

Complaint

**IN THE MATTER OF
ORECK CORPORATION**

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

*Docket No. C-4321; File No. 102 3033
Filed May 19, 2011 – Decision May 19, 2011*

This consent order relates to Oreck Corporation's ("Oreck") advertising, marketing, and sale of its Oreck Halo vacuum cleaner and Oreck ProShield Plus portable air cleaner. The complaint alleges that Oreck misrepresented that its Oreck Halo and Oreck ProShield Plus (1) substantially reduces the risk of or prevents the flu; (2) substantially reduces the risk of or prevents other illnesses or ailments caused by bacteria, viruses, molds, and allergens, such as the common cold, diarrhea, upset stomachs, asthma, and allergy symptoms; and (3) will eliminate all or virtually all common germs and allergens found on the floors in users' homes. The consent order prohibits Oreck from making misleading representations that the Oreck Halo or any other vacuum cleaner (1) reduces the risk of or prevents the flu; (2) reduces the risk of or prevents illnesses or ailments caused by bacteria, viruses, molds, or allergens, such as the common cold, diarrhea, upset stomachs, asthma and allergy symptoms; (3) will eliminate all or virtually all germs, bacteria, dust mites, molds, viruses or allergens from a user's floor; and (4) will eliminate any percent or numerical quantity of germs, bacteria, dust mites, molds, viruses or allergens from a user's floor. The consent order also requires Oreck to pay \$750,000 in consumer redress.

Participants

For the *Commission*: *Matthew D. Gold* and *Kerry O'Brien*.

For the *Respondent*: *John G. Arena*, *Oreck Corporation*;
Michael L. Sibarium, *Pillsbury Winthrop Shaw Pittman LLP*; and
Brian D. Fergemann, *Winston & Strawn LLP*.

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The Federal Trade Commission, having reason to believe that Oreck Corporation, a corporation ("respondent"), has violated the

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provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Oreck Corporation is a Delaware corporation with its principal office or place of business at 565 Marriott Drive, Suite 300, Nashville, Tennessee 37214.

2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed products to the public, including the Oreck Halo vacuum cleaner and the Oreck ProShield Plus portable air cleaner. Respondent offers these products direct to consumers by telephone and through numerous websites, including www.oreck.com, www.healthier-home.com, www.oreckhalo.com, and www.oreckpureair.com, as well as through company-owned and franchised retail stores and third-party retail outlets. The Oreck Halo and the Oreck ProShield Plus are “devices,” 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. The Oreck Halo is an upright vacuum cleaner that has a built-in light chamber and a HEPA filter bag. The light chamber generates ultraviolet light in the C spectrum onto floor surfaces while vacuuming. Respondent promotes the Oreck Halo as effective, through normal use, in killing virtually all bacteria, viruses, germs, mold, and allergens that exist on carpets and other floor surfaces.

5. The Oreck Proshield Plus is a portable room air cleaner. Containing an electrostatic precipitator, the Oreck Proshield Plus uses a process called electrostatic attraction to trap airborne particles. Respondent promotes the Oreck ProShield Plus as effective, through normal use, in killing virtually all bacteria, viruses, germs, mold, and allergens that exist in the air of an average-sized household room.

6. Respondent has disseminated or has caused to be

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disseminated advertisements for the Oreck Halo and Oreck ProShield Plus, including but not necessarily limited to the attached Exhibits A through N. These advertisements contain the following statements and depictions:

- A. <http://www.oreck.com/flu-fighters/index.cfm>, accessed 12/9/09 (Exhibit A)



“The new Oreck ProShield™ Plus Air Purifier with Helios Shield™ captures and destroys many airborne viruses like the flu.

You can do something about the air in your home. Twice every hour, the new Oreck ProShield Plus cleans and re-circulates the air in a 12' x 18' room. In in-home testing, the ProShield helped deliver up to a 99% reduction in particles down to .1 microns.* . . .”

“The Oreck Halo® kills many germs on your floor while you vacuum.

Now you and your family can enjoy a healthier clean. This is the only vacuum in the world that uses powerful UV-C light to kill many of the germs that could be living on your floors. UV-C technology is not new. It's used to sanitize hospital operating rooms and to purify drinking water. . . .”

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B. Oreck Halo and ProShield Plus Print Advertisement
(Exhibit B)

“Introducing the Oreck Flu Fighters.

Help stop the flu on virtually any surface and in the air in your home.

Captures Viruses

The NEW Oreck ProShield™ Plus Air Purifier with Helios Shield™ can capture and destroy many airborne viruses like the flu.

You can do something about the air in your home. Twice every hour, the new Oreck ProShield Plus cleans and re-circulates the air in a 12' x 18' room. In in-home testing, the ProShield helped deliver up to a 99% reduction in airborne particles down to .1 microns.*

. . . .

Now you and your family can enjoy a healthier clean. This is the only vacuum in the world that uses powerful UV-C light to kill many of the germs that could be living on your floors. UV-C technology is not new. It's used to sanitize hospital operating rooms and to purify drinking water supplies. See for yourself just how effective it is and what a fantastic job it does on all types of floor surfaces.*”

[The advertisement contains the following statement in small print: “*Results may vary. Extent of killing on surfaces depends on microorganism exposure time. The Oreck Halo vacuum cleaner is not intended for use in the

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cure, mitigation, treatment or prevention of any disease or medical condition, including asthma or allergies.”]

C. Oreck Halo 30-minute Infomercial (Exhibit C, transcript, and Exhibit D, DVD containing ad)

[Announcer]: “Your floors look clean but are they really...even if it looks clean there can be germs, mold, bacteria, viruses, dust mite and flea eggs living right under your feet. Tracked in on your shoes or carried in by your pet. Did you know that you can find over 100,000 dust mites on one square yard of carpet and dust mites have been linked to indoor allergies and asthma. Plus there can be up to 2,500 bacteria, a common cause of infections on just one square inch of tile. But it gets worse! You could find up to 200,000 bacteria on just one square inch of carpet.”

. . . .

[Announcer]: “Ordinary vacuums pick up dirt, but may leave germs behind and harsh chemicals like bleach can ruin carpet. But now you can kill and reduce many germs and bacteria on all your floors, while you vacuum. Introducing the revolutionary Oreck Halo-the only germ-killing UVC vacuum!”

[The advertisement depicts a woman quickly vacuuming up all simulated germs. On the screen, the following statement appears in small white print superimposed at the bottom of the screen for a few seconds: “Simulation only. Results may vary. Extent of killing on surfaces depends on microorganism exposure time. The Oreck Halo vacuum cleaner is not intended for use in the cure, mitigation, treatment or prevention of any disease or medical condition, including asthma or allergies.”]

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. . . .

[Announcer]: “The light chamber in the Oreck Halo has killed up to 99.9% of bacteria exposed to its light in one second or less.”

[The advertisement depicts a woman vacuuming up all simulated germs. On screen, the statements appear: “Killed up to 99.9% of bacteria in laboratory testing.” and “One second or less.”]

. . . .

[Andrea Jackson]: “The Oreck Halo light chamber has been tested and shown to kill up to 99.9% of certain common germs, plus dangerous pathogens like E. Coli and MRSA. Best of all, the many germs it kills can then be vacuumed up without a trace, thanks to superior vacuum technology that could only come from Oreck.”

[The advertisement depicts a man quickly vacuuming up all simulated germs. On screen, the following statement appears: “Reduced up to 99.9% of common germs in laboratory testing.” The advertisement also contains the following statement in small white print superimposed at the bottom of the screen: “Simulation only. Results may vary. Extent of killing on surfaces depends on microorganism exposure time. The Oreck Halo vacuum cleaner is not intended for use in the cure, mitigation, treatment or prevention of any disease or medical condition, including asthma or allergies. Do not attempt to look into Oreck Halo light. See Owner’s Manual for safety and other instructions.”]

. . . .

[Announcer]: “In laboratory testing the Halo light

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chamber can kill flu virus and e.coli bacteria in as little as .33 seconds. There is no extra work and no extra cleaning.”

[The advertisement depicts a man in lab coat vacuuming, followed by the following chart:

UP TO 99.9% KILL		SECONDS
	INFECTIOUS HEPATITIS	0.40
	INFLUENZA	0.33
	BACILLUS ANTRACIS ANTHRAX	0.44
	E. COLI	0.33
	MYCOBACTERIUM TUBERCULOSIS	0.50
	SALMONELLA ENTERITIDIS	0.38

The advertisement then calls out from the chart the times relating to the flu virus and e. coli bacteria.]

....

[Stan Kikkert]: “I’m Stan Kikkert. In carpets, we can commonly find staphylococcus. Basically we did a simple experiment. I applied staphylococcus to the surface of various carpet samples. Some of those samples were vacuumed two passes from the Oreck Halo vac. Some received four passes, some received six passes. In addition, I did this experiment in parallel with a conventional vacuum, one that did not have an ultra-violet light. After performing the vacuuming, I swabbed the carpets, and transferred those swabs onto some auger Petri dishes. What we saw was a conventional vacuum is not effective at removing microorganisms from the carpet. The Oreck Halo vac was successful at removing bacteria from the surface of

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carpet samples. That reduction was approximately 80%, with each set of two passes.”

[On-screen depiction]



[On screen in above depiction in small white print at the bottom of the screen: “53% to 88% percent reduction in bacterial load was observed in laboratory testing.”]

[Stan Kikkert]: “We see that repeated use of the Oreck Halo vac, you get a repeated reduction in the amount of bacteria that’s present on the surface of the carpet samples.”

[On-screen depiction]



[On screen in above depiction in small white print at the bottom of the screen: “53% to 88% percent reduction in bacterial load was observed in laboratory testing.”]

....

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[Dr. Charles Gerba]: “To assess the effectiveness of the Oreck Halo, we looked at the numbers of bacteria in five different households. And I want to show you the results, because they’re rather dramatic. Let me start with the Rosser home, where you can see the number of bacteria on the baby’s carpeting before and after the use of the Oreck Halo-over a 90% reduction.”



[On-screen depiction]

[On screen in above depiction in small white print at the bottom of the screen: “Results may vary. Extent of killing on surfaces depends on microorganism exposure time. Bacteria colonies were incubated for comparison based on colony growth. Results may not represent actual bacteria levels present prior to incubation.”]

[Consumer endorser]: “Now I know firsthand! I mean the results are right in front of my face. It makes such a difference. That’s just amazing.”

[Dr. Charles Gerba]: “Well, let’s take a look at the results from the Harber’s kitchen tile floor. This is before and after. You can see the effectiveness of the Oreck Halo - here over 90% reduction.”

[Woman’s voice; close-up of two simulated Petri dishes-before and after-“Harber Family” heading]: “I can’t

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believe how much the Oreck Halo eliminated, and how, just by using the Halo for the thirty days. . . I just couldn't be happier with the results."

[Dr. Charles Gerba]: "Let's move on to the Squier household. You can see the large numbers of bacteria here, and in this case we reduced the number of bacteria by more than 99.9%."

[Consumer endorser]: "The bacteria was almost gone, so I know that if I continued to use the Oreck Halo, it's gonna remove more bacteria each time it's being used."

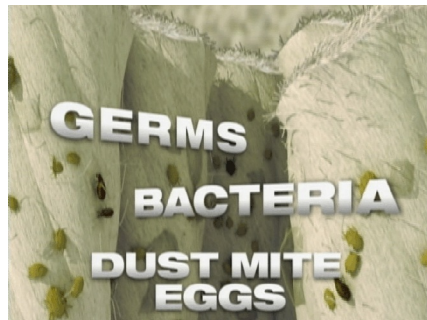
[Dr. Charles Gerba]: "Let's move on to the Coble home-the hardwood bedroom floors, you can see more than a 90% reduction."

[Consumer endorser]: "Couldn't even express the night and day results."

. . . .

D. Oreck Halo 60-second Television Commercial (Exhibit E, transcript, and Exhibit F, DVD containing ad)

[Announcer]: "Chances are allergens and illness triggers are in your home...living right under your feet. Dirt and debris you can see and germs, bacteria and dust mites that you can't see. So how do you get from here..."



[Depiction of simulated germs, bacteria and dust mite eggs deep below the surface of a carpet]

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to here?”



[Depiction of woman quickly vacuuming up all simulated mold, bacteria, germs and viruses]

[On screen in above depiction in small white print at the bottom of the screen: “Simulation only. Results may vary. Extent of killing on surfaces depends on microorganism exposure time. Not intended to cure, treat or prevent any disease or medical condition. Do not attempt to look into Oreck Halo light. See Owner’s Manual for safety and other instructions.”]

[Announcer]: “With the incredible germ killing vacuum so revolutionary it could only be an Oreck.

. . . .

The secret is the patented Halo Light chamber that creates a powerful germicidal wavelength of UV-C light that can kill and reduce up to 99.9% of germs and bacteria helping you give your floors a healthier clean.”

[The advertisement depicts the Oreck Halo’s UV-C light killing germs. On the screen, the following statement appears in small white print superimposed at the bottom of the screen

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for a few seconds: “Results may vary. Extent of killing on surfaces depends on microorganism exposure time. The Oreck Halo vacuum cleaner is not intended to cure, treat or prevent any disease or medical condition, including asthma or allergies.”]

[Announcer]: “. . . and learn how the Oreck Halo can help you give your home a healthier clean.”

[The advertisement depicts the Oreck Halo eliminating all germs below the vacuum]

E. Oreck Halo Print Advertisement (Exhibit G)

“Goodbye bacteria, viruses, mold, and germs. Hello barefoot clean!

Introducing the powerful new Oreck Halo.[™] The only UV-C germ-killing vacuum.

