

Complaint

IN THE MATTER OF
DYNAMIC HEALTH OF FLORIDA, LLC

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

Docket D-9317; File No. 0423002
Complaint, June 15, 2004--Decision, May 15, 2006

This consent order addresses the respondents' marketing of a purported children's weight loss product called "Pedia Loss" and a purported female libido enhancer called "Fabulously Feminine." The order requires that the respondents possess and rely on competent and reliable scientific evidence to support representations that Pedia Loss or any other covered product causes weight loss, suppresses appetite, increases fat burning, or slows carbohydrate absorption in overweight children ages 6 and over. Similarly, the order requires that the respondents possess and rely on competent and reliable scientific evidence to support representations that Fabulously Feminine or any other covered product increases a woman's libido, sexual desire, or sexual satisfaction. The order prohibits the respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test or studies, but permits them to make certain claims for food or drugs that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration. Additional provisions are requirements that respondents maintain copies of advertising making representations covered by the order and any materials relied upon in disseminating these representations; distribute copies of the order to certain company officials; notify the Commission of changes in corporate structure or changes in the individual respondent's business or employment; and file one or more reports detailing their compliance with the order.

Participants

For the Commission: *Richard Cleland, Mary K. Engle, Janet M. Evans, and Sydney Knight.*

For the Respondents: *Max Kravitz, Kravitz & Kravitz; and Debra Bass and Tony Martinez, Martinez and Bass.*

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The Federal Trade Commission, having reason to believe that Dynamic Health of Florida, LLC, Chhabra Group, LLC, DBS

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Laboratories, LLC, Vineet K. Chhabra a/k/a Vincent K. Chhabra, and Jonathan Barash (collectively, "respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Dynamic Health of Florida, LLC ("Dynamic Health") is a Florida limited liability company with offices located at 1455 North Park Dr., Weston, Florida.

2. Respondent Chhabra Group, LLC ("Chhabra Group") is a Florida limited liability company located at 1455 North Park Dr., Weston, Florida.

3. Respondent DBS Laboratories, LLC ("DBS Laboratories") is a Florida limited liability company with offices located at 1485 North Park Dr., Weston, Florida.

4. Respondent Vineet K. Chhabra a/k/a Vincent K. Chhabra is an officer of Dynamic Health and Chhabra Group. Individually, or in concert with others, he has formulated, directed, participated in, or controlled the acts or practices of Dynamic Health and Chhabra Group, including the acts and practices alleged in this complaint. His principal office or place of business is 1455 North Park Dr., Weston, Florida.

5. Respondent Jonathan Barash is an owner and officer of DBS Laboratories, LLC and has participated in its day to day operations. Individually, or in concert with others, he has formulated, directed, participated in, or controlled the acts or practices of DBS Laboratories LLC, including the acts or practices challenged in the complaint. His principal office or place of business is 6599 NW 97th Drive, Parkland, Florida 33076.

6. Respondents have advertised, labeled, offered for sale, sold, and distributed products to the public, including Pedia Loss, a weight loss supplement, and Fabulously Feminine, a female sexual

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enhancement supplement. Pedia Loss and Fabulously Feminine are either a “food” or a “drug” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act, 15 U.S.C. §§ 52 and 55.

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

PEDIA LOSS

8. Respondents have disseminated or caused to be disseminated advertisements for Pedia Loss through various Internet websites, including www.pedialoss.com, www.dynamichealthproducts.com, and www.dbslabs.com, as well as print advertising in Cosmopolitan magazine. According to the product labels, Pedia Loss contains, among other ingredients, fructose, inulin, glutamine, lecithin, citric acid, and hydroxycitric acid (HCA). Advertisements for Pedia Loss products include, but are not necessarily limited to, the attached Exhibits A through C. The advertisements contain the following statements, among others:

a. Pedia Loss

* * *

Child obesity is a growing problem in North America. Pedia Loss is an appetite suppressant for children 6 years and older. Allow children to enjoy their favorite foods without gaining weight. This revolutionary new formula slows the absorption of carbohydrates, allowing more to be burned for energy and less to be stored as fat. This highly effective and natural dietary supplement comes in berry-flavored chewable tablets for easy consumption. In conjunction with a proper diet and exercise program, Pedia Loss can keep your child from becoming a statistic.

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Please consult your healthcare provider before giving Pedia Loss to your child.

* * *

This synergistic formula was designed to aide in a child's glucose metabolism. Since many of their favorite foods are rich in carbohydrates but very low in dietary fiber, their digestive tracts and insulin never function properly. Now with Pedia Loss children can still enjoy their favorite food but with the help of Inulin their bodies with [sic] slow down the absorption of carbohydrate, allowing more to be burned for energy and less to be stored as fat, and give a great source of soluble fiber. In addition to this highly advanced ingredient, we have included supplemental amounts of both glutamine and FOS, which have both been proven to drastically improve intestinal health. Finally this product contains a highly effective compound called HCA. This compound has been shown to safely burn fat without any form of stimulants.

