representation made, was, and is, a deceptive practice.

11. Through the use of the statements contained in the infomercials referred to in Paragraph 4, respondent has represented, directly or by implication, that, at the time he made the representations set forth in Paragraph 5, he possessed and relied upon a reasonable basis for such representations, consisting of an actual exercise of his represented expertise in the causes and treatments for snoring at least as extensive as an expert in that field would normally conduct in order to support the conclusions presented in the endorsement.

12. In truth and in fact, at the time he made the representations set forth in Paragraph 5, respondent did not possess and rely upon a reasonable basis for such representations. Therefore, respondent's representations set forth in paragraph 11 were false and misleading.

13. Through the statements contained in the infomercials referred to in Paragraph 4, respondent has represented, expressly or by implication, that he endorses SNORenz. Respondent has failed to disclose or failed to disclose adequately that he has a material connection with Med Gen, Inc., the manufacturer of SNORenz, in that he is an investor in the company and may have a financial interest in promoting the sale of SNORenz. This fact would be material to consumers in their purchase decision regarding SNORenz. The failure to disclose this fact, in light of the representations made, was and is a deceptive practice.

14. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in

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violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission on this thirteenth day of December, 2002, has issued this complaint against respondent.

By the Commission.

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(1) FEDERAL TRADE COMMISSION
(2) INDEX
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(5) VIDEOTAPE: Page
(6) VP Snorenz 2- JD (3 mos. Free)
(7) VPS2 Soft 3
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Page 2

(1) FEDERAL TRADE COMMISSION
(2)
(3) In the Matter of:)
(4) Med Gen, Inc.)Matter No. 0023211
(5)
(6)
(7) October 13, 1999
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(12)
(13) The following transcript was produced from a
(14) live tape provided to For The Record, Inc. On May 8,
(15) 2000.
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(1) PROCEEDINGS
(2)
(3) ON SCREEN: Client:Trudeau Marketing/TVI
(4) Project:VP Snorenz 2 (JD)
(5) Price Point: Soft Offer
(6) Edit Date: 10-6-98
(7) Editor: SR
(8) Audio: Mixed
(9) Notes: 800-392-4006
(10) MALE ANNOUNCER: The following is a paid
(11) commercial brought to you by Kevin Trudeau's Tru
(12) Vantage International.
(13) ON SCREEN: The following is a paid commercial
(14) for Snorenz brought to you by Kevin Trudeau's
(15) Tru-Vantage International, America's premier direct
(16) response marketing company.
(17) JON DENNY: For millions of Americans, this is
(18) the most annoying and unwelcome signed imaginable.
(19) That's right, more than 90 million Americans have a
(20) snoring problem, and it can cause sleeplessness,
(21) headaches, a lack of energy throughout the day, and
(22) that goes for the snorer as well as the person trying
(23) to sleep nearby.
(24) Join us and find out how to instantly solve
(25) your snoring problem in this special edition of Vantage

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(1) Point.
(2) ON SCREEN: Vantage Point with Kevin Trudeau
(3) Jon Denny
(4) JON DENNY: I'm Jon Denny, and this is a
(5) special edition of Vantage Point. We're going to talk
(6) about snoring today, and if you're a snorer or just
(7) happen to sleep next to one, then you know snoring is
(8) no laughing matter. Snoring can and does seriously
(9) diminish the quality of your sleep, your life and it
(10) could drive two people apart, meaning the snorer and
(11) the person next to the snorer.
(12) My guests today are Dr. Bob Courier, physician,
(13) surgeon and associate clinical professor at Michigan
(14) State University, and John Ziglar, who represents a
(15) company that manufactures a product called Snorenz,
(16) which is designed to end your snoring problem.
(17) Gentlemen, thank you for joining me.
(18) Guys, got to ask you this first question,
(19) because for some people it's a light matter, and for
(20) others it seriously impacts their life, certainly
(21) impacts their sleep. What causes snoring? What is the
(22) reason behind that all-too-familiar rumbling sound that
(23) keeps half of America, it seems, up every night?
(24) ON SCREEN: DR. BOB COURIER, Physician Surgeon
(25) DR. BOB COURIER: Well, what snoring really is,

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[1] Jon, is simply a relaxation of the tissues in the back
[2] of your throat. It's when we fall asleep, much of our
[3] muscles in our body as well as our throat relax.
[4] That's the time we sleep. We're supposed to get our
[5] rest.

