

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                 **Noah Joshua Phillips**  
                                 **Rebecca Kelly Slaughter**  
                                 **Christine S. Wilson**

**In the Matter of**

**HEALTH RESEARCH LABORATORIES, LLC,**  
    **a limited liability company,**

**WHOLE BODY SUPPLEMENTS, LLC,**  
    **a limited liability company, and**

**KRAMER DUHON,**  
    **individually and as an officer of**  
    **HEALTH RESEARCH LABORATORIES, LLC**  
    **and WHOLE BODY SUPPLEMENTS, LLC.**

**DOCKET NO. 9397**

**COMPLAINT COUNSEL'S SECOND MOTION TO AMEND COMPLAINT AND  
NOTICE AND REQUEST FOR REMAND INSTRUCTIONS**

**PUBLIC****I. Introduction**

Consistent with the Commission's recent Order, Complaint Counsel moves to amend the Complaint and Notice.<sup>1</sup> The proposed amendments are in the public and parties' interests and will facilitate the resolution of this matter. First, amendment of the Complaint is appropriate because Respondents' last-minute qualification of the Rule 3.12(b)(2) admissions in their Amended Answer<sup>2</sup> necessitates new pleadings to clarify disputed issues for discovery and hearing. Second, the amendments do not change the legal theory of the case or the challenged acts and practices. However, they add relevant facts supporting the requested relief, improve clarity, and enhance notice. *See* Attachment 1. Finally, Respondents are not prejudiced by being required to respond to the proposed amended Complaint at a pretrial stage when limited party discovery has been conducted,<sup>3</sup> and no testimony has been taken. In addition, for the reasons explained below, Complaint Counsel requests that the Commission amend the Notice of hearing date to six months after the date of remand and include certain instructions in the remand order.

**II. Relevant Law**

The Commission has wide discretion to amend an administrative complaint, regardless of whether the proposed amendments are within the scope of the original complaint. *See* 16 C.F.R.

§ 3.15(a)(1); *In re James Carpets, Inc.*, 81 F.T.C. 1043, 1972 WL 128887, at \*2 (1972)

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<sup>1</sup> The proposed Amended Complaint and Notice is included as Attachment 1. A comparison showing the changes from the original Complaint and Notice is included as Attachment 2. (Formatting changes are omitted from this comparison.) A draft order is included as Attachment 3.

<sup>2</sup> Order (Nov. 19, 2021), at 8-9.

<sup>3</sup> Significantly, Respondents did not fully comply with previous discovery requests. Judge Chappell denied Complaint Counsel's attempts to compel discovery on the basis that, given Respondents' admissions, "discovery is moot." Order (Apr. 20, 2021) at 5. Consequently, the proceedings below concluded without complete document discovery, any depositions, or any expert discovery.



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(observing Commission’s authority to grant a motion to amend is “well-established” and is not restricted to amendments within the scope of original complaint) (citing *Forster Mfg. Co., Inc. v. FTC*, 335 F.2d 47, 50 (1st Cir. 1964)).<sup>4</sup> When proposed amendments fall outside the scope of the original complaint, which is not the case here, the Commission typically considers whether “the interests of both parties and the public interest will best be served by the issuance of an amended and supplemental complaint ... rather than by the initiation of a new proceeding through the issuance of a new and separate complaint.” *In re McKesson & Robbins, Inc.*, 66 F.T.C. 1124, 1964 WL 73124, at \*6 (1964) (internal quotes and citations omitted). In previous decisions, the Commission has also examined justifications for the timing of amendment requests.<sup>5</sup>

### **III. Summary of Proposed Complaint Amendments**

Here, the proposed amendments generally fall into two categories with some degree of overlap. First, Complaint Counsel propose adding facts supporting the robust fencing-in relief sought in this case. For example, the Amended Complaint includes allegations about the previous Stipulated Order and litigation in the District of Maine and discusses Respondents’ failure to comply with the substantiation requirements established in Section III of the Stipulated Order. Att. 1, ¶¶ 5-9, 11-17. Additionally, the Amended Complaint details: (1) the number of mailers disseminated; (2) the timing of product sales and ad dissemination vis-à-vis the previous

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<sup>4</sup> See also *In re Whole Foods Market, Inc.*, 2008 WL 4184836 (Sept. 8, 2008) (issuing order amending complaint); *In re Synchronal Corp.*, 116 F.T.C. 1189, 1993 WL 13009671 (Oct. 8, 1993) (order issuing amended complaint).

<sup>5</sup> See, e.g., *In re Century 21 Commodore Plaza*, 89 F.T.C. 238, 1977 WL 1888998, at \*2 (1977) (denying motion to amend in part on ground that “insufficient justification has been offered for adding a new theory at this time”); *In re Elec. Comput. Programming Inst., Inc.*, 88 F.T.C. 433, 1976 WL 180748 (1976) (finding amendment of complaint was not in the public interest when Complaint Counsel offered “insufficient justification for adding new parties two and one-half years after the complaint originally issued”).

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contempt investigation and litigation as well as the filing of the administrative complaint; (3) and communications between Respondents and two of their consultants.<sup>6</sup> All of these facts are relevant to the deliberateness and seriousness of Respondents' unlawful conduct. The amendments also include an allegation that there is a likelihood of reoccurrence necessitating substantial fencing-in relief. Att. 1, ¶ 44.

Second, virtually all the proposed amendments are intended to provide Respondents with greater notice and/or improve the clarity of factual and legal allegations. For example, several amendments clarify that Complaint Counsel is only challenging acts or practices occurring after the Stipulated Order's date of entry (January 16, 2018) in this proceeding and replaces the Notice of Contemplated Relief with a proposed Order. *Id.* ¶¶ 10, 22, 27, 32, 36 & Order. The Amended Complaint also explicitly alleges Respondents widely disseminated the challenged advertisements and that the challenged efficacy claims were material to consumers' purchasing decisions. *Id.* ¶¶ 11, 18. Further, the Amended Complaint contains added detail about how Respondents' substantiation was deficient and adjusts language in the counts of the Complaint to emphasize Respondents' health efficacy claims are challenged under both Sections 5(a) and 12 of the FTC Act. *Id.* ¶¶ 12, 13, 46, 48, 50, 52.

**IV. Argument****A. Respondents' previous tactics necessitate new pleadings to confirm disputed issues for discovery and trial.**

As the Commission has recognized, Respondents' gamesmanship and tactics in this matter have wasted substantial time and resources. Order (Nov. 19, 2021), at 8-9. Respondents'

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<sup>6</sup> Complaint Counsel only learned some of the additional facts during discovery in this administrative proceeding. For example, Respondents had not previously produced information about the number of mailers and dates of dissemination, sales data containing date and price information, or email communications involving Curtis Walcker, Richard Cohen, or Kramer Duhon. *See* Att. 1, ¶¶ 11, 17, 20, 22, 25, 27, 30, 32, 34, 36, 39, 40-43.

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last-minute decision to qualify their previous Rule 3.12(b)(2) admissions and dispute the factual issues of substantiation and claim interpretation means their Amended Answer dated March 30, 2021 is no longer a valid or functional pleading. As a result, even if the Complaint were not amended as proposed by Complaint Counsel, it is necessary for Respondents to file a new Answer clarifying disputed factual and legal issues to clearly establish the scope of discovery and issues for hearing. Put simply, Respondents have created a mess requiring new pleadings to clarify the record and the issues in dispute.

