

Complaint

IN THE MATTER OF

JOHN MATTHEW DWYER III
A/K/A
MATTHEW DWYERCONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4492; File No. 122 3287**Complaint, October 22, 2014 – Decision, October 22, 2014*

This consent order addresses John Matthew Dwyer III's advertising for HealthyLife Sciences, LLC's Healthe Trim line of weight loss dietary supplements ("Healthe Trim"). The complaint alleges that Dwyer, a co-founder of HealthyLife Sciences, LLC, and former chief executive officer and spokesman for Healthe Trim, violated Sections 5(a) and 12 of the Federal Trade Commission Act by making false or unsubstantiated representations that Healthe Trim would cause rapid and substantial weight loss, including as much as 35, 130, and 165 pounds. The consent order bans Dwyer from manufacturing, marketing, or distributing any weight-loss product or program, or assisting others in any of the foregoing. The order also prohibits any representation about the health benefits, performance, or efficacy of any dietary supplement, food, or drug, unless it is non-misleading and supported by 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.

Participants

For the *Commission*: Christine DeLorme and Elizabeth Nach.

For the *Respondent*: John Matthew Dwyer III, *pro se*.

COMPLAINT

The Federal Trade Commission, having reason to believe John Matthew Dwyer III, individually ("Respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent John Matthew Dwyer III, a/k/a Matthew Dwyer ("Dwyer"), is the co-founder of HealthyLife Sciences,

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LLC (“HealthyLife Sciences”). Until September 2011, Dwyer served as company CEO, and he also was a company co-owner until 2013. Individually or in concert with others, he participated in the policies, acts, or practices of the corporation, including the acts or practices alleged in this complaint. His principal office or place of business from 2009 to 2012 was that of the corporation, and his current principal office or place of business is in Atlanta, Georgia.

2. Beginning in 2009, Respondent participated in the advertising, offering for sale, sale, and distribution of the Healthe Trim line of weight-loss dietary supplements to consumers, including Healthe Trim Original Formula and Healthe Trim Powered by Raspberry Ketone (collectively, “the Healthe Trim Products”). These products are “foods” and/or “drugs,” 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.

Healthe Trim Weight-Loss Products

4. The Healthe Trim Products were sold primarily through HealthyLife Science’s website www.healthytrim.com, and were also available in retail stores including CVS, GNC, and Walgreens. The price for a one-month supply of the Healthe Trim Products ranged from approximately \$49.95 to \$64.95.

5. Respondent participated in the dissemination of or caused to be disseminated advertising, packaging, and promotional materials for the Healthe Trim Products, including, but not necessarily limited to, the attached Exhibits A through E. These materials contain the following statements:

- a. MATTHEW DWYER: Fall is here. So it’s time for your weight to start falling off. Healthe Trim is the answer to your weight loss struggles. It’s a natural supplement that actually works.

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Hi, it's Matthew, founder of Healthe Trim, and we've sold over 1.5 million bottles. That should tell you right there that Healthe Trim works. Lose weight easily and quickly today

If you've tried diets, meal plans, clinics, meetings and nothing's worked for you, it doesn't surprise me. You got to give Healthe Trim a try.

Healthe Trim is so easy. Just a couple of capsules in the morning right when you wake up, drink water and go about your day. We guarantee it or your money back.

Make today the day you stop struggling with your weight and give Healthe Trim a try

(Exhibit A, 60-second radio ad).

- b. MATTHEW DWYER: Are you ready for this? We've got something new for you. It's Matthew, founder of Healthe Trim. We've now added Healthe Trim raspberry ketone to our unique proprietary blend of Healthe Trim.

It's a breakthrough. It is awesome. I feel fantastic. Healthe Trim raspberry ketone will change your life. You'll lose weight without dieting. You won't believe how fast the fat will start burning off.

I guarantee it. 30-day, no questions asked money back guarantee. You will be as excited as I am with Healthe Trim, now powered by raspberry ketone. It burns the fat, suppresses your appetite, and will boost your energy. It's natural, it's safe and it is so easy. With our 30-day money back guarantee, you have nothing to lose but the weight. . . .

(Exhibit B, 60-second radio ad).

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- c. ELVIS DURAN: Hi, it's Elvis. You guys have heard about Healthe Trim and their excellent website HealthyTrim.com. Well, the founder of Healthe Trim and our weight loss expert is back with a 30-day money back guarantee. You have nothing to lose but the weight. Go to Healthytrim.com, start losing weight today. Healthytrim.com.

SKEERY JONES: How's it going? It's Skeery Jones. A lot of people have been asking me over the past year about this all-natural supplement I've been taking, which has allowed me to lose a whole bunch of weight and still eat the foods I like when I want them. It's called Healthe Trim at HealthyTrim.com.

Well, I figured to clear a whole lot of rumors up and to answer everyone's question [sic], we'd bring in Matthew Dwyer, the founder of Healthe Trim.

Good morning, Matthew.

MATTHEW DWYER: Skeery, how are you, buddy?

SKEERY JONES: The past year has just been amazing for me.

MATTHEW DWYER: Yeah, see, listen, here's the thing. Healthe Trim's not a diet, you know. It's just an all-natural supplement that you take in the morning and it works. It's not a lifestyle change, and I think that's why we're having so much success with it, because research shows that 95 percent of diets fail because you have to give up the foods that you love. So, you end up gaining the weight back. And that's not the case with Healthe Trim.

SKEERY JONES: Right.

MATTHEW DWYER: Listen, I was a guy that was just desperately trying to lose the weight. So, I started trying all different dietary supplements and they all gave me the crazy jittery feeling until I stumbled upon

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Healthe Trim. I lost five pounds the first week; I lost 16 pounds in three weeks; I lost 47 pounds in 100 days.

SKEERY JONES: Oh, my God.

MATTHEW DWYER: It's not important what we weigh, Skeery, but it's the visceral fat around our organs, the belly fat, that causes all the health issues.

SKEERY JONES: And, you know, when I started taking Healthe Trim, I realized I was given more energy in the morning when I started taking the Healthe Trim. And then, throughout the day, the energy was sustained. I can eat what I want, but I don't find myself as hungry as I used to be.

MATTHEW DWYER: I think it's important to know there's 17 all-natural ingredients. I couldn't do the meal plans, I couldn't do the shake plans. What I can do is I can wake up in the morning, take two all-natural supplements, drink water and go about my day. I'm now a 32-inch waist. After three years, I haven't gained a pound back. I feel great. I don't have the crazy jittery feeling.

Dr. Oz does specials all the time about how over two-thirds of the supplements out there are scams because they don't have authentic hoodia in here. Hoodia is the cactus plant that the Africans used to live off way back in the day to go five or six days to hunt their prey without food. We have authentic hoodia in Healthe Trim.

SKEERY JONES: And I know that because I've checked your website and I've looked into it and you guys have the documents to back it up, that this is the real deal hoodia.

MATTHEW DWYER: And by no means is Dr. Oz endorsing Healthe Trim, but he says that all 17

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ingredients in Healthe Trim are not only safe, they're very, very healthy for you.

SKEERY JONES: What about this Resveratrol I've been reading about?

MATTHEW DWYER: Yeah, Resveratrol is the grape red wine extract, okay? I encourage your listeners to Google the Harvard study on Resveratrol. There's just so many anti-aging benefits and healthy benefits to Resveratrol. Listen, everything that's in one capsule of Healthe Trim, it's just 17 fruits and vegetables. You get great energy from the green tea. There's 175 milligrams from green tea in one capsule, which is equivalent to about a 16-ounce Dunkin Donuts or Starbucks cup of coffee.

SKEERY JONES: Mm-hmm.

MATTHEW DWYER: Do I know that Healthe Trim is the best all-natural supplement in the world? No, I do not. But here's what I do know, Healthe Trim absolutely works and we have a 30-day no questions asked money back guarantee...

(Exhibit C, radio ad).

- d. Healthe Trim
GET HIGH SCHOOL SKINNY!

[...]

**A REVOLUTIONARY
THERMO-ENERGY
BOOSTER
LOSE WEIGHT! FEEL GREAT!**

Our powerful diet supplements are made of only the finest natural ingredients available. They are formulated to provide energy boosts, surpass[sic] cravings and burn fat. Most importantly, they're EASY to add to your day – just take two in the morning!

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[...]

Real **People**, Incredible **Results!**

[...]

Emily York
Phoenix, AZ**Lost 137 pounds!**

My name is Emily. I'm a twenty-nine-year-old mother of three. After my first daughter, I gained 60 pounds in a year and learned I had thyroid disease, a condition that not only meant I would gain weight it also meant it would be difficult to lose weight. As the years went by, pounds piled on, and as I tried all the diet plans and pills and shakes with no success, my frustration grew.

Then I heard about healthé trim on the radio and the DJ had thyroid disease like me! I decided it would be my last try and if this didn't work maybe I was meant to stay that way. September 13, 2009, the day after my 29th birthday, I started healthé trim and I have since lost 121 pounds! I lost 19 pounds the first week and felt amazing. I have the energy to exercise that I didn't have before and there were no side effects with my thyroid meds.

Thanks to healthé trim I am high school skinny again. I have myself back, my husband has his wife back, and my kids have the mom they deserve! Thank you healthé trim!!

* The weight loss experienced by these individuals actually occurred. We do not have many facts about the circumstances about how this weight loss was achieved, other than the consuming of HealtheTrim, for either us or you to conclude that this should be a generally expected outcome from the use of HealtheTrim. We encourage a reasonable exercise and healthy diet as an important part of your weight loss

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and maintenance program. A clinical study of 60 participants in 2009 reflected an average weight loss of 2.43 pounds in 30 days when those individuals took HealtheTrim exclusive of a diet and exercise program.

[...]

How to Lose Weight Fast

[...]

Natural Weight Loss Supplements

There are a lot of *weight loss supplements* out there, but not all of them are effective at producing real results. Healthé Trim is clinically proven to help you lose weight. Our *weight loss supplement* is made from natural ingredients that curb your appetite, boost energy, and increase your metabolism for *rapid weight loss*.

Fad diets that promise fast results may be dangerous to your health if they require you to consume too few calories. Healthé Trim lets you continue eating the food you enjoy in smaller portions while giving you extra energy for a more active lifestyle. Our natural weight loss supplement has everything your body needs to achieve *quick* weight loss and better overall health.

[...]

Fat Burner

People who want to lose body fat without sacrificing muscle need an effective *fat burner* as part of their *weight loss* strategy. Healthe Trim has developed a successful weight loss trio consisting of appetite suppressants, metabolism boosters and *fat burners* which work together to keep you healthy and help you burn fat without losing muscle.

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Burning Fat and Preserving Muscle

Muscles keep us healthy and strong; they can also help both men and women feel more attractive and confident. We use them every day for a number of different tasks, so it is important to ensure they are not diminished by dieting. When trying out a new diet or *weight loss plan*, it is easy to neglect the nutrients you need to preserve your muscles. Fortunately, Healthe Trim provides a safe and natural solution for losing body fat while minimizing the loss of muscle.

Healthe Trim's Successful Weight Loss Trio**Appetite Suppressants**

A major ingredient in Healthe Trim is *Hoodia gordonii*. This supplement acts as an appetite suppressant, keeping you focused and reducing the temptation to overeat. The combination of hoodia and our fat burner can result in losing up to 50 pounds by simply adding our *weight loss pill* to your diet.

Metabolism Boosters

Healthe Trim gives your body a metabolism boost which causes an increased amount of calories to be burned more quickly. Less food plus a faster metabolism means your body eats away at the fat reserves in order to keep going at its normal pace, resulting in a slimmer you.

Fat Burners

Healthe Trim includes a fat burner ingredient that targets stores of fat without weakening your muscles. Our balance of natural ingredients will ensure that your body uses stored fat reserves as fuel rather than preventing your muscles from getting the nutrition they need to stay strong and continue building.

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Muscles burn more energy than other parts of the body, so losing muscle mass actually slows down your overall metabolism. Maintaining or building muscle is an important part of any weight loss plan. To ensure minimal muscle loss, you need a weight loss supplement to manage the energy that fuels your muscles. Healthe Trim's winning combination of *fat burners*, *appetite suppressants* and metabolism boosters will allow you to meet your weight loss goals using time-tested, all natural ingredients.

(Exhibit D, Healthytrim.com website).

e. [...]

DR. WENDY WALSH: ...But it all begins with one man, who's worked tirelessly to help hundreds of thousands of people lose millions of pounds. He desperately wanted to lose weight himself, but nothing he tried worked. Then he discovered the formula for Healthe Trim and it changed his life forever.

I'm happy to introduce Mr. Matthew Dwyer! Hi, Matthew.

MATTHEW DWYER: Hey, how are you? Thanks so much for having me.

DR. WENDY WALSH: People are losing weight. Matthew, I need to know what's going on.