[6] What happens with that, though, unfortunately
[7] is as the tissues relax, they occlude or actually
[8] narrow, and they cause a funnel effect for the air as
[9] it goes through, flapping the tissue. This is in the
[10] back of the throat, hence creating the noise. It's
[11] very positional, it's very — also very dependent on
[12] habits that we have, such as smoking, our dietary
[13] habits, and then also it affects really how much we
[14] sleep and how much rest we actually get throughout a
[15] night.

[16] JON DENNY: Now, you were both snorers
[17] presumably.

[18] DR. BOB COURIER: Absolutely.

[19] JOHN ZIGLAR: Sure.

[20] JON DENNY: Tell me, how did you get involved
[21] in Snorenz? How did this all come about?

[22] JOHN ZIGLAR: This all came about, Jon, I met a
[23] friend down in Fort Lauderdale, Florida named Paul
[24] Cravitz. Paul Cravitz was in the banking industry, and
[25] he had a Korean man that came into his office with a

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[1] product in a little bottle and it didn't have any
[2] labels on it or anything, but he says, This will make
[3] you quit snoring. And Paul looked at it, and he put it
[4] over on the side of his desk and didn't think too much
[5] about it, but he did make the mistake of telling his
[6] wife that somebody had come in with this product, and
[7] she asked him would he go ahead and bring it home and
[8] try it.

[9] ON SCREEN: John Ziglar, Master Strategies
[10] Researcher

[11] JOHN ZIGLAR: The bottom line is, he did use
[12] the product, it did make him quit snoring, but it
[13] tasted terrible, and so Paul says, Whoa, you know, what
[14] a price to pay. So, he took that product, he developed
[15] it, he took it to the laboratories, and they did some
[16] liposome technology with the product, and they put a
[17] flavor to the product to make it so that it tasted
[18] good, and we now call the product Snorenz, and it's
[19] just phenomenal.

[20] JON DENNY: And in your first exposure to it,
[21] you were a rumbler. We heard Harley Davidson sounds
[22] coming from you at night is the word on the street.
[23] Tell me your first experience with the product.

[24] JOHN ZIGLAR: My first experience really, when
[25] I — I had been married for 25 years, my wife, Linda, I

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[1] came home after talking with Paul, and I told my wife
[2] about this new product that we were looking at, and she
[3] said — and she says, Well, when are you going to bring
[4] it home? And I said, Well, honey, I said really, you
[5] know, you don't snore that bad. And she said it really
[6] wasn't for her. And up until that point, I really
[7] didn't realize that I snored.

[8] JON DENNY: Um-hum.

[9] JOHN ZIGLAR: But I did turn over in the bed an
[10] awful lot at night, and I knew that, and so I used the
[11] product, and John, what I found is for me personally, I
[12] quit turning over so many times at night, and I began
[13] to get a more peaceful, restful sleep. So, that's what
[14] personally happened in my life.

[15] JON DENNY: Well, that raises an interesting
[16] point, because for some people snoring — in a litany
[17] of problems that we face on an everyday basis, snoring
[18] is not at the top of the list. But in fact, if you
[19] speak to people who sleep next to a snorer, as well as
[20] the snorer themselves, there are some real health
[21] issues, there are some real serious concerns that a
[22] snorer has or should have. How does and why does a
[23] snorer — why should a snorer worry about this? Why is
[24] it a problem?

[25] DR. BOB COURIER: Well, it is a problem, but

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[1] the real problem is an awareness. A lot of people
[2] aren't aware, as you were, that you didn't snore. You
[3] don't snore. It's — and people don't want to offend
[4] someone else that they may sleep with or someone in
[5] their family by telling them they snore, and they have
[6] put up with it for years.