(Exhibit A: web page from
www.dynamichealthproducts.com)

- b. Pedia Loss is highly effective for children 6 years of age and older. Children can still enjoy their favorite food in moderation while slowing the absorption of carbohydrates, allowing more to be burned for energy and less to be stored as fat. For best results use in conjunction with an exercise program and a low fat low calorie diet. Please consult your healthcare provider before giving this product for your child.

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(Exhibit B: product label)

c. **Child Obesity**

an american [sic] reality

According to the Centers for Disease Control and Prevention, childhood obesity is a growing problem in the U.S., with one in ten pre-schoolers considered clinically obese. Pedia Loss addresses this growing health care issue in children 6 years of age and older. Children can still enjoy their favorite foods in moderation, while slowing the absorption of carbohydrates. The use of Pedia Loss enables more carbs to be burned for energy and less to be stored as fat. This highly effective and natural dietary supplement comes in berry-flavored chewable tablets that will appeal to children. Best of all is the feeling of strength and confidence they'll experience by overcoming childhood weight problems. . . .

(Exhibit C: ad in Cosmopolitan Magazine)

9. Through the means described in Paragraph 8, respondents have represented, expressly or by implication, that:

- a. Pedia Loss causes weight loss in overweight or obese children ages 6 and over, and
- b. When taken by overweight or obese children ages 6 and over, Pedia Loss causes weight loss by suppressing appetite, increasing fat burning, and slowing carbohydrate absorption.

10. Through the means described in Paragraph 8, respondents have represented, expressly or by implication, that they possessed

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and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 9, at the time the representations were made.

11. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 9, at the time the representations were made. Therefore, the representation set forth in Paragraph 10 was, and is, false or misleading.

FABULOUSLY FEMININE

12. Respondents have disseminated or caused to be disseminated advertisements for Fabulously Feminine through various Internet websites, including www.usaprescription.com, www.dbslabs.com, and www.medprescribe.com, as well as print ads in various newspaper publications. According to the product labels, Fabulously Feminine contains L-arginine, ginseng, damiana leaf, ginkgo biloba leaf, and horny goat weed, among other ingredients. Advertisements for Fabulously Feminine products include, but are not necessarily limited to, the attached Exhibits D through F. The advertisements contain the following statements, among others:

a. **Fabulously Feminine**

Do you crave more from sexual intimacy? Rev up your sex drive with FABULOUSLY FEMININE. All-natural FABULOUSLY FEMININE can help you build the stamina you need to make your sexual experiences more intense and lasting. . . It's all a matter of stimulating blood flow and increasing sensitivity, and FABULOUSLY FEMININE'S herbal and amino acid formula accomplishes this naturally, yet powerfully. . . .

* * *

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PRODUCT INFORMATION

Fabulously Feminine is a safe, natural way to enhance sexual desire, satisfaction and enjoyment. The ingredients in Fabulously Feminine, when taken daily with a multivitamin, have been shown in a double-blind, placebo-controlled Stanford University study to enhance satisfaction with sex life, the level of sexual desire and frequency of sexual encounters.

It is estimated that 43% of women experience a loss of sexual vitality at some time in their lives. External factors such as stress and fatigue may contribute to the decline in sexual interest. . . .

(Exhibit D : web page from
www.usaprescription.com)

- b. It is not unusual for men and women, young or old, to lose desire, arousal and overall satisfaction in the bedroom. Let **DBS Laboratories** give you the fuel you need to re-kindle the fire inside you.

LIBIDO ENHANCER**FABULOUSLY****FEMININE**

Dietary Supplement

Millions of women are dealing with the same issues you are. Put your confidence and your relationship in the hands of **Fabulously Feminine** – The safe, natural way to enhance sexual desire, satisfaction and enjoyment. A special libido enhancing formula designed specifically for women, **Fabulously Feminine** contains a proprietary blend of traditional libido

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enhancing herbs. Not being in the mood for sex is often times the result of poor stimulation; lack of energy, and hormonal imbalance. This product was specially formulated to address these issues. These all-natural ingredients are known to stimulate blood flow and increase sensitivity, making this product one of the most potent available on the market.

(Exhibit E: National Examiner
newspaper ad)

c. LIBIDO ENHANCER
FABULOUSLY™
FEMININE
Dietary Supplement
* * *

A scientific formula designed especially for women, **Fabulously Feminine** contains a proprietary blend of clinically proven ingredients for libido health. Not being in the mood for sex is oftentimes the result of poor stimulation, lack of energy, and hormonal imbalance. This product has been formulated to address these issues. . . .

(Exhibit F: National Enquirer
newspaper ad)

13. Through the means described in Paragraph 12, respondents have represented, expressly or by implication, that clinical testing proves that Fabulously Feminine enhances a woman's satisfaction with her sex life and level of sexual desire.

14. In truth and in fact, clinical testing does not prove that Fabulously Feminine enhances a woman's satisfaction with her sex life and level of sexual desire. Therefore, the representation set forth in Paragraph 13 was, and is, false or misleading.