**B. Amending the Complaint to add facts and provide greater notice benefits both parties and will facilitate discovery and trial in this proceeding.**

Amending the complaint as proposed by Complaint Counsel benefits both parties and facilitates this proceeding. Respondents gain additional information about the factual bases for liability and the proposed relief, which will likely inform their decisions about what discovery to pursue and assist them in preparing for the evidentiary hearing. Further, the substitution of a proposed Order for the Notice of Contemplated Relief, clarification of the period for the challenged conduct, and adding an allegation regarding likelihood of reoccurrence address objections Respondents previously raised in this matter. Finally, amending the Complaint to include additional facts supporting the proposed relief potentially facilitates a resolution with appropriate relief in the event Respondents decide to default in the future rather than litigate.

**C. The timing of the proposed amendments will not unfairly prejudice Respondents or significantly delay proceedings.**

Amending the complaint is justified, for the reasons set forth above, and will not unduly prejudice the Respondents or significantly delay proceedings. The legal theory and challenged acts and practices in the Complaint remain unchanged. The Commission has already stated it will remand this matter for additional discovery, evidentiary hearing, and initial decision. Order

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(Nov. 19, 2021) at 1, 8. No testimony has been taken to date. Therefore, at this pretrial stage, Respondents will not be unduly prejudiced by the amendments because they still have the opportunity to develop evidence to support their defense and to prepare for the evidentiary hearing.

**D. The Notice of hearing date should be amended.**

To provide sufficient time for discovery as well as anticipated motion practice, Complaint Counsel also propose amending the Notice to include an evidentiary hearing six months after the date of remand. The record in this matter provides good cause for this request based on Respondents' dilatory and obstructionist conduct. 16 C.F.R. §§ 3.12 (c)(1), 3.41(b); Order (Nov. 19, 2021), at 8-9. Respondents' tactics significantly interfered with Complaint Counsel's previous discovery efforts. *See* Complaint Counsel's First and Second Motions to Compel Respondents to Produce Documents and Interrogatory Responses (Feb. 19, 2021 & Mar. 24, 2021). For example, Respondents' document productions and interrogatory responses were deficient, and they never produced a privilege log. *Id.* Further, Complaint Counsel filed relatively narrow motions to compel on March 24, 2021, and served more limited requests for admission, because Complaint Counsel understood from Respondents' Rule 3.12(b)(2) admissions that factual issues such as substantiation and claim interpretation were no longer disputed. Moreover, because of Respondents' foot-dragging in producing documents and responding to interrogatories as well as the stay of discovery on April 20, no depositions were completed and the preparation of expert reports was stymied.

Therefore, if the Commission amends the complaint, Complaint Counsel will need to serve new interrogatories and document requests based on allegations and paragraph references in the Amended Complaint as well as any defenses Respondents might include in their Second

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Amended Answer. For these reasons, almost all discovery other than some<sup>7</sup> third party document subpoenas needs to be revisited.

#### **V. Request for Instructions in Remand Order**

Given the procedural complications Respondents' gamesmanship has created, Complaint Counsel requests that the Commission issue instructions on remand to disentangle the situation. First, Complaint Counsel requests that the Commission consider including instructions in its remand order requiring the Chief Administrative Law Judge to promptly resolve whether Respondents' counsel should be suspended or barred from participating in this proceeding. Order (Nov. 19, 2021), at 9. Without such an order, the parties could proceed through considerable litigation only to find themselves in another procedural delay if the Chief Administrative Law Judge suspends or bars Respondents' counsel at the last minute.

Further, if the Commission grants the motion to amend, Complaint Counsel requests: (1) Respondents be required to file an Answer within 14 days after service,<sup>8</sup> providing a response to each individual factual allegation in the Amended Complaint, even if they decide to again invoke Commission Rule 3.12(b)(2), to avoid repetition of Respondents' previous tactics; and (2) that the new scheduling order permit the parties at least three months after remand to conduct additional fact discovery and an additional six weeks to complete expert reports and depositions prior to the evidentiary hearing. Specifically, parties should have the opportunity to: serve up to 50 additional document requests and 25 additional interrogatories based on the amended

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<sup>7</sup> A pending motion concerning a subpoena Complaint Counsel sent to Respondents' former counsel still needs to be resolved. *See* Respondents' Second Motion to Quash Subpoena to Former Legal Counsel (April 9, 2021); Order (Apr. 20, 2021) at 5.

<sup>8</sup> *See* 16 C.F.R. § 3.12(a) (requiring respondents to file answer within 14 days after being served with the complaint).

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pleadings; serve up to 50 additional requests for admission (without any limitation on the number of requests for admission for authentication and admissibility of exhibits); conduct fact and expert depositions; and to prepare expert reports. *See* Attachment 3 (Proposed Order).<sup>9</sup>

**VI. Conclusion**

For the above reasons, Complaint Counsel respectfully moves that the Complaint and Notice be amended as requested and that the remand order contain appropriate instructions to facilitate a resolution of this matter on the merits.

Dated: December 1, 2021

Respectfully submitted,

s/ Elizabeth J. Averill  
Elizabeth J. Averill  
Jonathan Cohen  
Federal Trade Commission  
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*Complaint Counsel*

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<sup>9</sup> The previous Scheduling Order (Dec. 14, 2020) in this matter limits the number of document requests (50), interrogatories (25), and requests for admission (50) parties may serve. *Id.* at 5. On December 22, 2020, Complaint Counsel served Respondents with 11 document requests and 19 interrogatories based on the original pleadings. On April 15, 2021, Complaint Counsel served 20 Requests for Admission that were limited in scope in reliance on Respondents' Rule 3.12(b)(2) admissions.

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of Complaint Counsel’s Second Motion to Amend Complaint and Notice and Request for Remand Instructions together with supporting attachments today via electronic mail.

Joel Reese  
Joshua Russ  
Reese Marketos LLP  
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I also served one electronic copy via the Administrative E-Filing System and one electronic courtesy copy to the **Office of the Secretary** via email to ElectronicFilings@ftc.gov.

I served one electronic courtesy copy via email to the **Office of the Administrative Law Judge:**

The Honorable D. Michael Chappell  
Administrative Law Judge  
600 Pennsylvania Ave, N.W., Room H-110  
Washington, DC 20580

Dated: December 1, 2021

s/ Elizabeth J. Averill  
Elizabeth J. Averill  
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# **ATTACHMENT 1**



**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                 **Noah Joshua Phillips**  
                                 **Rebecca Kelly Slaughter**  
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**In the Matter of**

**HEALTH RESEARCH LABORATORIES, LLC,  
a limited liability company,**

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**KRAMER DUHON,  
individually and as an officer of  
HEALTH RESEARCH LABORATORIES, LLC  
and WHOLE BODY SUPPLEMENTS, LLC.**

**DOCKET NO. 9397**

**AMENDED COMPLAINT**

The Federal Trade Commission, having reason to believe that Health Research Laboratories (“HRL”), a limited liability company, Whole Body Supplements (“WBS”), a limited liability company, and Kramer Duhon, individually and as an owner and officer of HRL and WBS (collectively, “Respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent HRL is a Nevada limited liability company with its principal office or place of business at 16250 Knoll Trail Drive, Dallas, TX 75248.
2. Respondent WBS is a Nevada limited liability company with its principal office or place of business at 16250 Knoll Trail Drive, Dallas, TX 75248.
3. At all times relevant to the acts and practices alleged in this Complaint, Respondent Kramer Duhon was the sole owner of HRL and WBS, and additionally served as the Chief Executive Officer, Chief Operating Officer, and as a managing member of both companies. Individually or in concert with others, Kramer Duhon controlled or had the authority to control the acts and practices of HRL and WBS, including the acts and practices alleged in this

Complaint. At all times relevant to the acts and practices alleged in this Complaint, his principal office or place of business was 16250 Knoll Trail Drive, Dallas, TX 75248.