[7] The problem with that is all the things that go
[8] with it, even on a personal level. Me personally, I
[9] snore and have snored, and I've used the product, as
[10] well, and it's worked great for me. Why do I know
[11] this? Because of my energy level, I feel better, I get
[12] better sleep. The problems that happen, I think people
[13] go to sleep, they assume they're automatically going to
[14] wake up rested. They don't. And then they wake up
[15] with a headache, less energy, they hurt, they're sore,
[16] they're irritable.

[17] The health problems are really insidious. We
[18] can go into hypertension, problems with your heart,
[19] your cardiovascular system that can go into this, but
[20] let's not even go that deep. Let's just talk about the
[21] things that happen to us on an everyday basis, the
[22] energy level that we have. We're not rested. That's
[23] the problem.

[24] JON DENNY: So, you're saying snorers get less
[25] rest — get a less restful sleep?

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[1] DR. BOB COURIER: Absolutely, they do not
[2] sleep.
[3] JOHN ZIGLAR: See, what happened to me — what
[4] was going on in my night is I would literally turn over
[5] 20 or 30 times a night, and the reason I would is
[6] because I would go to sleep, my tissues would relax, I
[7] would snore — I would literally wake myself up, and
[8] then I would turn over, and I would turn — I didn't
[9] wake up and get up out of the bed to turn over.
[10] I would just wake up and turn over, and what
[11] that does is it keeps me, John, from getting the deep,
[12] restful sleep.
[13] We get letters, we've got a letter from a lady
[14] out in Phoenix, also, who told us that for the first
[15] time in her life she started taking this product, and
[16] she can remember her dreams. Well, you see, dreaming
[17] is an important thing, and we all dream if we get
[18] peaceful, restful sleep.
[19] JON DENNY: But isn't — isn't dreaming or the
[20] dream state indicative of a deep, restful, REM sleep I
[21] think they call it?
[22] JOHN ZIGLAR: Yes, it is.
[23] JON DENNY: So, if you're a snorer, you won't
[24] dream as much, meaning you're not getting as deep a
[25] sleep. Is that the point?

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[1] DR. BOB COURIER: That is correct. You almost,
[2] because of the snoring, and sometimes we're not aware
[3] of it, we keep waking ourselves up. We snore, then we
[4] wake up, then we try to reposition ourselves. We're
[5] just not comfortable. We can't get our air, we can't
[6] get the oxygen we need, hence the headache, the
[7] irritability when we wake up. We're not rested, that's
[8] the problem.
[9] ON SCREEN: Dr. Bob Courier, Physician Surgeon
[10] DR. BOB COURIER: Another side effect, a cute
[11] story, my brother's also a snorer, I think this is just
[12] something that runs in families, as well. Anyway, he
[13] has since tried the product, as I have, and I use it,
[14] and I think it's fantastic, because it does stop the
[15] snoring. My brother has also — he doesn't have the
[16] aches and pains he used to wake up with.
[17] You were also talking about the tossing and
[18] turning. We're also forgetting his wife used to jab
[19] him in the middle of the night. So, he does not wake
[20] up bruised. So, this also helps, a little sidelight
[21] there.
[22] JON DENNY: How does Snorenz work? Is there
[23] have been other products available over the course of
[24] the last, you know, 10 to 20 years that have been in
[25] pill form, surgeries, people have gone through painful,

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[1] expensive surgeries. In fact, we're going to — I
[2] think we're going to talk to a caller later who has a
[3] story to share with us about this product and the
[4] journey she went through with her husband to
[5] essentially reduce this problem or eliminate this
[6] problem. How does this product work?
[7] JOHN ZIGLAR: John, what we've done is we have
[8] taken all natural oils, and we have taken and put them
[9] together in a liposome formulation, and we have taken
[10] it so that you can actually spray this product into the
[11] back of your throat, and the process is really quite
[12] simple. Have you ever seen a car go down the road that
[13] didn't have enough oil in it, and you hear the clatter
[14] and the clanking?
[15] ON SCREEN: John Ziglar, Master Strategies
[16] Researcher
[17] JOHN ZIGLAR: Well, what happens is we took
[18] that same philosophy, that same technology, and we
[19] said, Hey, if we can oil the parts and we can take and
[20] make a topical solution that will stay in a place for
[21] an extended period of time, we can eliminate the noise
[22] of snoring. You're still going to have the same amount
[23] of air that's going to pass through the passage, but
[24] all we're going to do is we're going to lubricate the
[25] parts so that there is no noise associated so that you