There is a lot more that could be living in your home than just your family and pets. Dust-mites, fleas and their eggs, mold, bacteria, germs, and microorganisms that cause flu, diarrhea and upset stomachs could be living there, too. Now there’s an amazingly powerful new vacuum that was designed to help protect your family from many of those microscopic, uninvited guests. It’s the new Oreck Halo with exclusive germ-killing UV-C Technology.

Technology proven in hospitals. The new Oreck Halo can kill many bacteria, viruses, dust mite eggs, and even mold on any floor surface.* That’s due to its powerful UV-C light. This is the same light used to disinfect hospital operating rooms and purify drinking water. You get a healthier clean.

. . . .”

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[Small print at bottom of ad: “Results may vary. Extent of killing on surfaces depends on exposure time. Instant killing is considered exposure times of one second or less. The Oreck Halo vacuum cleaner is not intended for use in the cure, mitigation, treatment, or prevention of any disease or medical condition, including asthma or allergies. Bag filters 99.95% of all particles captured down to 0.3 microns.”]

F. Oreck Halo Print Advertisement (Exhibit H)

“Make sure your child is the only thing crawling on your floors.

Millions of germs, viruses and bacteria could be living on **your** floor and can trigger asthma and allergy attacks, colds, and flu.

....



When the light is on, germs are gone.

....”

G. Oreck Halo Print Advertisement (Exhibit I)

“The Oreck Halo helps you fight the flu.



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Now you can enjoy a healthier clean, thanks to the Oreck Halo.

This is the only vacuum in the world that uses powerful UV-C light to kill many of the germs that could be living on your floors, such as the flu. UV-C technology is not new. It's used to sanitize hospital operating rooms and to purify drinking water. Plus the Oreck Halo is hypo-allergenic. It traps 99.9% of particulates down to 0.3 microns.

....”

H. Oreck ProShield Plus 30-minute Infomercial (Exhibit J, transcript, and Exhibit K, DVD containing ad)

[David Oreck]: “Here are a couple of questions. Do you want to protect your family from exposure to colds and flu this season in your home? Do you have pets? Do you ever use aerosol cleaners? Does anyone in your family have allergies or asthma? Now, if you answered ‘yes’ to any of these questions, that’s where my new Pro Shield Plus Air Purifier comes in.”



[On-screen depiction of woman sneezing]

....

[Announcer]: “Our country is facing what some are calling the worst flu season in years. Now more than ever we should

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be aware of the airborne germs and viruses that could be in our home.”

. . . .

[Host]: “Well, now you can fight back with this, the new Oreck ProShield Plus, the air purifier that circulates the air to capture and kill many of the potentially harmful things that may be in it. I know how harmful they can be because my health was severely affected for several years by indoor air pollution. So when the folks at Oreck asked me to host this show I told them I wanted to see proof that the ProShield Plus worked in real homes for real families, and not just in a laboratory. Their response? No problem.”

. . . .

[Tony Frassrand]: “Well, our independent air quality specialist did an initial test in the Vaccher’s home and found that they had an incredibly high number of particles in their air. We then turned on the Oreck ProShield Plus that was placed it in the center of the living room, and the ProShield Plus got to work cleaning the air. Our independent air quality specialist retested the air over a short period of time to see how the Oreck ProShield Plus performed. What’d you find?”

[Indoor Air Quality Specialist]: “Well what I found was that we had a 98% reduction.”

[Tony Frassrand]: “98% reduction.”

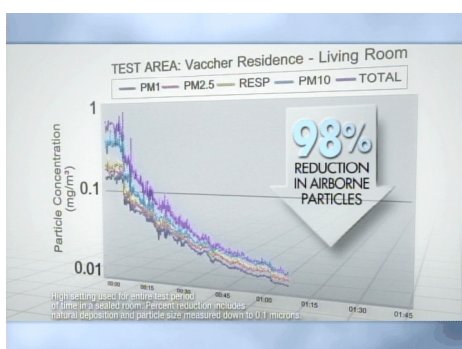
[Consumer endorsers]: “Wow!”

. . . .

[Tony Frassrand]: “Remember, before the ProShield Plus,

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the Vaccher family was battling an extremely high number of particulates in their air. In fact, the air in their home was more polluted than the air outside. But, the ProShield Plus helped remove 98% of those harmful particles out of the air. Well, if it can happen here in the Vaccher home then it can surely happen for you too.”



[On screen in above depiction in small white print at the bottom of the screen: “High setting used for entire test period of time in a sealed room. Percent reduction includes natural deposition and particle size measured down to 0.1 microns.”]

....

[Announcer]: “And here’s a special announcement. Our country is facing what some are calling the worst flu season in years. With the existing flu pandemic on the rise, now more than ever we should be aware of airborne germs and viruses that can be in our homes.”

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[On screen in above depiction in small white print at the bottom of the screen: “The Oreck ProShield Air Purifier is not intended for use in the cure, mitigation, treatment, or prevention of any disease or medical condition, including asthma or allergies.”]

[Announcer]: “That’s why when you order now, David Oreck will give you \$50.00 off his new Oreck ProShield Plus. That’s how committed Oreck is to the well being of your family and it’s a smart way to help reduce your chance of exposure to colds and flu in your home.”



....

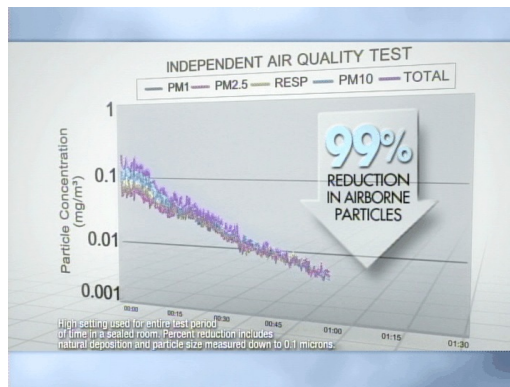
[Host]: “Few things are more beautiful than flowers in bloom. Unfortunately, that can also mean pollen is in the air.

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And for some of us, that can mean more than just an occasional sneeze. No wonder so many families with allergy and asthma sufferers love the ProShield Plus.”

....

[David Oreck]: “In fact, independent testing proved the ProShield Plus helped produce an astounding 99% reduction in airborne particles in a room in an actual home. And it can do the same in your home.”



[On screen in above depiction in small white print at the bottom of the screen: “High setting used for entire test period of time in a sealed room. Percent reduction includes natural deposition and particle size measured down to 0.1 microns.”]

...”

I. Oreck ProShield Plus 120-second Television Commercial (Exhibit L, transcript, and Exhibit M, DVD containing ad)

[Announcer]: “Attention. The federal government warns we could be in for the worst flu season in decades. So how are you going to fight back the millions of microorganisms that

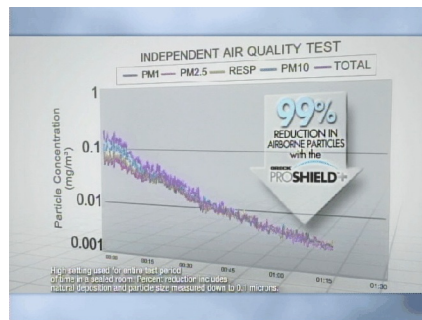
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could be riding on the airborne dust in your home?”

[Announcer]: “And those dust particles could carry things like germs, cold and flu viruses, bacteria, mold and allergens. And could be spreading illnesses like the influenza virus and when your front door closes you and your family are sealed in with that pollution.”

[The advertisement depicts simulated particles floating in a typical livingroom]

[Announcer]: “Now, you can fight back with the new Oreck ProShield Plus Air Purifier. The new ProShield Plus features two air-purification innovations only available from Oreck. Powerful fans circulate the air through the ProShield Plus and Oreck’s patented Truman Cell electrostatically charges many dust particles, allergens, germs and viruses pulling them out of the air like a magnet. And for odors, Oreck’s brand new Helios Shield uses ultraviolet light to smash the molecular structure of gases and odors. In fact, in-home testing shows that the new ProShield Plus helped deliver up to a 99% reduction in airborne particles down to .1 microns.”



[On-screen depiction of graph showing 99% reduction in airborne particles]

[On screen in above depiction in small white print at the bottom of the screen: “High setting used for entire test period of time in a sealed room. Percentage reduction includes natural deposition and particle size measured down to 0.1 microns.”]

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[Announcer]: “. . . Try it risk free for 30 days. Keep it and enjoy the freedom of NO payment and NO interest for 1 year. Call now and fight the flu in your home air, with the new Oreck ProShield Plus air purifier.”

- J. Oreck proshield plus print advertisement provided to franchisees (exhibit n)



Introducing the New Oreck ProShield™+ Air Purifier. In-home testing shows the ProShield helped deliver up to 99% reduction in airborne particles down to .1 microns[†].

Can capture and destroy many airborne allergens and viruses like the flu!



BACTERIA



VIRUSES



POLLEN

[The advertisement contains the following statement in small print: “High setting used for entire test period of time in a sealed room. Percent reduction includes natural deposition

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and particle size measured down to .1 micron.”]

7. Through the means described in Paragraph 6, respondent has represented, expressly or by implication, that:

- A. The Oreck Halo substantially reduces the risk of or prevents the flu;
- B. The Oreck Halo substantially reduces the risk of or prevents other illnesses or ailments caused by bacteria, viruses, molds, and allergens, such as the common cold, diarrhea, upset stomachs, asthma, and allergy symptoms;
- C. The Oreck Halo will eliminate all or virtually all common germs and allergens found on the floors in users’ homes;
- D. The Oreck Halo’s UV-C light is effective against germs, bacteria, dust mites, mold and viruses embedded in carpets;
- E. The Oreck ProShield Plus substantially reduces the risk of or prevents the flu;
- F. The Oreck ProShield Plus substantially reduces the risk of or prevents other illnesses or ailments caused by bacteria, viruses, molds, and allergens, such as the common cold, asthma, and allergy symptoms; and
- G. The Oreck ProShield Plus will eliminate all or virtually all airborne particles from a typical household room under normal living conditions.

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

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9. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 7, at the time the representations were made. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. Through the means described in Paragraph 6, respondent has represented, expressly or by implication, that:

- A. Scientific tests prove that users of the Oreck Halo will eliminate or virtually eliminate many common germs and allergens found on the floors in their homes; and
- B. Scientific tests prove that the Oreck ProShield Plus will eliminate or virtually eliminate many common viruses, germs and allergens from a typical household room under normal living conditions.

11. In truth and in fact:

- A. Scientific tests do not prove that users of the Oreck Halo will eliminate or virtually eliminate many common germs and allergens found on the floors in their homes; and
- B. Scientific tests do not prove that the Oreck ProShield Plus will eliminate or virtually eliminate many common viruses, germs and allergens from a typical household room under normal living conditions.

Therefore, the representations set forth in Paragraph 10 were, and are, false or misleading.

12. Respondent has provided advertisements to its franchised stores for use in their marketing and sale of the Oreck Halo and the Oreck ProShield, including but not necessarily limited to the attached Exhibits B, F, G, H, and N.

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13. Through the means described in Paragraph 12, respondent has provided means and instrumentalities to distributors of respondent's products in furtherance of the deceptive and misleading acts or practices alleged in Paragraphs 6 through 11.

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

THEREFORE, the Federal Trade Commission this nineteenth day of May, 2011, has issued this complaint against respondent.

By the Commission.

Complaint

EXHIBIT A

GET RESOURCES ON
ALL OUR IDEAS THROUGH OUR 14th

WINTER GREEN • OUR BEST IDEAS of the HOLIDAY SEASON • EASY TO DO

Oreck

Call 1-800-325-5880 to order anytime 24/7

Locate A Store | My Account | Shopping Cart (0/0)

enter keywords

GO

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Introducing the Oreck Flu Fighters

HELP REDUCE THE FLU
AND ALLERGIES IN YOUR HOME
WITH THE NEW Oreck
Flu Fighters

The new Oreck ProShield™ Plus Air Purifier with Halo Shield™ captures and destroys many airborne viruses like the flu. Plus, due to its powerful HEPA filter in your home. Twice every hour, the new Oreck ProShield Plus cleans and re-circulates the air in a 10' x 10' room. In in-home testing, the ProShield Plus helped deliver us to a 96% reduction in viruses down to 1 micron. And nobody else has the Halo Shield, which uses a special UV light to destroy odors and VOCs (Volatile Organic Compounds).

Get **FREE** gifts just for trying ProShield™ Plus

- The Oreck Speed Sweep
- Self-generator Air Purifier
- Plus **FREE** shipping. A \$29.95 value.

CALL 1-800-325-5880

OR VISIT www.oreck.com

\$299.95
Machine Price

*This offer is valid for orders that ship in a sealed room. Virus and bacteria reduction includes initial deployment and another one measured seven to 10 days later.

Available in select markets only. © 2014

The Oreck Halo™ kills many germs on your floor while you vacuum. Now you and your family can enjoy a healthier home. This is the only vacuum in the world that uses powerful UV-C light to kill many of the germs that could be living on your floor. UV-C light is very effective. It's used to keep the toughest swimming pools and the perfectly drinking water. See for yourself just how effective it is and what a fantastic job it does on all types of floor surfaces.

Get **FREE** gifts just for trying Oreck Halo™

- The Oreck Speed Sweep
- A year supply of vacuum bags
- Plus **FREE** shipping. A \$29.95 value.

CALL 1-800-325-5880

OR VISIT www.oreck.com

\$299.95
shipping cost

*Results may vary. Level of killing on surfaces depends on exposure time. The Oreck Halo vacuum cleaner is not intended for use in the sun, outdoors, in wet areas, or on any other surface or material, including walls or ceilings. © 2014 Oreck Industries, Inc. ProShield Plus and Halo are trademarks of Oreck Industries, Inc.

HEALTHY & SAFE • EASY TO DO • STARTING AT \$199
Call on Oreck Clean Home with Oreck Vacuum Cleaners and Air Purifiers.