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15. Through the means described in Paragraph 12, respondents have represented, expressly or by implication, that Fabulously Feminine will increase a woman's libido, sexual desire, and sexual satisfaction by stimulating blood flow and increasing sensitivity.

16. Through the means described in Paragraph 12, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 15, at the time the representation was made.

17. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 15, at the time the representation was made. Therefore, the representation set forth in Paragraph 16 was, and is, false or misleading.

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

NOTICE

Proceedings on the charges asserted against Dynamic Health of Florida, LLC, Chhabra Group, LLC, DBS Laboratories, LLC, limited liability companies, and Vineet K. Chhabra a/k/a Vincent K. Chhabra in this complaint will be held before an Administrative Law Judge (ALJ) of the Federal Trade Commission, under Part 3 of the Commission's Rules of Practice, 16 C.F.R. Part 3. A copy of Part 3 of the Rules is enclosed with this complaint.

You may file an answer to this complaint. Any such answer must be filed within 20 days after service of the complaint on you. If you contest the complaint's allegations of fact, your answer must concisely state the facts constituting each ground of defense, and must specifically admit, deny, explain, or disclaim knowledge of

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each fact alleged in the complaint. You will be deemed to have admitted any allegations of the complaint that you do not so answer.

If you elect not to contest the allegations of fact set forth in the complaint, your answer shall state that you admit all of the material allegations to be true. Such an answer will constitute a waiver of hearings as to the facts alleged in the complaint and, together with the complaint, will provide a record basis on which the ALJ will file an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding. Such an answer may, however, reserve the right to submit proposed findings and conclusions and the right to appeal the initial decision to the Commission under Section 3.52 of the Commission's Rules of Practice.

If you do not answer within the specified time, you waive your right to appear and contest the allegations of the complaint. The ALJ is then authorized, without further notice to you, to find that the facts are as alleged in the complaint and to enter an initial decision and a cease and desist order.

The ALJ will schedule an initial prehearing scheduling conference to be held not later than 14 days after the answers are due. Unless otherwise directed by the ALJ, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the prehearing scheduling conference, and Rule 3.31(b) obligates counsel for each party, within 5 days of receiving a respondent's answer, to make certain initial disclosures without awaiting a formal discovery request.

A hearing on the complaint will begin on the fifteenth day of September, 2004, at 10:00 A.M. in Room 532, or such other date as determined by the ALJ. At the hearing, you will have the right to contest the allegations of the complaint and to show cause why a cease and desist order should not be entered against you.

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The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint. If, however, the Commission should conclude from the record facts developed in any adjudicative proceedings in this matter that the proposed order provisions as to Dynamic Health of Florida, LLC, Chhabra Group, LLC, DBS Laboratories, LLC, limited liability companies; and Vineet K. Chhabra a/k/a Vincent K. Chhabra, individually and as a director or officer of Dynamic Health of Florida, LLC and Chhabra Group, LLC might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary or appropriate.

Moreover, the Commission has reason to believe that, if the facts are found as alleged in the complaint, it may be necessary and appropriate for the Commission to seek relief to redress injury to consumers, or other persons, partnerships or corporations, in the form of restitution and refunds for past, present, and future consumers and such other types of relief as are set forth in Section 19(b) of the Federal Trade Commission Act. The Commission will determine whether to apply to a court for such relief on the basis of the adjudicative proceedings in this matter and such other factors as are relevant to consider the necessity and appropriateness of such action.

ORDER

DEFINITIONS

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

- A. Unless otherwise specified, “respondents” shall mean Dynamic Health of Florida, LLC, Chhabra Group, LLC, DBS Laboratories, LLC, limited liability companies, their successors and assigns and their officers; and Vineet K. Chhabra, a/k/a Vincent K. Chhabra, individually and as a director or officer of Dynamic Health of Florida, LLC and Chhabra Group, LLC, and

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each of the above's agents, representatives, and employees.

- B. "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.
- C. "Pedia Loss" shall mean "Pedia Loss Dietary Supplement" and any other product containing one or more of the ingredients in the current product that is marketed for weight loss or control.
- D. "Fabulously Feminine" shall mean "Fabulously Feminine Dietary Supplement" and any other product containing one or more of the ingredients in the current product that is marketed for sexual enhancement.
- E. "Food," "drug," and "device" shall mean as "food," "drug," and "device" are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.
- F. "Covered product or service" shall mean any dietary supplement, food, drug, or device, and any health-related service or program promoting weight loss or sexual enhancement.
- G. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
- H. "Endorsement" shall mean as defined in 16 C.F.R. § 255.0(b).