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[1] don't then wake up or wake up your neighbor.
[2] JON DENNY: So, it's essentially lubricating
[3] what part of the throat and which part of the throat is
[4] causing that sound?
[5] DR. BOB COURIER: Well, to take this just a
[6] little bit further, a dentist has studied this and has
[7] actually sprayed this in models, and he actually used a
[8] dye at the time so he could see where it was applied.
[9] In the soft tissues, in the back of the throat, the
[10] ones that we see that flap and flutter and that need
[11] the lubrication, what — it is applied there, but where
[12] the technology goes even further and better through
[13] this liposome technology is to apply it evenly, and the
[14] very neat thing about this is it stays. It stays there
[15] all night. That's where others have failed. And
[16] that's also where a lot of the appliances, that's where
[17] also, a lot of the applications of surgeries, pills,
[18] other things that have been attempted and tried have
[19] failed. This product here stays there. It's easy
[20] application.
[21] As a physician, one of the problems that I have
[22] with patients is compliance, trying to get them to use
[23] and continually use something. If we're going to get
[24] restful sleep, we need it on an every-night basis.
[25] This is accrued, we have a clock and a bank and it's

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[1] for sleeping purposes.

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

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

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

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

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

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

[9] JON DENNY: Right.

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

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

[21] JOHN ZIGLAR: Yes.

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

[24] JOHN ZIGLAR: Exactly.

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

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

[2] ON SCREEN: 800-392-4006

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

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

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

[22] TINA HINES: I'm here.

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

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

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

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

[8] TINA HINES: Sixteen years.

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

[12] TINA HINES: Oh, yeah.

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

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

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

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[1] sleep.

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

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

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

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

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

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

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

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

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

[5] JON DENNY: Yes.

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

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

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

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

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

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

[12] JON DENNY: For months.

[13] TINA HINES: Months, absolutely.

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

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

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

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

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

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

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

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

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[1] yourself, do it for your family. It is worth the phone
[2] call, and it is pennies per day to end the snoring
[3] problem forever.
[4] This is a product, as I mentioned, that has
[5] been proven effective in double-blind studies, and you
[6] actually conducted the studies out of your auspices in
[7] Michigan. Tell us about a double-blind study, what it
[8] is and how Snorenz worked.
[9] DR. BOB COURIER: Really, just to define what a
[10] double-blind study is in general is nobody knows what
[11] product anybody is getting. The doctor isn't aware of
[12] it, okay, and nor are the patients. For example, we're
[13] giving a block or a bunch of bottles, for example, in
[14] this case, Snorenz, and we are to distribute this out
[15] to our patients in a test pattern, they are going to
[16] use it for a week, but I am blind to the fact of what
[17] product am I giving them, the placebo or dummy product
[18] versus the actual product itself. I'm not aware, so I
[19] cannot influence the study results.
[20] I accumulate the study results, I gather the
[21] patients and have them get compliant with it for use
[22] over a week's time, but I don't — I can't affect it.
[23] The patients can't affect it. So, I am blind to it,
[24] and so are the patients.
[25] Interestingly enough, it's not only the results

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 30

[1] Niles, IL 60714
[2] (847)647-0300
[3] ON SCREEN: The preceding has been a paid
[4] commercial for SNORENZ brought to you by Kevin
[5] Trudeau's Tru-Vantage International, America's premier
[6] direct response marketing company.
[7] (The videotape was concluded.)
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Page 31

CERTIFICATION OF TRANSCRIBER

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

[12]
[13] DATED:
[14]
[15]

[16] SUSANNE Q. TATE
[17]

[18] CERTIFICATION OF PROOFREADER

[19]
[20] I HEREBY CERTIFY that I proofread the
[21] transcript for accuracy in spelling, hyphenation,
[22] punctuation and format.
[23]