MATTHEW DWYER: Hundreds of thousands of people have lost millions of pounds on Healthe Trim and they're keeping it off because Healthe Trim is just so darn easy.

DR. WENDY WALSH: Why do they stick to Healthe Trim?

MATTHEW DWYER: Because all you do is wake up in the morning, take two natural supplements, drink

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water and go about your day, and it is just that simple. You'll be less hungry and you'll be less tired.

[On Screen Depiction: Before and after photos of Matthew Dwyer, labeled "Lost 47 pounds"]
You'll have great energy. It will motivate you to move around. It will curb your cravings and you'll lose the weight easy and naturally.

[...]

DR. WENDY WALSH: I'd like to introduce now Ann Hudson. Ann is a popular radio disc jockey and TV host in Austin, Texas. Welcome, Ann.

[On Screen Depiction: "Before" photo of Ann labeled "189 pounds" – subscript, "Lost 54 pounds"]

[...]

ANN HUDSON: Everyone around the office when I came back from maternity leave was taking Healthe Trim. It was all the rage. And I was like, what the heck is this? What's going on? When I started taking it, I felt better. I had a lot more energy. I wanted to do stuff. And after six weeks, the weight just started falling off. It was like five pounds, six pounds, eight pounds. It was a huge transition.

DR. WENDY WALSH: How much did you lose total?

ANN HUDSON: Fifty-four.

DR. WENDY WALSH: Fifty-four pounds.

ANN HUDSON: Yeah.

MATTHEW DWYER: So, you went from a 12 in a dress to a two in a dress.

ANN HUDSON: Now I'm a 2.

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MATTHEW DWYER: In five months, six months?

ANN HUDSON: Yes.

DR. WENDY WALSH: Five sizes, five months!

[...]

DR. WENDY WALSH: Welcome back. Well, everybody's talking about Healthe Trim and I'm finally beginning to understand why. It's quite simple. It's because Healthe Trim works. There's no extreme dieting, no extreme exercising, no costly meal delivery programs. Just two capsules in the morning and Healthe Trim goes right to work, making you feel less hungry while simultaneously giving you an alert, focused energy. So, you burn more calories than you take in. The result, you lose weight naturally.

MATTHEW DWYER: Most people are out there like me. They're stressed. Jobs, kids, it's difficult to eat a well-balanced meal and it's difficult to watch what you're eating and exercise all the time on a regular basis. It's not very difficult, though, to wake up in the morning, take two natural supplements, drink water and go about your day.

[...]

DR. WENDY WALSH: You've seen and heard great stories about real people just like you who have lost 10 to 20, 40 to 60, even 100 pounds or more with the number one natural weight loss supplement, Healthe Trim. Isn't it finally time for you to take control with Healthe Trim? . . . Just take two capsules a day and you're on your way to a better, healthier, happier life....

(Exhibit E, Healthe Trim infomercial).

Complaint

Count I**False or Unsubstantiated Efficacy Claims for the Healthe Trim Products**

6. In connection with the advertising, promotion, offering for sale, or sale of the Healthe Trim Products, Respondent has represented, directly or indirectly, expressly or by implication, that:

- a. The Healthe Trim Products cause substantial weight loss, including as much as 35, 50, 130, and 165 pounds;
- b. The Healthe Trim Products cause rapid weight loss, including as much as 19 pounds in the first week, 47 pounds in 100 days, and 54 pounds in five months;
- c. The Healthe Trim Products cause weight loss without the need to diet, give up any foods, or make any changes in lifestyle;
- d. The Healthe Trim Products burn fat and cause fat loss;
- e. The Healthe Trim Products boost metabolism; and
- f. The Healthe Trim Products suppress appetite.

7. The representations set forth in Paragraph 6 are false or misleading, or were not substantiated at the time the representations were made.

Count II**False Establishment Claims for the Healthe Trim Products**

8. In connection with the advertising, promotion, offering for sale, or sale of the Healthe Trim Products, Respondent has represented, directly or indirectly, expressly or by implication, that scientific studies prove that the Healthe Trim Products cause weight loss.

9. In fact, scientific studies do not prove that the Healthe Trim Products cause weight loss. Among other reasons, two

Complaint

clinical trials showed no statistically significant differences in weight loss between the test groups taking Healthe Trim Original Formula and test groups taking a placebo. Therefore, the representation set forth in Paragraph 8 is false or misleading.

Violations of Sections 5 and 12

10. 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 twenty-second day of October, 2014, has issued this Complaint against Respondent.

By the Commission.

Complaint

Exhibit A

EXHIBIT A

1 OFFICIAL TRANSCRIPT PROCEEDING
2 FEDERAL TRADE COMMISSION
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6 MATTER NO. 1223287
7
8 TITLE HEALTHY LIFE SCIENCES, LLC
9
10 DATE RECORDED: SEPTEMBER 28, 2012
11 TRANSCRIBED: MARCH 18, 2014
12
13 PAGES 1 THROUGH 5
14
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19 EXHIBIT A - HEALTHY TRIM MATTHEW 60 FALL IS HERE 2995 30
20 DAYS 092812 - PROMO CODE MONSTERS
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Complaint

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1 FEDERAL TRADE COMMISSION
2 I N D E X
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4 RECORDING: PAGE:
5 Healthe Trim commercial 3
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Complaint

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1 FEDERAL TRADE COMMISSION
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3 In the Matter of:)
4) Matter No. 1223287
5 Healthy Life Sciences, LLC)
6 -----)
7 September 28, 2012
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12 The following transcript was produced from a
13 digital recording provided to For The Record, Inc. on
14 March 11, 2014.
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Complaint

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1 P R O C E E D I N G S
2 - - - - -
3 EXHIBIT A - HEALTHY TRIM MATTHEW 60 FALL IS HERE 2995
4 30 DAYS 092812 - PROMO CODE MONSTERS
5 MATTHEW: Fall is here. So it's time for your
6 weight to start falling off. Healthe Trim is the answer
7 to your weight loss struggles. It's a natural supplement
8 that actually works.
9 Hi, it's Matthew, founder of Healthe Trim, and
10 we've sold over 1.5 million bottles. That should tell
11 you right there that Healthe Trim works. Lose weight
12 easily and quickly today with our limited time offer of
13 \$29.95 for a 30-day supply. That's a 50 percent savings.
14 If you've tried diets, meal plans, clinics,
15 meetings and nothing's worked for you, it doesn't
16 surprise me. You got to give Healthe Trim a try.
17 Healthe Trim is so easy. Just a couple of
18 capsules in the morning right when you wake up, drink
19 water and go about your day. We guarantee it or your
20 money back.
21 Make today the day you stop struggling with
22 your weight and give Healthe Trim a try with our amazing
23 \$29.95 offer for a 30-day supply. Go to HealthyTrim.com
24 and enter promo code "monsters."
25 (The commercial was concluded.)

Complaint

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1 C E R T I F I C A T I O N O F T Y P I S T

2

3 MATTER NUMBER: 1223287

4 CASE TITLE: HEALTHY LIFE SCIENCES, LLC

5 TAPING DATE: SEPTEMBER 28, 2012

6 TRANSCRIPTION DATE: MARCH 18, 2014

7

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

12

13 DATED: MARCH 18, 2014

14

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16 ELIZABETH M. FARRELL

17

18 C E R T I F I C A T I O N O F P R O O F R E A D E R

19

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

23

24

25 SARA J. VANCE

Complaint

Exhibit B

EXHIBIT B

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1 OFFICIAL TRANSCRIPT PROCEEDING
2 FEDERAL TRADE COMMISSION
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6 MATTER NO. 1223287
7
8 TITLE HEALTHY LIFE SCIENCES, LLC
9
10 DATE RECORDED: OCTOBER 5, 2012
11 TRANSCRIBED: MARCH 18, 2014
12
13 PAGES 1 THROUGH 5
14
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19 EXHIBIT B - HEALTHY TRIM MATTHEW 60 BREAKTHROUGH
20 BUY 1 GET 1 100512
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1	FEDERAL TRADE COMMISSION	
2	I N D E X	
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4	RECORDING:	PAGE:
5	Healthe Trim commercial	3
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Complaint

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1 FEDERAL TRADE COMMISSION

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3 In the Matter of:)

4) Matter No. 1223287

5 Healthy Life Sciences, LLC)

6 -----)

7 October 5, 2012

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12 The following transcript was produced from a

13 digital recording provided to For The Record, Inc. on

14 March 11, 2014.

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1 P R O C E E D I N G S
2 - - - - -
3 EXHIBIT B - HEALTHY TRIM MATTHEW 60 BREAKTHROUGH
4 BUY 1 GET 1 100512
5 MATTHEW: Are you ready for this? We've got
6 something new for you. It's Matthew, founder of Healthe
7 Trim. We've now added Healthe Trim raspberry ketone to
8 our unique proprietary blend of Healthe Trim.
9 It's a breakthrough. It is awesome. I feel
10 fantastic. Healthe Trim raspberry ketone will change
11 your life. You'll lose weight without dieting. You
12 won't believe how fast the fat will start burning off.
13 I guarantee it. 30-day, no questions asked
14 money back guarantee. You will be as excited as I am
15 with Healthe Trim, now powered by raspberry ketone. It
16 burns the fat, suppresses your appetite, and will boost
17 your energy. It's natural, it's safe and it is so easy.
18 With our 30-day money back guarantee, you have
19 nothing to lose but the weight.
20 Go to HealthyTrim.com/rk and take advantage of
21 our limited time offer of buy one, get one free.
22 Supplies are limited, so buy now at HealthyTrim.com/rk.
23 (The commercial was concluded.)
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Complaint

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1 C E R T I F I C A T I O N O F T Y P I S T

2

3 MATTER NUMBER: 1223287

4 CASE TITLE: HEALTHY LIFE SCIENCES, LLC

5 TAPING DATE: OCTOBER 5, 2012

6 TRANSCRIPTION DATE: MARCH 18, 2014

7

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11 TRADE COMMISSION to the best of my knowledge and belief.

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13 DATED: MARCH 18, 2014

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16 ELIZABETH M. FARRELL

17

18 C E R T I F I C A T I O N O F P R O O F R E A D E R

19

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22 format.

23

24

25 SARA J. VANCE

Complaint

Exhibit C

EXHIBIT C

1

1 OFFICIAL TRANSCRIPT PROCEEDING

2 FEDERAL TRADE COMMISSION

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6 MATTER NO. 1223287

7

8 TITLE HEALTHY LIFE SCIENCES, LLC

9

10 DATE RECORDED: JANUARY 24

11 TRANSCRIBED: MARCH 18, 2014

12

13 PAGES 1 THROUGH 9

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19 EXHIBIT C - WHTZ HEALTHYTRIM ELVIS AND MATTHEW 1-24

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Complaint

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1 FEDERAL TRADE COMMISSION

2 I N D E X

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4 RECORDING: PAGE:

5 Healthe Trim commercial 3

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1 FEDERAL TRADE COMMISSION

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3 In the Matter of:)

4) Matter No. 1223287

5 Healthy Life Sciences, LLC)

6 -----)

7 January 24

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12 The following transcript was produced from a

13 digital recording provided to For The Record, Inc. on

14 March 11, 2014.

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1 P R O C E E D I N G S
2 - - - - -
3 EXHIBIT C - WHITE HEALTHYTRIM ELVIS AND MATTHEW 1-24
4 ELVIS: Hi, it's Elvis. You guys have heard
5 about Healthe Trim and their excellent website
6 HealthyTrim.com. Well, the founder of Healthe Trim and
7 our weight loss expert is back with a 90-day money back
8 guarantee. You have nothing to lose but the weight. Go
9 to HealthyTrim.com, start losing weight today.
10 HealthyTrim.com.
11 SKEERY JONES: How's it going? It's Skeery
12 Jones. A lot of people have been asking me over the past
13 year about this all-natural supplement I've been taking,
14 which has allowed me to lose a whole bunch of weight and
15 still eat the foods I like when I want them. It's called
16 Healthe Trim at HealthyTrim.com.
17 Well, I figured to clear a whole lot of rumors
18 up and to answer everyone's question, we'd bring in
19 Matthew Dwyer, the founder of Healthe Trim.
20 Good morning, Matthew.
21 MATTHEW DWYER: Skeery, how are you, buddy?
22 SKEERY JONES: The past year has just been
23 amazing for me.
24 MATTHEW DWYER: Yeah, see, listen, here's the
25 thing. Healthe Trim's not a diet, you know. It's just

Complaint

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1 an all-natural supplement that you take in the morning
2 and it works. It's not a lifestyle change, and I think
3 that's why we're having so much success with it, because
4 research shows that 95 percent of diets fail because you
5 have to give up the foods that you love. So, you end up
6 gaining the weight back. And that's not the case with
7 Healthe Trim.