Start us to receive email notices & special offers
Enter Your Email Address

Find us on Facebook

on app on line
Oreck's Clean Home
NEW! Oreck's Halo
Oreck's Halo (US & Canada)

our customers
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)

many shopping
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)

company info
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)

help us
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)
Oreck's Halo (US & Canada)

EXHIBIT A (continued)

© 2012-2009 Onek Direct, LLC | 595 Marford Dr, Ste 308 | Nashville TN, 37214

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EXHIBIT B

[illegible]

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EXHIBIT C

Project Oreck Re-edit
 Client Oreck
 Date 04/21/09
 Oreck Halo Infomercial – Re-edit
 Offer 2

Oreck Halo Infomercial – Offer 2
Bags only, No Interest No Payments for 1 full year

ANNC: The following is a paid presentation for the new Oreck Halo germ-killing vacuum. Brought to you by Oreck Direct, LLC.

Oreck Halo Transcript Segment 1

VO: The following is a paid presentation for the new Oreck Halo germ killing vacuum. Brought to you by Oreck Direct LLC.

VO: Your floors look clean but are they really...even if it looks clean there can be germs, mold, bacteria, viruses, dust mite and flea eggs living right under your feet. Tracked in on your shoes or carried in by your pet. Did you know that you can find over 100,000 dust mites on one square yard of carpet and dust mites have been linked to indoor allergies and asthma. Plus there can be up to 2,500 bacteria, a common cause of infections on just one square inch of tile. But it gets worse! You could find up to 200,000 bacteria on just one square inch of carpet.

Older woman, plaid sweater: I thought once I vacuumed, I had gotten all the germs, never realizing what was actually living on my floor and rug.

VO: Ordinary vacuums pick up dirt, but may leave germs behind and harsh chemicals like bleach can ruin carpet.

VO: But now you can kill and reduce many germs and bacteria on all your floors, while you vacuum. Introducing the revolutionary Oreck Halo—the only germ-killing UVC vacuum!

Woman, blonde, green shirt: When I was using my regular vacuum to clean my floors at home, I thought I was doing a pretty good job, but boy, when I got the Oreck Halo, it totally changed my mind.

DO: Hello, I'm David Oreck. You know, the filth of the street is on your feet. And every day it can get tracked into the place we all presume is safe—our home. Now that filth is loaded with germs and bacteria that can make your entire family sick. Go beyond clean, to a healthier clean with the Oreck Halo—my remarkable germ-killing machine. Which also happens to be one of the best vacuums I've ever made.

Woman, dark hair, mint green shirt: The vacuum itself is fantastic! It's a great vacuum, and then to have that ultraviolet light, that is killing bacteria and E. Coli, and it sucked up everything so everything looks clean and it is clean.

African-American woman, pink shirt: I like having the peace of mind, knowing that when my son is playing on the floor with his little toys, that I've done everything that I can possibly do to reduce the amount of bacteria and germs that are on the carpet.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

VO: The light chamber in the Oreck Halo has killed up to 99.9% of bacteria exposed to its light in one second or less.

DO: When the light is on, the germs are gone! The patented Halo light chamber lets you kill many of the germs that could be living on your floor in your home. And most importantly, it helps protect your family. Well, here's one family that knows the value of a healthier home: Ken and Carrie Garcia. You know, eight years ago they received a wonderful blessing, but also, a serious challenge.

Carrie Garcia: We really had a need to keep our house as clean as possible.

Ken Garcia: Our triplets were born prematurely, and weighed about 2 ¼ pounds when they were born.

Carrie Garcia: When we were getting ready to bring our boys home from the hospital, the doctor suggested to us that we should consider ripping up our carpets, because all of the dust mites, bacteria, germs, and mold that could be living there.

Ken Garcia: I worked in the water treatment industry and we've been using the power of ultra-violet light for decades to kill germs and bacteria in water, making it safe for people to drink.

Carrie Garcia: When Ken was telling me about how UV-C light works, I thought, wow, wouldn't that be great if we could put that on the bottom of the vacuum.

Ken Garcia: It took research, and work, and engineering to optimize the ultra-violet light on the bottom of the vacuum, so that the magnification from that ultra-violet light could kill some of the common germs, mold and bacteria on your floors while you were vacuuming.

Carrie Garcia: It just makes sense. If you're already vacuuming, why not get the benefit of the UV-C light?

Ken Garcia: We wanted to share our invention with families everywhere. So we took it to David Oreck because of his commitment to quality products that help create healthier homes.

Andrea Jackson: Hey there! I'm Andrea Jackson. You know, nothing beats having a healthier and cleaner home. Thanks to the Garcia family's ingenuity and care, the Oreck Halo gives you an easy and reliable way to safely remove many of the germs that could be living on the floors of your home. The Oreck Halo light chamber has been tested and shown to kill up to 99.9% of certain common germs, plus dangerous pathogens like E. Coli and MRSA. Best of all, the many germs it kills can then be vacuumed up without a trace, thanks to superior vacuum technology that could only come from Oreck.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
 Client Oreck
 Date 04/21/09
 Oreck Halo Infomercial – Re-edit
 Offer 2

VO: Imagine a revolutionary vacuum that goes way beyond where vacuums have been before. One that is capable of picking up sand, dust, pet hair in virtually one pass with the ability to kill many germs that could be living on your floors in a flash. That's what you get with the powerful new Oreck Halo. The secret is the patented UVC Light chamber that is built right into the bottom of the vacuum. This exclusive chamber contains a powerful UVC light, specially engineered reflector array, and quartz glass lens that magnifies and focuses a germicidal wave-length of light onto your floors as you vacuum. In laboratory testing the Halo light chamber can kill flu virus and e.coli bacteria in as little as .33 seconds. There is no extra work and no extra cleaning. And the Halo is the high quality vacuum you've come to expect from Oreck. Featuring not one but two high powered motors that independently drive the brush-roll and create incredible suction. Putting 117 miles per hour of air flow at floor level to deliver debris directly to the specially designed HEPA 13 filter bag, with Sani-seal tab, that captures up to 99.9% of everything vacuumed up for clean and easy removal. Say goodbye to mess. Say goodbye to many bacteria, viruses, and germs. Say hello to barefoot clean! With the revolutionary new Oreck Halo.

Andrea: The Oreck Halo offers amazing 2-In-1 cleaning power in just one easy step. Check this out—I just turn it on, then I turn on the Halo UV-C light, and just like that, I'm not only picking up dirt and debris, I'm also killing many of the germs, bacteria and mold that the naked eye can't see living on the floor. In fact, tests have shown that just two passes of the Oreck Halo can reduce bacterial-load on your floors by up to 80%.

Stan Kikkert: I'm Stan Kikkert. In carpets, we can commonly find staphylococcus. Basically we did a simple experiment. I applied staphylococcus to the surface of various carpet samples. Some of those samples were vacuumed two passes from the Oreck Halo vac. Some received four passes, some received six passes. In addition, I did this experiment in parallel with a conventional vacuum, one that did not have an ultra-violet light. After performing the vacuuming, I swabbed the carpets, and transferred those swabs onto some auger Petri dishes. What we saw was a conventional vacuum is not effective at removing microorganisms from the carpet. The Oreck Halo vac was successful at removing bacteria from the surface of carpet samples. That reduction was approximately 80%, with each set of two passes. We see that repeated use of the Oreck Halo vac, you get a repeated reduction in the amount of bacteria that's present on the surface of the carpet samples.

Woman, curly blonde hair, dark green shirt: Knowing that Dr. Kikkert proved that just two passes of the Oreck Halo Vacuum over your carpet could reduce Staph by 80% that is really awesome and it's a big relief to know that all that stuff is out of your carpet.

Woman, blonde, dark pink shirt: I know that when I'm done vacuuming, that it's clean.

Older woman, plaid sweater: I love the Oreck Halo! I just know that when I'm doing it, I'm not wasting my time. I'm sucking up that dog hair and any germs that they may bring into the house. I feel that this is a new generation—put the bleach away and use the Oreck Halo.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

CTA – Offer 2

David: Go beyond clean to a healthier clean...with the Oreck Halo. My remarkable germ-killing machine which also happens to be one of the best vacuums I've ever made.

ANNC: Now you can kill and reduce bacteria and viruses.

Diminish dust mite and flea eggs that can trigger allergies and asthma.

All while picking up tough dirt, debris and pet hair with the revolutionary Oreck Halo, the first Germ Killing UV-C Vacuum.

Call right now for No interest and No Payments for 1 full year. Now, you to can take advantage of the Oreck Halo's 2 in 1 cleaning power and as a special bonus we'll send you a years supply of Hepa 13 Filter Bags absolutely free.

Harsh chemicals like bleach could kill germs and bacteria – but they can also ruin carpet. The Oreck Halo is safe on every floor in your home; go from carpet, to tile, to hardwood...cleaning and killing many germs as you go.

ANNC: The secret is the patented Oreck Halo light chamber built right into the bottom of the vacuum. It creates a powerful germicidal wavelength of UV-C light, capable of disrupting the DNA of microorganisms present on your floors.

ANNC: Laboratory testing showed that it killed up to 99.9% of FLU virus and E-coli bacteria in less than one second, leaving your floors a healthier clean.

ANNC: This incredible germ killing power combines with legendary Oreck vacuum power, featuring over 350,000 brush strokes a minute and incredible suction from not 1 but 2 high-powered motors. Delivering 117 miles per hour of air flow at floor level, the Oreck Halo sucks up dirt and debris directly into the specially designed HEPA 13 filter bag with sani-seal tab.

Capturing 99.9% of everything vacuumed up for clean and easy removal. That means no more bag-less messes which can spread dust and allergens back into the air!

TESTIMONIAL: "Its not only just getting the dust or the dog hair, its getting the germs, its killing things that I cant see."

TESTIMONIAL: "It makes me feel good, I feel like I'm taking care of my family."

ANNC: The Oreck Halo comes complete with a variety of on board attachments for all of your above-the-floor cleaning needs. And the UV-C light is backed by a five year warranty.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
 Client Oreck
 Date 04/21/09
 Oreck Halo Infomercial – Re-edit
 Offer 2

ANNC: Call now for no interest and no payments for one full year and FREE SHIPPING. You'll also receive a years supply of HEPA 13 filter bags, and three tune-ups at any of the 450 Oreck stores nationwide. That's a total value of 185 dollars, yours free.

David: For over 40 years I've made it my mission to make your home cleaner and healthier. Try my Oreck Halo for 30 days, risk free in your own home. If you don't love it, you don't keep it. Just send it back and I'll even pay for return shipping no questions asked. You've got nothing to lose call me now.

ANNC: So Call now for this amazing 2 in 1 cleaning power and go way beyond ordinary clean to Oreck Halo Healthier Clean.

Oreck Halo Transcript Segment 2

Andrea: So, what do you think the germiest places in your home are? Well, we had several surfaces swabbed for germs in several regular homes, and then sent them to Dr. Charles Gerba, a renowned microbiologist. He transferred the samples to Petri dishes with a nutrient, so that any germs and bacteria that were present would be revealed.

Dr Gerba: Well you might be wondering what's the germiest area in your home, and most people are really suprised. We find like the toilet seat, it's actually one of the cleaner areas in the home. In contrast, take a look at the hardwood floors—here we see even more bacteria. The kitchen floor tile is one of the germier areas in the house. Finally, let's take a look at the carpeting here. This is actually carpeting that has been vacuumed. The regular vacuum cleaner will not kill germs that's why the Oreck Halo with UV light technology is a really good idea. You clean that dirt that you can see, but you're also killing those germs that you can't really see. It does two things at one time without extra work for your family. You're gonna vacuum the floor and you're gonna kill germs potentially that could make you ill.

Andrea: Dr. Gerba found over 200,000 bacteria on a single square inch of carpeting. Now you may be thinking, my home's not that bad. Well, we sent a team in the field to swab everyday homes just like yours.

Rich Hollenberg: Hi, I'm Rich. Today my team and I are going around to homes using these swabs to test their floors inside and see if there just might be some germs and bacteria living on them.

Woman, blonde, light pink shirt: My gut instinct would say that my floors are pretty clean.

Woman, dark blonde hair, blue shirt: But I'm afraid to see what kind of germs it might have on it.

Woman, blonde, pink shirt, holding toddler: Yeah, I was always kind of wondering what was on those floors, whenever we have the kids running around all the time.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

Rich Hollenberg: All I do is swab the floors in your house, for germs that might be on your floor. Then these swabs go back in the bag and we're gonna send them off to the University of Arizona, where Dr. Gerba is. He's a noted microbiologist, and he's an expert in the field for finding germs and bacteria.

Woman, blonde, light pink shirt: Ok, sounds good.

Rich: We have the reports back for you and unfortunately they are not to favorable....they're not very pretty...the news is not very good. In fact it's a little scary and instead of me telling you, Dr. Gerba has some results to report back to you.

Dr. Gerba: Dalton family—we did find some fecal bacteria on the living room rug and the kitchen floor.

Rich: I just wanted to show you that this is what 30,000 E. Coli looks like.

Woman, brown hair: That's disgusting.

Man, brown hair: Yeah, that's bad.

Dr. Gerba: Squier family, we found E. Coli on your TV room rug, and your kitchen tile.

Rich: That's what 240,000 E. Coli looks like. There was also staphylococcus.

Dr. Gerba: The Rosser family, we did find E. Coli on your kitchen tile floor.

Rich: And what's worse, this is what we found in your baby's room, on their carpet. That's thousands and thousands of germs.

Woman, blonde, blue shirt: I thought I was cleaning the floors, and I think that's the scary part.

Dr. Gerba: In the Harber family here, we found E. Coli on the downstairs rug.

Woman, blonde, brown shirt: Really?! Oh my gosh, that's just...that's scary!

Dr. Gerba: In the Coble family, we actually found fecal bacteria on the hardwood bedroom floors, living room rug, and we also found MRSA.