[24] DIANE QUADE
[25]

[1]
[2] OFFICIAL TRANSCRIPT PROCEEDING
[3]
[4] FEDERAL TRADE COMMISSION
[5]
[6] MATTER NO. 0023211
[7]
[8] TITLE MED GEN INC.
[9]
[10] DATE RECORDED: OCTOBER 13, 1999
[11] TRANSCRIBED: MAY 10, 2000
[12]
[13] PAGES 1 THROUGH 35
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[15]
[16] VP SNORENZE 4 - JD W/ DISCLAIMER SNR4
[17] VIDEOTAPE
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[1] FEDERAL TRADE COMMISSION
[2] INDEX
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[4] VIDEOTAPE PRESENTATION: PAGE:
[5] VP SNORENZE 4-JD W/ DISCLAIMER SNR4 3
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Page 2

[1] FEDERAL TRADE COMMISSION
[2]
[3] In the Matter of:)
[4] Med Gen, Inc.,) Matter No. 0023211
[5]
[6] October 13, 1999
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[12] The following transcript was produced from a
[13] videotape provided to For The Record, Inc. on May 8,
[14] 2000.
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Page 3

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

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[1] this is the most annoying and unwelcome sound in the
[2] world.
[3] **ON SCREEN:** News clippings.
[4] **ANNOUNCER:** That's right, more than 90 million
[5] Americans have a snoring problem and it can cause
[6] sleeplessness, headaches and a lack of energy, and that
[7] goes for the snorer, as well as the person trying to
[8] sleep next to the snorer.
[9] What can be done about it? On Vantage Point
[10] today, hear about a new discovery that could eliminate
[11] the sound of snoring.
[12] **ON SCREEN:** VANTAGE POINT with Kevin Trudeau.
[13] **ON SCREEN:** John Denny.
[14] **JOHN DENNY:** Hi, I'm John Denny, and this is a
[15] special edition of Vantage Point. We're going to talk
[16] about snoring today, and if you're a snorer, or just
[17] happen to sleep next to one, then you know snoring is no
[18] laughing matter. Snoring can and does seriously diminish
[19] the quality of your sleep, your life, and it could drive
[20] two people apart, meaning the snorer and the person next
[21] to the snorer.
[22] My guests today are Dr. Bob Currier, physician,
[23] surgeon and associate clinical professor at Michigan
[24] State University, and John Ziglar, who represents a
[25] company that manufactures a product called Snorenz, which

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[1] is designed to end your snoring problem.
[2] Gentlemen, thank you for joining me. Guys, got
[3] to ask you this first question, because for some people
[4] it's a light matter and for others it seriously impacts
[5] their life, certainly impacts their sleep. What causes
[6] snoring? What is the reason behind that all too familiar
[7] rumbling sound that keeps half of America, it seems, up
[8] every night?
[9] **ON SCREEN:** Dr. Bob Currier, Physician/Surgeon.
[10] **DR. BOB CURRIER:** Well, what snoring really is,
[11] John, is just simply a relaxation of the tissues in the
[12] back of your throat. It's when we fall asleep, much of
[13] our muscles in our body, as well as our throat relax.
[14] That's the time we sleep. We're supposed to get our
[15] rest.
[16] **JOHN DENNY:** Um-hmm.
[17] **DR. BOB CURRIER:** What happens with that,
[18] though, unfortunately, is as the tissues relax, they
[19] occlude or actually narrow, and they cause a funnel
[20] effect for the air as it goes through, flapping the
[21] tissue.
[22] **JOHN DENNY:** Um-hmm.
[23] **DR. BOB CURRIER:** This is in the back of the
[24] throat, hence creating the noise. It's very positional.
[25] It's very — also very dependant on habits that we have,