8 SKEERY JONES: Right.

9 MATTHEW DWYER: Listen, I was a guy that was
10 just desperately trying to lose the weight. So, I
11 started trying all different dietary supplements and they
12 all gave me the crazy jittery feeling until I stumbled
13 upon Healthe Trim. I lost five pounds the first week; I
14 lost 16 pounds in three weeks; I lost 47 pounds in 100
15 days.

16 SKEERY JONES: Oh, my God.

17 MATTHEW DWYER: It's not important what we
18 weigh, Skeery, but it's the visceral fat around our
19 organs, the belly fat, that causes all the health issues.

20 SKEERY JONES: And, you know, when I started
21 taking Healthe Trim, I realized I was given more energy
22 in the morning when I started taking the Healthe Trim.
23 And then, throughout the day, the energy was sustained.
24 I can eat what I want, but I don't find myself as hungry
25 as I used to be.

Complaint

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1 MATTHEW DWYER: I think it's important to know
2 there's 17 all-natural ingredients. I couldn't do the
3 meal plans, I couldn't do the shake plans. What I can do
4 is I can wake up in the morning, take two all-natural
5 supplements, drink water and go about my day. I'm now a
6 32-inch waist. After three years, I haven't gained a
7 pound back. I feel great. I don't have the crazy
8 jittery feeling.

9 Dr. Oz does specials all the time about how
10 over two-thirds of the supplements out there are scams
11 because they don't have authentic hoodia in here. Hoodia
12 is the cactus plant that the Africans used to live off
13 way back in the day to go five or six days to hunt their
14 prey without food. We have authentic hoodia in Healthe
15 Trim.

16 SKEERY JONES: And I know that because I've
17 checked your website and I've looked into it and you guys
18 have the documents to back it up, that this is the real
19 deal hoodia.

20 MATTHEW DWYER: And by no means is Dr. Oz
21 endorsing Healthe Trim, but he says that all 17
22 ingredients in Healthe Trim are not only safe, they're
23 very, very healthy for you.

24 SKEERY JONES: What about this Resveratrol I've
25 been reading about?

Complaint

7

1 MATTHEW DWYER: Yeah, Resveratrol is the grape
2 red wine extract, okay? I encourage your listeners to
3 Google the Harvard study on Resveratrol. There's just so
4 many anti-aging benefits and healthy benefits to
5 Resveratrol. Listen, everything that's in one capsule of
6 Healthe Trim, it's just 17 fruits and vegetables. You
7 get great energy from the green tea. There's 175
8 milligrams from green tea in one capsule, which is
9 equivalent to about a 16-ounce Dunkin Donuts or Starbucks
10 cup of coffee.

11 SKEERY JONES: Mm-hmm.

12 MATTHEW DWYER: Do I know that Healthe Trim is
13 the best all-natural supplement in the world? No, I do
14 not. But here's what I do know, Healthe Trim absolutely
15 works and we have a 30-day no questions asked money back
16 guarantee.

17 SKEERY JONES: So, what's the phone number?
18 How can people get their hands on some Healthe Trim?

19 MATTHEW DWYER: It's 800-456-TRIM. That's 800-
20 456-8746 or HealthyTrim.com.

21 SKEERY JONES: So, HealthyTrim.com. And what's
22 that number again?

23 MATTHEW DWYER: 800-456-TRIM. That's 800-456-
24 8746 or HealthyTrim.com.

25 SKEERY JONES: Matthew, the phone lines are

Complaint

8

1 lighting up. Can you stick around for just a little bit?

2 MATTHEW DWYER: Yeah, man, I'll stick around.

3 SKEERY JONES: Cool. All right, we're going to

4 answer some of those questions in just a little while and

5 we have more coming up right after this.

6 (The commercial was concluded.)

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Complaint

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1 C E R T I F I C A T I O N O F T Y P I S T

2

3 MATTER NUMBER: 1223287

4 CASE TITLE: HEALTHY LIFE SCIENCES, LLC

5 TAPING DATE: JANUARY 24

6 TRANSCRIPTION DATE: MARCH 18, 2014

7

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

12

13 DATED: MARCH 18, 2014

14

15

16 ELIZABETH M. FARRELL

17

18 C E R T I F I C A T I O N O F P R O O F R E A D E R

19

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

23

24

25 SARA J. VANCE

Complaint

Exhibit D

Healthe Trim | Natural Weight Loss Supplement

EXHIBIT D

healthe trim GET HIGH SCHOOL SKINNY! Customer Service | 30 Day Guarantee | Free Coaching

Original Formula Raspberry Ketone Garcinia Cambogia Testimonials FAQs Reviews Blog

A REVOLUTIONARY
THERMO-ENERGY BOOSTER

LOSE WEIGHT! FEEL GREAT!

Our powerful diet supplements are made of only the finest natural ingredients available. They are formulated to provide energy boosts, surpass cravings and burn fat. Most importantly, they're EASY to add to your day - just take two in the morning!

healthe trim GET HIGH SCHOOL SKINNY! THERMO-ENERGY BOOSTER

Over 1 MILLION Bottles Sold!

30 DAY MONEY BACK GUARANTEE

BUY NOW

Products That Fit Your Lifestyle

When we released Healthe Trim 4 years ago, the positive reaction that we got from folks assured us that we were on the right track - providing high quality dietary supplements.

We know we've changed people's lives, we have hundreds of testimonials from people that have lost weight. Since then, we've sold over 1 million bottles of Healthe Trim. Every bottle we've ever sold had a 30 day money back guarantee.

You have nothing to lose but the weight.

Christine Pullara: "I lost 25 lbs. after my baby!"

healthe trim GARCINIA CAMBOGIA **BUY NOW**

SAVE BIG! DEAL OF THE DAY! SEE TODAY'S DEAL!

FAT BURNER! healthe trim RASPBERRY KETONE BUY NOW

http://www.healthyttrim.com/[5/19/2013 9:30:02 AM]

Complaint

Healthe Trim | Natural Weight Loss Supplement

EXHIBIT D

Real People, Incredible Results!



Alicia Hanner
Gilbert, AZ

Since mid-summer I'd begun to pay closer attention to John Jay & Rich's talk about healthé trim. They raved about its simplicity. I decided it was time. I was over 210 lbs, and I am only 5'7". I knew I needed change before it started affecting my health. I had to lose some weight—primarily baby weight from having twins in '04. [Read More](#)



Victoria Russell
Southborough, MA

My weight loss goal was to lose about 15-20 lbs and I ended up losing 30 lbs in 4 months and a total of 35 lbs in 5 months! I've never been really overweight, but I always had trouble shedding a little extra weight that I wasn't happy with. Since I've been taking Healthé Trim and lost the weight I am just more comfortable and confident with my body. [Read More](#)



Emily York
Phoenix, AZ

My name is Emily. I'm a twenty-nine-year-old mother of three. After my first daughter, I gained 60 pounds in a year and learned I had thyroid disease, a condition that not only meant I would gain weight it also meant it would be difficult to lose weight! As the years went by, pounds piled on, and as I tried all the diet plans and pills and shakes with no success. [Read More](#)

*The weight loss experienced by these individuals actually occurred. We do not have many facts about the circumstances about how this weight loss was achieved, other than the consuming of Healthé Trim, be either us or you to conclude that this should be generally expected outcome from the use of Healthé Trim. We encourage a reasonable exercise and healthy diet as an important part of your weight loss and maintenance program. A clinical study of 60 participants in 2009 reflected an average weight loss of 2.43 pounds in 30 days when those individuals took Healthé Trim exclusive of a diet and exercise program.

Healthe Trim Uses Natural Ingredients

healthe^{trim} - ORIGINAL FORMULA**Authentic Hoodia Gordonii**

Hoodia is a genus of 13 species in the flowering plant family Apocynaceae, under the subfamily Asclepiadoideae. They are stem succulents. [read more.](#)

**Green Tea Leaf Extract**

Green tea is tea made solely with the leaves of *Camellia sinensis* that have undergone minimal oxidation during processing. Green tea... [read more.](#)

**Garcinia Cambogia**

Garcinia Cambogia is a natural form of Hydroxytricin Acid (HCA) which can inhibit Citrate Lyase (an enzyme in cells). Citrate Lyase... [read more.](#)

**Authentic Resveratrol**

Resveratrol is a polyphenolic compound found by plants with its highest concentration in grape skins and red wines. This nutrient is working to boost... [read more.](#)

**Caralluma Fimbriata**

Caralluma Fimbriata is a succulent plant in the family Apocynaceae. It has been eaten in rural India for centuries, raw, as a vegetable with... [read more.](#)

**Coix Seed**

Coixseed (also known as Job's Tears) is a tall grain-bearing tropical plant of the family Poaceae (grass family) native to East Asia and... [read more.](#)

Complaint

Healthe Trim | Testimonial - Emily York Lost 137 pounds!

EXHIBIT D




Customer Service | 30 Day Guarantee | Free Coaching

f t

[Original Formula](#)
[Raspberry Ketone](#)
[Garcinia Cambogia](#)
[Testimonials](#)
[FAQs](#)
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[Blog](#)



BEFORE



AFTER

Emily York

Phoenix, AZ

Lost 137 pounds!

My name is Emily, I'm a twenty-nine-year-old mother of three. After my first daughter, I gained 60 pounds in a year and learned I had thyroid disease, a condition that not only meant I would gain weight it also meant it would be difficult to lose weight. As the years went by, pounds piled on, and as I tried all the diet plans and pills and shakes with no success, my frustration grew.

Then I heard about healthe trim on the radio and the DJ had thyroid disease like me! I decided it would be my last try and if this didn't work maybe I was meant to stay that way. September 13, 2009, the day after my 28th birthday, I started healthe trim and I have since lost 121 pounds! I lost 19 pounds the first week and felt amazing I have the energy to exercise that I didn't have before and there were no side effects with my thyroid meds.

Thanks to healthe trim I am high school skinny again. I have myself back, my husband has his wife back, and my kids have the mom they deserve! Thank you healthe trim!

* The weight loss experienced by these individuals actually occurred. We do not have many facts about the circumstances about how this weight loss was achieved, other than the consuming of healthe trim, for either us or you to conclude that this should be a generally expected outcome from the use of healthe trim. We encourage a reasonable exercise and healthy diet as an important part of your weight loss and maintenance program. A clinical study of 60 participants in 2009 indicated an average weight loss of 2-41 pounds in 30 days when these individuals took HealtheTrim exclusive of a diet and exercise program.

ORIGINAL FORMULA



LEARN MORE

RASPBERRY KETONE



LEARN MORE

GREEN COFFEE BEAN



LEARN MORE

[http://www.healthyttrim.com/testimonials/emily-york\[9/19/2013 9:32:44 AM\]](http://www.healthyttrim.com/testimonials/emily-york[9/19/2013 9:32:44 AM])

Complaint

Lose Weight Fast With Healthé Trim

EXHIBIT D




[Customer Service](#) | [30 Day Guarantee](#) | [Free Coaching](#)




[Original Formula](#)
[Raspberry Ketone](#)
[Garcinia Cambogia](#)
[Testimonials](#)
[FAQs](#)
[Reviews](#)
[Blog](#)

How to Lose Weight Fast

Fad diets like the *hCG diet* or the *17 Day Diet* are largely popular due to their promise of fast results. These results are caused by a dramatic reduction in calorie intake and are often temporary, once you return to a normal calorie count the weight will come right back. Healthé Trim focuses on sustainable lifestyle changes rather than metabolic shock treatment, allowing you to achieve permanent *natural weight loss* more quickly and easily than you could have imagined.

Here are some more important tips for losing weight fast:

Eat Healthy Foods

Starch and sodium rich foods cause your body to retain fluids, and fried foods are high in unnecessary calories. A diet rich in fruits, vegetables and lean meats will get you started in developing smart eating habits that will keep your figure trim and your body healthy.

Drink Lots of Water

Exercising improves energy, helps you sleep, burns calories, and builds muscle mass. It even boosts your metabolism, helping you to lose weight more quickly. A balance of dieting and exercise is healthier than dieting alone, and can also help you to look more attractive.

Natural Weight Loss Supplements

There are a lot of *weight loss supplements* out there, but not all of them are effective at producing real results. Healthé Trim is clinically proven to help you lose weight. Our *weight loss supplement* is made from natural ingredients that curb your appetite, boost energy, and increase your metabolism for rapid weight loss.

Fad diets that promise fast results may be dangerous to your health if they require you to consume too few calories. Healthé Trim lets you continue eating the food you enjoy in smaller portions while giving you extra energy for a more active lifestyle. Our natural weight loss supplement has everything your body needs to achieve quick weight loss and better overall health.