Man, silver hair, blue shirt: The MRSA's very alarming.

Rich: Well guys, we do have something that we think can help. The Oreck Halo vacuum cleaner actually has a patented light chamber, and it's been tested and shown to kill and reduce common germs. So, what I could do for you is leave the Oreck Halo vacuum here, keep it for thirty days,

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
 Client Oreck
 Date 04/21/09
 Oreck Halo Infomercial – Re-edit
 Offer 2

I'll come back in a month with my team, we'll re-swab your floors. And hopefully, we'll be able to come back with some better news for you the second time around. Sound good?

Woman, brown hair, red shirt: Yeah, that sounds great.

Man, blue shirt, brown hair: Sounds great.

Woman, long brown hair, dark pink shirt: That'd be great, yes.

Man, silver hair, blue shirt: Excellent.

Woman, blonde, dark pink shirt: That'd be awesome.

Andrea: So how do you kill germs, bacteria, mold and viruses? Well, you might use powerful chemicals like these on your kitchen counter tops, but most of these, especially things like bleach, you don't want to put those on your carpet and your hardwood floors. This is why the Oreck Halo is so unique and exciting. It uses zero chemicals, thanks to the patented Oreck Halo light chamber. This exclusive chamber contains a powerful UVC light, specially engineered reflector array, and quartz glass lens that magnifies and focuses a germicidal wave-length of light onto your floors as you vacuum. In laboratory testing the Halo light chamber has killed up to 99.9% of flu virus and E. coli bacteria in one second or less. An incredible effective solution, no additional work, just vacuum like you normally do, and when the light is on, the germs are gone. There is nothing out there that works quite like the Oreck Halo. Isn't it time your floors see the light?

Rich: I'm Rich, back at the Dalton's house. It's been 30 days since we were here, and I'm back with the new results. If you remember, this is what 30,000 E. Coli looked like. Now, after using the Oreck Halo vacuum after thirty days, this is what your kitchen floor area looked like that we tested.

Woman, brown hair, pink shirt: Wow!

Man, brown hair, green shirt: That's huge.

Rich: Now you can see what a big difference it is. Pretty good results right?

Woman, brown hair, pink shirt: Yeah! That's awesome. The house feels cleaner.

Rich: And now here are the new results on your kitchen floor.

Man, silver hair, beige shirt: Wow!

Rich: That's a 95.1% reduction.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

Woman, blonde, orange shirt: Oh my gosh!

Rich: That's a 95% reduction in E. Coli.

Woman, blonde hair, green shirt: That's a big change. To think that all we have to do now is vacuum the floors and it makes such a difference. That's just amazing!

Rich: Do you see anything in that dish?

Woman, blonde hair, pink shirt: No.

Rich: There was no staphylococcus found after using the Oreck Halo.

Woman, blonde hair, pink shirt: That's great.

Rich: Now your eyes aren't deceiving you—there is nothing on that Petri dish. It completely eliminated the MRSA.

Man, silver hair, beige shirt: Unbelievable!

Woman, blonde hair, orange shirt: I can't believe how much better it looks!

Rich: That's a 96.1% reduction. Well, you have a decision to make now. You could keep your old vacuum, or, you can trade out your old vacuum and I'll leave the Oreck Halo vacuum for you to keep. Sound like a good deal?

Woman, brown hair, pink shirt: Deal.

Man, brown hair, green shirt: Deal.

Woman, blonde hair, pink shirt: Oh, I'm definitely gonna trade it out. If this is the results I get, definitely.

Woman, blonde hair, orange shirt: That isn't any decision because I'm gonna keep the Halo.

Woman, long brown hair, yellow shirt: That's like the only thing that we've done that's really effective.

Man, silver hair, beige shirt: That's a no-brainer.

DO: What is it worth to you to help your child avoid germs and bacteria? What is it worth knowing you're helping to make a healthier home? Isn't that the most important thing? Now, you've got nothing to lose but the germs! So try my new Oreck Halo today, see the difference it makes.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
 Client Oreck
 Date 04/21/09
 Oreck Halo Infomercial – Re-edit
 Offer 2

African-American woman, pink shirt: It sucks up the finest dirt along with the big chunks. Having two children there is often lots of chunks around our house. (laugh) So it does you know gobble up all that stuff but it also kills the bacteria.

Woman, blonde, green shirt: I think the Oreck Halo is a vacuum and a germ killing machine all in one nice neat package.

CTA – Offer 2

David: Go beyond clean to a healthier clean...with the Oreck Halo. My remarkable germ-killing machine which also happens to be one of the best vacuums I've ever made.

ANNC: Now you can kill and reduce bacteria and viruses.

Diminish dust mite and flea eggs that can trigger allergies and asthma.

All while picking up tough dirt, debris and pet hair with the revolutionary Oreck Halo, the first Germ Killing UV-C Vacuum.

Call right now for No interest and No Payments for 1 full year. Now, you to can take advantage of the Oreck Halo's 2 in 1 cleaning power and as a special bonus we'll send you a years supply of Hepa 13 Filter Bags absolutely free.

Harsh chemicals like bleach could kill germs and bacteria – but they can also ruin carpet. The Oreck Halo is safe on every floor in your home; go from carpet, to tile, to hardwood...cleaning and killing many germs as you go.

ANNC: The secret is the patented Oreck Halo light chamber built right into the bottom of the vacuum. It creates a powerful germicidal wavelength of UV-C light, capable of disrupting the DNA of microorganisms present on your floors.

ANNC: Laboratory testing showed that it killed up to 99.9% of FLU virus and E-coli bacteria in less than one second, leaving your floors a healthier clean.

ANNC: This incredible germ killing power combines with legendary Oreck vacuum power, featuring over 350,000 brush strokes a minute and incredible suction from not 1 but 2 high-powered motors. Delivering 117 miles per hour of air flow at floor level, the Oreck Halo sucks up dirt and debris directly into the specially designed HEPA 13 filter bag with sani-seal tab.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

Capturing 99.9% of everything vacuumed up for clean and easy removal. That means no more bag-less messes which can spread dust and allergens back into the air!

TESTIMONIAL: "Its not only just getting the dust or the dog hair, its getting the germs, its killing things that I cant see."

TESTIMONIAL: "It makes me feel good, I feel like I'm taking care of my family."

ANNC: The Oreck Halo comes complete with a variety of on board attachments for all of your above-the-floor cleaning needs. And the UV-C light is backed by a five year warranty.

ANNC: Call now for no interest and no payments for one full year and FREE SHIPPING. You'll also receive a years supply of HEPA 13 filter bags, and three tune-ups at any of the 450 Oreck stores nationwide. That's a total value of 185 dollars, yours free.

David: For over 40 years I've made it my mission to make your home cleaner and healthier. Try my Oreck Halo for 30 days, risk free in your own home. If you don't love it, you don't keep it. Just send it back and I'll even pay for return shipping no questions asked. You've got nothing to lose call me now.

ANNC: So Call now for this amazing 2 in 1 cleaning power and go way beyond ordinary clean to Oreck Halo Healthier Clean.

Oreck Halo Transcript Segment 3

Woman, curly brown hair, green shirt: The Oreck Halo has actually become like my new best friend. Especially when I use the ultraviolet light on the carpeted areas that we have, knowing what it's doing for us. It's exciting!

Woman, short brown hair, mint green shirt: In life, there's a lot that you can't control. I like knowing that I can control the environment in my house. I can make it cleaner, I can make it safer for my entire family. It's a good feeling.

Woman, curly blonde hair, green shirt: I really love my Oreck Halo. It saves me so much time. Because nobody likes to clean, but if you can do it faster, and you can do it better, and you can kill germs at the same time—it's awesome!

Andrea Jackson: All those people have plenty of reasons to feel great about using the Oreck Halo. In one easy step, the patented Oreck Halo light chamber kills many germs in a flash with every pass of the vacuum. Listen to this to see just what I mean.

Ken Garcia: The ultra-violet light that's used in this vacuum is the same ultra-violet light that's been used for decades in water treatment plants; so that it purifies the water, making it safe and

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
 Client Oreck
 Date 04/21/09
 Oreck Halo Infomercial – Re-edit
 Offer 2

healthy for people to drink everyday. So we took that same idea, that same concept and applied it into a vacuum cleaner. This optimized light chamber magnifies the ultra-violet light, so that exposure can kill some of the common germs, mold and bacteria found living on floor surfaces. Oreck was a great place to take this technology because of their long-standing commitment to innovative products that really make a difference in people's homes.

DO: For over forty years, I've made it my mission to make your home cleaner and healthier. But there can be invisible hazards on our floors that can make us sick, might keep us from going to work or going to school. My Oreck Halo is unlike any vacuum I've ever produced. Sure, it features the terrific vacuum power you'd expect from any one of the Oreck vacuums, but it's also a germ-killing machine. Try my new Oreck Halo today, and see the difference it makes!

Andrea Jackson: Your ordinary vacuum may pick up some of the germs living on your floors, well, that's if you're lucky. Even then, the germs it might pick up could still be alive inside your vacuum bag or canister. So, when you go to empty that bag or canister, you simply move germs from one part of the house to another. But the Oreck Halo kills many of the germs before they ever reach the Hepa vacuum bag. They are D.O.A., dead on arrival. So to prove it, we've set up a demonstration. Here we have a bagless vacuum, and here we have the Oreck Halo. Now, in front of each vacuum is a pile of debris. In each pile, we mixed in material that responds to special black lights—showing us just how effectively each of these vacuums secures its contents. First, let's empty the bagless vacuum. Watch how the glowing particles disperse into the air, and that dirt and filth can go right back into your house. Just look at my hand. What if this was germs and bacteria? Now, look at the Oreck Halo. The outside of the scientifically advanced Hepa 13 filter bag is free of glowing particles. And with the Sani-seal tab, we just take the bag out, and it automatically seals. That means nearly nothing has escaped—because what goes in the bag, stays in the bag. See? My hands are clean.

Dr. Gerba: To assess the effectiveness of the Oreck Halo, we looked at the numbers of bacteria in five different households. And I want to show you the results, because they're rather dramatic. Let me start with the Rosser home, where you can see the number of bacteria on the baby's carpeting before and after the use of the Oreck Halo—over a 90% reduction.

Woman, blonde hair, green shirt: Now I know firsthand! I mean the results are right in front of my face. It makes such a difference. That's just amazing.

Dr. Gerba: Well, let's take a look at the results from the Harber's kitchen tile floor. This is before and after. You can see the effectiveness of the Oreck Halo - here over 90% reduction.

Woman's voice; close-up of two simulated Petri dishes—before and after—"Harber Family"
 heading: I can't believe how much the Oreck Halo eliminated, and how, just by using the Halo for the thirty days... I just couldn't be happier with the results.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

Dr. Gerba: Let's move on to the Squier household. You can see the large numbers of bacteria here, and in this case we reduced the number of bacteria by more than 99.9%.

Woman, blonde hair, dark pink shirt: The bacteria was almost gone, so I know that if I continued to use the Oreck Halo, it's gonna remove more bacteria each time it's being used.

Dr. Gerba: Let's move on to the Coble home—the hardwood bedroom floors, you can see more than a 90% reduction.

Man, silver hair, beige shirt: Couldn't even express the night and day results.

Dr. Gerba: We also found MRSA, but it was completely eliminated after the use of the Oreck Halo. Finally, taking a look at the Dalton household—before the use of the Oreck Halo; after the use of the Oreck Halo.

Woman, dark hair, mint green shirt: I had no idea what was living in my carpet or on my floor. I thought it was completely disgusting that there was E. Coli in my kitchen and in my rugs that my kids lay on and roll around in. To know that I'm reducing it and killing it, I mean, it makes me feel a lot better.

Dr. Gerba: We found substantial numbers of bacteria on all the floor surfaces. However, after thirty days of the Oreck Halo UV light technology, we found no E. Coli, we found no staphylococcus, and we found no MRSA. So to me that's a step, an advance, in technology, where you could accomplish two things at one time.

Andrea Jackson: The Oreck Halo gives you peace of mind knowing you're reducing the harmful germs and bacteria on every floor in your home, each time you vacuum. The Oreck Halo can truly make a difference and give your family a refreshing, clean living environment. And few things are as important as a healthier home. So, what are you waiting for? Get your Oreck Halo today, and discover the healthier difference between what looks like it might be clean and Oreck Halo healthier clean.

CTA – Offer 1

David: Go beyond clean to a healthier clean...with the Oreck Halo. My remarkable germ-killing machine which also happens to be one of the best vacuums I've ever made.

ANNC: Now you can kill and reduce bacteria and viruses.

Diminish dust mite and flea eggs that can trigger allergies and asthma.

All while picking up tough dirt, debris and pet hair with the revolutionary Oreck Halo, the first Germ Killing UV-C Vacuum.

Complaint

EXHIBIT C (continued)

Project Oreck Re-edit
Client Oreck
Date 04/21/09
Oreck Halo Infomercial – Re-edit
Offer 2

TESTIMONIAL: "Its not only just getting the dust or the dog hair, its getting the germs, its killing things that I cant see."

TESTIMONIAL: "It makes me feel good, I feel like I'm taking care of my family."

ANNC: The Oreck Halo comes complete with a variety of on board attachments for all of your above-the-floor cleaning needs. And the UV-C light is backed by a five year warranty.

ANNC: Call now for no interest and no payments for one full year and FREE SHIPPING. You'll also receive a years supply of HEPA 13 filter bags, and three tune-ups at any of the 450 Oreck stores nationwide. That's a total value of 185 dollars, yours free.

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ANNC: So Call now for this amazing 2 in 1 cleaning power and go way beyond ordinary clean to Oreck Halo Healthier Clean.

ANNC: The preceding was a paid presentation for the new Oreck Halo germ-killing vacuum. Brought to you by Oreck Direct, LLC.