4. At all times relevant to the acts and practices alleged in this Complaint, Kramer Duhon was directly involved in, and informed about, business decisions such as product development, pricing, and advertising for HRL and WBS. For example, Kramer Duhon participated in, and was informed about, decisions related to copywriting and the design of mailers for Neupathic, The Ultimate Heart Formula, and BG18. Kyle Duhon assisted Kramer Duhon with the day-to-day business operations of HRL and WBS.

5. The FTC and State of Maine previously filed a complaint against HRL and Kramer Duhon in U.S. District Court alleging, among other things, they violated the FTC Act by disseminating deceptive ads with false and unsubstantiated health and disease-related claims. *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 1 (“Federal Complaint”).

6. The Federal Complaint challenged HRL’s advertising claims for several health-related products featured in multi-page direct mail brochures. *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 1, 1-1, 1-2, 1-3, 1-4.

7. The parties resolved that action with a Stipulated Final Judgment and Order (“Order”) entered by U.S. District Judge Jon D. Levy on January 16, 2018 in *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 15.

8. Section III of the Order prohibits Respondents from making “any representation about the health benefits, safety, performance, or efficacy” of a dietary supplement, food, or drug “unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.” *Id.*

9. Section III further provides that “competent and reliable scientific evidence means tests, analyses, research, or studies (1) that have been conducted and evaluated in an objective manner by experts in the relevant disease, condition, or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results; and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the Covered Product, or of an Essentially Equivalent Product, when such experts would generally require such human clinical testing to substantiate that the representation is true.” *Id.*

10. Following entry of the Order, Respondents advertised, labeled, offered for sale, sold, and distributed, or caused to be distributed a number of dietary supplement products to consumers. HRL sold, among other products, Black Garlic Botanicals, The Ultimate Heart Formula, and Neupathic. WBS sold BG18, among other products. Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic are “food” and/or “drugs” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

11. As described in further detail below in Paragraphs 24, 29, 33, 37, 45, 47, 49, 51, Respondents' advertisements for Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic included representations that the products would effectively prevent, reduce the risk of, cure, treat, or mitigate cardiovascular disease, atherosclerosis, hypertension, or diabetic neuropathy. These representations were material to consumers' purchasing decisions because they were health claims and related to the products' performance and efficacy.
12. Respondents did not have adequate substantiation to support their health efficacy claims, although they were aware that Section III of the Order required them to have competent and reliable scientific evidence to substantiate their claims.
13. Specifically, when Respondents disseminated their advertisements for Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic after January 16, 2018, they did not possess or rely upon competent and reliable scientific evidence sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which their representations related, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that their representations were true. At the time Respondents disseminated the advertisements, they lacked competent and reliable scientific evidence in the form of randomized, double-blind, and placebo-controlled human clinical testing of the products or equivalent products with the same dosages and combination of active ingredients, which experts in the relevant diseases or conditions would require to substantiate that the representations are true.
14. Respondents' disregard of the substantiation requirements in Section III of the Order when advertising Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic demonstrate the necessity of additional relief in this matter.
15. The FTC and State of Maine filed a Motion for an Order to Show Cause ("Contempt Motion") against Respondents on December 17, 2019 in *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 21 alleging their mailers for Black Garlic Botanicals, BG18, Neupathic, and Neupathic violated Section II.H of the Order.
16. The Contempt Motion was ultimately denied on August 12, 2020 on the ground that a section heading created ambiguity about the scope of Section II.H of the Order. *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 49, 52. The Court did not consider the question of whether Respondents violated Section III of the Order.
17. Respondents continued to sell Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic to consumers even after becoming aware that FTC staff were conducting a compliance investigation related to their advertising for these products and while the Contempt Motion was pending in the District of Maine.
18. As explained below in Paragraphs 22, 27, 32, and 36, Respondents' advertising was widely disseminated throughout the United States and Canada.

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

### **Black Garlic Botanicals**

20. HRL began selling Black Garlic Botanicals in November 2016 and continued to sell it following entry of the Order. HRL continued to sell the product to consumers through at least January 2021, despite the filing of the Contempt Motion and the Complaint in this administrative proceeding.

21. According to the product label, each capsule of Black Garlic Botanicals contains 600 mg of “aged black garlic bulb powder”, and the recommended dosage is two capsules a day. HRL sold a one-month supply of Black Garlic Botanicals for \$39.95, plus shipping and handling. HRL also sold the product to consumers in other quantities and at different prices.

22. HRL has disseminated or has caused to be disseminated advertising and promotional materials for Black Garlic Botanicals in multi-page mailers sent to consumer residences and on company websites. Following entry of the Order, HRL disseminated or has caused to be disseminated more than 800,000 mailers to consumer residences in the United States and Canada. HRL continued to disseminate these mailers as late as August 2019 despite Respondents’ awareness that the FTC was investigating whether advertising for Black Garlic Botanicals violated the Order.

23. HRL’s Black Garlic Botanicals mailer, attached as Exhibit A, repeatedly touts the purported health benefits of fermented black garlic. The mailer also represents to consumers that this is the product’s active ingredient. For example, the mailer explains “Black Garlic is fermented under highly controlled conditions for 3-4 weeks, which is what gives it its black color” and states “Black Garlic must be fermented in precise conditions for over 60 days with increasing efficacy the longer it ferments.” Ex. A, HRL004989, HRL004990.

24. The Black Garlic Botanicals mailer opens with the following representations and depictions:

# Every 90 seconds, someone dies from heart disease in the U.S. – are you next?

**1 in 7 people die from heart disease.**

Only 10% of people survive cardiac arrest if treated by emergency medical services. What are you waiting for?

**GOOD NEWS: Everything you need to know about your heart health is in this issue!**

**In This Heart Health Breaking News Issue:**

Cardiovascular disease — #1 cause of death in the world! . . . . .	2
Diabetes & venous insufficiency are additional risks . . . . .	6
Overweight? Belly fat creates new risk factors . . . . .	7
Why don't people suffer from high cholesterol in Japan? . . . . .	8
One Man's Personal Journey Created an Empire of Good Health . . . . .	10
<b>Black Garlic</b> all over the news! . . . . .	12

**HEALTH RESEARCH LABS – Breaking News Cardiovascular Issue**

Exhibit A (Black Garlic Botanicals mailer)

This front-page content is followed by additional descriptions of the dangers of cardiovascular disease. For example, the second and third pages display a banner across the top, which states, “Cardiovascular Disease: #1 cause of Death in the world, especially the U.S.!” A banner at the bottom states, “There’s a miraculous natural solution that can help – find out what it is!!”

The mailer continues with the following statements about the efficacy of black garlic in reducing arterial plaque, blood pressure, and cholesterol:

- **BLACK GARLIC WORKS WITH YOUR BODY**
  - Cholesterol: Black Garlic helps maintain healthy cholesterol levels.
  - Clotting: Black Garlic supports healthy platelet aggregation, which can help to keep blood circulating and works against clotting.

- Supports and helps maintain healthy blood pressure levels to combat risks.
- **Healthy Arteries**  
Plaque build-up in arteries can lead to unhealthy heart conditions. Black Garlic helps keep blood vessels barrier-free to create smooth flow, which could address symptoms of fatigue. It may also inhibit calcium binding, which is responsible for arterial plaque formation.
- **Want Healthy Blood Pressure & Cholesterol? Black Garlic helps maintain healthy blood pressure, cholesterol and triglyceride levels.**
- **BLACK GARLIC**  
**A BREAKTHROUGH FOR**
  - ✓ Cholesterol
  - ✓ Blood Sugar
  - ✓ Blood Pressure
  - ✓ The Heart
  - ✓ The Brain
- “I made the switch to Black Garlic Botanicals and within the span of 3 months my LDL levels have reduced from 300 to 150. This product works!” ~ Gerald W.
- “I now have my blood pressure under control with Black Garlic Botanicals. This is a quality product!” ~ Rolf M.