ORIGINAL FORMULA


[LEARN MORE](#)

RASPBERRY KETONE


[LEARN MORE](#)

GREEN COFFEE BEAN


[LEARN MORE](#)

<http://www.healthyttrim.com/articles/lose-weight-fast>[9/19/2013 9:31:36 AM]

Complaint

Fat Burner

EXHIBIT D



Fat Burner

People who want to lose body fat without sacrificing muscle need an effective *fat burner* as part of their weight loss strategy. Health Trim has developed a successful weight loss trio consisting of appetite suppressants, metabolism boosters and *fat burners* which work together to keep you healthy and help you burn fat without losing muscle.

Burning Fat and Preserving Muscle

Muscles keep us healthy and strong, they can also help both men and women feel more attractive and confident. We use them every day for a number of different tasks, so it is important to ensure they are not diminished by dieting. When trying out a new diet or weight loss plan, it is easy to neglect the nutrients you need to preserve your muscles. Fortunately, Health Trim provides a safe and natural solution for losing body fat while minimizing the loss of muscle.

Health Trim's Successful Weight Loss Trio

Appetite Suppressants

A major ingredient in Health Trim is *Hoodia gordonii*. This supplement acts as an appetite suppressant, keeping you focused and reducing the temptation to overeat. The combination of hoodia and our fat burner can result in losing up to 50 pounds by simply adding our weight loss pill to your diet.

Metabolism Boosters

Health Trim gives your body a metabolism boost which causes an increased amount of calories to be burned more quickly. Less food plus a faster metabolism means your body eats away at the fat reserves in order to keep going at its normal pace, resulting in a slimmer you.

Fat Burners

Health Trim includes a fat burner ingredient that targets stores of fat without weakening your muscles. Our balance of natural ingredients will ensure that your body uses stored fat reserves as fuel rather than preventing your muscles from getting the nutrition they need to stay strong and continue building.

Muscles burn more energy than other parts of the body, so losing muscle mass actually slows down your overall metabolism. Maintaining or building muscle is an important part of any weight loss plan. To ensure minimal muscle loss, you need a weight loss supplement to manage the energy that fuels your muscles. Health Trim's winning combination of fat burners, appetite suppressants and metabolism boosters will allow you to meet your weight loss goals using time-tested, all natural ingredients.

ORIGINAL FORMULA


[LEARN MORE](#)

RASPBERRY KETONE


[LEARN MORE](#)

GREEN COFFEE BEAN


[LEARN MORE](#)

<http://www.healthtrim.com/articles/fat-burner>[9/19/2013 9:31:42 AM]

Complaint

Exhibit E

EXHIBIT E

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OFFICIAL TRANSCRIPT PROCEEDING

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FEDERAL TRADE COMMISSION

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MATTER NO. 1223287

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14

TITLE HEALTHY LIFE SCIENCES, LLC

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DATE RECORDED: JUNE 24, 2012

17

TRANSCRIBED: FEBRUARY 24, 2014

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REVISED: MARCH 13, 2014

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PAGES 1 THROUGH 49

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HEALTHY TRIM VIDEO

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Complaint

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1 FEDERAL TRADE COMMISSION
2 I N D E X
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4 RECORDING: PAGE:
5 Healthe Trim Video 3
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1 FEDERAL TRADE COMMISSION
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3 In the Matter of:)
4) Matter No. 1223287
5 Healthy Life Sciences, LLC)
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12 The following transcript was produced from a
13 digital recording provided to For The Record, Inc. on
14 February 3, 2014.
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Complaint

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1 P R O C E E D I N G S
2 - - - - -
3 HEALTHY TRIM VIDEO
4 ON SCREEN: The following is a paid program
5 for Healthy Trim.
6 Sponsored by HealthyLife Sciences, LLC.
7 ON SCREEN: Dr. Wendy Walsh, PhD
8 Healthy Trim
9 DR. WENDY WALSH: The effects on your health of
10 being overweight can be overwhelming and dangerous, both
11 physically and mentally, coronary heart disease, cancer,
12 high blood pressure, depression, anxiety. We eat too
13 much and don't exercise enough. Plain and simply, we've
14 lost control of the part of our brain that tells us when
15 we're full.
16 ON SCREEN: How Mario helped me
17 LOSE 30 LBS. IN 5 MONTHS
18 How did this mother of 3 Get High School
19 Skinny!
20 Healthy Trim
21 DR. WENDY WALSH: I've heard about a fast-
22 acting natural supplement that's helping people just like
23 you take back control and lose weight.
24 ON SCREEN: LOST
25 307 35 54 50 127

Complaint

5

1 User Group average weight loss 10.92 lbs in 30
2 days

3 DR. WENDY WALSH: In the next half-hour, you'll
4 hear truly amazing stories of weight loss that are
5 breathtaking.

6 ON SCREEN: Dr. Wendy Walsh, PhD
7 Healthe Trim

8 DR. WENDY WALSH: People like you have started
9 new lives. They're so proud and joyful and their story
10 can be your story.

11 But it all begins with one man, who's worked
12 tirelessly to help hundreds of thousands of people lose
13 millions of pounds. He desperately wanted to lose weight
14 himself, but nothing he tried worked. Then he discovered
15 the formula for Healthe Trim and it changed his life
16 forever.

17 I'm happy to introduce Mr. Matthew Dwyer. Hi,
18 Matthew.

19 MATTHEW DWYER: Hey, how are you? Thanks so
20 much for having me.

21 DR. WENDY WALSH: People are losing weight.
22 Matthew, I need to know what's going on.

23 MATTHEW DWYER: Hundreds of thousands of people
24 have lost millions of pounds on Healthe Trim and they're
25 keeping it off because Healthe Trim is just so darn easy.

Complaint

6

1 DR. WENDY WALSH: Why do they stick to Healthe
2 Trim?
3 ON SCREEN: Diet and exercise are necessary to
4 lose weight
5 MATTHEW DWYER: Because all you do is wake up
6 in the morning, take two natural supplements, drink water
7 and go about your day, and it is just that simple.
8 You'll be less hungry and you'll be less tired.
9 ON SCREEN: Before and After photos
10 Lost 47 Pounds
11 Matthew
12 Healthe Trim
13 MATTHEW DWYER: You'll have great energy. It
14 will motivate you to move around. It will curb your
15 cravings and you'll lose the weight easy and naturally.
16 DR. WENDY WALSH: So, it actually makes you
17 want to move more?
18 MATTHEW DWYER: It really does. It makes you
19 want to move more.
20 ON SCREEN: Before 189 Pounds
21 Lost 54 Pounds
22 User Group average weight loss 10.92 lbs in 30
23 days
24 Healthe Trim
25 DR. WENDY WALSH: I'd like to introduce now Ann

Complaint

7

1 Hudson. Ann is a popular radio disk jockey and TV host
2 in Austin, Texas. Welcome, Ann.

3 ANN HUDSON: Yes. Thank you.

4 DR. WENDY WALSH: I also understand you're a
5 really busy mom of two.

6 ANN HUDSON: Yes, two boys. Two boys.

7 DR. WENDY WALSH: That's exhausting. So, DJs
8 are jaded, they're skeptics. They hear about stuff all
9 the time.

10 ANN HUDSON: Well, yeah, because most of the
11 time, it's crap.

12 MATTHEW DWYER: I was skeptical, too. I tried
13 42 dietary supplements before Healthe Trim changed my
14 life. They all failed me. But I'll tell you what, don't
15 take it from me. Just listen to all these people that
16 have lost massive amounts of weight.

17 ANN HUDSON: Everyone around the office when I
18 came back from maternity leave was taking Healthe Trim.
19 It was all the rage. And I was like, what the heck is
20 this? What's going on? When I started taking it, I felt
21 better. I had a lot more energy. I wanted to do stuff.
22 And after six weeks, the weight just started falling off.
23 It was like five pounds, six pounds, eight pounds. It
24 was a huge transition.

25 DR. WENDY WALSH: How much did you lose total?

Complaint

8

1 ANN HUDSON: Fifty-four.
2 DR. WENDY WALSH: Fifty-four pounds.
3 ANN HUDSON: Yeah.
4 MATTHEW DWYER: So, you went from a 12 in a
5 dress to a two in a dress.
6 ANN HUDSON: Now I'm a 2.
7 MATTHEW DWYER: In five months, six months?
8 ANN HUDSON: Yes.
9 DR. WENDY WALSH: Five sizes, five months.
10 ANN HUDSON: The moral of the story really is,
11 if you stick with it, you're going to lose the weight.
12 And that's what I always tell people. And I have people
13 calling me all the time at the radio station talking
14 about their weight loss because it -- it's going to
15 happen for you. Stick with it.
16 ON SCREEN: FREE TRIAL 30 DAY
17 \$9.95
18 Shipping and Processing
19 LOST 35 POUNDS
20 Victoria
21 Lost 54 Pounds
22 Ann
23 Lost 127 Pounds
24 Debbie
25 Lost 130 Pounds

Complaint

9

1 Ben
2 Lost 165 Pounds
3 Jay
4 Satisfaction Guarantee 100%
5 Your results may vary.
6 1-800-576-6399
7 TRYHEALTHETRIM.COM
8 Healthe Trim
9 MATTHEW DWYER: I want you to lose the weight.
10 I want you to live a better, healthier lifestyle, and
11 that's why I'm here. I know Healthe Trim will work for
12 you because it's worked for me and hundreds of thousands
13 of others. You'll start to see and feel a difference in
14 just seven days. I guarantee it.
15 ON SCREEN: Before 247 Pounds
16 Lost 127 Pounds
17 User Group average weight loss 10.92 lbs in 30
18 days
19 Healthe Trim
20 DR. WENDY WALSH: Right now, we're going to
21 meet another one of Healthe Trim's amazing success
22 stories. Now, she's a really busy mother of four who
23 once thought that weight loss was completely out of the
24 question until Healthe Trim. I want to welcome Debbie
25 White to our show.

Complaint

10

1 How much did you lose?

2 DEBBIE WHITE: I've lost 127 pounds in 13

3 months.

4 DR. WENDY WALSH: 127 pounds.

5 DEBBIE WHITE: Yes, ma'am.

6 MATTHEW DWYER: Thirteen months. How long ago

7 was that?

8 DR. WENDY WALSH: You lost half yourself.

9 DEBBIE WHITE: I did.

10 DR. WENDY WALSH: When did you start to gain

11 weight?

12 DEBBIE WHITE: I gained -- started gaining

13 weight when they removed my thyroid.

14 DR. WENDY WALSH: So, you had a health issue.

15 MATTHEW DWYER: She was thin all her life until

16 the age of 33.

17 DR. WENDY WALSH: How was it affecting your

18 marriage?

19 DEBBIE WHITE: It got very complicated. My --

20 it's kind of like our, well, sex life stopped.

21 DR. WENDY WALSH: Mmm.

22 DEBBIE WHITE: I wouldn't let him see me naked

23 at all. I'd literally tell him, turn off the light, get

24 in bed. And then I'd get in bed and I'd just have all

25 these pajamas on because I just -- I didn't want him

Complaint

11

1 touching me. I just felt so gross.

2 DR. WENDY WALSH: Did you worry your husband
3 was going to leave you?

4 DEBBIE WHITE: I thought, well, you know, if
5 he's getting it, you know, somewhere else, I hope he's
6 happy. I wanted to die. I really -- I just wanted to
7 die. I know that that sounds so selfish about me
8 because, you know, oh, well, it's just weight. I even
9 went into the bathroom one day when they were gone and I
10 filled the tub with water, lit some candles and some
11 music, and I just sat there and I cried and I cried and I
12 cried and I had a bottle of pills with me. And then my
13 phone rang and it was my daughter and I just -- I just
14 threw them away. I just -- she saved me.

15 DR. WENDY WALSH: Oh. I'm so glad that phone
16 call came.

17 DEBBIE WHITE: So am I.

18 DR. WENDY WALSH: And I'm so glad you're here
19 today, because today you have a new story to tell, don't
20 you?

21 DEBBIE WHITE: Yes, I do.

22 DR. WENDY WALSH: So, you spent \$30,000 on
23 products.

24 DEBBIE WHITE: Yes.

25 DR. WENDY WALSH: You had completely given up.

Complaint

12

1 DEBBIE WHITE: Yeah.

2 DR. WENDY WALSH: It was done for you.

3 DEBBIE WHITE: Yes.

4 DR. WENDY WALSH: How did you hear about

5 Healthe Trim?

6 DEBBIE WHITE: You know, people were like, this

7 works, you've got to try this, Debbie, you've just got to

8 try it. I'm like, don't even go there with me, don't,

9 you have no idea. And I tried it and in the first week,

10 I lost five pounds. I kept losing weight.

11 DR. WENDY WALSH: And this is only days and

12 weeks after beginning.

13 DEBBIE WHITE: Like a month because I had lost

14 ten pounds in a month.

15 DR. WENDY WALSH: Wow.

16 DEBBIE WHITE: Yeah.

17 DR. WENDY WALSH: So, did this inspire you to

18 keep going?