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- I. The term “including” in this Order shall mean “without limitation.”
- J. The terms “and” and “or” in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

I.**IT IS ORDERED** that:

- A. Respondents, 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 Pedia Loss or any other covered product or service, shall not make any representation, in any manner, expressly or by implication, including through the use of endorsements or the product name, that:
 - 1. Such product or service causes weight loss, suppresses appetite, increases fat burning, or slows carbohydrate absorption;
 - 2. Such product or service causes weight loss in overweight or obese children ages 6 and over; or
 - 3. Such product or service, when taken by overweight or obese children ages 6 and over, suppresses appetite, increases fat burning, or slows carbohydrate absorption,

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

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- B. Respondents, 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 Fabulously Feminine or any other covered product or service, shall not make any representation, in any manner, expressly or by implication, including through the use of endorsements or the product name, that such product or service will increase a woman's libido, sexual desire, or sexual satisfaction, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product or service, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of endorsements or the product name, about the benefits, performance, or efficacy of such product or service, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III.

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

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IV.**IT IS FURTHER ORDERED** that:

- A. Nothing in this Order shall prohibit respondents from making any representation for any drug that is permitted in labeling for such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration; and
- B. Nothing in this Order shall prohibit respondents from making any representation for any product that is specifically permitted in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

V.

IT IS FURTHER ORDERED that respondents Dynamic Health of Florida, LLC, Chhabra Group, LLC, DBS Laboratories, LLC and their successors and assigns, and respondent Vineet K. Chhabra shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available 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

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representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

VI.

IT IS FURTHER ORDERED that respondents Dynamic Health of Florida, LLC, Chhabra Group, LLC and DBS Laboratories, LLC and their successors and assigns, and respondent Vineet K. Chhabra shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

VII.

IT IS FURTHER ORDERED that respondents Dynamic Health of Florida, LLC, Chhabra Group, LLC, and DBS Laboratories, LLC and their successors and assigns, and respondent Vineet K. Chhabra shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. *Provided, however,* that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part

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shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Attention: In the Matter of Dynamic Health of Florida, LLC.

VIII.

IT IS FURTHER ORDERED that respondent Vineet K. Chhabra, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities.

IX.

IT IS FURTHER ORDERED that respondent Dynamic Health of Florida, LLC, Chhabra Group, LLC, and DBS Laboratories, LLC and their successors and assigns, and respondent Vineet K. Chhabra shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

X.

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

- A. Any Part in this order that terminates in less than twenty (20) years;

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- 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 respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

THEREFORE, the Federal Trade Commission this fifteenth day of June, 2004, has issued this complaint against respondents.

By the Commission.

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EXHIBIT A

dynamic Health Products : DynamicHealthProducts.com

http://www.dynamichealthproducts.com/info_pedialoss

Dynamic Health Products

Apimih-AM
Apimih-PM
Curb-Crusher
Fast-Fighter
Pedia Loss
Thermo-Loss

Ovalle

Relax Balance

Arginid Plus
Potabesity Formula
Masculine Male

Health Boost 50
Health Boost 100

Sleep PM

Pedia Loss



View Supplement Facts

Child obesity is a growing problem in North America. Pedia Loss is an appetite suppressant for children 6 years and older. Allow children to enjoy their favorite foods without gaining weight. This revolutionary new formula slows the absorption of carbohydrates, allowing more to be burned for energy and less to be stored as fat. This highly effective and natural dietary supplement comes in berry-flavored chewable tablets for easy consumption. In conjunction with a proper diet and exercise program, Pedia Loss can help your child from becoming a statistic.

Please consult your healthcare provider before using Pedia Loss to your child.

To understand the difference between Dynamic Health weight loss products click here.

\$69.99

1 **BUY NOW**

Pedia Loss is safe and effective for children of all ages.

This synergistic formula was designed to aid in a child's glucose metabolism. Since many of their favorite foods are rich in carbohydrates but very low in dietary fiber, their digestive tracts and insulin never function properly. Now with Pedia Loss children can still enjoy their favorite food but with the help of Inulin their bodies will slow down the absorption of carbohydrates, allowing more to be burned for energy and less to be stored as fat, and give a great source of soluble fiber. In addition to this highly advanced ingredient, we have included supplemental amounts of both glutamine and FOS, which have both been proven to drastically improve intestinal health. Finally this product contains a highly effective compound called HCL. This compound has been shown to safely burn fat without any form of stimulants.

Inulin is a polysaccharide derived from the Jerusalem artichoke and Dahlia tuber. It is formed by linking 30 fructose monomer units together in a long chain. A natural fiber, it helps to moderate blood sugar levels in the body. Not only can inulin analog help avoid "sugar rushes and crashes" commonly experienced, but it may also help reduce sugar craving, a frequent source of calories. Inulin analog is not absorbed by the digestive tract and therefore contributes no extra calories while improving energy levels.

INDICATIONS

Suggested Use:
Children ages 6-10: Two (2) tablets twice a day, 15 minutes before lunch & dinner.
Children ages 11-16: Three (3) tablets twice a day, 15 minutes before lunch & dinner.
Consume with 6-8 ounces of water, juice or other liquid.

As with all dietary supplements if you are pregnant or nursing or taking medication consult your health care professional before taking this product.

Storage: Store in a cool dry place. Keep out of reach of children. Do not use if seal is broken.