Complaint

EXHIBIT D

DVD of Oreck Halo Commercial

Complaint

EXHIBIT E

Project Oreck Halo
 Client: Oreck
 :60 Lead Gen Spot
 Date 06/16/09
 Revision 3

****Triggers Lead Gen**

ANNC: Chances are allergens and illness triggers, are in your home...living right under your feet. Dirt and debris you can see and germs, bacteria and dust mites that you can't see.

So how do you get from here

To here?

With the incredible germ killing vacuum so revolutionary it could only be an Oreck.

Call now for a **FREE** no obligation DVD about the Oreck Halo the world's first germ killing vacuum. The secret is the patented Oreck Halo Light chamber that creates a powerful germicidal wavelength of UV-C light that can kill and reduce up to 99.9% of germs and bacteria helping you give your floors a healthier clean. [Need comprehensive footnote.]

The Oreck Halo has 2 high powered motors that pick up tough dirt, debris and pet hair like only an Oreck can. And, the revolutionary germ killing power kills germs while you vacuum.

For floors that not only look clean but truly are clean... and its only available from Oreck!

Call now for a **FREE** no obligation DVD and learn all about the amazing Oreck Halo and how it can help you create a healthier clean home for you and your family.

Complaint

EXHIBIT F

DVD of Oreck Halo 60-Second TV Commercial

Complaint

EXHIBIT G

Goodbye bacteria, viruses, mold, and germs. Hello barefoot clean!



**Introducing the powerful new Oreck Halo.[™]
The only UV-C germ-killing vacuum.**

There is a lot more that could be living in your home than just your family and pets. Dust mites, fleas and their eggs, mold, bacteria, germs, and microorganisms that cause flu, diarrhea and upset stomachs could be living there, too. Now there's an amazingly powerful new vacuum that was designed to help protect your family from many of those microscopic, unwanted guests. It's the new Oreck Halo with exclusive germ-killing UV-C technology.

Technology proven in hospitals. The new Oreck Halo can kill many bacteria, viruses, dust mite eggs, and even mold on any floor surface. That's due to its powerful UV-C light. This is the same kind of light used to disinfect hospital operating rooms and pretty drinking water. You get a healthier clean.

It's more than a vacuum. When you clean your home with the new Oreck Halo, you get the added benefit of being able to clean your toughest messes in virtually one pass and the ability to kill many germs in a flash. We call it Protection Beyond Clean.[®] You owe it to yourself to try this powerful, germ-killing, hypo-allergenic, durable, easy-to-use, vacuum ask-tee for 30 days.

2009 WINNER!
Oreck Award
Best Product
Award.

The only vacuum that
can kill many of the
germs that could be
living in your carpet
using UV-C light.

Call: **1-800-364-1156** Code: **DR256** Or visit: **OreckHaloClean.com/tsi3**

 Get a FREE 1-Year Supply of Filter Bags! A \$24.99 value.	Try it FREE for 30 days in your own home and PAY NOTHING FOR A YEAR!	 Get FREE Shipping! A \$19.95 value.	
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Complaint

EXHIBIT H

Make sure your child is the only thing crawling on your floors.

> Millions of germs, viruses and bacteria could be living on **your** floor and can trigger asthma and allergy attacks, colds, and flu.

> Get an Oreck Halo Healthier Home. Try the **NEW** germ-killing Oreck Halo vacuum with a **30 day Risk Free Guarantee**. Available only at your local Oreck Store.

NEW

GERM KILLING UV-C LIGHT

ORECK HALO

Viruses Dust Mite Eggs Flea Eggs Bacteria Mold

WHEN THE LIGHT IS ON, GERMS ARE GONE.

Location Name 411 Location Street Town, St XXXXX	Location Name 411 Location Street Town, St XXXXX	Location Name 411 Location Street Town, St XXXXX
Location Name 411 Location Street Town, St XXXXX	Location Name 411 Location Street Town, St XXXXX	Location Name 411 Location Street Town, St XXXXX

ORECK clean home vacuums

Complaint

EXHIBIT I

The Oreck Halo® helps you fight the flu.

NOW YOU CAN ENJOY A HEALTHIER CLEAN, THANKS TO THE ORECK HALO®

This is the only vacuum in the world that uses powerful UV-C light to kill many of the germs that could be living on your floors, such as the flu. UV-C technology is not new. It's used to sanitize hospital operating rooms and to purify drinking water. Plus the Oreck Halo® is hypo-allergenic. It traps 99.9% of particulates down to 0.3 microns. It also picks up sand, dust, cat hair and lint in virtually one pass. We call this Protection Beyond Clean.® You'll call it Brilliant. Visit us today to see just how effective it is and what a fantastic job it does on all types of floor surfaces.

The only vacuum using UV-C light, that can kill many of the germs that could be living on your floors.

Expires 10/21/09.

HURRY!
Limited time offer.
While supplies last!

ORECK clean home center

Douglasville (770) 577-8500 Buford (770) 271-2888 Fayetteville (770) 716-0095 Back haul (404) 814-0798	Norcross (770) 447-9900 Snellville (770) 982-8084 Alpharetta (770) 740-1777 Marietta (770) 973-9555	Duluth (770) 476-5555 Kennesaw (770) 218-1618
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We Service All Makes, Brands & Models

Complaint

EXHIBIT J**FINAL SHOW SCRIPT**

ISCI #2813-01



All of the concepts, language, and graphic treatment
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Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"***VISUALS:****AUDIO:**

OPENING DISCLAIMER

ANNCR 1: The following is a paid presentation for the new Oreck ProShield Plus Air Purifier, the breakthrough in improving indoor air quality from one of America's most trusted names in cleaning.

CUT TO DAVID ORECK

DAVID ORECK: You have everything in your home from smoke detectors, to safety locks on the door, to antibacterial soap to protect your family. But what can you do to help protect them from the air that they're breathing?

01:00:35;00

DAVID ORECK: Here are a couple of questions.

DAVID ORECK: Do you want to protect your family from exposure to colds and flu this season in your home. Do you have pets? Do you ever use aerosol cleaners? Does anyone in your family have allergies or asthma? Now, if you answered 'yes' to any of these questions, that's where my new Pro Shield Plus Air Purifier comes in.

DAVID ORECK: Hi, I'm David Oreck. Today, we are going to use this little device to show you the incredible number of potentially dangerous particulates that could be in the air in your home. Let me show you ...

DAVID ORECK: A special light is going to help me reveal what you can't see. Now hit the lights! There! Now you can see the thousands of particles that you could be in your air. Particles could be affecting your health. Well, stick around I'm going to show you how to get rid of them.

01:01:19;14

ANNCR 1: Our country is facing what some are calling the worst flu season in

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

	years. Now more than ever we should be aware of the airborne germs and viruses that could be in our home.
01:01:28;10	ANNCR 1: Coming up, see what we found when TV's House Detective along with an Independent Air Quality Specialist test the air in the home of two different families. The results before and after using the new Oreck ProShield Plus surprised everyone.
CUT TO IN-HOME TESTIMONIALS	GIRL: That's incredible! MOM: I can't believe that! DAD: That's exciting!
01:01:46:03	ANNCR 2: And see how one schoolteacher is helping her students fight exposure to colds and viruses... In this classroom, the only thing they plan on taking home this flu season is homework.
01:01:54:07	ANNCR 1: You'll also meet the star of a popular home improvement show, who battled her own air quality issues.
01:02:00:13	ANNCR 2: And you'll hear from the many people with allergy and asthma symptoms that use the new ProShield Plus to help make a difference in the air they breathe.
CUT TO TESTIMONIALS	SAL: It's clean! It's fresh! LORI: It's really changed our lives. DANNY: You could feel the difference in the air. NOCELLA FAMILY: It's phenomenal. We love it.
01:02:14:05	ANNCR 1: Those are actual reactions from the many people who've experienced the new Oreck ProShield Plus, the portable proactive way to help clean the air in your

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

	home, from America's #1 seller of air purifiers.
01:02:35;06	ANNCR 2: Did you know that as you move through your home, you're actually kicking up dust into the air? And those dust particles can carry things like germs, cold and flu viruses, bacteria, mold and allergens. And could be spreading illnesses, like the influenza virus.
01:02:39;08	ANNCR 1: That's why you need the powerful performance of Oreck's exclusive 'capture and kill' filtration system. Powerful fans circulate the air through Oreck's patented TruMan cell. It electrostatically charges many dust particles, allergens, germs and viruses, pulling them out of the air like a magnet.
	ANNCR 1: And for odors, Oreck's newest innovation, the Helios Shield uses the power of concentrated ultraviolet light to break down and neutralize odors and volatile organic compounds.
CUT TO TESTIMONIALS	NOCELLA FAMILY: The food odors, the dog odors, that's gone.
	CATHERINE: You walk into the house and it smells cleaner.
01:03:12;04	ANNCR 1: Circulate, capture and kill! That's the ProShield advantage!
01:03:16;05	ANNCR 2: And The space saving design of the new ProShield Plus allows it to work in either the upright or the low-profile position.
01:03:22;14	ANNCR 1: And best of all, when you order the new ProShield Plus you'll also get this handy remote control. Now with a simple push of a button, you can control the ProShield Plus from anywhere in the room.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

01:03:32;01

ANNCR 2: Contemporary styling...

01:03:33;06

ANNCR 1: Advanced engineering...

01:03:35;04

ANNCR 2: Compact design. Complete portability...

01:03:38;12

ANNCR 1: It's the new Oreck ProShield Plus Air Purifier!

CUT TO DAVID ORECK

DAVID ORECK: Just how much of a difference can my ProShield Plus make in your home? Now my friend, Tanya, is about to show you. Tanya is a host of a popular home improvement show and she's a daughter of a homebuilder. Now she herself has experienced firsthand how air quality can affect your health. So that's why she wanted to join me to share with you all the benefits of my new ProShield Plus.

CUT TO TANYA MEMME

TANYA: Every time you close your front door, you're sealing yourself in with airborne bacteria, dust, germs, and allergens.

TANYA: Well, now you can fight back with this, the new Oreck ProShield Plus, the air purifier that circulates the air to capture and kill many of the potentially harmful things that may be in it. I know how harmful they can be because my health was severely affected for several years by indoor air pollution. So when the folks at Oreck asked me to host this show I told them I wanted to see proof that the ProShield Plus worked in real homes for real families, and not just in a laboratory. Their response? No problem.

TANYA: So they sent out Tony Frassrand, who you may recognize from one of his many home improvement shows. Tony was joined with an independent testing firm. Their goal: to show families the level of

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

CUT TO TONY FRASSRAND

particles in their air and how quickly the ProShield Plus can reduce them.

TONY: Well I'm out here in front of the home of the Vaccher family. And inside right now, our independent air quality specialist, Sarah Coley is getting ready to test the air quality. Now the Vaccher's are like a lot of families out there with three kids living at home and two dogs, you know that that back and front door is opening and closing all day long. And if you've got the allergies that Patty Vaccher suffers from, that can be a problem.

TONY: What is it about your home that makes you think that you've got air quality issues?

PATTY: Well we have a couple of dogs roaming around and...

TONY: I see...

PATTY: Lots of hair flying all over, and allergies and stuffy nose and watery eyes.

TONY: I imagine it smells like dog in here?

KID: Yeah.

01:05:42:00

TONY: Well our independent air quality specialist did an initial test in the Vaccher's home and found that they had an incredibly high number of particles in their air.

TONY: We then turned on the Oreck ProShield Plus that was placed it in the center of the living room, and the ProShield Plus got to work cleaning the air. Our independent air quality specialist retested the air over a short period of time to see how the Oreck ProShield Plus performed.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

TONY: What'd you find?

SARA: Well what I found was that we had
a 98% reduction.

TONY: 98% reduction...

KID and PATTY: Wow!

TONY: What do you think about that?

KID: Wow! That's amazing! Incredible!

PATTY: I think that sounds like it'll make
my house so much more clean.KID: The dogs, you can't smell them
anymore.

01:06:19;11

TONY: Remember, before the ProShield
Plus, the Vaccher family was battling an
extremely high number of particulates in
their air. In fact, the air in their home was
more polluted than the air outside. But, the
ProShield Plus helped remove 98% of
those harmful particles out of the air.TONY: Well, if it can happen here in the
Vaccher home then it can surely happen for
you too.

CUT TO LONG TERM TESTIMONIAL

WHITE FAMILY: We are an Oreck
Family... we have the Oreck Vacuum and
then now of course we have the Oreck
ProShield Plus. What impresses me most
about the Oreck ProShield Plus is the
Helios Shield, especially for odors in the
house, especially having a new baby, dirty
diapers, and also having dogs. It, it really
does help with that.

CUT TO TANYA MEMME

TANYA: And while it cleans your air, it's
also saving you money. The Helios Shield
and Truman Cell never need to be replaced
and the ProShield Plus can use as little
electricity as a 25-watt bulb. Other air

Complaint

EXHIBIT J (continued)*OreckDirect, LLC**"Oreck ProShield Plus"*

purifiers rely on HEPA filters just like these. They have to be replaced; they can cost you hundreds of dollars and their filters that can eventually end up in a landfill.

TANYA: But with Oreck's ProShield Plus 'capture and kill' filtration system you don't use expensive HEPA filters. You just remove the Truman Cell, let it soak in some warm soapy water, rinse it out... Oh, look at all the nasty stuff it pulled out of the air. And when you are finished let it dry and then put it back in.

TANYA: You know David Oreck has spent a lifetime creating products to help give your home a healthier clean. Now his new ProShield Plus Air Purifier can help give the air a healthier clean, too!

CUT TO DAVID ORECK

DAVID ORECK: The EPA says indoor air may be five times more polluted than the air out in the street.

01:08:03;14

DAVID ORECK: And if you have weather-tight doors and windows, pets, use aerosol cleaners or smoke, you could be adding to the problem.