19 DEBBIE WHITE: Oh, yeah. Oh, yeah. I was

20 like, okay, give me the bottle.

21 DR. WENDY WALSH: Right.

22 DEBBIE WHITE: I need more.

23 MATTHEW DWYER: Well, you didn't take more.

24 DEBBIE WHITE: No, I didn't. I just wanted to

25 make sure I didn't run out.

Complaint

13

1 DR. WENDY WALSH: That's right. So, Debbie,
2 you have lost 127 pounds in 13 months. How do you keep
3 the weight off?

4 DEBBIE WHITE: I take Healthe Trim, two
5 capsules every morning, and it's easy as that.

6 DR. WENDY WALSH: So, it's easy for you?

7 DEBBIE WHITE: It's very easy for me.

8 DR. WENDY WALSH: Are you feeling deprived?

9 DEBBIE WHITE: No, not at all.

10 DR. WENDY WALSH: Not at all?

11 DEBBIE WHITE: No, I can eat whatever I want.
12 And I just -- I don't sit there and go, oh no, I can't
13 have that, I wish I could. No, I get to order it and I
14 get to eat it and then I take the rest home.

15 DR. WENDY WALSH: How's it going with the hubby
16 now?

17 DEBBIE WHITE: I feel so much more in love with
18 him. I mean, it just --

19 DR. WENDY WALSH: He's courting you.

20 DEBBIE WHITE: He is, and I'm feeling it and I
21 am loving it.

22 DR. WENDY WALSH: Things rocking?

23 DEBBIE WHITE: Things are rocking. I keep the
24 lights on.

25 MATTHEW DWYER: Oh, geez.

Complaint

14

1 DEBBIE WHITE: I even want to Victoria's Secret
2 and got some sexy stuff.

3 DR. WENDY WALSH: Whoo, whoo. She's shopping
4 at Victoria's Secret. You know what that means.

5 DEBBIE WHITE: My honey's a keeper. He was
6 always there to support me and he's not going anywhere.
7 Not now.

8 DR. WENDY WALSH: Now he's getting satisfied,
9 not the Healthe Trim satisfied. Actually, that is what
10 the Healthe Trim satisfaction is, isn't it?

11 MATTHEW DWYER: Yep, pretty much it is.

12 DR. WENDY WALSH: Everyone benefits.

13 DEBBIE WHITE: Everyone. And many times over.

14 MATTHEW DWYER: Oh, gosh.

15 DR. WENDY WALSH: Matthew's like, I don't know
16 what I've started here. I want to see it. Stand up
17 there and give me a little twirl, would you? Look at
18 that. And you're in like a size four jean there?

19 DEBBIE WHITE: Two.

20 DR. WENDY WALSH: Size two skinny jean. You
21 hear that? Don't tell me, those were your shorts.

22 DEBBIE WHITE: These were my shorts 14 months
23 ago.

24 DR. WENDY WALSH: You could make a skirt out of
25 one leg.

Complaint

15

1 DEBBIE WHITE: I know, I could, huh.

2 DR. WENDY WALSH: You could make a great little

3 pencil skirt there.

4 MATTHEW DWYER: Fourteen months?

5 DEBBIE WHITE: Yeah, 14 months ago.

6 DR. WENDY WALSH: That's amazing. All because

7 of Healthe Trim.

8 DEBBIE WHITE: I'm 47 years old and I feel like

9 a hot mama and I cannot wait to be that hot grandma,

10 seriously.

11 DR. WENDY WALSH: Oooh.

12 DEBBIE WHITE: Because I'm going to keep this

13 figure. I'm keeping it for the rest of my days.

14 MATTHEW DWYER: Healthe Trim works and it's

15 easy. That's the beautiful thing.

16 ON SCREEN: Before and After photos

17 Lost 47 Pounds

18 Diet and exercise are necessary to lose

19 weight.

20 Matthew

21 Healthe Trim

22 MATTHEW DWYER: And it's no lifestyle change.

23 You don't have to change your lifestyle. You can still

24 do whatever you want and still eat the foods that you

25 love.

Complaint

16

1 ON SCREEN: Before 247 Pounds
2 Lost 127 Pounds
3 Healthe Trim
4 MATTHEW DWYER: You're just going to eat less
5 portions and feel content and feel happy pushing that
6 plate away.
7 ON SCREEN: Based on advertising dollars 2010-
8 2011 on Clear Channel
9 Healthe Trim
10 DR. WENDY WALSH: You know, Healthe Trim is the
11 number one natural weight loss supplement and for good
12 reason. It works. People from every walk of life have
13 taken control of their weight and lost 10 to 20, 40 to
14 60, even 100 pounds and more, and the best part is they
15 did it without dieting and without depriving themselves
16 of the foods they love.
17 Isn't it time you joined them?
18 ON SCREEN: Dr. Wendy Walsh, PhD
19 Health Trim
20 DR. WENDY WALSH: Stay tuned to find out how
21 you can get Healthe Trim delivered right to your door
22 through a special limited time introductory offer.
23 ON SCREEN: Dr. Wendy Walsh, PhD
24 You are watching a paid advertisement for
25 Healthe Trim, brought to you by HealthyLife Sciences,

Complaint

17

1 LLC.

2 Health Trim

3 DR. WENDY WALSH: Take control of your health

4 and your weight today with Healthe Trim.

5 ON SCREEN: WEIGHT LOSS PROGRAM (STOP)

6 GYM MEMBERSHIP (STOP)

7 EXTREME EXERCISE (STOP)

8 1-800-576-6399

9 Satisfaction Guarantee 100%

10 TRYHEALTHETRIM.COM

11 Healthe Trim

12 DR. WENDY WALSH: You know you can pay hundreds

13 of dollars a month for weight loss programs, gym

14 memberships and extreme exercise routines --

15 ON SCREEN: FREE TRIAL 30 DAY

16 CALL NOW

17 Satisfaction Guarantee 100%

18 1-800-576-6399

19 TRYHEALTHETRIM.COM

20 DR. WENDY WALSH: -- but if you call the number

21 on your screen or go online to TryHealtheTrim.com today,

22 you won't pay \$100, you won't pay \$75 or \$50 or even \$30,

23 because your first month of Healthe Trim is only \$9.95.

24 ON SCREEN: FREE TRIAL 30 DAY

25 \$9.95

Complaint

18

1 Shipping & Processing
2 CALL NOW
3 Satisfaction Guarantee 100%
4 1-800-576-6399
5 TRYHEALTHETRIM.COM
6 DR. WENDY WALSH: You heard me right. Call or
7 go online now and your first month of Healthe Trim is
8 only \$9.95. And to make sure you're getting results
9 fast, you'll get two lifestyle guides, Everyday Meals and
10 Everyday Fitness, both for free.
11 MATTHEW DWYER: Plus, to get you maximum
12 results with Healthe Trim, I'm also going to include for
13 free access to our Healthe Trim weight loss coaching
14 program. Our coaches are there to answer your questions,
15 to give you tips and make sure you lose the weight you
16 want and they'll do it for free.
17 DR. WENDY WALSH: To really jumpstart your
18 weight loss, you'll get a 30-day supply of the amazing
19 detox formula, Healthy Cleanse, and that's free, too.
20 ON SCREEN: FREE TRIAL 30 DAY
21 \$9.95
22 Shipping and Processing
23 LOST 35 POUNDS
24 Victoria
25 Lost 54 Pounds

Complaint

19

1 Ann
2 Lost 127 Pounds
3 Debbie
4 Lost 130 Pounds
5 Ben
6 Lost 165 Pounds
7 Jay
8 Satisfaction Guarantee 100%
9 Your results may vary.
10 1-800-576-6399
11 TRYHEALTHETRIM.COM
12 Healthe Trim
13 MATTHEW DWYER: Healthe Trim works. It's so
14 easy. It's natural. You'll feel great. You'll lose
15 weight that first week. Healthe Trim will change your
16 life, I guarantee it.
17 DR. WENDY WALSH: Try Healthe Trim for 30 days.
18 If you don't lose weight, if you aren't 100 percent
19 satisfied, just send it back and keep the meal plan and
20 fitness guide as a gift. It is that easy.
21 ON SCREEN: FREE TRIAL 30 DAY
22 \$9.95
23 Shipping and Processing
24 Satisfaction Guarantee 100%
25 Your results may vary.

Complaint

20

1 1-800-576-6399
2 TRYHEALTHETRIM.COM
3 Healthe Trim
4 ANNOUNCER: It's never too late to lose the
5 weight. Pick up the phone and get fit and slim with
6 Healthe Trim. Call 1-800-576-6399. That's 1-800-576-
7 6399. Or go online to TryHealtheTrim.com.
8 DR. WENDY WALSH: Welcome back. I'm here with
9 Healthe Trim founder, Matthew Dwyer, and we're talking
10 about the number one weight loss supplement in the
11 country, Healthe Trim. There have been so many
12 supplements on the market that all promise these kinds of
13 early results and great results. But why is it that
14 Healthe Trim works when all these other ones have failed?
15 MATTHEW DWYER: Ninety-five percent of all
16 diets fail because you have to give up the foods that you
17 love and people end up gaining the weight back. That's
18 not the case with Healthe Trim. You can still eat the
19 foods that you love; you're just going to eat less
20 portions and feel content and feel happy and you won't
21 feel like you're depriving yourself of anything.
22 ON SCREEN: Before and After photos
23 Lost 47 Pounds
24 Matthew
25 Healthe Trim

Complaint

21

1 MATTHEW DWYER: When people first start taking
2 Healthe Trim, they're going to be less hungry and they're
3 going to have this alert, focused energy and they're
4 going to start losing weight the first week. And
5 probably what's going to happen is after three weeks of
6 taking Healthe Trim, they're going to be so happy because
7 they're going to be out buying a smaller dress.

8 DR. WENDY WALSH: Wow.

9 MATTHEW DWYER: Yes.

10 DR. WENDY WALSH: That's really exciting.

11 MATTHEW DWYER: I know it, because I get emails
12 about that every week.

13 ON SCREEN: Before 165 Pounds

14 Lost 35 Pounds

15 User Group average weight loss 10.92 lbs in 30
16 days

17 Healthe Trim

18 DR. WENDY WALSH: Right now, we're going to
19 hear from Victoria Russell. Now, Victoria, you were a
20 college lacrosse player.

21 VICTORIA RUSSELL: Yeah.

22 DR. WENDY WALSH: But after you graduated,
23 something changed. What happened?

24 VICTORIA RUSSELL: I was sitting at an office
25 desk all day, you know, so my lifestyle really changed.

Complaint

22

1 And I was still eating pretty much the same amount as I
2 was eating when I was working out four or five hours a
3 day.

4 DR. WENDY WALSH: Whoa, that's a problem.

5 VICTORIA RUSSELL: And I ended up gaining about
6 30 pounds the first year after I graduated.

7 DR. WENDY WALSH: So, how did you hear about
8 Healthe Trim?

9 VICTORIA RUSSELL: It was amazing. The first
10 week I lost probably about seven pounds, so --

11 DR. WENDY WALSH: Seven pounds in the first
12 week?

13 VICTORIA RUSSELL: Yeah, mm-hmm. I mean, I'm
14 all about instant gratification. So, that was great for
15 me. I was like, if I'm going to lose this weight, you
16 know, in a week, then I got to keep going.

17 DR. WENDY WALSH: You lost a total of how many
18 pounds?

19 VICTORIA RUSSELL: Thirty-five pounds.

20 DR. WENDY WALSH: Wow.

21 VICTORIA RUSSELL: Yeah.

22 DR. WENDY WALSH: Congratulations. You have
23 another issue in that your mom loves to cook, right?

24 VICTORIA RUSSELL: Oh, yes. Sunday family
25 dinner at my house is chicken parm with as much cheese as

Complaint

23

1 you can possibly think of, homemade pizza. We have pasta
2 with gravy, not sauce, Italian gravy.

3 DR. WENDY WALSH: And during that year when you
4 were packing on those pounds, were you chowing down on
5 this?

6 VICTORIA RUSSELL: Oh, absolutely. I mean, my
7 mom's whole theory is if you clean your plate, it means
8 you want more. So, she'd put more on it.

9 MATTHEW DWYER: So, what about Sunday nights
10 now?

11 VICTORIA RUSSELL: Well, Sunday nights now, you
12 know, she'll fill my plate and I'll probably eat about
13 half of what I normally would have eaten.

14 DR. WENDY WALSH: And you don't feel hungry?

15 VICTORIA RUSSELL: No. Well, that's the thing.
16 I mean, my mom sits there and she kind of gives me crap
17 about it, but I'm like, okay, I'm not going to force
18 myself to eat anymore.