NOTES

Exhibit A

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EXHIBIT B

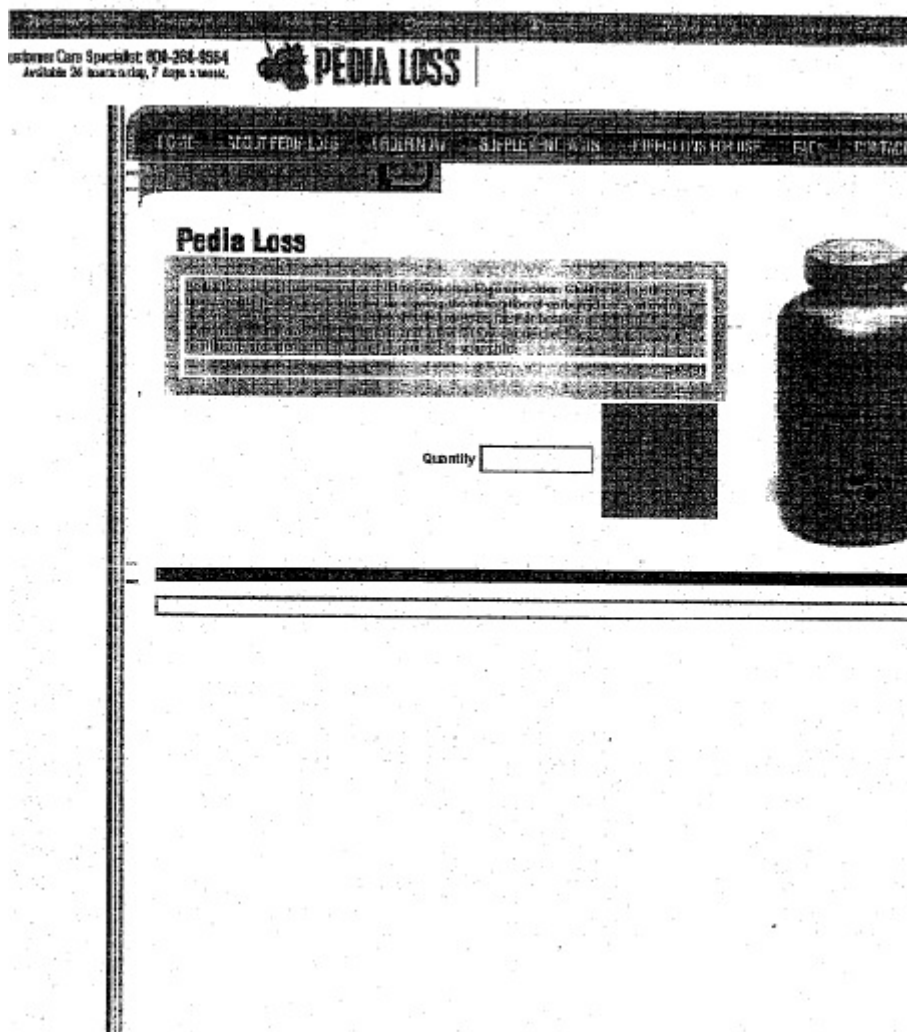


Exhibit B

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EXHIBIT C

DynamicHealth

what's NEW!

The latest trends in natural products

Child Obesity
an american reality

According to the Centers for Disease Control and Prevention, childhood obesity is a growing problem in the U.S., with one in ten pre-schoolers considered clinically obese. *Pedia Loss* addresses this growing health care issue in children 6 years of age and older. Children can still enjoy their favorite foods in moderation, while slowing the absorption of carbohydrates. The use of *Pedia Loss* enables more carbs to be burned for energy and less to be stored as fat. This highly effective and natural dietary supplement comes in berry-flavored chewable tablets that will appeal to children. Best of all is the feeling of strength and confidence they'll experience by overcoming childhood weight problems. A health care provider should be consulted before using *Pedia Loss*.

For more info about *Pedia Loss*
call 1.800.304.6103 or visit www.PediaLoss.com

SPICE IT UP! Add excitement to your sex life

Fabulously Feminine

Designed to build stamina and enhance the libido, *Fabulously Feminine* can help women feel more confident in their sexual encounters. Its herbal and amino acid formula, which is comprised of all-natural ingredients like Ginseng and Ginkgo, works to stimulate blood flow, increase sensitivity and prolong the sexual experience. According to *The Journal of the American Medical Association*, 40 percent of women experience sexual problems the most common being lack of desire. For women who are having difficulty with close encounters, this product can be taken prior to any intimate situation.

For more info about *FABULOUSLY FEMININE* and *MASCULINE MALE*
call 1.800.105.0028 or visit www.dynamichealthproducts.com

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EXHIBIT D

USAPrescription.com - from the comfort of your home

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USAPrescription.com

USA Prescription

Customer Care: 800.310.88
24 Hours a Day, 7 Days a Week

Your shopping bag: 0 items: \$0.00

ADD ITEM TO MY SHOPPING BAG

Do you come from from sexual intimacy? Get up and start the day with FABULOUSLY FEMININE. All natural FABULOUSLY FEMININE can help you find the things you need to make your sexual experience more intense and lasting. Discover a positive confidence that only has been forgotten or not yet explored and reveal in fresh, exciting new ways. FABULOUSLY FEMININE is a new level for you and your partner. It's all a matter of shedding old fears and increasing sensitivity, and FABULOUSLY FEMININE's natural and gentle formula accomplishes this naturally, yet powerfully. Start your desire for intimacy and get the most out of your sexual experience with FABULOUSLY FEMININE.