### **BG18**

25. WBS began selling BG18 in August 2017 and continued to sell it after entry of the Order and after the filing of the Contempt Motion in December 2019. WBS continued to sell the product to consumers through at least September 2020.

26. BG18 has identical ingredients to Black Garlic Botanicals. According to the product label, each capsule contains 600 mg of “aged black garlic bulb powder”, and the recommended dosage is two capsules a day. WBS sells a one-month supply of BG18 for \$44.95, plus shipping and handling. WBS also sold the product to consumers in other quantities and at different prices.

27. WBS has disseminated or has caused to be disseminated advertising and promotional materials for BG18, including multi-page mailers and content on company websites. Following entry of the Order, WBS disseminated or caused to be disseminated more than 400,000 mailers to consumer residences in the United States and Canada. WBS continued to disseminate these mailers as late as June 2019 despite Respondents’ awareness that FTC staff were investigating whether advertising for BG18 violated the Order.

28. An example of a mailer for BG18 is attached as Exhibit B. The mailer repeatedly touts the purported health benefits of fermented black garlic. It also represents to consumers that this is the product's active ingredient. Ex. B, FTC0002, FTC0003, FTC0006, and FTC0010.

29. The front page of the attached BG18 mailer features an image of a caduceus and, a photograph of a doctor in a white coat, and states "Black Garlic has shown an amazing power to improve heart and cardiovascular health, maintain normal cholesterol levels, boost your immune system. And MUCH MORE!" The mailer continues with the following representations:

- Black Garlic is a proven miracle for . . . Cholesterol . . . Hypertension . . . Your Heart.
- [Black Garlic] can help reverse plaque build-up in arteries – not just slow it down. Black Garlic keeps blood vessels barrier-free to create a smooth blood flow and alleviates symptoms of fatigue. It also strongly inhibits calcium binding, which is responsible for plaque build-up.
- Reduces Blood Pressure and Cholesterol. . . Black Garlic helps reduce high blood pressure and lowers high levels of bad cholesterol and triglycerides.
- "My blood pressure has also been lowered. I recommend this product because IT WORKS!" ~ Lorraine T.
- On the following page, the brochure poses this question and answer:

**Could Black Garlic be the Japanese Secret**  
to Significantly Reducing Heart Attack Risk? For all  
natural, safe, effective heart health, nothing even  
compares to Black Garlic!

**That's why, for many people across the U.S., Black Garlic has been the answer to reducing their risk of America's #1 killer...**

**Each year, 635,000 people in the U.S. have their first heart attack!**  
And cardio-vascular disease is the leading cause of global death, causing 17.3 million deaths a year – a number that's expected to grow to more than 23.6 million by 2030.

Exhibit B (BG18 mailer).

- Yes, Black Garlic is a true miracle for cardiovascular health! Just 1 capsule knocks down cholesterol and high blood pressure within days. It can also unblock, clean, and strengthen your arteries.
- The cardio-protective effect of black garlic. . . Black garlic can also

improve your lipid profile, an important factor in protecting against cardiovascular problems.

### **The Ultimate Heart Formula**

30. HRL began selling The Ultimate Heart Formula (“UHF”) in November 2008 and continued to sell it following entry of the Order. HRL continued to sell the product to consumers through at least January 2021, despite the filing of the Contempt Motion and the Complaint in this administrative proceeding.

31. According to the product label, UHF contains Vitamins C, E, and B12 as well as garlic extract (25 mg), Tetrasodium EDTA (40 mg), Ubiquinol (CoEnzyme Q-10) (5 mg), and Nattokinase (10 mg). The recommended dosage is 20 drops or 1ml, twice per day. HRL sold a one-month’s supply of UHF for \$39.95, plus shipping and handling. HRL also sold the product to consumers in other quantities and at different prices.

32. HRL disseminated or caused to be disseminated advertisements for UHF, including multi-page mailers and company websites. Following entry of the Order, HRL disseminated or caused to be disseminated more than 200,000 mailers to consumer residences in the United States and Canada.

33. An example of a mailer for UHF is attached as Exhibit C, which contains the following statements and depictions on its first and second pages:





**Richard Cohen, M.D.**  
*Scientific Advisor*

**“When it comes to a sudden heart attack...  
What You Don’t Know  
**CAN Hurt You!”****

Do you **KNOW** what **YOUR** arteries look like right now?

-  **All Clear!**
-  **Uh Oh!**
-  **DANGER!**




**K**eeping your risk low and your **HEART** healthy is all about keeping your arteries **CLEAR!** See inside for help from a revolutionary, new, heart-helping liquid drop formula...

**SEE INSIDE** to discover a natural nutrient that is up to **95% EFFECTIVE** at maintaining clear arteries and reducing risk of a heart problem!



Exhibit C (The Ultimate Heart Formula mailer).



***"It's no secret... Heart Attack is the #1 killer of men and women."***

**"If you want to AVOID it, I have good news about a revolutionary NEW and NATURAL treatment that can help keep your arteries clear and your mind at ease."**

**Avoiding a heart attack is all about keeping your arteries clear,** your cholesterol in check, your blood pressure low and your risk of a blood clot low... so accumulated plaque does not close off an artery or break off and cause a stroke.



**Now there's a new, improved twist on our most effective natural, heart-helping treatment.**

Exhibit C (The Ultimate Heart Formula mailer, p.2)

These depictions and representations are followed by a number of additional claims, including:

- Instead, right before you is a simple, safe, inexpensive, non-painful and preventative option that could help you say goodbye to your heart surgeon and avoid an angioplasty.
- Our Ultimate Heart Formula can help support a healthy heart, healthy cholesterol and healthy blood pressure. As blockages in your veins and arteries become clear, you can experience better blood circulation – resulting in more energy, better sleep, sharper mental clarity and better health.
- The Ultimate Heart Formula also contains a powerful, clot-busting agent!
- The Ultimate Heart Formula is an all-natural combination of 19 powerful herbs and essential nutrients that counter the causes of poor cardio health. The Ultimate Heart Formula's unique "Senior Formula" is made with ingredients specifically shown to help improve the effects of a weakened heart, clogged arteries, high blood pressure and high cholesterol for older people!
- With our Ultimate Heart Formula ...You get it ALL ... Amazing heart and artery protection ... without side effects!

- Yes, with the Ultimate Heart Formula, a lifetime of plaque build up could disappear before you know it! The artery-flushing power of this formula does not even require a doctor's visit or stay in the hospital!

### **Neupathic**

34. Beginning in August 2016, HRL also sold a dietary supplement called Neupathic. HRL continued to sell the product following entry of the Order and after the filing of the Contempt Motion. HRL continued to sell Neupathic to consumers through at least October 2020.

35. According to the product label, Neupathic contains the following active ingredients: Vitamins E (30 IU), B1 (33.3 mg), B6 (33.3 mg), B12 (16.7 mcg), and folate (266.7 mcg), and Evening Primrose Oil (666.7 mg). The recommended dosage is two capsules per day. HRL sold a one-month's supply of Neupathic for \$39.95, plus shipping and handling. HRL also sold the product to consumers in other quantities and at different prices.

36. HRL has disseminated or caused to be disseminated advertising and promotional materials for Neupathic, including multi-page mailers and content on company websites. Following entry of the Order, HRL disseminated or caused to be disseminated more than 400,000 mailers to consumer residences in the United States and Canada. HRL continued to disseminate these mailers as late as June 2019 despite Respondents' awareness that FTC staff were investigating whether their advertising for Neupathic violated the Order.