19 DR. WENDY WALSH: So, it just naturally helped
20 you feel fuller?

21 VICTORIA RUSSELL: What ended up happening
22 after I started taking Healthe Trim was that I realized,
23 okay, I ate this much and I'm full. So, I wasn't really
24 giving up anything that I really liked eating, but I was
25 just eating everything in smaller portions.

Complaint

24

1 MATTHEW DWYER: It's the proprietary blend of
2 natural ingredients in Healthe Trim that makes you feel
3 full faster, and that's the beautiful thing about Healthe
4 Trim. She can still eat what she wants. She can still
5 eat her pastas, but she's not going to eat the whole
6 plate. She's going to eat less portions and feel content
7 and feel full faster.

8 DR. WENDY WALSH: Tell me about your energy
9 level. Are you back to exercising?

10 VICTORIA RUSSELL: Yeah, absolutely. I mean,
11 the first year in the workforce, it was a complete change
12 for me, you know. I would come home drained and
13 everything, didn't want to work out at all. Now, you
14 know, I take Healthe Trim before I go home and then I go
15 for a run and I feel great afterwards. It's awesome.

16 ON SCREEN: FREE TRIAL 30 DAY

17 \$9.95

18 Shipping and Processing

19 LOST 35 POUNDS

20 Victoria

21 Lost 54 Pounds

22 Ann

23 Lost 127 Pounds

24 Debbie

25 Lost 130 Pounds

Complaint

25

1 Ben
2 Lost 165 Pounds
3 Jay
4 Satisfaction Guarantee 100%
5 Your results may vary.
6 1-800-576-6399
7 TRYHEALTHETRIM.COM
8 Healthe Trim
9 MATTHEW DWYER: You need to lose weight. You
10 need to feel better about yourself and you need to do
11 something today. How do I know? Because I was just like
12 you four years ago. Healthe Trim worked for me. It
13 changed my life and I know it will work for you.
14 ON SCREEN: Before 400 Pounds
15 Lost 130 Pounds
16 User Group average weight loss 10.92 lbs in 30
17 days
18 Healthe Trim
19 DR. WENDY WALSH: I want to introduce a pair of
20 friends who've had some incredible results with Healthe
21 Trim, Megan Gail Moore and Ben Ernest (phonetic). So,
22 how much weight have you lost in what amount of time?
23 BEN ERNEST: 130 pounds in just about 12
24 months.
25 DR. WENDY WALSH: Whoa, wow, 130 pounds.

Complaint

26

1 ON SCREEN: Before 180 Pounds
2 Lost 50 Pounds
3 Healthe Trim
4 DR. WENDY WALSH: You saw him after a period of
5 time of not seeing him and what happened?
6 MEGAN GAIL MOORE: Yeah, it was about six
7 months since I had seen Ben. And I was trying to lose
8 weight myself, ran into Ben, had dinner and went, oh, my
9 God, what are you doing? Please tell me whatever it is,
10 I will do as long as it didn't cost you thousands of
11 dollars.
12 DR. WENDY WALSH: So, how much weight did you
13 lose?
14 MEGAN GAIL MOORE: Fifty pounds.
15 DR. WENDY WALSH: Wow, 50 pounds. Had you
16 tried other forms of weight loss before?
17 MEGAN GAIL MOORE: I joined clubs, I joined
18 gyms, I read books, I took every supplement on the shelf
19 of the drugstore that you go in from, you know, the \$5
20 bottle behind the counter to the one they have locked up.
21 None of them worked. You know, working out two hours a
22 day, like there's no way that you can do it when you're
23 working and raising a kid.
24 DR. WENDY WALSH: How easy was Healthe Trim?
25 MEGAN GAIL MOORE: It's like drinking water.

Complaint

27

1 DR. WENDY WALSH: That's pretty easy.
2 BEN ERNEST: It's that easy, yeah.
3 MEGAN GAIL MOORE: It really is.
4 MATTHEW DWYER: That's why I quit my job to go
5 spread the word because it is just that easy. If it
6 could work on me, I knew it could work on anybody. And
7 they're living proof. And this makes me so proud.
8 ON SCREEN: Before 400 Pounds
9 Lost 130 Pounds
10 Healthe Trim
11 DR. WENDY WALSH: Now, when you first started
12 taking Healthe Trim, what did you experience?
13 BEN ERNEST: At 400 pounds -- that was my
14 heaviest was 400 pounds, and the energy level is so low,
15 you know, it just takes so much effort to get kind of
16 anything going and the very first day I took it, it was
17 that instant kind of feeling of, okay, I'm alive now, I
18 can attack the world and really -- and kind of take on
19 the day. I probably lost 40 pounds in two months --
20 MATTHEW DWYER: Wow.
21 BEN ERNEST: -- with doing nothing different.
22 With really just paying attention to what my body was
23 telling me. And without going to the gym five days a
24 week for five hours a day and eating like a bird. You
25 know, I'm a big guy, still a big guy. I like food, I

Complaint

28

1 like --

2 MATTHEW DWYER: Drinking, too.

3 BEN ERNEST: -- life.

4 MATTHEW DWYER: Healthe Trim makes you feel

5 full faster.

6 DR. WENDY WALSH: I want to see this beautiful

7 body. Stand up, young man. 130 pounds gone.

8 MATTHEW DWYER: Nice work.

9 DR. WENDY WALSH: Oh, my.

10 BEN ERNEST: And this is a size 50. This is

11 just in-your-face visual proof of how much success I've

12 had with Healthe Trim.

13 Megan, how much do you weigh?

14 MEGAN GAIL MOORE: 130 pounds.

15 BEN ERNEST: Okay, I've lost 130 pounds.

16 DR. WENDY WALSH: He's carried around 130

17 pounds for years.

18 BEN ERNEST: So, for six years, I gained about

19 130 pounds. I carried it for four years. And in my job,

20 I would carry all of this -- all of my beautiful friend,

21 Megan, and bags of concrete, shovels, ladders. It made

22 my life very, very, very difficult.

23 DR. WENDY WALSH: And has your dramatic weight

24 loss inspired anybody?

25 ON SCREEN: Before 180 Pounds

Complaint

29

1 Lost 50 Pounds
2 Healthe Trim
3 MEGAN GAIL MOORE: Yes. As a matter of fact,
4 my boyfriend just started taking it.
5 DR. WENDY WALSH: Has he seen any weight loss
6 yet?
7 MEGAN GAIL MOORE: Yeah, seven pounds in a
8 week.
9 DR. WENDY WALSH: Seven pounds.
10 MATTHEW DWYER: Seven pounds in one week,
11 that's great.
12 MEGAN GAIL MOORE: Yeah.
13 DR. WENDY WALSH: Seven pounds in a week.
14 BEN ERNEST: That's great.
15 MEGAN GAIL MOORE: I'm a little jealous, I'm
16 not going to lie. Seven pounds in a week.
17 DR. WENDY WALSH: How much weight did you lose?
18 ON SCREEN: Before 400 Pounds
19 Before and After photos
20 Lost 47 Pounds
21 Matthew
22 Lost 130 Pounds
23 Healthe Trim
24 MATTHEW DWYER: I lost 47 pounds and 100
25 (inaudible) and it's been four years and three months and

Complaint

30

1 I haven't gained a pound back.

2 DR. WENDY WALSH: Ben, how much did you lose?

3 ON SCREEN: Before 400 Pounds

4 Lost 130 Pounds

5 Healthe Trim

6 BEN ERNEST: I lost 130 pounds in just about 12

7 months actually.

8 DR. WENDY WALSH: That's amazing. How much did

9 you lose, Megan?

10 MEGAN GAIL MOORE: Fifty pounds.

11 DR. WENDY WALSH: So, this is the kind of

12 movement that's sweeping across America. It starts with

13 DJs and listeners to radio stations hearing Matthew and

14 then they try it out. They inspire the people around

15 them like with you.

16 MATTHEW DWYER: And now everybody is clamoring,

17 where can I get Healthe Trim?

18 ON SCREEN: Dr. Wendy Walsh, PhD

19 Healthe Trim

20 DR. WENDY WALSH: If you're ready to take

21 control, if you're ready to lose the weight that's

22 keeping you from living a healthy, happy life, then

23 you're ready for Healthe Trim. Just two capsules a day

24 are all it takes to get you started on the road to a

25 whole new you. So, whether you need to lose 10 to 20, 40

Complaint

31

1 to 60 or 100 pounds or more, now you can and without
2 depriving yourself of the foods you love.

3 DR. WENDY WALSH: Stay tuned to find out how
4 you can get started with Healthe Trim today.

5 ON SCREEN: Dr. Wendy Walsh, PhD
6 You are watching a paid advertisement for
7 Healthe Trim, brought to you by HealthyLife Sciences,
8 LLC.

9 Health Trim

10 ON SCREEN: WEIGHT LOSS PROGRAM (STOP)
11 GYM MEMBERSHIP (STOP)
12 EXTREME EXERCISE (STOP)
13 1-800-576-6399
14 Satisfaction Guarantee 100%
15 TRYHEALTHETRIM.COM
16 Healthe Trim

17 DR. WENDY WALSH: You know you can pay hundreds
18 of dollars a month for weight loss programs, gym
19 memberships and extreme exercise routines --

20 ON SCREEN: FREE TRIAL 30 DAY
21 CALL NOW
22 Satisfaction Guarantee 100%
23 1-800-576-6399
24 TRYHEALTHETRIM.COM

25 DR. WENDY WALSH: -- but if you call the number

Complaint

32

1 on your screen or go online to TryHealtheTrim.com today,
2 you won't pay \$100, you won't pay \$75 or \$50 or even \$30,
3 because your first month of Healthe Trim is only \$9.95.

4 ON SCREEN: FREE TRIAL 30 DAY

5 \$9.95

6 Shipping & Processing

7 CALL NOW

8 Satisfaction Guarantee 100%

9 1-800-576-6399

10 TRYHEALTHETRIM.COM

11 DR. WENDY WALSH: You heard me right. Call or
12 go online now and your first month of Healthe Trim is
13 only \$9.95. And to make sure you're getting results
14 fast, you'll get two lifestyle guides, Everyday Meals and
15 Everyday Fitness, both for free.

16 MATTHEW DWYER: Plus, to get you maximum
17 results with Healthe Trim, I'm also going to include for
18 free access to our Healthe Trim weight loss coaching
19 program. Our coaches are there to answer your questions,
20 to give you tips and make sure you lose the weight you
21 want and they'll do it for free.

22 DR. WENDY WALSH: To really jumpstart your
23 weight loss, you'll get a 30-day supply of the amazing
24 detox formula, Healthy Cleanse, and that's free, too.

25 ON SCREEN: FREE TRIAL 30 DAY

Complaint

33

1 \$9.95
2 Shipping and Processing
3 LOST 35 POUNDS
4 Victoria
5 Lost 54 Pounds
6 Ann
7 Lost 127 Pounds
8 Debbie
9 Lost 130 Pounds
10 Ben
11 Lost 165 Pounds
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16 TRYHEALTHETRIM.COM
17 Healthe Trim
18 MATTHEW DWYER: Healthe Trim works. It's so
19 easy. It's natural. You'll feel great. You'll lose
20 weight that first week. Healthe Trim will change your
21 life, I guarantee it.
22 DR. WENDY WALSH: Try Healthe Trim for 30 days.
23 If you don't lose weight, if you aren't 100 percent
24 satisfied, just send it back and keep the meal plan and
25 fitness guide as a gift. It is that easy.

Complaint

34

1 ON SCREEN: FREE TRIAL 30 DAY
2 \$9.95
3 Shipping and Processing
4 Satisfaction Guarantee 100%
5 Your results may vary.
6 1-800-576-6399
7 TRYHEALTHETRIM.COM
8 Healthe Trim
9 ANNOUNCER: It's never too late to lose the
10 weight. Pick up the phone and get fit and slim with
11 Healthe Trim. Call 1-800-576-6399. That's 1-800-576-
12 6399. Or go online to TryHealtheTrim.com.
13 DR. WENDY WALSH: Welcome back. Well,
14 everybody's talking about Healthe Trim and I'm finally
15 beginning to understand why. It's quite simple. It's
16 because Healthe Trim works. There's no extreme dieting,
17 no extreme exercising, no costly meal delivery programs.
18 Just two capsules in the morning and Healthe Trim goes
19 right to work --
20 ON SCREEN: Diet and exercise are necessary to
21 lose weight
22 Healthe Trim
23 DR. WENDY WALSH: -- making you feel less
24 hungry while simultaneously giving you an alert, focused
25 energy. So, you burn more calories than you take in.

Complaint

35

1 The result, you lose weight naturally.

2 MATTHEW DWYER: Most people are out there like
3 me. They're stressed. Jobs, kids, it's difficult to eat
4 a well-balanced meal and it's difficult to watch what
5 you're eating and exercise all the time on a regular
6 basis.