FABULOUSLY FEMININE
90 CAPSULES

FREE

Non-Prescription All-Natural Health Product From USA Labs

View Supplement Facts

This product has been made at a Good Manufacturing Practices certified laboratory. To read more about it click here

PRODUCT INFORMATION

Change the font

Fabulously Feminine is a safe, natural way to enhance sexual desire, satisfaction and enjoyment. The ingredients in Fabulously Feminine, when taken daily with a multi-herb, have been shown in a double-blind, placebo-controlled Stanford University study to enhance satisfaction with sex life, the level of sexual desire and frequency of sexual encounters.

It is estimated that 43% of women experience a loss of sexual vitality at some time in their lives. External factors such as stress and fatigue may contribute to this decline in sexual interest. Also, as we age, physical and psychological changes may impact sexual desire, satisfaction and enjoyment. Multiherb supplementation with the ingredients in Fabulously Feminine and a multivitamin appears to have a positive effect on a woman's health, overall sexual fitness and satisfaction.

A special libido enhancing formula designed specifically for women, Fabulously Feminine contains a proprietary blend of traditional libido enhancing herbs. Not being in the mood for sex is often times the result of poor stimulation, lack of energy, and hormonal

Weight Loss
Nipples & Sides
Cardio Health
Vascular Health
Muscle Rejuvenation
Pain Relief
Quit Smoking
Sexual Health
Skin & Hair Care
WOMEN'S HEALTH
Metabolism
Anti-Aging
Anxiety
Complexion
Constipation
Contraception
Depression
Diarrhea
Ear Infection
Flu
Fungal Infection
Goat
Hair & Scalp
Hemorrhoids
IBS
Insomnia
Joint Stiffness
OBS
Painkiller
Respiration
Tastes | Senses
Refrigerator
Anxiety

UPPLEMENTS

Weight Loss
200 0.190 PORTIONS

SIGN UP FOR SPECIALS

NAME
EMAIL

ORDERS OVE
\$79.00
WILL RECN

ORDER STATUS

COMPANY INFO
ABOUT US
FAQ
Contact Us
Privacy Policy
Safe Shipping Guarantee
Resources

Exhibit D

http://www.usaprescription.com/ProductInfo.aspx?prod=fabulouslyfeminine

12/1/2004

Complaint

EXHIBIT E

DBSLabs

I just want better SEX...



It is not unusual for men and women, young or old, to lose desire, arousal and overall satisfaction in the bedroom. Let **DBS Laboratories** give you the fuel you need to re-kindle the fire inside you.




URINO EXTRACTS

FABULOUSLY FEMININE

Only Natural

Millions of women are dealing with the same issue - you are. Put your confidence and your relationship in the hands of Fabulously Feminine - The safe, natural way to enhance sexual desire, satisfaction and enjoyment. A special urino enhancing formula designed specifically for women. Fabulously Feminine contains a proprietary blend of traditional libido enhancing herbs. Not being in the mood for sex is often times the result of poor stimulation, lack of energy, and hormonal imbalance. This product was specially formulated to address these issues. These all-natural ingredients are known to stimulate blood flow and increase sensitivity, making this product one of the most potent available on the market.

Millions of women are dealing with the same issue - you are. Put your confidence and your relationship in the hands of Fabulously Feminine - The safe, natural way to enhance sexual desire, satisfaction and enjoyment. A special urino enhancing formula designed specifically for women. Fabulously Feminine contains a proprietary blend of traditional libido enhancing herbs. Not being in the mood for sex is often times the result of poor stimulation, lack of energy, and hormonal imbalance. This product was specially formulated to address these issues. These all-natural ingredients are known to stimulate blood flow and increase sensitivity, making this product one of the most potent available on the market.

Exhibit E

Complaint

EXHIBIT F

**Your Desire
Unleashed!**



It is not unusual for women, young or old, to use cocaine to achieve sexual satisfaction in the bedroom. Let DHS Laboratories give you the free you need to re-ignite the fire inside you.

When low libido begins to interfere with your relationship, measures must be taken. In the past, little focus had been directed towards female sexual issues. You have the tools — now let Fabulously Feminine help you use them better and longer.

FABULOUSLY FEMININE

A scientific formula designed especially for a woman, Fabulously Feminine contains a proprietary blend of clinically proven ingredients for libido health. Not being in the mood for sex is often times the result of over stimulation, lack of energy, and hormonal imbalances. The product has been formulated to address these issues. Fabulously Feminine's natural ingredients stimulate blood flow and increase sensitivity, making this product extremely potent. Let DHS Labs show you the natural way to enhance sexual desire, satisfaction and enjoyment!