37. An example of a mailer is attached as Exhibit D, which contains the following depictions and statements on the first page:

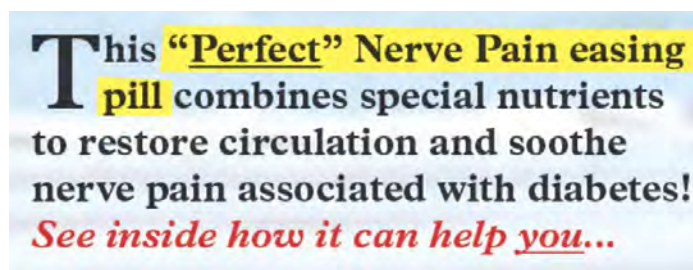




Exhibit D (Neupathic mailer).

The mailer continues inside with additional claims:

- If you have diabetic nerve pain, you could suffer with any or all of the symptoms below.
  - ✓ Shooting pain
  - ✓ Burning
  - ✓ Pins and needles
  - ✓ Electric shock-like pain
  - ✓ Extra sensitivity
  - ✓ Numbness
  - ✓ Throbbing
  - ✓ Tingling
  - ✓ Stinging
  - ✓ Stabbing
  - ✓ Radiating

Neupathic was specifically formulated with 6 distinct nutrients to help address ALL these issues and more.

- A “perfect” nerve pain supplement that was formulated from the ground up to improve your circulation and ease the numbness, tingling, itching, burning and swelling from excess fluid trapped in your legs.
- Take this easy step towards normal, pain free legs and feet again! Non-drug ... proven ingredients.



It can also help address the direct cause of nerve pain and neuropathy, damaged nerves, excess fluid — and poor circulation.

**Allowing you to:**

- ...Increase** your mobility
- ...Relieve** nerve pain
- ...Reduce** swelling and tightness
- ...Gain back** your freedom to move easily and enjoy your favorite activities again



Exhibit D (Neupathic mailer, p. 11).

- Respond now if your nerve pain is driving you crazy! You’ll get completely natural, real relief from your discomfort. All natural Neupathic is 100% effective and safe to use every day! Remember, it has [*sic*] shown to help reverse damaged nerves to help you feel great all day and all night.
- “Great reduction of pain. No more nerve pain in my feet. I also hardly notice any leg cramps. This product is great!” — Ruth J.
- “Neupathic is a great ‘miracle-like product’ which starts working the very first day you use it. Then it continues to control your pain every day. My feet have began [*sic*] to feel normal. Neupathic has improved my life. My nerve pain is gone and I will continue to take Neupathic until my numbness is gone too!” — Gloria R. *Id.*

38. As explained above in Paragraph 13, Respondents did not have competent and reliable scientific evidence to support the efficacy and health benefit claims in their advertisements for Black Garlic Botanicals, BG18, UHF, and Neupathic.

39. Respondents’ advertisements for Black Garlic Botanicals, BG18, UHF, and Neupathic prominently feature endorsements of Richard Cohen, M.D., who is also identified as a “Scientific Advisor” in the advertisements.

40. On June 4, 2018, Kyle Duhon requested that Richard Cohen sign and backdate the dates of “Approval/Review” on forms ostensibly approving advertising claims in the mailers for BG18, UHF, and Neupathic as well as other products sold by HRL and WBS. Cohen signed and returned these “approval” forms the same day without being provided with the advertisements and purported scientific substantiation. This took place shortly after FTC staff sent a May 21, 2018 letter to HRL and Duhon requesting information and documents related to their advertising and compliance with the Order.

41. Respondents' consultants, Richard Cohen and Inna Yegerova, lacked appropriate education, professional qualifications, and expertise to evaluate whether Respondents' advertising claims for Black Garlic Botanicals, BG18, UHF, and Neupathic were supported by competent and reliable scientific evidence.
42. Respondents knew their disease-related claims for Black Garlic Botanicals were not substantiated. For example, one of Respondents' advisors, Curtis Walcker, warned Kyle Duhon in May 2018 that these claims were problematic. However, Respondents disregarded Walcker's concerns and continued to disseminate the mailers without making any changes to address the concerns.
43. In October 2018, Walcker sent an email to Kyle Duhon advising him that nerve damage from diabetic neuropathy could not be reversed and warning that any advertising containing such efficacy claims could not be substantiated. Respondents again ignored that warning and continued to disseminate Neupathic mailers representing the product could effectively cure or reverse nerve damage associated with diabetic neuropathy.
44. Respondents' unlawful conduct is likely to reoccur in the future.

### **Count I**

#### **False or Unsubstantiated Efficacy Claims Related to Black Garlic Botanicals (HRL and Duhon)**

45. In connection with the advertising, promotion, offering for sale, or sale of Black Garlic Botanicals, HRL and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that Black Garlic Botanicals:
- a. Prevents or reduces the risk of cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
  - b. Treats cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
  - c. Prevents or reduces the risk of atherosclerosis including by reducing cholesterol or decreasing arterial plaque;
  - d. Treats atherosclerosis including by reducing cholesterol or decreasing arterial plaque; and
  - e. Cures, treats, or mitigates hypertension including by decreasing arterial plaque or lowering blood pressure.
46. The representations set forth in Paragraph 45 are false or misleading, or were not substantiated at the time the representations were made.

**Count II**  
**False or Unsubstantiated Efficacy Claims Related to BG18**  
**(WBS and Duhon)**

47. In connection with the advertising, promotion, offering for sale, or sale of BG18, WBS and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that BG18:
- a. Prevents or reduces the risk of cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
  - b. Treats cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque.
  - c. Prevents or reduces the risk of atherosclerosis including by reducing cholesterol or decreasing arterial plaque;
  - d. Treats atherosclerosis including by reducing cholesterol or decreasing arterial plaque; and
  - e. Cures, treats, or mitigates hypertension including by decreasing arterial plaque or lowering blood pressure.

48. The representations set forth in Paragraph 47 are false or misleading, or were not substantiated at the time the representations were made.

**Count III**  
**False or Unsubstantiated Efficacy Claims Related to UHF**  
**(HRL and Duhon)**

49. In connection with the advertising, promotion, offering for sale, or sale of UHF, HRL and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that UHF:
- a. Prevents or reduces the risk of cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
  - b. Treats cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque.
  - c. Prevents or reduces the risk of atherosclerosis including by reducing cholesterol or decreasing arterial plaque;

- d. Treats atherosclerosis including by reducing cholesterol or decreasing arterial plaque; and
- e. Cures, treats, or mitigates hypertension including by decreasing arterial plaque or lowering blood pressure.

50. The representations set forth in Paragraph 49 are false or misleading, or were not substantiated at the time the representations were made.

**Count IV**  
**False or Unsubstantiated Efficacy Claims Related to Neupathic**  
**(HRL and Duhon)**

51. In connection with the advertising, promotion, offering for sale, or sale of Neupathic, HRL and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that Neupathic:

- a. Cures, treats, or mitigates diabetic neuropathy including by improving blood circulation, or eliminating or alleviating diabetic nerve pain and discomfort.

52. The representations set forth in Paragraph 51 are false or misleading, or were not substantiated at the time the representations were made.

**Violations of Sections 5 and 12**

53. The acts and practices of Respondents 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.

**NOTICE**

You are notified that on \_\_\_\_\_, 2022, at 10:00 a.m., at the Federal Trade Commission offices, 600 Pennsylvania Avenue, NW, Room 532-H, Washington, DC 20580, an Administrative Law Judge of the Federal Trade Commission will hold a hearing on the charges set forth in this Complaint. At that time and place, you will have the right under the Federal Trade Commission Act to appear and show cause why an order should not be entered requiring you to cease and desist from the violations of law charged in this Complaint.