DAVID ORECK: That's where my new Pro Shield Plus Air Purifier comes in.

01:08:14;12

DAVID ORECK: Independent Air Quality Tests proved that my new Oreck ProShield Plus could help reduce the amount of harmful airborne particles in your home by up to 99%.

DAVID ORECK: Imagine, if the air you're breathing right now was 99% cleaner and healthier. It might make it easier to avoid exposure to colds and flu's this season in your home.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"***CUT TO TESTIMONIALS**

CATHERINE: You really feel a difference, you can smell a difference.

NOCELLA FAMILY: When you walk in your home you smell that the air is clean.

CHRISTIE: I feel really good about having clean air for my family.

CTA #1

01:08:41;09

CTA #1

ANNCR 2: Millions of harmful airborne microorganisms could be riding on the dust in your home. Those dust particles can carry harmful things like germs, cold and flu viruses, bacteria, mold and other allergens that could be in the air you're breathing right now!

ANNCR 2: And when your front door closes, you and your family are sealed in with that pollution.

01:00:01;03

ANNCR 1: Now, you can fight back with the new Oreck ProShield Plus Air Purifier. The new ProShield Plus features two air purification innovations only available from Oreck, that can capture particles down to .1 microns.

ANNCR 1: Powerful fans circulate the air through the ProShield Plus. And Oreck's patented Truman Cell electrostatically charges many dust particles, allergens, germs and viruses, pulling them out of the air like a magnet.

ANNCR 1: And for odors, Oreck's brand new Helios Shield uses ultraviolet light to smash the molecular structure of gases, including tobacco smoke, cooking and pet odors, and even the harmful components of aerosols and cleaning products.

01:09:40;11

ANNCR 2: This one-of-a-kind capture and kill filtration is guaranteed for life. There

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

	are no expensive Hepa filters that have to be replaced, saving you hundreds of dollars over the lifetime of your air purifier.
01:09:54;02	ANNCR 1: The space saving design of the ProShield Plus allows it to work in either the upright or the low-profile position.
	ANNCR 1: And best of all, you'll also get this handy remote control.
CUT TO DAVID ORECK	DAVID ORECK: I want you to use my new ProShield Plus in your home for 30 days. There is no obligation. You have absolutely nothing to lose! You know we're America's #1 seller of air purifiers, and I'm convinced this is the best one we have ever built!
01:10:21;02	ANNCR 2: Order now and David Oreck will send you his amazing cordless refrigerator air purifier. A \$30 value yours FREE.
01:10:28;14	ANNCR 1: And if you're one of the first 500 to order, you'll also get the incredible Speed Sweep cordless electric vacuum. It's both a powerful hand vacuum and floor vacuum—a \$100 value, yours FREE.
01:10:40;13	ANNCR 2: Both gifts are yours to keep even if you decide to return the air purifier. That's how sure David is you'll love his ProShield Plus.
CUT TO DAVID ORECK	DAVID ORECK: And shipping and handling is on me! In fact, if you don't sleep better, awake more refreshed, breathe more easily, dust your home less and simply enjoy the benefits of fresh, crisp, clean air just send it back. I'll even pay return shipping. So what are you waiting for? This is the ultimate risk-free offer. Call me now.
01:11:11;13	ANNCR 1: And heres a special

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

	announcement.
	ANNCR 1: Our country is facing what some are calling the worst flu season in years. With the existing flu pandemic on the rise, now more than ever we should be aware of airborne germs and viruses that can be in our homes.
01:11:27;00	ANNCR 2: That's why when you order now, David Oreck will give you \$50.00 off his new Oreck ProShield Plus. That's how committed Oreck is to the well being of your family and it's a smart way to help reduce your chance of exposure to colds and flu in your home.
01:11:41;14	ANNCR 1: The new ProShield Plus is backed by a 3-year overall warranty, and is supported by nearly 450 Oreck Clean Home Centers across North America.
CUT TO DAVID ORECK INTERVIEW	DAVID ORECK: I feel good knowing that there's millions of people all over the world actually using Oreck products and it's contributing to their well-being.
	DAVID ORECK: That makes me feel good!
01:12:02;10	ANNCR 1: Call Now and experience the Oreck Clean Air Advantage for 30 days risk free. Decide to keep it and it's yours with no payments and no interest for one year.
01:12:11;10	ANNCR 2: And find out how you can get a second ProShield Plus Air Purifier for half price.
01:12:16;12	ANNCR 1: You won't want to pass up this exclusive Oreck offer. So don't wait. Call now!
	LOCAL ANNOUNCER: Call 1-800-XXX-XXXX or log onto _____. Call now,

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"***SECOND SEGMENT**

CUT TO DAVID ORECK

MAN-ON-THE-STREET
TESTIMONIALS

1-800-XXX-XXXX.

SECOND SEGMENT

DAVID ORECK: You know, people come up to me all the time and ask if my air purifier is really cleaning the air out of this chamber. Well, 'seeing is believing'. So I took my new ProShield Plus to a busy shopping mall so everyone could see its incredible air cleaning power for themselves.

Person1: That's a lot of smoke.

Group: Wow!

Person2: Wow!

Person3: Oh man, look at that!

Person4: Where did it go!

Person5: Wow!

Person6: Oh my God!

Person7: It worked so quickly. I mean I pushed the button I know how long it took. (Snaps fingers) Just like that.

Person10: Yeah...

Person11: That's amazing!

Person12: And there's nothing under the table, and it's...it just disappeared.

Person14: It's almost like unbelievable to watch that happen...

Person15: But we just saw it.

Person16: I know.

Person19: I have a lot of allergies so that

Complaint

EXHIBIT J (continued)*OreckDirect, LLC**"Oreck ProShield Plus"*

would be really good for someone like me.

Person21: I have an Oreck vacuum cleaner and I love it!

Person22: I trust David Oreck. 'Seeing is believing.'

Person24: If they can do that with that little box, imagine what it would do for our entire home, it would, it would be great!

Person27: This, I think it's a very good idea that I ought to just go ahead and get one.

Person28: We should get one of these.

Person29: Yeah, where do we get one?

Person30: I'll just take this one with me.

CUT TO TANYA MEMME

TANYA: Few things are more beautiful than flowers in bloom. Unfortunately, that can also mean pollen is in the air. And for some of us, that can mean more than just an occasional sneeze.

TANYA: No wonder so many families with allergy and asthma sufferers love the ProShield Plus.

CUT TO TESTIMONIALS

CHRISTIE: When we got the ProShield Plus air purifier, I had no idea the difference it would make. but I can't imagine not having one now.

DENA: I never thought about getting an air purifier and then when I did get one it's such a difference. I mean you don't realize you need it until you-you get one.

SAL: I've tried it, it works for me, I'm excited about it and so I'm telling everybody I know about the ProShield Plus.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*CUT TO FIONA LINCKE/SCHOOL
TEACHER TESTIMONIALFIONA: We'll I'm an educator and I've
been teaching for ten years.FIONA: I am working in a school that's
very dusty and um I needed something to
clear the air. And with the Oreck ProShield
Plus, it just makes it more pleasant, and
the-the kids love it. And you know
something that's really amazing to me
though is when I clean it to see all the dust
and grime and dirt that comes off of it
that's what my students would have been
breathing in.FIONA: I would highly recommend the
Oreck ProShield Plus and it does make life
more comfortable. It really does.

CUT TO TANYA MEMME

TANYA: Every year the flu causes high
rates of absenteeism from school and work,
costing our economy billions of dollars.
That's why it just makes sense to do all you
can to help protect your family from
exposure to it. The Oreck ProShield Plus is
an important step to help you filter many of
these types of risks from your indoor air.TANYA: Now check this out, at the other
end of this chamber is the Oreck ProShield
Plus and at this end I'm going to release
some smoke. Now the smoke represents the
particulates in the air that you can't see, the
viruses, the molds, things that are so
unhealthy for you and your family. Now
watch how quickly the ProShield Plus
draws in the smoke, captures it, cleans it,
refreshes it and releases cleaner, fresher air
back into your home.

01:15:26;12

TANYA: Powerful fans circulate the air
through Oreck's patented Truman cell. It
electrostatically charges many dust
particles, allergens, germs and viruses,
pulling them out of the air like a magnet.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"***CIA #2**

CUT TO DAVID ORECK

01:16:02;00
(reprise)

01:16:35;01

TANYA: And for odors, Oreck's newest innovation, the Helios Shield uses the power of concentrated ultraviolet light to break down and neutralize odors and volatile organic compounds.

TANYA: As David Oreck says, "You have to move the air to clean the air," and that's exactly what it's doing.

CIA #2

DAVID ORECK: Here are a couple of questions that can help you decide if it's really worth your while to try my new Oreck ProShield Plus Air Purifier.

DAVID ORECK: Do you want to protect your family from exposure to colds and flu this season in your home. Does your home have weather-tight doors and windows? Do you have pets? Do you ever use aerosol cleaners? Does the air quality in your community every get an elevated rating? Does anyone in your family have allergies or asthma? Do you ever have trouble sleeping? Does anyone in your home smoke?

DAVID ORECK: Now, if you answered 'yes' to any of these questions, you owe it yourself to experience the Oreck Clean Air Advantage risk-free for 30 days.

DAVID ORECK: Watch closely and I'll show you how powerful my new ProShield Plus is. This glass chamber represents the size of an average room.

DAVID ORECK: We have an Oreck ProShield Plus inside the chamber. We're going to fill the room full of smoke. That smoke represents the unseen dust, viruses, bacteria and allergens that could be in your air.

DAVID ORECK: Now, let me turn on my

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

new Oreck ProShield Plus and watch how it removes the smoke particles and recycles the air over and over again. And in less than hour the smoke is gone and the air is cleaner.

DAVID ORECK: In fact, independent testing proved the ProShield Plus helped produce an astounding 99% reduction in airborne particles in a room in an actual home.

DAVID ORECK: And it can do the same in your home.

DAVID ORECK: Smell and breathe the difference that I believe my ProShield Plus can make and once you do, I know you'll want to make it a permanent part of your home.

DAVID ORECK: Order now and I'll send you two free gifts, my refrigerator air purifier and my new Speed Sweep cordless electric vacuum.

DAVID ORECK: That's \$150 value in free gifts, and I'll pay shipping and handling as well. If you're not happy with my ProShield Plus send it back, I'll even pay return shipping, and you can keep both free gifts as a thanks just for trying it.

01:17:55;01

ANNCR 1: And here's a special announcement.

ANNCR 1: Our country is facing what some are calling the worst flu season in years. With the existing flu pandemic on the rise, now more than ever we should be aware of airborne germs and viruses that can be in our homes.

01:18:10;11

ANNCR 2: That's why when you order now, David Oreck will give you \$50.00 off

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

01:18:25;01

his new Oreck ProShield Plus. That's how committed Oreck is to the well being of your family and it's a smart way to help reduce your chance of exposure to colds and flu in your home.

ANNCR 1: The new Oreck ProShield Plus can work in either the upright or low profile position, and it comes with handy remote control. Call now and get no payments, and no interest for one year.

ANNCR 2: And find out how you can get a second ProShield Plus Air Purifier for half price. Call now!

LOCAL ANNOUNCER: Call 1-800-XXX-XXXX or log onto _____. Call now, 1-800-XXX-XXXX.

THIRD SEGMENT

CUT TO TANYA MEMME

THIRD SEGMENT

TANYA: Who doesn't love puppies? But whether you're a dog or cat person, you know that pet hair and dander can make you sneeze or trigger allergies. That's why every pet lover should have an Oreck ProShield Plus in the house.

TANYA: Making having a great pet like this guy enjoyable for everyone in the family. Right, little sweetie?

CUT TO TESTIMONIALS

CHRISTIE: I've always had kind of a scratchy throat and you know I wake up in the morning and I sneeze. Now that I've had the ProShield Plus in my house, I feel a lot better.

SAL: I found out after a few years that I was allergic to my own cats and I wasn't going to get rid of my cats so I had to look at my options. So I thought well let me try an air purifier, let me try the Oreck ProShield Plus, and it's been working out great.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

CUT TO TANYA MEMME

TANYA: Many scented sprays, candles, and plug-in type air fresheners like these don't really remove odors. They just cover up one odor with another. You see, some household products can contain VOCs—volatile organic compounds. According to the EPA, VOCs can be highly toxic and cause headaches, eye and sinus irritation, or just leave you feeling tired and listless.

01:19:56:08

TANYA: That's why the new Oreck ProShield Plus has an exclusive Capture and Kill filtration system. Its brand new Helios Shield uses concentrated ultraviolet light along with an advanced odor filter to neutralize volatile organic compounds and break down odors.

TANYA: To prove just how powerful the new ProShield Plus really is, we put it to the ultimate test inside an environment full of nasty smelling VOC's ...

CUT TO NAIL/HAIR SALON
TESTIMONIAL

CUSTOMER: Right when you walk in to any salon, you always smell like that acrylic smell, or you can smell hair spray...

CUSTOMER: I could smell the perm solutions. I could smell the hair tint...

STYLIST 1: Toxins, dust, and all the junk that we're breathing in all the time.

SALON OWNER: Well since we've gotten that Oreck ProShield Plus. The minute you walk into the salon everything smells fresh and clean.

STYLIST 2: Knowing that I'm breathing in fresher air, it's clean and it's safe, that gives me peace of mind working here every day.

CUSTOMER: the air is just so much fresher and cleaner.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

CUSTOMER: It makes it much more enjoyable for me to sit here and get my hair done,

STYLIST: I can see and feel a big difference. It's amazing that such a small piece of equipment can cover the whole entire salon.

SALON OWNER: people started coming up to us and asking us, what are you guys doing in here, there's, the air, its fresher, its cleaner, its crisper. There's not that odor of the salon anymore. So, I told them we bought one of the Oreck air purifiers.