ATTENTION: CONSUMER

DHS Labs invites you to explore our wide-range of cutting edge, natural supplements. DHS Labs prides itself as a meticulous

Exhibit F

Decision and Order

DECISION AND ORDER

The Commission having heretofore issued its Complaint charging the Respondents, Dynamic Health of Florida, Inc; Chhabra Group, LLC; and Vineet Chhabra a/k/a Vincent Chhabra named in the caption hereof with violations of Sections 5(a) and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a) and 52 as amended, and Respondents having been served with a copy of that Complaint, together with a notice of contemplated relief; and

Respondents, their attorney, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order, an admission by Respondents of all the jurisdictional facts set forth in the Complaint, a statement that the signing of said Agreement is for settlement purposes only and does not constitute an admission by Respondents that the law has been violated as alleged in such Complaint, or that the facts as alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of its Rules; and

The Commission having considered the matter 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 § 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following Order:

1. Respondent Dynamic Health of Florida, LLC (“Dynamic Health”) is a Florida limited liability company with offices located at 1455 North Park Dr., Weston, Florida 33326.

Decision and Order

2. Respondent Chhabra Group, LLC (“Chhabra Group”) is a Florida limited liability company located at 1455 North Park Dr., Weston, Florida 33326.
3. Respondent Vineet K. Chhabra a/k/a Vincent K. Chhabra is an officer of Dynamic Health and Chhabra Group. Individually, or in concert with others, he has formulated, directed, participated in, or controlled the acts or practices of Dynamic Health and Chhabra Group, including the acts and practices alleged in this complaint. His principal office or place of business is 1455 North Park Dr., Weston, Florida 3326.
4. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of Respondents, and the proceeding is in the public interest.

ORDER**DEFINITIONS**

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

- A. Unless otherwise specified, “respondents” shall mean Dynamic Health of Florida, LLC (“Dynamic Health”), its successors and assigns and its officers; Chhabra Group, LLC (“Chhabra Group”), its successors and assigns and its officers; and Vineet K. Chhabra a/k/a Vincent K. Chhabra, individually and as a director or officer of Dynamic Health or Chhabra Group; and each of the above’s agents, representatives, and employees.
- B. “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

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generally accepted in the profession to yield accurate and reliable results.

- C. “Pedia Loss” shall mean “Pedia Loss Dietary Supplement” and any other product containing one or more of the ingredients in the current product that is marketed for weight loss or control.
- D. “Fabulously Feminine” shall mean “Fabulously Feminine Dietary Supplement” and any other product containing one or more of the ingredients in the current product that is marketed for sexual enhancement.
- E. “Food” and “drug” shall mean as “food” and “drug” are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.
- F. “Covered product” shall mean any dietary supplement, food, or drug.
- G. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
- H. “Endorsement” shall mean as defined in 16 C.F.R. § 255.0(b).
- I. The term “including” in this Order shall mean “without limitation.”
- J. The terms “and” and “or” in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

Decision and Order

I.**IT IS ORDERED** that:

- A. Respondents, 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 Pedia Loss or any other covered product, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of endorsements or the product name, that:
1. Such product causes weight loss, suppresses appetite, increases fat burning, or slows carbohydrate absorption;
 2. Such product causes weight loss in overweight or obese children ages 6 and over; or
 3. Such product, when taken by overweight or obese children ages 6 and over, suppresses appetite, increases fat burning, or slows carbohydrate absorption,
- unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.
- B. Respondents, 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 Fabulously Feminine or any other covered product, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through

Decision and Order

the use of endorsements or the product name, that such product will increase a woman's libido, sexual desire, or sexual satisfaction, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of endorsements or the product name, about the benefits, performance, or efficacy of such product, unless, at the time the representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III.

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

IV.

IT IS FURTHER ORDERED that:

- A. Nothing in this Order shall prohibit respondents from making any representation for any drug that is permitted in labeling for such drug under any tentative final or final standard promulgated by the Food and Drug

Decision and Order

Administration, or under any new drug application approved by the Food and Drug Administration; and

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

V.

IT IS FURTHER ORDERED that respondents Dynamic Health, Chhabra Group, and their successors and assigns, and respondent Vineet K. Chhabra 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.

Decision and Order

VI.**IT IS FURTHER ORDERED** that:

- A. For a period of three (3) years after the date upon which this order becomes final, respondents Dynamic Health, Chhabra Group, and their successors and assigns shall deliver a copy of this order to all current and future principals, officers, directors, and managers;
- B. For a period of three (3) years after the date upon which this order becomes final, respondent Vineet K. Chhabra shall deliver a copy of this order to all current and future principals, officers, directors, and managers of any business where (1) he is the majority owner of the business, or directly or indirectly manages or controls the business, and (2) the business is engaged in the advertising, marketing, promotion, offering for sale, sale, or distribution of any covered product;
- C. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities; and
- D. Respondents shall obtain a signed and dated statement acknowledging the receipt of the order as required in subparts A, B, and C above.