You are notified that you are afforded the opportunity to file with the Federal Trade Commission (“Commission”) an answer to this Complaint on or before the 14th day after service of the Complaint upon you. An answer in which the allegations of the Complaint are contested must contain a concise statement of the facts constituting each ground of defense; and specific



admission, denial, or explanation of each fact alleged in the Complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the Complaint not thus answered will be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the Complaint, the answer should consist of a statement that you admit all of the material facts to be true, but must also provide a specific response to each individual factual allegation in the Complaint confirming whether Respondents dispute each allegation. Such an answer will constitute a waiver of hearings as to the facts alleged in the Complaint and, together with the Complaint, will provide a record basis on which the Commission may issue a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding. In such answer, you may, however, reserve the right to submit proposed findings of fact and conclusions of law under FTC Rule § 3.46.

Failure to answer timely will be deemed to constitute a waiver of your right to appear and contest the allegations of the Complaint. It will also authorize the Commission, without further notice to you, to find the facts to be as alleged in the Complaint and to enter a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding.

The Administrative Law Judge will hold a prehearing scheduling conference not later than 10 days after the answer is filed by the last answering Respondent. Unless otherwise directed by the Administrative Law Judge, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Room 532-H, Washington, DC 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the prehearing scheduling conference, but in any event no later than 5 days after the answer is filed by the last answering Respondent. Rule 3.31(b) obligates counsel for each party, within 5 days of receiving a Respondent's answer, to make certain initial disclosures without awaiting a formal discovery request.

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

The following is the form of the order which the Commission has reason to believe should issue if the facts are found to be as alleged in the Complaint. If, however, the Commission concludes from record facts developed in any adjudicative proceedings in this matter that the proposed order provisions as to Respondents might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary and appropriate.

## **ORDER**

### **Definitions**

For purposes of this Order, the following definitions apply:

- A. “Covered Product” means any Food or Drug.
- B. “Corporate Respondent” means Health Research Laboratories, LLC, or Whole Body Supplements, LLC.
- C. “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 are 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.
- D. “Drug” means: (a) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (c) articles (other than food) intended to affect the structure or any function of the body of humans or other animals; and (d) articles intended for use as a component of any article specified in (a), (b), or (c); but does not include devices or their components, parts, or accessories.
- E. “Essentially Equivalent Product” means a product that contains the identical ingredients, except for inactive ingredients (e.g., inactive binders, colors, fillers, excipients), in the same form and dosage, and with the same route of administration (e.g., orally, sublingually), as the Covered Product; *provided that* the Covered Product may contain additional ingredients if reliable scientific evidence generally accepted by experts in the field indicates that the amount and combination of additional ingredients are unlikely to impede or inhibit the effectiveness of the ingredients in the essentially equivalent product.
- F. “Food” means: (a) any article used for food or drink for humans or other animals; (b) chewing gum; and (c) any article used for components of any such article.
- G. “Individual Respondent” means Kramer Duhon.

- H. “Negative Option Feature” means, in an offer or agreement to sell any good of service, a provision under which the consumer’s silence or failure to take affirmative action to reject a good or service or to cancel the agreement is interpreted by the seller or provider as acceptance or continuing acceptance of the offer.
- I. “Respondents” means Health Research Laboratories, LLC, Whole Body Supplements, LLC, and Kramer Duhon, individually, collectively, or in any combination.

### Provisions

#### I.

**IT IS ORDERED** that Respondents must not advertise, market, promote, or offer for sale any Dietary Supplement or assist others in the advertising, marketing, promoting, or offering for sale of any Dietary Supplement.

#### II.

**IT IS FURTHER ORDERED** that Respondents, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any product, must not make any representation, expressly or by implication, that a product cures, treats, mitigates, prevents, or reduces the risk of any disease.

#### III.

**IT IS FURTHER ORDERED** that subject to the prohibitions in Parts I and II of this Order, Respondents, Respondents’ officers, agents, and employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, must not make any representation expressly or by implication, about the health benefits, safety, performance, or efficacy of any Covered Product, unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant condition or function to which the representation relates, 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 Provision, “competent and reliable scientific evidence” means tests, analyses, research, or studies that (1) have been conducted and evaluated in an objective manner by experts in the relevant condition or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results; and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the Covered Product or of an Essentially Equivalent Product, when such experts would generally require such human clinical testing to substantiate that the representation is true. In addition, when such tests or studies 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 set forth in Part V of this Order must be available for inspection and production to the Commission. Respondents have the burden of proving that a product satisfies the definition of Essentially Equivalent Product.

#### IV.

**IT IS FURTHER ORDERED** that subject to the prohibitions in Parts I and II of this Order, Respondents, Respondents' officers, agents, employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with advertising, marketing, promoting, offering for sale, sale, or distribution of any Covered Product must not make any misrepresentations expressly or by implication:

- A. That the performance or benefits of any Covered Product are scientifically or clinically proven or otherwise established; or
- B. The existence, contents, validity, results, conclusions, or interpretations of any test, study, or other research.

#### V.

**IT IS FURTHER ORDERED** that, with regard to any human clinical test or study ("test") upon which Respondents rely to substantiate any claim not banned by Parts I or II, but covered by Part III, Respondents must 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:

- 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 any pretest analysis, intent-to-treat analysis, or 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 does not apply to a reliably reported test, unless the test was conducted, controlled, or sponsored, in whole or in part by: (1) any Respondent; (2) any Respondent's officers, agents, representatives, or employees; (3) any other person or entity in active concert or participation with any Respondent; (4) any person or entity affiliated with or acting on behalf of any Respondent; (5) any supplier of any ingredient contained in the product at issue to any of the foregoing or to the product's manufacturer; or (6) the supplier or manufacturer of such product.

For purposes of this Provision, "reliably reported 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.

For any test conducted, controlled, or sponsored, in whole or in part, by Respondents, Respondents must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of any personal information collected from or about participants. These procedures must be documented in writing and must contain administrative, technical, and physical safeguards appropriate to Corporate Respondents' size and complexity, the nature and scope of Respondents' activities, and the sensitivity of the personal information collected from or about the participants.

## **VI.**

**IT IS FURTHER ORDERED** that Respondents must notify customers as follows:

- A. Respondents must identify all consumers who purchased Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic on or after January 17, 2018 ("Eligible Customers").
  - 1. Such Eligible Customers, and their contact information, must be identified to the extent such information is in Respondents' possession, custody or control;
  - 2. Eligible Customers include those identified at any time through the eligibility period, which runs for 1 year after the issuance date of the Order.
- B. Respondents must mail all Eligible Customers the letter in the form shown in Attachment A. Each such mailing must comply with the following:
  - 1. The envelope containing the letter must be in the form shown in Attachment B.
  - 2. The mailing of the notification letter must not include any other enclosures other than a copy of this Order.
  - 3. The mailing must be sent by first-class mail, postage prepaid, address correction service requested with forwarding and return postage guaranteed. For any mailings

returned as undeliverable, Respondents must use standard address search methodologies such as re-checking Respondents' records and the Postal Service's National Change of Address database and re-mailing to the corrected address within 8 days.

4. Each such notice must be mailed within 120 days after the effective date of this Order.

C. Respondents must report on their notification program under penalty of perjury as follows:

1. Respondents must submit a report at the conclusion of the program, but in no event later than 180 days after the effective date of this Order, detailing its compliance with this Provision.
2. If a representative of the Commission requests any information regarding the program, including any of the underlying customer data, Respondents must submit the requested information within 10 days of the request.
3. Failure to provide required notices or any requested information will be treated as a continuing failure to obey this Order.