7 ON SCREEN: Before and After photos
8 Lost 47 Pounds
9 Matthew
10 Healthe Trim

11 MATTHEW DWYER: It's not very difficult,
12 though, to wake up in the morning, take two natural
13 supplements, drink water and go about your day.

14 DR. WENDY WALSH: Let me ask you, how safe is
15 Healthe Trim?

16 MATTHEW DWYER: It's extremely safe, and let me
17 tell you why. We've done over 50 Get High School Skinny
18 promotions on the radio and each one had 10 contestants.
19 All 10 had to get doctor's approval before taking Healthe
20 Trim.

21 DR. WENDY WALSH: So, let me do the math here.
22 Are you saying that 500 people got their doctor's
23 approval?

24 MATTHEW DWYER: I think it's over 500. The
25 answer is yes.

Complaint

26

1 DR. WENDY WALSH: So, 500 doctors said this is
2 safe?
3 MATTHEW DWYER: That's correct.
4 DR. WENDY WALSH: How many actually lost
5 weight?
6 MATTHEW DWYER: All of them.
7 ON SCREEN: Before 196 Pounds
8 Lost 54 Pounds
9 User Group average weight loss 10.92 lbs in 30
10 days
11 Healthe Trim
12 DR. WENDY WALSH: Joining me now is Kate Hagen
13 (phonetic). Kate has a really wonderful story.
14 KATE HAGEN: I lost six pounds in the first
15 week. I lost 11 pounds in the first month. And I just
16 continued to melt the weight away.
17 DR. WENDY WALSH: Those are amazing results.
18 KATE HAGEN: I had a little boy and I've been a
19 single mom since he was born. He has some special needs.
20 He is on the autism spectrum and is deaf. I just didn't
21 have time to go to the gym and prepare food and do all of
22 those things you're supposed to do to lose weight after
23 you have a baby. So, I kept my baby weight. You know,
24 really I got fat through a window. I got all of my
25 breakfasts and lunch through a window and ate fast food

Complaint

37

1 every day and --

2 DR. WENDY WALSH: How much weight did you gain?

3 KATE HAGEN: 196 was just absolutely the
4 turning point that, you know, I'm a hamburger away from
5 200 pounds. I had to get up so early before work because
6 I'd spend a good hour-and-a-half in front of the mirror
7 putting on everything I owned, just crying hysterically
8 because I couldn't wear anything that I had and I was
9 fat.

10 DR. WENDY WALSH: When you first starting
11 taking Healthe Trim, what did you notice first?

12 KATE HAGEN: At first I noticed that I had
13 energy and I wasn't hungry. I started losing weight by
14 not changing anything other than adding two pills in the
15 morning to my day and that was all I changed. And I've
16 lost 54 pounds.

17 DR. WENDY WALSH: Fifty-four pounds. Whoo.

18 MATTHEW DWYER: How long -- that was three
19 years ago, right?

20 KATE HAGEN: Three years ago, yes.

21 DR. WENDY WALSH: You look fabulous.

22 KATE HAGEN: Thank you.

23 MATTHEW DWYER: She went to a size 14 to what
24 size dress are you now?

25 KATE HAGEN: A 14-ish plus to a 4.

Complaint

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1 MATTHEW DWYER: Awesome.

2 DR. WENDY WALSH: Might have been a 16 or an

3 18, okay? Down to a four.

4 MATTHEW DWYER: That's awesome.

5 DR. WENDY WALSH: Science has proven many times

6 over that there's a direct correlation between losing

7 weight and lowering your blood pressure. With this in

8 mind, Matthew met with a noted physician and the doctor

9 agreed to use Healthe Trim to help some of his patients

10 who needed to lose weight. At the same time, he also

11 monitored the patients' blood pressure. Of those

12 patients who used Healthe Trim, not only did they lose

13 weight, but over 90 percent of them also lowered their

14 blood pressure.

15 ON SCREEN: Before 395 Pounds

16 Lost 165 Pounds

17 User Group average weight loss 10.92 lbs in 30

18 days

19 Healthe Trim

20 DR. WENDY WALSH: One of these is a man by the

21 name of Jay Gilhouse. You've been on blood pressure

22 medication for how long?

23 JAY GILHOUSE: Twenty-eight years. I started

24 when I was 19.

25 DR. WENDY WALSH: After taking Healthe Trim for

Complaint

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1 just a couple months, you were able to lower your blood
2 pressure?
3 JAY GILHOUSE: Yes, and I haven't been on blood
4 pressure medicine for over two years.
5 DR. WENDY WALSH: All because of Healthe Trim.
6 JAY GILHOUSE: All because of Healthe Trim.
7 DR. WENDY WALSH: How much did you weigh when
8 you started taking Healthe Trim?
9 JAY GILHOUSE: About 395.
10 DR. WENDY WALSH: Besides lowering your blood
11 pressure, you also lost a lot of weight.
12 JAY GILHOUSE: 165 pounds.
13 DR. WENDY WALSH: You lost 165 pounds and
14 you're off blood pressure medication that you've been on
15 for 28 years. What's the best thing that has come of all
16 of this?
17 JAY GILHOUSE: Later on this year, I'm getting
18 married.
19 DR. WENDY WALSH: Oooh, that's wonderful.
20 JAY GILHOUSE: All I can -- hold on a second,
21 sorry.
22 DR. WENDY WALSH: It's okay. That's what we're
23 here for.
24 JAY GILHOUSE: Okay. But, anyway, Matthew, you
25 saved my life. You gave me a chance to get my life back.

Complaint

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1 So, not only have I gotten my life back, I got my health
2 back. I'm more healthier than I was in my 30s. I'm more
3 healthier now than I was in my 20s and now I'm getting
4 married. I would have never thought I was going to do
5 that. I never would have thought it.

6 DR. WENDY WALSH: Healthe Trim changed your
7 life.

8 JAY GILHOUSE: Saved my life. Big difference.

9 ON SCREEN: Before and after photos

10 Lost 47 Pounds

11 Matthew

12 Healthe Trim

13 MATTHEW DWYER: I know everybody out there
14 watching, if you were like me four years ago and you're
15 depressed and you don't like looking at yourself in the
16 mirror and you don't feel good about yourself, Healthe
17 Trim is your answer.

18 ON SCREEN: FREE TRIAL 30 DAY

19 \$9.95

20 Shipping and Processing

21 LOST 35 POUNDS

22 Victoria

23 Lost 54 Pounds

24 Ann

25 Lost 127 Pounds

Complaint

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1 Debbie
2 Lost 130 Pounds
3 Ben
4 Lost 165 Pounds
5 Jay
6 Satisfaction Guarantee 100%
7 Your results may vary.
8 1-800-576-6399
9 TRYHEALTHETRIM.COM
10 Healthe Trim
11 MATTHEW DWYER: I know it. I guarantee it.
12 Trust me. Give me one week of your life and you'll feel
13 it as well.
14 ON SCREEN: User Group average weight loss
15 10.92 lbs in 30 days.
16 Healthe Trim
17 DR. WENDY WALSH: It's so great to see
18 everybody here gathered together now and seeing all the
19 enthusiasm and excitement for Healthe Trim. What's the
20 number one thing that Healthe Trim's done for you?
21 VICTORIA RUSSELL: It gave me my confidence
22 back. I got rid of my belly. I got rid of my double
23 chin. I feel, you know, comfortable in my own skin
24 again. I feel great.
25 DR. WENDY WALSH: What's the best thing it did

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1 for you?

2 MEGAN GAIL MOORE: It put me back in a bikini.

3 BEN ERNEST: It's definitely a confidence

4 booster. I feel fearless now, like I can do anything,

5 you know.

6 DR. WENDY WALSH: Fearless.

7 KATE HAGEN: No more tears when I'm getting

8 dressed.

9 DR. WENDY WALSH: Donnie, what did Healthe Trim

10 do for you?

11 DONNIE: Well, it gave me the energy and the

12 focus that I was looking for and then the byproduct of

13 that was the weight loss.

14 JAY GILHOUSE: It got me off of the blood

15 pressure medication and it gave me enough courage to ask

16 my future wife out.

17 BEN ERNEST: Congratulations. That's great.

18 That's great.

19 DR. WENDY WALSH: And, Debbie, what did Healthe

20 Trim do for you?

21 DEBBIE WHITE: Healthe Trim just saved my life,

22 saved my marriage, and just made me feel so good and

23 sexy. My husband gets jealous when other men look at me

24 now.

25 BEN ERNEST: Nice.

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1 DR. WENDY WALSH: I want to know where you keep
2 your Healthe Trim?

3 KATE HAGEN: I keep a bottle in my cupboard. I
4 keep my bottle in my bag. I keep a bottle in my car.

5 BEN ERNEST: Oh, yeah, it's spread around.

6 KATE HAGEN: Everywhere. I mean, there's
7 nowhere I could possibly go that I don't have it.

8 BEN ERNEST: I mean, yeah, you don't want to be
9 caught without it somewhere.

10 UNIDENTIFIED FEMALE: Just in case.

11 UNIDENTIFIED FEMALE: Yeah, absolutely.

12 KATE HAGEN: I was out the other day and was
13 telling a friend about it because his wife wanted to lose
14 weight, and I pulled a bottle out of my purse and I said,
15 here, take this, give it to your wife. And, you know, I
16 have it on hand. No worries. I've got more.

17 DR. WENDY WALSH: Can't be without it anywhere.
18 What's the very best thing about Healthe Trim?

19 MEGAN GAIL MOORE: It's easy.

20 UNIDENTIFIED FEMALE: Yeah, it's really easy.

21 BEN ERNEST: Yeah, yeah.

22 UNIDENTIFIED FEMALE: It's easy.

23 BEN ERNEST: Absolutely.

24 UNIDENTIFIED FEMALE: It's very easy.

25 UNIDENTIFIED FEMALE: 100 percent.

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1 DR. WENDY WALSH: How easy?

2 ANN HUDSON: Within five minutes of my alarm

3 going off, because I take one right by my bed when my

4 alarm goes off, I'm awake and I'm ready to go at the day.

5 It's 4:00 a.m. and I'm like, let's go.

6 BEN ERNEST: Yeah.

7 MEGAN GAIL MOORE: It's energy without

8 calories.

9 DONNIE: I think the only way it could be

10 easier is if somebody was opening up the bottle for me.

11 ON SCREEN: Dr. Wendy Walsh, PhD

12 You are watching a paid advertisement for

13 Healthe Trim brought to you by HealthyLife Sciences, LLC

14 Healthe Trim

15 DR. WENDY WALSH: You've seen and heard great

16 stories about real people just like you who have lost 10

17 to 20, 40 to 60, even 100 pounds or more with the number

18 one natural weight loss supplement, Healthe Trim. Isn't

19 it finally time for you to take control with Healthe

20 Trim. Do it for your health. Do it for your family.

21 And, most importantly, get started with Healthe Trim just

22 for you. Just take two capsules a day and you're on your

23 way to a better, healthier, happier life.

24 ON SCREEN: WEIGHT LOSS PROGRAM (STOP)

25 GYM MEMBERSHIP (STOP)

Complaint

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1 EXTREME EXERCISE (STOP)
2 1-800-576-6399
3 Satisfaction Guarantee 100%
4 TRYHEALTHETRIM.COM
5 Healthe Trim
6 DR. WENDY WALSH: You know you can pay hundreds
7 of dollars a month for weight loss programs, gym
8 memberships and extreme exercise routines --
9 ON SCREEN: FREE TRIAL 30 DAY
10 CALL NOW
11 Satisfaction Guarantee 100%
12 1-800-576-6399
13 TRYHEALTHETRIM.COM
14 DR. WENDY WALSH: -- but if you call the number
15 on your screen or go online to TryHealtheTrim.com today,
16 you won't pay \$100, you won't pay \$75 or \$50 or even \$30,
17 because your first month of Healthe Trim is only \$9.95.
18 ON SCREEN: FREE TRIAL 30 DAY
19 \$9.95
20 Shipping & Processing
21 CALL NOW
22 Satisfaction Guarantee 100%
23 1-800-576-6399
24 TRYHEALTHETRIM.COM
25 DR. WENDY WALSH: You heard me right. Call or

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1 go online now and your first month of Healthe Trim is
2 only \$9.95. And to make sure you're getting results
3 fast, you'll get two lifestyle guides, Everyday Meals and
4 Everyday Fitness, both for free.

5 MATTHEW DWYER: Plus, to get you maximum
6 results with Healthe Trim, I'm also going to include for
7 free access to our Healthe Trim weight loss coaching
8 program. Our coaches are there to answer your questions,
9 to give you tips and make sure you lose the weight you
10 want and they'll do it for free.

11 DR. WENDY WALSH: To really jumpstart your
12 weight loss, you'll get a 30-day supply of the amazing
13 detox formula, Healthy Cleanse, and that's free, too.