VII.

IT IS FURTHER ORDERED that respondents Dynamic Health, Chhabra Group, and their successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the

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emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. *Provided, however*, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Attention: In the Matter of Dynamic Health of Florida, LLC.

VIII.

IT IS FURTHER ORDERED that respondent Vineet K. Chhabra, for a period three (3) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Attention: In the Matter of Dynamic Health of Florida, LLC.

IX.

IT IS FURTHER ORDERED that respondents Dynamic Health, Chhabra Group, and their successors and assigns, and respondent Vineet K. Chhabra shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in

Decision and Order

writing, setting forth in detail the manner and form in which they have complied with this order.

X.

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

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

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

By the Commission.

Analysis to Aid Public Comment

**Analysis of Proposed Consent Order
to Aid Public Comment**

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order with Dynamic Health of Florida, LLC; Chhabra Group, LLC; and Vineet Chhabra a/k/a Vincent Chhabra (“respondents”). The proposed order resolves the allegations of the complaint issued against these respondents and others on June 15, 2004. *In the Matter of Dynamic Health of Florida, LLC*, D-9317 (June 15, 2004).

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

This matter concerns the respondents’ marketing of a purported children’s weight loss product called “Pedia Loss” and a purported female libido enhancer called “Fabulously Feminine.” The Commission's complaint charged that advertising for Pedia Loss made unsubstantiated claims that (1) Pedia Loss causes weight loss in overweight or obese children ages 6 and over, and (2) when taken by overweight or obese children ages 6 and over, Pedia Loss causes weight loss by suppressing appetite, increasing fat burning, and slowing carbohydrate absorption. The Commission’s complaint also charged that advertising for Fabulously Feminine falsely represented that clinical testing proves that Fabulously Feminine enhances a woman’s satisfaction with her sex life and level of sexual desire. In addition, the complaint challenged the unsubstantiated claim that Fabulously Feminine will increase a woman’s libido, sexual desire, and sexual satisfaction by stimulating blood flow and increasing sensitivity.

Analysis to Aid Public Comment

Part I.A. of the proposed order requires that respondents possess and rely on competent and reliable scientific evidence to support representations that Pedia Loss or any other covered product causes weight loss, suppresses appetite, increases fat burning, or slows carbohydrate absorption; causes weight loss in overweight or obese children ages 6 and over; or causes weight loss by suppressing appetite, increasing fat burning, or slowing carbohydrate absorption, when taken by overweight or obese children ages 6 and over. “Covered product” is defined as any dietary supplement, food, or drug. Part I.B. of the order requires that proposed respondents possess and rely on competent and reliable scientific evidence to support representations that Fabulously Feminine or any other covered product will increase a woman’s libido, sexual desire, or sexual satisfaction.

Part II of the proposed order requires that respondents possess and rely on competent and reliable scientific evidence to support benefits, performance, or efficacy representations for any covered product.

Part III of the proposed order prohibits respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test or studies. Part IV of the proposed order permits respondents to make certain claims for food or drugs that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration.

The remainder of the proposed order contains requirements that respondents maintain copies of advertising making representations covered by the order and any materials relied upon in disseminating these representations (Part V); distribute copies of the order to certain company officials (Part VI); notify the Commission of changes in corporate structure (Part VII); notify the Commission of changes in the individual respondent’s business or employment (Part VIII); and file one or more reports detailing their compliance with the order (Part IX). Part X of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

Analysis to Aid Public Comment

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Complaint

IN THE MATTER OF
NATIONS TITLE AGENCY, INC.

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

Docket C-4160; File No. 0523117
Complaint, June 19, 2006--Decision, June 19, 2006

This consent order relates to personal information on consumers collected by Nations Title Agency, Inc., Nations Holding Company, and Christopher M. Likens. The respondents provide services in connection with financing home purchases and refinancing existing home mortgages and routinely obtain sensitive consumer information from banks and other sources. The respondents failed to employ reasonable and appropriate security measures to protect such information. The order requires that respondents not misrepresent the extent to which they maintain and protect the privacy, confidentiality, or integrity of any personal information collected from or about consumers. It requires respondents 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 they collect from or about consumers. The order also requires that respondents not violate any provision of the Gramm-Leach-Bliley Safeguards Rule and Privacy Rule, as well as the Fair and Accurate Credit Transactions Act's Disposal Rule. In addition, the respondents must obtain periodic assessments and reports from a qualified, objective, independent third-party professional, certifying, among other things, that they have in place a security program that provides protections that meet or exceed the protections required by this order, and their security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of consumers' personal information have been protected. Additional provisions relate to reporting and compliance.

Participants

For the Commission: *Molly Crawford, Loretta Garrison,*
Jessica Rich, Alain Sheen, and Joel Winston.

For the Respondents: *David H. Cox, Jackson & Campbell, P.C.*

COMPLAINT

The Federal Trade Commission ("Commission"), having reason to believe that Nations Title Agency, Inc., Nations Holding