## VII.

**IT IS FURTHER ORDERED** that Respondents and their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, must not disclose, use, or receive any benefit from customer information including the name, address, telephone number, e-mail address, social security number, or other identifying information or any data that enables access to a customer's account (including a credit card, bank account or other financial account) that any Respondent obtained prior to the issuance of this Order in connection with sales of Black Garlic Botanicals, BG18, The Ultimate Heart Formula, or Neupathic. Respondents must also preserve such identifying information together with records of the product(s) individual customers purchased and the date and amount of payments made to Respondents until receipt of written notice from Commission staff to destroy the information. Once Commission staff notify Respondents to destroy such customer information, Respondents will have five days to comply.

*Provided, however,* that Respondents may disclose such customer information to the FTC or any law enforcement agency, or as required by any law, regulation, or court order.

## VIII.

**IT IS FURTHER ORDERED** that, consistent with Part VII, Respondents must immediately cancel any subscription plan with a Negative Option Feature related to Black Garlic Botanicals, BG18, The Ultimate Heart Formula, or Neupathic.

**IX.**

**IT IS FURTHER ORDERED** that Respondents obtain acknowledgments of receipt of this Order:

- A. Each Respondent, within 10 days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For 20 years after the issuance date of this Order, the Individual Respondent, for any business that such Respondent, individually or collectively with any other Respondent, is the majority owner or controls directly or indirectly, and each Corporate Respondent, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for the manufacturing, labeling, advertising, marketing, distribution, or sale of any Covered Product, and all agents and representatives who participate in manufacturing, labeling, advertising, marketing, distribution, or sale of any Covered Product; and (3) any business entity resulting from any change in structure as set forth in Part X. Delivery must occur within 10 days after the effective date of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.
- C. From each individual or entity to which a Respondent delivered a copy of this Order, that Respondent must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

**X.**

**IT IS FURTHER ORDERED** that Respondents make timely submissions to the Commission:

- A. One year after the issuance date of this Order, each Respondent must submit a compliance report, sworn under penalty of perjury, in which:
  1. Each Respondent must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Respondent; (b) identify all of that Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Respondent (which Individual Respondent must describe if they know or should know due to their own involvement); (d) describe in detail whether and how that Respondent is in compliance with each Part of this Order, including a discussion of all of the changes the Respondent made to comply with the Order; and (e) provide a copy of each acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.

2. Additionally, the Individual Respondent must: (a) identify all his telephone numbers and all his physical, postal, email, and Internet addresses, including all residences; (b) identify all his business activities, including any business for which such Respondent performs services whether as an employee or otherwise and any entity in which such Respondent has any ownership interest; and (c) describe in detail such Respondent's involvement in each such business activity, including title, role, responsibilities, participation, authority, control, and any ownership.
- B. Each Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:
1. Each Respondent must submit notice of any change in: (a) any designated point of contact; or (b) the structure of any Corporate Respondent or any entity that Respondent has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.
  2. Additionally, the Individual Respondent must submit notice of any change in: (a) name, including alias or fictitious name, or residence address; or (b) title or role in any business activity, including (i) any business for which such Respondent performs services whether as an employee or otherwise and (ii) any entity in which such Respondent has any ownership interest and over which Respondents have direct or indirect control. For each such business activity, also identify its name, physical address, and any Internet address.
- C. Each Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Respondent within 14 days of its filing.
- D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_" and supplying the date, signatory's full name, title (if applicable), and signature.
- E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Health Research Laboratories, Dkt. 9397.



**XI.**

**IT IS FURTHER ORDERED** that Respondents must create certain records for 20 years after the issuance date of the Order, and retain each such record for 5 years, unless otherwise specified below. Specifically, the Corporate Respondents and Individual Respondent for any business that such Respondent, individually or collectively with any other Respondents, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold, the costs incurred in generating those revenues, and resulting net profit or loss;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each Provision of this Order, including all submissions to the Commission; and
- E. A copy of each unique advertisement or other marketing material making a representation subject to this Order.
- F. For 5 years from the date of the last dissemination of any representation covered by this Order:
  - 1. All materials that were relied upon in making the representation; and
  - 2. All tests, studies, analysis, other research or other such evidence in Respondents' possession, custody, or control that contradicts, qualifies, or otherwise calls 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.
- G. For 5 years from the date created or received, all records, whether prepared by or on behalf of Respondents, that tend to show any lack of compliance by Respondents with this Order.

**XII.**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring Respondents' compliance with this Order:

- A. Within 10 days of receipt of a written request from a representative of the Commission, each Respondent must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury, and produce documents for inspection and copying. Respondents will answer interrogatories and sit for investigational hearings within 30 days of a written request from Commission staff.
- B. For matters concerning this Order, representatives of the Commission are authorized to communicate directly with each Respondent. Respondents must permit representatives of the Commission to interview anyone affiliated with any Respondent who has agreed to such an interview. The interviewee may have counsel present.
- C. The Commission may use all other lawful means, including posing through its representatives as consumers, suppliers, or other individuals or entities, to Respondents or any individual or entity affiliated with Respondents, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

### **XIII.**

**IT IS FURTHER ORDERED** that this Order is final and effective upon the date of its publication on the Commission's website ([www.ftc.gov](http://www.ftc.gov)) as a final order. This Order will terminate 20 years from the date of its issuance (which date may be stated at the end of this Order, near the Commission's seal), or 20 years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying settlement) in federal court alleging any violation of this Order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Provision in this Order that terminates in less than 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 Provision.

*Provided, further*, that if such complaint is dismissed or a federal court rules that the Respondent did not violate any Provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Provision 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.

April J. Tabor  
Acting Secretary

SEAL:  
ISSUED:

**ATTACHMENT A**

[To be printed on Health Research Laboratories, LLC or Whole Body Supplements, LLC  
letterhead and sent via First Class mail]

[Date]

Subject: [Black Garlic Botanicals, BG18, The Ultimate Heart Formula, or Neupathic]

[Name of customer]  
[Mailing address of customer  
Including zip code]

Dear [Name of customer]:

Our records show that you bought [Black Garlic Botanicals, The Ultimate Heart Formula, or Neupathic from Health Research Laboratories] [BG18 from Whole Body Supplements].

We made claims that our products could prevent, reduce the risk of, treat or cure serious diseases and health conditions such as cardiovascular disease, high blood pressure, and diabetic nerve pain. The Federal Trade Commission has found that we made these claims without having the scientific evidence to support them.

The enclosed FTC order requires us to stop selling dietary supplements and claiming that our products cure, treat, mitigate, prevent, or reduce the risk of any disease.

Furthermore, taking our products could interfere with effective treatments recommended by your doctor.

Learn more about the lawsuit against Health Research Laboratories and Whole Body Supplements at <https://www.ftc.gov/news-events/press-releases/2020/11/ftc-approves-administrative-complaint-against-supplement-marketer>.

Sincerely,

Kramer Duhon  
Health Research Laboratories, LLC  
Whole Body Supplements, LLC

Enclosure [Enclosed Order]

## **ATTACHMENT B**

The envelope for the notification letter must be in the following form, with the underlined text completed as directed:

*[HEALTH RESEARCH LABORATORIES, LLC OR  
WHOLE BODY SUPPLEMENTS, LLC*

*Street Address*

*City, State and Zip Code]*

**FORWARDING AND RETURN POSTAGE GUARANTEED ADDRESS CORRECTION  
SERVICE REQUESTED**

[name and  
mailing address of customer,  
including zip code]

**ABOUT YOUR PURCHASE OF [BLACK GARLIC BOTANICALS/BG18/THE  
ULTIMATE HEART FORMULA, OR NEUPATHIC]**

# Exhibit A

# Every 90 seconds, someone dies from heart disease in the U.S. – are you next?

**1 in 7 people die from heart disease.**

Only 10% of people survive cardiac arrest if treated by emergency medical services. What are you waiting for?