Page 6

[1] such as smoking or dietary habits. And then also it
[2] affects really how much we sleep and how much rest we
[3] actually get throughout a night.
[4] **JOHN DENNY:** Now, you were both snorers,
[5] presumably?
[6] **DR. BOB CURRIER:** Um-hmm.
[7] **JOHN ZIGLAR:** Sure.
[8] **DR. BOB CURRIER:** Absolutely.
[9] **JOHN DENNY:** Tell me, how did you get involved
[10] in Snorenz? How did this all come about?
[11] **ON SCREEN:** John Ziglar, SNORENZ.
[12] **JOHN ZIGLAR:** This all came about, John, I met
[13] a friend down in Fort Lauderdale, Florida, named Paul
[14] Kravitz.
[15] **JOHN DENNY:** Um-hmm.
[16] **JOHN ZIGLAR:** Paul Kravitz was in the banking
[17] industry. And he had a Korean man that came into his
[18] office with a product. He had a little bottle of it, it
[19] didn't have any labels on it or anything, but he says
[20] this will make you quit snoring. And Paul looked at it
[21] and he put it over on the side of his desk, he didn't
[22] think too much about it. But he did make the mistake of
[23] telling his wife that somebody had come in with this
[24] product. And she asked him would he go ahead and bring
[25] it home and try it. Bottom line is he did use the

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[1] product, it did make him quit snoring, but it tasted
[2] terrible.
[3] And, so, Paul says Whoa, you know, what a price
[4] to pay, so he took that product, he developed it, he took
[5] it to the laboratories and they did some liposome
[6] technology with the product and they put a flavor to the
[7] product to make it so that it tasted good and we now call
[8] the product Snorenz, and it's just phenomenal.
[9] **JOHN DENNY:** And in your first exposure to it -
[10]
[11] **JOHN ZIGLAR:** Correct.
[12] **JOHN DENNY:** — you were a rumbler. You — we
[13] heard Harley-Davidson sounds coming from you at night —
[14] **JOHN ZIGLAR:** (Laughter).
[15] **JOHN DENNY:** — is the word on the street.
[16] **JOHN ZIGLAR:** (Laughter).
[17] **JOHN DENNY:** Tell me your first experience with
[18] the product.
[19] **JOHN ZIGLAR:** My first experience really, when
[20] I — I had been married for 25 years, my wife, Linda. I
[21] came home after talking with Paul and I told my wife
[22] about this new product that we were looking at. And she
[23] said — and she says well, when are you going to bring it
[24] home. And I said Well, honey, I said, really, you know,
[25] you don't snore that bad. And she said it really wasn't

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

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

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

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

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[1] pains he used to wake up with.

[2] You were also talking about the tossing and
[3] turning, we're also forgetting his wife used to jab him
[4] in the middle of the night, so he does not wake up
[5] bruised, so this also helps, a little sidelight there.

[6] DR. BOB CURRIER: Yes.

[7] JOHN DENNY: How does Snorenz work? There have
[8] been other products available, over the course of the
[9] last, you know, 10 and 20 years that are — have been in
[10] pill form, surgeries. People have gone through painful,
[11] expensive surgeries.

[12] In fact, we're going to — I think we're going
[13] to talk to a caller later who has a story to share with
[14] us about this product and the journey she went through
[15] with her husband to essentially reduce this problem or
[16] eliminate this problem. How does this product work?

[17] JOHN ZIGLAR: John, what we've done is we have
[18] taken all-natural oils, and we have taken and put them
[19] together in a liposome formulation. And we have taken it
[20] and so that you can actually spray this product into the
[21] back of your throat. And the process is really quite
[22] simple. Have you ever seen a car go down the road that
[23] didn't have enough oil in it?

[24] JOHN DENNY: Um-hmm.

[25] JOHN ZIGLAR: And you hear the clatter and the

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[1] clanking.

ON SCREEN:
JOHN ZIGLAR
SNORENZ

[5] JOHN DENNY: Yes.

[6] JOHN ZIGLAR: Well, what happens is we took
[7] that same philosophy, that same technology, and we said
[8] hey, if we can oil the parts and we can take and make a
[9] topical solution that will stay in a place for an
[10] extended period of time, we can eliminate the noise —

[11] JOHN DENNY: Um-hmm.

[12] JOHN ZIGLAR: — of snoring. You're still
[13] going to have the same amount of air that's going to pass
[14] through the passage, but all we're going to do is we're
[15] going to lubricate the parts so that there is no noise
[16] associated so that you don't then wake up or wake up your
[17] neighbor.