14 ON SCREEN: FREE TRIAL 30 DAY
15 \$9.95
16 Shipping and Processing
17 LOST 35 POUNDS
18 Victoria
19 Lost 54 Pounds
20 Ann
21 Lost 127 Pounds
22 Debbie
23 Lost 130 Pounds
24 Ben
25 Lost 165 Pounds

Complaint

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1 Jay
2 Satisfaction Guarantee 100%
3 Your results may vary.
4 1-800-576-6399
5 TRYHEALTHETRIM.COM
6 Healthe Trim
7 MATTHEW DWYER: Healthe Trim works. It's so
8 easy. It's natural. You'll feel great. You'll lose
9 weight that first week. Healthe Trim will change your
10 life, I guarantee it.
11 DR. WENDY WALSH: Try Healthe Trim for 30 days.
12 If you don't lose weight, if you aren't 100 percent
13 satisfied, just send it back and keep the meal plan and
14 fitness guide as a gift. It is that easy.
15 ON SCREEN: FREE TRIAL 30 DAY
16 \$9.95
17 Shipping and Processing
18 Satisfaction Guarantee 100%
19 Your results may vary.
20 1-800-576-6399
21 TRYHEALTHETRIM.COM
22 Healthe Trim
23 ANNOUNCER: It's never too late to lose the
24 weight. Pick up the phone and get fit and slim with
25 Healthe Trim. Call 1-800-576-6399. That's 1-800-576-

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1 6399. Or go online to TryHealtheTrim.com.
2 ON SCREEN: The proceeding [sic] was a paid
3 program for Healthe Trim.
4 Sponsored by HealthyLife Sciences, LLC.
5 (The recording was concluded.)
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1 C E R T I F I C A T I O N O F T Y P I S T

2 MATTER NUMBER: 1223287

3 CASE TITLE: HEALTHY LIFE SCIENCES, LLC

4 TAPING DATE: JUNE 24, 2012

5 TRANSCRIPTION DATE: FEBRUARY 24, 2014

6 REVISION DATE: MARCH 13, 2014

7

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

12

13 DATED: MARCH 13, 2014

14

15

16 ELIZABETH M. FARRELL

17

18 C E R T I F I C A T I O N O F P R O O F R E A D E R

19

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

23

24

25 SARA J. VANCE

Decision and Order

DECISION AND ORDER

The Federal Trade Commission (“Commission”) having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the respondent with violation of the Federal Trade Commission Act, 15 U.S.C. § 45 *et seq.*; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order (“consent agreement”), which includes: a statement by the respondent that he neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in the consent agreement, and only for purposes of this action, admits the facts necessary to establish jurisdiction; 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 Federal Trade Commission Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such consent agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, 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 John Matthew Dwyer III, a/k/a Matthew Dwyer (“Dwyer”), is the co-founder of HealthyLife Sciences, LLC, a Georgia limited liability company. He was the company’s chief executive officer until September 2011 and company co-owner until 2013. Individually, or in concert with others, he formulated, directed, controlled, or participated in the policies, acts, or practices of the company.

Decision and Order

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

ORDER**DEFINITIONS**

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

- A. Unless otherwise specified, “respondent” means John Matthew Dwyer III.
- B. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
- C. “Covered Product” shall mean any Dietary Supplement, Food, or Drug.
- D. “Dietary Supplement” means:
 1. Any product labeled as a dietary supplement or otherwise represented as a dietary supplement; or
 2. Any pill, tablet, capsule, powder, softgel, gelcap, liquid, or other similar form containing one or more ingredients that is a vitamin, mineral, herb or other botanical, amino acid, probiotic, or other dietary substance for use by humans to supplement the diet by increasing the total dietary intake, or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above, that is intended to be ingested, and is not represented to be used as a conventional food or as a sole item of a meal or the diet.
- E. “Food” and “Drug” mean as defined in Section 15 of the FTC Act, 15 U.S.C. § 55.

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- F. “Reliably Reported,” for a human clinical test or study (“test”), means a report of the test has been published in a peer-reviewed journal, and such published report provides sufficient information about the test for experts in the relevant field to assess the reliability of the results.
- G. The term “including” in this Order shall mean “without limitation.”
- H. The terms “and” and “or” in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable phrase or sentence inclusive rather than exclusive.

I.

IT IS ORDERED that respondent is permanently restrained and enjoined from manufacturing, labeling, advertising, marketing, promoting, offering for sale, selling, or distributing, or assisting others in manufacturing, labeling, advertising, marketing, promoting, offering for sale, selling, or distributing, any weight-loss product or program.

II.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, partnership, subsidiary, division, licensee, affiliate, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, in or affecting commerce, shall not make any representation, other than representations covered under Part I of this Order, in any manner, expressly or by implication, including through the use of product name, endorsement, depiction, illustration, trademark, or trade name, about the health benefits, performance, or efficacy of any Covered 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

Decision and Order

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

For purposes of this Part, competent and reliable scientific evidence means tests, analyses, research, or studies (1) that have been conducted and evaluated in an objective manner by qualified persons; (2) that are generally accepted in the profession to yield accurate and reliable results; and (3) as to which, when they are human clinical tests or studies, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as described in Part V must be available for inspection and production to the Commission.

III.

IT IS FURTHER ORDERED that respondent, directly or through any corporation, partnership, subsidiary, division, licensee, affiliate, trade name, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication:

- A. The existence, contents, validity, results, conclusions, or interpretations of any test, study, or research; or
- B. That the efficacy of such product has been clinically or scientifically proven.

IV.

IT IS FURTHER ORDERED that:

- A. Nothing in this Order shall prohibit respondent from making any representation for any drug that is permitted in labeling for such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration; and

Decision and Order

- B. Nothing in this Order shall prohibit respondent from making any representation for any product specifically permitted in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990 or permitted under Sections 303-304 of the Food and Drug Administration Modernization Act of 1997.

V.

IT IS FURTHER ORDERED that, with regard to any human clinical test or study (“test”) upon which respondent relies to substantiate any claim covered by this Order, respondent shall secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, including, but not necessarily limited to:

- A. All protocols and protocol amendments, reports, articles, write-ups, or other accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or any other person not employed by the research entity;
- B. All documents referring or relating to recruitment; randomization; instructions, including oral instructions, to participants; and participant compliance;
- C. Documents sufficient to identify all test participants, including any participants who did not complete the test, and all communications with any participants relating to the test; all raw data collected from participants enrolled in the test, including any participants who did not complete the test; source documents for such data; any data dictionaries; and any case report forms;
- D. All documents referring or relating to any statistical analysis of any test data, including, but not limited to, any pretest analysis, intent-to-treat analysis, or

Decision and Order

between-group analysis performed on any test data;
and

- E. All documents referring or relating to the sponsorship of the test, including all communications and contracts between any sponsor and the test's researchers.

Provided, however, the preceding preservation requirement shall not apply to a Reliably Reported test, unless the test was conducted, controlled, or sponsored, in whole or in part (1) by respondent, or by any person or entity affiliated with or acting on behalf of respondent, including, agents, representatives, and employees, or by any other person or entity in active concert or participation with respondent ("respondent's affiliates"), (2) by the supplier or manufacturer of the product at issue, or (3) by a supplier to respondent, to respondent's affiliates, or to the product's manufacturer of any ingredient contained in such product.

For any test conducted, controlled, or sponsored, in whole or in part, by respondent, or by any business for which respondent is the majority owner, or directly or indirectly controls, respondent or such business must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of any personal information collected from or about participants. These procedures shall be documented in writing and shall contain administrative, technical, and physical safeguards appropriate to such business's size and complexity, the nature and scope of such business's activities, and the sensitivity of the personal information collected from or about the participants.

VI.

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

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

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- B. All materials that were relied upon in disseminating the representation; and
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in his 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.

VII.

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

VIII.

IT IS FURTHER ORDERED that respondent, for a period of seven (7) years after the date of issuance of this Order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment, within 14 days of such change occurring. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

IX.

IT IS FURTHER ORDERED that respondent, within sixty (60) days after the date of service of this Order, shall file with the

Decision and Order

Commission a true and accurate report, in writing, setting forth in detail the manner and form of his compliance with this Order. Within ten (10) days of receipt of written notice from a representative of the Commission, respondent shall submit additional true and accurate reports.

X.

This Order will terminate on October 22, 2034, or twenty (20) years from the most recent date that the United States or the 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 respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Part as though the complaint had never been filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Analysis to Aid Public Comment

ANALYSIS OF CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from John Matthew Dwyer III, a/k/a Matthew Dwyer (“Dwyer”).

The proposed consent order (“proposed 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 or make final the agreement’s proposed order.

This matter involves advertising for HealthyLife Sciences, LLC’s Healthe Trim line of weight loss dietary supplements (“Healthe Trim”). The complaint alleges that Dwyer, a co-founder of HealthyLife Sciences, LLC, and former chief executive officer and spokesman for Healthe Trim, violated Sections 5(a) and 12 of the Federal Trade Commission Act by making false or unsubstantiated representations that Healthe Trim would cause rapid and substantial weight loss, including as much as 35, 130, and 165 pounds. Dwyer also claimed that users would lose weight without dieting, and that Healthe Trim would burn fat, increase metabolism, and suppress appetite. The complaint also alleges that Dwyer violated Sections 5(a) and 12 by falsely representing that Healthe Trim is clinically proven to cause weight loss.

The proposed order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. For purposes of the order, “Covered Product” means any dietary supplement, food, or drug.

Part I of the proposed order bans Dwyer from manufacturing, marketing, or distributing any weight-loss product or program, or assisting others in any of the foregoing.

Part II of the proposed order prohibits any representation about the health benefits, performance, or efficacy of any Covered

Analysis to Aid Public Comment

Product, unless it is non-misleading and supported by 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. For purposes of this Part, competent and reliable scientific evidence is defined as tests, analyses, research, or studies that have been conducted by qualified persons in an objective manner and are generally accepted in the profession to yield accurate and reliable results. When that evidence consists of human clinical tests or studies, Dwyer must maintain all underlying or supporting data and documents that experts in the field generally would accept as relevant to an assessment of such testing.

Part III of the proposed order prohibits Dwyer from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research in connection with the manufacturing, labeling, advertising, promotion, offering for sale, and sale or distribution of any Covered Product.

Part IV provides a safe harbor for representations permitted under any tentative final or final standard promulgated by the Food and Drug Administration (“FDA”), any new drug application approved by the FDA, or FDA regulations pursuant to the Nutrition Labeling and Education Act of 1990 or the FDA Modernization Act of 1997.

Triggered when the human clinical testing requirement in Part II applies, **Part V** of the proposed order requires Dwyer to secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test’s researchers. There is an exception for a “Reliably Reported” test, defined as a test published in a peer-reviewed journal that was not conducted, controlled, or sponsored by Dwyer, his affiliates, or others in the manufacturing or supply chain. Also, the published report must provide sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Analysis to Aid Public Comment

Parts VI through IX of the proposed order require Dwyer to: deliver a copy of the order to principals, officers, directors, and other employees having responsibilities with respect to the subject matter of the order; notify the Commission of changes in employment that might affect compliance obligations under the order; and file compliance reports with the Commission.

Part X 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 complaint or proposed order, or to modify the proposed order's terms in any way.

Complaint

IN THE MATTER OF

HEALTHYLIFE SCIENCES, LLCCONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4493; File No. 122 3287**Complaint, October 22, 2014 – Decision, October 22, 2014*

This consent order addresses HealthyLife Sciences, LLC’s (“HLS”) advertising for its Healthe Trim line of weight-loss dietary supplements (“Healthe Trim”). The complaint alleges that the company violated Sections 5(a) and 12 of the Federal Trade Commission Act by making false or unsubstantiated representations that Healthe Trim would cause rapid and substantial weight loss, including as much as 35, 130, and 165 pounds. The consent order bans HLS from making any of the seven “gut check” weight loss claims that the Commission has publicly advised are always false, specifically that any dietary supplement, over-the-counter drug, or patch, cream, wrap, or other product worn on the body or rubbed into the skin: 1) causes weight loss of two pounds or more a week for a month or more without dieting or exercise; 2) causes substantial weight loss no matter what or how much the user eats; 3) causes permanent weight loss; 4) blocks the absorption of fat or calories to enable users to lose substantial weight; 5) safely enables users to lose more than three pounds per week for more than four weeks; 6) causes substantial weight loss for all users; or 7) causes substantial weight loss by wearing a product on the body or rubbing it into the skin.

Participants

For the *Commission*: Christine DeLorme and Elizabeth Nach.

For the *Respondent*: Curt Friedberg, Partner.

COMPLAINT

The Federal Trade Commission, having reason to believe HealthyLife Sciences, LLC, a limited liability company (“Respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent HealthyLife Sciences, LLC (“HealthyLife Sciences”), is a Georgia limited liability company with its