INTERVIEWER: And what'd they say?

MALE HAIRDRESSER: They wanted to know where they could get one? And I said, you're not taking mine.

CUT TO TONY FRASSRAND

TONY: This is the Wilkey home. Looks rather inviting, right? Well, the allergy suffers inside will tell you that sometimes the home is a hostile environment.

TONY: Now right now, we've got independent air quality specialist, Sara Coley inside getting ready to test the air quality. So we can let the Wilkeys know, what they are up against, especially up there in their son's bedroom, which is kind of a trouble spot for them.

TONY: What we're going to do is measure the number of particulates, things like dust, and pollen, and other allergens that maybe floating in the air. Then I'm going to show you how the Oreck ProShield Plus can help reduce those allergy triggers. Lets go see what Sara's up to.

TONY: Are we pretty much doing the same thing here that we did back at the Vaccher's living room?

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

01:21:58;04

SARA: Yes Tony, we're looking for the same types of common indoor particles.

TONY: These little particles are things that Rob maybe breathing in at night when he sleeps.

DAD: For us, it's all about Rob. He's got the allergies, uh we got to stay away from the dust and the dander and the doctors have told us try to keep it as clean as we can, taken as many proactive measures as we could to try and set it up for him.

MOM: We just tried to keep the pollen count down as much as we can in that room.

01:22:19;05

TONY: Well our Independent Air Quality Specialist did an initial test in 9-year old Rob's bedroom and found that even though his parents kept the house super clean, there were still a high number of particles in the air that could be the reason his allergies flared up so often. We then turned on the Oreck ProShield Plus and let it clean the air. After only a short period of time, our Independent Air Quality Specialist came back and retested the air to see how the ProShield Plus performed.

TONY: Sarah what'd you find?

SARA: Well Tony, we saw a 99% reduction in the number of particles in the air!

TONY: Wow!

DAD: Cool

MOM: 99%?

SARA: It was really dramatic.

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

MOM: That's a little, I can't believe that, I mean I dust that place every other day and I vacuum it almost daily and I can't believe there was a 99% reduction.

DAD: Part of me thinks, like how could that possibly be, but the numbers are there. That's exciting, it's terrific

MOM: It's a little unsettling that, you know, I clean and clean and clean, and yet 99%. Well it talks about the things that you don't see.

01:23:17;04

TONY: Remember, before the ProShield Plus, Rob was exposed to a high number of particles in the air. But the ProShield Plus was successful in helping to remove 99% of those harmful particles out of the air.

CUT TO DAVID ORECK

DAVID ORECK: This Truman cell was just removed from a ProShield Air Purifier. Now normally you would clean this off in your kitchen sink but I'm doing it here. And to show you how it traps many of the allergens, viruses, and bacteria in the air. You can actually see the dirt pulled from the air when you clean it. Now just look at that, would you drink water with this nasty stuff in it? Of course not so why breathe it in? Well now you can reduce allergens and pollutants and breathe cleaner fresher air with my new ProShield Plus Air Purifier.

01:24:14;02

DAVID ORECK: Folks, we've shown you that the airborne dust in your home could be carrying harmful microorganisms like germs, cold and flu viruses, bacteria, mold and other allergens that can make you sick.

DAVID ORECK: The bottom line is,

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

01:24:34;12

you've got to move the air to clean the air.
And my new whisper-quiet Oreck does it!

DAVID ORECK: Just like it did for the
many people who use the new Oreck
ProShield Plus and love it!

CUT TO TESTIMONIALS

DENA: I love the ProShield Plus.

SAL: I love it, use it and I really
recommend it.

CATHERINE: the Oreck ProShield Plus is-
is nice looking. It's sleek, it's
contemporary,

SANDY: I love it!

STEPHANIE: The Oreck ProShield Plus,
yes, I like it. I love it actually. I think it's
really great. It's definitely made a
difference for me.

CTA #3

01:24:56;11

CTA #3

ANNCR 1: The new ProShield Plus
features two air purification innovations
only available from Oreck, that can capture
particles down to .1 microns.

ANNCR 1: Powerful fans circulate the air
through the ProShield Plus. And Oreck's
patented TruMan Cell electrostatically
charges many dust particles, allergens,
germs and viruses, pulling them out of the
air like a magnet.

ANNCR 1: And for odors, Oreck's brand
new Helios Shield uses ultraviolet light to
smash the molecular structure of gases,
including tobacco smoke, cooking and pet
odors, and even the harmful components of
aerosols and cleaning products

01:25:30;05

ANNCR 2: This one-of-a-kind capture and
kill filtration system never needs to be
replaced. You just rinse it clean, let dry and

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

	it's back on the job. Plus it's guaranteed for life. And there are no expensive Hepa filters that have to be replaced, saving you hundreds of dollars over the lifetime of your air purifier.
01:25:46;10	ANNCR 1: The space saving design of the ProShield Plus allows it to work in either the upright or the low-profile position. And best of all, when you order the new ProShield Plus, you'll also get this handy remote control. Now with a simple push of a button, you can control the ProShield Plus from anywhere in the room.
CUT TO DAVID ORECK	DAVID ORECK: You know we're America's #1 seller of air purifiers, and I'm convinced this is the best one we have ever built!
01:26:10;08	ANNCR 2: Order now and David Oreck will send you his amazing cordless refrigerator air purifier. A \$50 value yours FREE.
01:26:17;14	ANNCR 1: And if you're one of the first 500 to order, you'll also get the incredible Speed Sweep cordless electric vacuum. It's both a powerful hand vacuum and floor vacuum—a \$100 value yours FREE.
CUT TO DAVID ORECK	DAVID ORECK: And shipping and handling is on me! In fact, if you don't sleep better, awake more refreshed, breathe more easily, dust your home less and simply enjoy the benefits of fresh, crisp, clean air just send it back. I'll even pay return shipping.
01:26:48;00	DAVID ORECK: And you can keep the free gifts just for trying my new ProShield Plus. So what are you waiting for? This is the ultimate risk-free offer. Call me now.
01:26:58;14	ANNCR 1: And here's a special announcement

Complaint

EXHIBIT J (continued)*Oreck Direct, LLC**"Oreck ProShield Plus"*

	ANNCR 1: Our country is facing what some are calling the worst flu season in years. With the existing flu pandemic on the rise, now more than ever we should be aware of airborne germs and viruses that can be in our homes.
01:27:12;14	ANNCR 2: That's why when you order now, David Oreck will give you \$50.00 off his new Oreck ProShield Plus.
	ANNCR 2: That's how committed Oreck is to the well being of your family and it's smart way to help reduce your chance of exposure to colds and flu in your home.
01:27:28;06	ANNCR 1: The new ProShield Plus is backed by a 3-year overall warranty, and is supported by nearly 450 Oreck Clean Home Centers across North America.
CUT TO DAVID ORECK INTERVIEW	DAVID ORECK: We're an American company. We stand behind what we sell. I believe you ask anybody who bought an Oreck product I think you'll find that they say 'those are good folks'.
01:27:46;09	ANNCR 1: Call Now and experience the Oreck Clean Air Advantage for 30 days risk free. Decide to keep it and it's yours with no payments and no interest for one year.
CUT TO TESTIMONIAL	KEROL: When I opened the box and took it out. It's already ready to go, which is great. I didn't have to assemble anything. I just plugged it in.
01:28:01;01	ANNCR 2: Call now to find out how you can get a second ProShield Plus Air Purifier for half price.
01:28:07;03	ANNCR 1: You won't want to pass up this exclusive Oreck offer. So don't wait. Call now!

Complaint

EXHIBIT J (continued)

Oreck Direct, LLC

"Oreck ProShield Plus"

CLOSING DISCLAIMER

LOCAL ANNOUNCER: Call 1-800-XXX-XXXX or log onto _____. Call now, 1-800-XXX-XXXX.

ANNCR 1: The preceding was a paid presentation for the new Oreck ProShield Plus Air Purifier.

Complaint

EXHIBIT K

DVD of Oreck ProShield Plus Infomercial

Complaint

EXHIBIT L

:120 DRTV Spot
2813M-01
Condensed Premiums

FINAL SPOT SCRIPT:
October 1st, 2009



Direct Thinking for Direct Response
All of the concepts, language, and graphic treatment
incorporated in the following proposal is protected by
copyright © and is the sole property of Oreck Direct, LLC

Complaint

EXHIBIT L (continued)

<u>VISUALS:</u>	<u>AUDIO:</u>
	ANNCR (Male): Attention. The federal government warns we could be in for the worst flu season in decades. So how are you going to fight back the millions of microorganisms that could be riding on the airborne dust in your home? ANNCR (Female): And those dust particles could carry things like germs, cold and flu viruses, bacteria, mold and allergens. And could be spreading illnesses like the influenza virus and when your front door closes you and your family are sealed in with that pollution.
	ANNCR (Male): Now, you can fight back with the new Oreck ProShield Plus Air Purifier. The new ProShield Plus features two air-purification innovations only available from Oreck. ANNCR (Male): Powerful fans circulate the air through the ProShield Plus and Oreck's patented Truman Cell electrostatically charges many dust particles, allergens, germs and viruses pulling them out of the air like a magnet. And for odors, Oreck's brand new Helios Shield uses ultraviolet light to smash the molecular structure of gases and odors. ANNCR (Male): In fact, in home testing shows that the new ProShield Plus helped deliver up to a 99% reduction in airborne particles down to .1 microns.
CUT TO TESTIMONIALS.	NOCELLA FAMILY: The food odors, the dog odors, that's gone. CHRISTIE: I feel really good about having pure air for my family.

Script to Screen, Inc.
ProShield Plus
:120 Cut-down, FINAL Spot Script

10/1/09
Job# 2813-M

Complaint

EXHIBIT L (continued)

	ANNCR (Female): David Oreck is so committed to the well being of your family that he'll ship his new ProShield Plus to you for FREE.
CUT TO DAVID ORECK	DO: I want you to use my new ProShield Plus in your home for 30 days. There is no obligation. You have absolutely nothing to lose! DO: Order now, and I'll send you two free gifts. My Refrigerator Air Purifier and my new Speed Sweep Cordless Electric Vacuum.
	ANNCR (Male): That's \$150 in free gifts that are yours to keep even if you decide to return the air purifier. That's how sure David is you'll love his new ProShield Plus.
	ANNCR (Female): The ProShield Plus can work in either the upright or low profile position...
	ANNCR (Female): ...and it comes with a remote control.
	ANNCR (Male): Try it risk free for 30 days. Keep it and enjoy the freedom of NO payment and NO interest for 1 year. Call now and fight the flu in your home air, with the new Oreck ProShield Plus air purifier.

Complaint

EXHIBIT M (continued)

DVD of Oreck ProShield Plus 120-Second TV Commercial

EXHIBIT N

adp12 freshfield final_06.qxd[page001] 5/11/09 12:22 PM Page 1

WANT A NEW WAY TO HELP BATTLE THE FLU?

Introducing the **NEW Oreck ProShield™ Air Purifier**. In-home testing shows the ProShield helped deliver up to a **99% reduction in airborne particles down to .1 microns†**.

- **Healthier:** Patented Truman Cell® captures and destroys many viruses, germs and allergens down to 0.1 micron.
- **Smarter:** Silence Technology® is amazingly quiet and uses as little energy as an ordinary lightbulb.
- **Reliable:** Helios Shield® uses UV light to remove many odors from the air.

Because nothing could be more important than the air you breathe.

SHIELD

Offer expires 3/31/09

†As compared to the air that was not purified. Please consult the technical specifications for more information. †As compared to the air that was not purified. Please consult the technical specifications for more information. †As compared to the air that was not purified. Please consult the technical specifications for more information.

\$00 OFF

Can capture and destroy many airborne allergens and viruses like the flu!

BACTERIA

VIRESSES

POLLEN

**COME IN
TODAY
FOR A
CLEAN AIR
DEMO
AND SAVE.**

10% OFF
the **NEW Oreck Steam-It.**

It works like a vacuum and a steam mop. It cleans floors like a dream.

- Oreck Clean Home Center 123 Main Street, Anytown, (000) 000-0000
- Oreck Clean Home Center 123 Main Street, Anytown, (000) 000-0000
- Oreck Clean Home Center 123 Main Street, Anytown, (000) 000-0000
- Oreck Clean Home Center 123 Main Street, Anytown, (000) 000-0000
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- Oreck Clean Home Center 123 Main Street, Anytown, (000) 000-0000

ORECK Clean Home Center

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 Western Region-San Francisco proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent, its attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all 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 Commission Rule 2.34, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Oreck Corporation is a Delaware corporation with its principal office or place of business at 565 Marriott Drive, Suite 300, Nashville, Tennessee 37214.
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.