[18] JOHN DENNY: So, it's essentially lubricating
[19] what part of the throat, and which part of the throat is
[20] causing that sound?

[21] DR. BOB CURRIER: Well, to take this just a
[22] little bit further, a dentist has studied this and has
[23] actually sprayed this in models, and he actually used a
[24] dye at the time so he could see where it was applied. In
[25] the soft tissues, in the back of the throat, the ones

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[1] that we say that flap and flutter and then need the
[2] lubrication —

[3] JOHN DENNY: Yeah.

[4] DR. BOB CURRIER: — when it is applied there,
[5] but when the technology goes even further and better
[6] through this liposome technology, is to apply it evenly.
[7] And the very neat thing about this is it stays. It stays
[8] there all night.

[9] JOHN DENNY: Hmm.

[10] DR. BOB CURRIER: That's where others have
[11] failed, and that's also where a lot of the appliances,
[12] that's where also a lot of the applications of surgeries,
[13] pills, other things that have been attempted and tried
[14] have failed.

[15] JOHN DENNY: Um-hmm.

[16] DR. BOB CURRIER: This product here stays
[17] there. It's easy application. As a physician, one of
[18] the problems that I have with patients is compliance,
[19] trying to get them to use and continually use something.

[20] JOHN DENNY: Um-hmm.

[21] DR. BOB CURRIER: If we're going to get a
[22] restful sleep, we need it on an every-night basis. This
[23] is accrued, we have a clock and we have a bank and it's
[24] for sleeping purposes. So, it isn't something that just
[25] one night good sleep will help. This is something that's

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[1] accrued over time. When you get good sleep, that helps a
[2] lot. We need compliance. With the ease of application,
[3] as what he is talking about, okay?

[4] JOHN DENNY: Um-hmm.

[5] DR. BOB CURRIER: With the effectiveness of its
[6] staying there, it's a winner. And that's how it works.

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

[15] DR. BOB CURRIER: Yes, what you're trying to do
[16] with the appliance is just simply try to open up the
[17] airway more so you don't get the fluttering of the
[18] tissues.

[19] JOHN DENNY: Um-hmm.

[20] DR. BOB CURRIER: What — and that's what we do
[21] when we snore. When we snore, we essentially wake
[22] ourselves up in a snore, and then reposition ourselves,
[23] trying to again open up our airway to get more air so we
[24] get more oxygen. What happens with this product, this
[25] lubricates, stays there, again through the technology,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lawyer's Notes

Decision and Order

DECISION AND ORDER

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

The respondent, his attorney, and counsel for Federal Trade Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by 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 respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Proposed respondent Robert M. Currier, D. O. is a doctor of osteopathic medicine licensed to practice in the state of Michigan, with a specialty in eye surgery and diseases of the eye. His principal office and place of business is located at 127 Park Place, Alpena, Michigan 49707.

Decision and Order

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

ORDER

DEFINITIONS

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

1. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
2. "Clearly and prominently" shall mean as follows:
 - A. In an advertisement communicated through an electronic medium (such as television, video, radio, and interactive media such as the Internet and online services), the disclosure shall be presented simultaneously in both the audio and video portions of the advertisement. Provided, however, that in any advertisement presented solely through video or audio means, the disclosure may be made through the same means in which the ad is presented. The audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size and shade, and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend it. In addition to the foregoing, in interactive media, the disclosure shall also be unavoidable and shall be presented prior to the consumer incurring any financial obligation.

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- 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 Robert M. Currier and his 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 manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of SNOREnz or any other food, drug, or dietary supplement, in or affecting commerce, shall not make

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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. Provided that, for any representation made by respondent as an expert endorser, respondent must possess and rely upon competent and reliable scientific evidence, and an actual exercise of respondent's represented expertise, in the form of an examination or testing of the foods, drugs, or dietary supplements at least as extensive as an expert in the field would normally conduct in order to support the conclusions presented in 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 he discloses, clearly and prominently, and in close proximity to the representation, that such product is not intended to treat sleep

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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 endorsing, 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. Provided that, for any representation made by respondent as an expert endorser, respondent must possess and rely upon competent and reliable scientific evidence, and an actual exercise of respondent's represented expertise, in the form of an examination or testing of the products, services, or programs at least as extensive as an

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expert in the field would normally conduct in order to support the conclusions presented in the representation.

IV.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the endorsing, 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 endorsing of any product, service, or program in or affecting commerce, shall disclose, clearly and prominently a material connection, where one exists, between respondent and any 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 consumers.

VI.

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.

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VII.

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.

VIII.

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

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

IX.

IT IS FURTHER ORDERED that respondent, for a period of five (5) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to

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the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

X.

IT IS FURTHER ORDERED that respondent 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 he has complied with this order.

XI.

This order will terminate on December 13, 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

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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 Dr. Robert M. Currier (the "proposed respondent"). This matter concerns claims Dr. Currier made infomercials for a purported anti-snoring product called SNORenz.

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.

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 Dr. Currier failed to have a reasonable basis for claims, which he made in infomercials for 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. Dr. Currier is also charged with making false claims that clinical proof establishes the efficacy of SNORenz. Further, the complaint alleges 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. In addition, the complaint alleges that, when Dr. Currier made claims about SNORenz' efficacy, he failed to have a reasonable basis for such claims consisting of an actual exercise of his represented expertise in the causes and treatment for snoring. Finally, the complaint alleges that the proposed respondent failed to disclose adequately that a material connection

Analysis

existed between himself and the product's manufacturer and marketer, Med Gen, Inc.

Part I of the consent order requires that Dr. Currier 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. It also requires that Dr. Currier, when acting as an expert endorser, actually exercise his represented expertise in the form of an examination or testing at least as extensive as an expert in the field would normally conduct. Part II of the order requires that, for any product Dr. Currier advertises that has not been shown to be effective in the treatment of sleep apnea, he must affirmatively disclose, whenever the advertisement represents that the 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. If Dr. Currier makes such representations as an expert endorser, he must possess substantiation in the form of an examination or testing at least as extensive as an expert in the field would normally conduct. Part IV prohibits false claims about scientific support for any product, service, or program. Part V requires that Dr. Currier disclose any material connection between himself and any product, program or service he endorses.

Parts VI and VII 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.

Analysis

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, notify the Commission of any change in his employment, and file one or more reports detailing its compliance with the order. Part XI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

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.

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.

Complaint

IN THE MATTER OF

MICROSOFT CORPORATION

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

Docket C-4069; File No. 0123240

Complaint, December 20, 2002--Decision, December 20, 2002

This consent order addresses representations made – for Passport Single Sign-In service, an online authentication service, and for two add-on services that respectively provide online purchasing and parental consent services – by Respondent Microsoft Corporation. The order, among other things, prohibits the respondent from misrepresenting (1) what personal information is collected from or about consumers; (2) the extent to which the respondent's product or service will maintain, protect or enhance the privacy, confidentiality, or security of any personally identifiable information collected from or about consumers; (3) the steps the respondent will take with respect to personal information it has collected in the event that it changes the terms of the privacy policy in effect at the time the information was collected; (4) the extent to which the service allows parents to control what the information their children can provide to participating sites or the use of that information by such sites; and (5) any other matter regarding the collection, use, or disclosure of personally identifiable information. The order also requires the respondent to establish and maintain a comprehensive information security program in writing that is reasonably designed to protect the security, confidentiality, and integrity of personal information collected from or about consumers. In addition, the order requires the respondent to obtain within one year, and on a biannual basis thereafter, for twenty years, an assessment and report from a qualified, objective, independent third-party professional certifying that the respondent has in place a security program (1) that provides protections that meet or exceed the protections required by the order; and (2) is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of consumers' personal information has been protected.

Participants

For the Commission: *Ellen Finn, Eric Imperial, Mamie Kresses, Jessica L. Rich, Louis Silversin, Gerard R. Butters and Paul A. Pautler.*

For the Respondent: *Charles E. Buffon, Covington & Burling, and Linda Norman, Microsoft.*