Decision and Order

ORDER**DEFINITIONS**

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

1. “Competent and reliable scientific evidence” shall mean tests, analyses, research or studies that have been conducted and evaluated in an objective manner by qualified persons and are generally accepted in the profession to yield accurate and reliable results.
2. Unless otherwise specified, “respondent” shall mean Oreck Corporation, a corporation, its successors and assigns and its officers, agents, representatives, and employees.
3. “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, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the Oreck Halo or any other vacuum cleaner, in or affecting commerce, shall not make, or assist others in making, any representation, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration:

- A. that such product reduces the risk of or prevents the flu;
- B. that such product reduces the risk of or prevents illnesses or ailments caused by bacteria, viruses, molds, or

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allergens, such as the common cold, diarrhea, upset stomachs, asthma and allergy symptoms;

- C. that such product will eliminate all or virtually all germs, bacteria, dust mites, molds, viruses or allergens from a user's floor;
- D. about the ability of such product to eliminate any percent or numerical quantity of germs, bacteria, dust mites, molds, viruses or allergens from a user's floor; and
- E. that ultraviolet light is effective against germs, bacteria, dust mites, molds, viruses or allergens embedded in carpets;

unless the representation is non-misleading and, at the time it is made, respondent possesses and relies upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

II.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of the Oreck ProShield Plus or any other air cleaning product, in or affecting commerce, shall not make, or assist others in making, any representation, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration:

- A. that such product reduces the risk of or prevents the flu;

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- B. that such product reduces the risk of or prevents illnesses or ailments caused by bacteria, viruses, molds, or allergens, such as the common cold, asthma and allergy symptoms;
- C. that such product will eliminate all or virtually all indoor airborne particles under normal living conditions; and
- D. about the ability of such product to eliminate any percent or numerical quantity of indoor air contaminants under normal living conditions;

unless the representation is non-misleading and, at the time it is made, respondent possesses and relies upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

III.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product in or affecting commerce, shall not make, or assist others in making, any representation, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration, other than representations covered under Parts I and II of this order, about the absolute or comparative health benefits of such product, unless the representation is non-misleading, and, at the time of making such representation, the respondent possesses and relies upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when

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considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

IV.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product in or affecting commerce, shall not misrepresent, or assist others in misrepresenting, 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 shall, within thirty (30) days after the date of entry of this order, provide to the Commission a searchable electronic file containing the name and contact information of all consumers who purchased the Oreck Halo or the Oreck ProShield Plus from January 1, 2009 through August 31, 2010, to the extent it has such information in its possession or control, including information available upon request from franchisees or others. Such file: (1) shall include each consumer's name and address, the product(s) purchased, the total amount of moneys paid less any amount credited for returns or refunds, the date(s) of purchase, and, if available, the consumer's telephone number and email address; (2) shall be updated through the National Change of Address database; and (3) shall be accompanied by a sworn affidavit attesting to its accuracy.

VI.

IT IS FURTHER ORDERED that respondent shall pay to the Federal Trade Commission the sum of seven hundred fifty thousand

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dollars (\$750,000). This payment shall be made in the following manner:

- A. The payment shall be made by wire transfer made payable to the Federal Trade Commission, the payment to be made no later than five (5) days after the date that this order becomes final.
- B. In the event of default on any obligation to make payment under this order, interest, computed pursuant to 28 U.S.C. § 1961(a), shall accrue from the date of default to the date of payment. In the event such default continues for ten (10) calendar days beyond the date that payment is due, the entire amount shall immediately become due and payable.
- C. All funds paid to the Commission pursuant to this order shall be deposited into an account administered by the Commission or its agents to be used for equitable relief, including, but not limited to, consumer redress, and any attendant expenses for the administration of such equitable relief. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after the redress to consumers is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to respondent's practices alleged in the complaint. Any funds not used for such equitable relief shall be deposited in the United States Treasury as disgorgement. Respondent shall have no right to challenge the Commission's choice of remedies under this Part. Respondent shall have no right to contest the manner of distribution chosen by the Commission. No portion of any payment under the judgment herein shall be deemed a payment of any fine, penalty, or punitive assessment.

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- D. Respondent relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Respondent shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise.
- E. Respondent agrees that the facts as alleged in the complaint filed in this action shall be taken as true without further proof in any bankruptcy case or subsequent civil litigation pursued by the Commission to enforce its rights to any payment or money judgment pursuant to this order, including but not limited to a nondischargeability complaint in any bankruptcy case. Respondent further agrees that the facts alleged in the complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S. C. § 523(a)(2)(A), and that this order shall have collateral estoppel effect for such purposes.
- F. In accordance with 31 U.S.C. § 7701, respondent is hereby required, unless it has done so already, to furnish to the Commission its taxpayer identifying number, which shall be used for the purposes of collecting and reporting on any delinquent amount arising out of respondent's relationship with the government.
- G. Proceedings instituted under this Part are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this order.

VII.

IT IS FURTHER ORDERED that respondent Oreck Corporation and its successors and assigns shall send as soon as

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practicable, but in no event later than thirty (30) days after entry of this order, by first-class mail, postage prepaid and return receipt requested, an exact copy of the notice attached hereto as Attachment A, showing the date of mailing, to all of respondent's franchisees. The notice required by this paragraph shall include a copy of this order, but shall not include any other document or enclosures and shall be sent to the principal place of business of each entity.

VIII.

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

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

IX.

IT IS FURTHER ORDERED that respondent Oreck Corporation and its successors and assigns shall deliver a copy of this order to all current and future principals, officers, directors, and other employees having primary responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed

Decision and Order

and dated statement acknowledging receipt of the order. Respondent Oreck Corporation and its successors and assigns 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.

X.

IT IS FURTHER ORDERED that respondent Oreck Corporation and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) 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. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, with the subject line: In the Matter of Oreck Corporation, FTC File Number 102-3033. *Provided, however*, that, in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of such notices is contemporaneously sent to the Commission at Debrief@ftc.gov.

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XI.

IT IS FURTHER ORDERED that respondent Oreck Corporation and its successors and assigns shall, within sixty (60) days after the date of service of this order, file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of its own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, they shall submit additional true and accurate written reports.

XII.

This order will terminate on May 19, 2031, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

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

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

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

By the Commission.

Decision and Order

ATTACHMENT A

[ON ORECK CORPORATION LETTERHEAD]

IMPORTANT NOTICE ABOUT GOVERNMENT ACTION

[insert addressee name]

[insert addressee address]

Dear Oreck franchisee:

In a recent lawsuit, the Federal Trade Commission (FTC) alleged that Oreck Corporation made misleading representations in its advertising and marketing of the Oreck Halo vacuum cleaner and the Oreck ProShield Plus portable air cleaner. Among other things, the FTC alleged that Oreck deceptively claimed that these products substantially reduce the risk of or prevent the flu and other illnesses or ailments. In addition, the FTC alleged that Oreck made several other deceptive claims regarding the products' health benefits and effectiveness in removing germs and allergens from the floor and air.

Oreck resolved this matter with the FTC by a settlement in which it did not agree to any wrongdoing. Oreck has agreed to send this notification to you as part of its settlement with the FTC.

Oreck hereby requests that you immediately stop using all advertising and marketing materials previously provided to you by Oreck relating to the Oreck Halo vacuum cleaner and the Oreck ProShield Plus portable air cleaner. Under separate cover, Oreck will provide you with instructions regarding future advertising and marketing for these products.

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For further information about this matter, go to www.ftc.gov and search for “Oreck.”

Very truly yours,

John Arena
Vice President, General Counsel and Secretary
Oreck Corporation

**ANALYSIS OF PROPOSED CONSENT ORDER
TO AID PUBLIC COMMENT**

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an Agreement Containing Consent Order from Oreck Corporation (“respondent”). The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

This matter involves the advertising, marketing, and sale of the Oreck Halo vacuum cleaner and the Oreck ProShield Plus portable air cleaner. Oreck has marketed these products directly to consumers through numerous websites, as well as through company-owned and franchised retail stores and third-party retail outlets.

The Oreck Halo is an upright vacuum cleaner that has a built-in light chamber and a HEPA filter bag. The light chamber generates ultraviolet light in the C spectrum onto floor surfaces while vacuuming. According to the FTC complaint, Oreck has promoted the Oreck Halo as effective, through normal use, in killing virtually all bacteria, viruses, germs, mold and allergens that exist on carpets and other floor surfaces.

Specifically, the FTC complaint alleges that respondent represented, in various advertisements, that the Oreck Halo: (1) substantially reduces the risk of or prevents the flu; (2) substantially reduces the risk of or prevents other illnesses or ailments caused by bacteria, viruses, molds, and allergens, such as the common cold, diarrhea, upset stomachs, asthma, and allergy symptoms; and (3) will eliminate all or virtually all common germs and allergens found on the floors in users’ homes. The complaint also alleges that Oreck claimed that the Oreck Halo’s UV-C light is effective against germs, bacteria,

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dust mites, mold and viruses embedded in carpets. The complaint alleges that all of these claims are unsubstantiated and thus violate the FTC Act.

The FTC complaint also alleges that Oreck represented, in various advertisements, that the Oreck ProShield Plus portable air cleaner: (1) substantially reduces the risk of or prevents the flu; (2) substantially reduces the risk of or prevents other illnesses or ailments caused by bacteria, viruses, molds, and allergens, such as the common cold, asthma, and allergy symptoms; and (3) will eliminate all or virtually all airborne particles from a typical household room under normal living conditions. The complaint alleges that all of these claims are unsubstantiated and thus violate the FTC Act.

The complaint further alleges that Oreck claimed that scientific tests prove that users of the Oreck Halo will eliminate or virtually eliminate many common germs and allergens found on the floors in their homes; and that scientific tests prove that the Oreck ProShield Plus will eliminate or virtually eliminate many common viruses, germs and allergens from a typical household room under normal living conditions. According to the complaint, these claims are false and thus violate the FTC Act.

Finally, the complaint alleges that Oreck provided advertisements to its franchised stores for use in their marketing and sale of the Oreck Halo and the Oreck ProShield. According to the complaint, Oreck thereby provided means and instrumentalities to distributors of its products in furtherance of the deceptive and misleading acts or practices alleged in the complaint.

The proposed consent order contains provisions designed to prevent respondent from engaging in similar acts or practices in the future. Specifically, Part I of the proposed order addresses the allegedly unsubstantiated claims regarding the Oreck Halo. Part I covers any representation that the Oreck Halo or any other vacuum cleaner: (1) reduces the risk of or prevents the flu; (2) reduces the risk of or prevents illnesses or ailments caused by bacteria, viruses,

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molds, or allergens, such as the common cold, diarrhea, upset stomachs, asthma and allergy symptoms; (3) will eliminate all or virtually all germs, bacteria, dust mites, molds, viruses or allergens from a user's floor; and (4) will eliminate any percent or numerical quantity of germs, bacteria, dust mites, molds, viruses or allergens from a user's floor. Part I also applies to representations that ultraviolet light is effective against germs, bacteria, dust mites, molds, viruses or allergens embedded in carpets. Part I prohibits Oreck from making any of the above representations unless the representation is non-misleading and, at the time of making such representation, Oreck possesses and relies upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. The proposed order defines "competent and reliable scientific evidence" as "tests, analyses, research or studies that have been conducted and evaluated in an objective manner by qualified persons and are generally accepted in the profession to yield accurate and reliable results."

Part II of the proposed order addresses the allegedly unsubstantiated claims regarding the Oreck ProShield Plus. Part II covers any representation that the Oreck ProShield Plus or any other air cleaner: (1) reduces the risk of or prevents the flu; (2) reduces the risk of or prevents illnesses or ailments caused by bacteria, viruses, molds, or allergens, such as the common cold, asthma and allergy symptoms; (3) will eliminate all or virtually all indoor airborne particles under normal living conditions; and (4) will eliminate any percent or numerical quantity of indoor air contaminants under normal living conditions. Part II prohibits Oreck from making any of the above representations unless the representation is non-misleading and, at the time of making such representation, Oreck possesses and relies upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

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Part III of the proposed order prohibits respondent from making representations, other than representations covered under Parts I or II, about the absolute or comparative health benefits of any product, unless the representation is non-misleading, and, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

Part IV of the proposed order addresses the allegedly false claims that scientific tests prove that the Oreck Halo or ProShield Plus eliminate or virtually eliminate many common germs, viruses or allergens from the user's floor or air. Part IV prohibits respondent, when advertising any product, from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Part VI of the proposed order requires the payment of \$750,000 intended for redress to consumers. To facilitate the payment of redress, Part V of the proposed order requires Oreck to provide to the Commission a searchable electronic file containing the name and contact information of all consumers who purchased the Oreck Halo or the Oreck ProShield Plus from January 1, 2009 through August 31, 2010.

Part VII of the proposed order requires Oreck to send a letter to all of its franchisees requesting that they immediately stop using all advertising and marketing materials previously provided to them by Oreck. The required letter is appended to the proposed order as Attachment A.

Parts VIII, IX, X and XI of the proposed order require respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements; to provide copies of the order to its personnel; to notify the Commission of changes in

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corporate structure that might affect compliance obligations under the order; and to file compliance reports with the Commission. Part XII provides that the order will terminate after twenty (20) years, with certain exceptions.

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

Complaint

**IN THE MATTER OF
LEGACY LEARNING SYSTEMS, INC. AND LESTER
GABRIEL SMITH**

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

*Docket No. C-4323; File No. 102 3055
Filed June 1, 2011 – Decision June 1, 2011*

This consent order relates to the advertising of instructional courses via an online affiliate marketing program by respondents Legacy Learning System and Lester Gabriel Smith (“Respondents”). The complaint alleges that Respondents promoted their instructional courses through affiliates that received financial compensation for providing positive endorsements of Respondents’ courses in articles, blog posts, or other online editorial copy. However, Respondents failed to implement a reasonable monitoring program to ensure that these postings clearly and prominently disclosed the compensated nature of the affiliates’ relationship. The complaint alleges that Respondents violated Section 5 of the FTC Act by disseminating or causing to be disseminated reviews of their instructional courses that misrepresented that they were those of independent, ordinary consumers. The complaint further alleges that Respondents violated Section 5 by failing to disclose, or disclose adequately, that the affiliates receive financial compensation from the sale of Respondents’ products. The consent order requires Respondents to pay \$250,000 in monetary relief. The consent order further prohibits Respondents from misrepresenting the status of any user or endorser of a product or service in connection with the advertising of any product or service and establishes certain disclosure requirements regarding the relationship between promoters and users or endorsers of a product or service.

Participants

For the *Commission*: Victor DeFrancis and Stacey Ferguson.

For the *Respondents*: J. Carson Stone, III, J. Carson Stone,
III, P.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that Legacy Learning Systems, Inc., a corporation, and Lester Gabriel Smith, an officer and director of the corporation (“respondents”),