**GOOD NEWS:** Everything you need to know about your heart health is in this issue!

### In This Heart Health Breaking News Issue:

Cardiovascular disease — #1 cause of death in the world! . . . . .	2
Diabetes & venous insufficiency are additional risks . . . . .	6
Overweight? Belly fat creates new risk factors . . . . .	7
Why don't people suffer from high cholesterol in Japan?. . . . .	8
One Man's Personal Journey Created an Empire of Good Health . .	10
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# Cardiovascular Disease: #1 cause of

## 635,000 people in the U.S. have their first heart attack each year!

Cardiovascular disease is the leading cause of global death, causing **17.3 million deaths per year** — a number that's expected to grow to more than 23.6 million by 2030.

The American Heart Association, the Centers for Disease Control and Prevention, the National Institutes of Health, and many government sources keep trying to save lives, but this global affliction seems to spare only the Japanese!

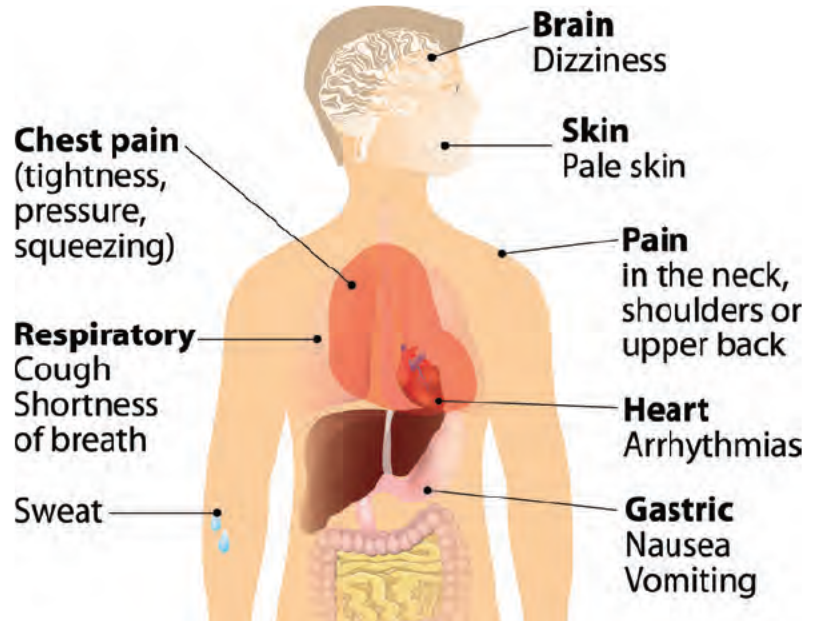
Despite smoking and blood pressure levels comparable to that in Western countries, what are the Japanese doing differently?

### Black Garlic.

This discovery in 2001 has turned out to be a really powerful elixir for the heart and the whole cardiovascular system.



## HEART ATTACK WARNING SIGNS



- 1 Pain or Discomfort in Chest
- 2 Lightheadedness, Nausea, Vomiting
- 3 Jaw, Neck, or Back Pain
- 4 Pain or Discomfort in Arm or Shoulder
- 5 Shortness of Breath

Characteristics you can't control: age, sex, race, or ethnicity. All of these affect your risk for heart disease.

## LIFESTYLE CHOICES THAT INCREASE RISK

### Unhealthy Diet

- ✓ High in saturated fat, trans fat, and cholesterol.
- ✓ Too much sodium can raise blood pressure levels.



### Physical Inactivity

- ✓ Not getting enough physical activity can increase the chances of obesity, high blood pressure, high cholesterol, and diabetes.



### Obesity

- ✓ Excess body fat is linked to higher "bad" cholesterol & triglyceride levels, and can lead to high blood pressure and diabetes.





## What Cholesterol Do I Have to Worry About?

Cholesterol can't dissolve in the blood. It must be transported through your blood by carriers called lipoproteins. There are 2 types:

### LDL (Bad) Cholesterol

- Contributes to plaque (a thick, hard deposit that can clog arteries & make them less flexible). If a clot forms and blocks a narrowed artery, heart attack or stroke can result.
- Plaque buildup can also narrow an artery supplying blood to the legs.

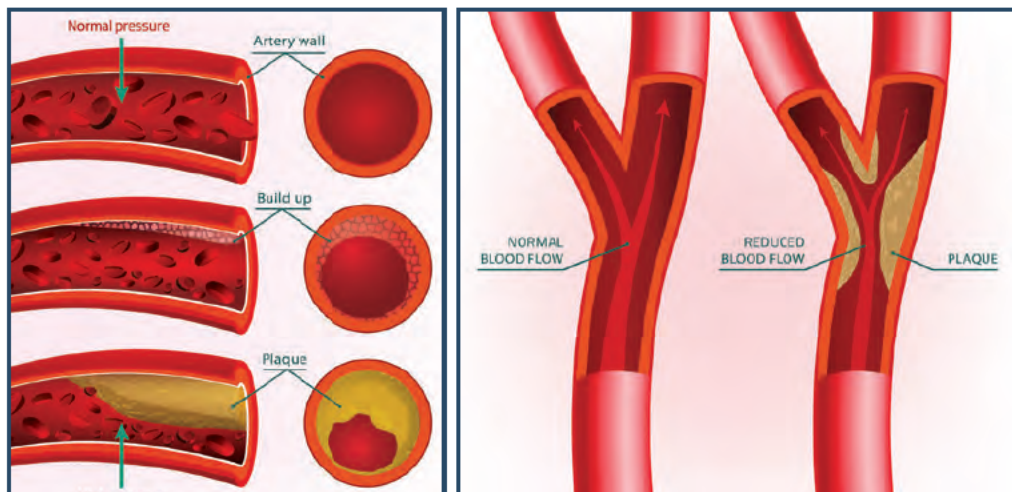
### HDL (Good) Cholesterol

- Helps remove LDL cholesterol from the arteries, carrying it back to the liver, where it's broken down and passed from the body.

## Where does plaque come from?

Excess cholesterol can form plaque between layers of artery walls, making it harder for your heart to circulate blood. Plaque can break open and cause clots.

- If a clot blocks an artery that feeds the brain, it causes a stroke.
- If a clot blocks an artery that feeds the heart, it causes heart attack.



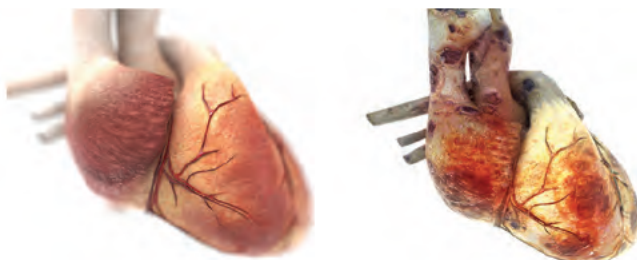
## Are your arteries getting more clogged every minute?

Slow-growing cholesterol plaque may never cause any symptoms — even with severely blocked arteries — and can suddenly rupture!

## Watch Out for Damage & Death to Heart Tissue

Atherosclerosis is the hardening of arteries and formation of plaque, caused by LDL Cholesterol.

*This deadly plaque grows silently & slowly.*



# SEE YOUR RISK FOR HEART ATTACK.



### Too Much Alcohol

- ✓ Drinking too much alcohol can raise blood pressure levels & the risk for heart disease. It increases levels of triglycerides, a form of cholesterol, that can harden your arteries.



### Tobacco Use

- ✓ Cigarette smoking can damage the heart & blood vessels, which increases your risk for heart conditions such as atherosclerosis and heart attack. Nicotine raises blood pressure, and carbon monoxide reduces the amount of oxygen that your blood can carry.
- ✓ Exposure to other people's secondhand smoke can increase the risk for heart disease even for nonsmokers.

*that can help – find out what it is!!*

## Diabetes is a major risk factor for heart disease.

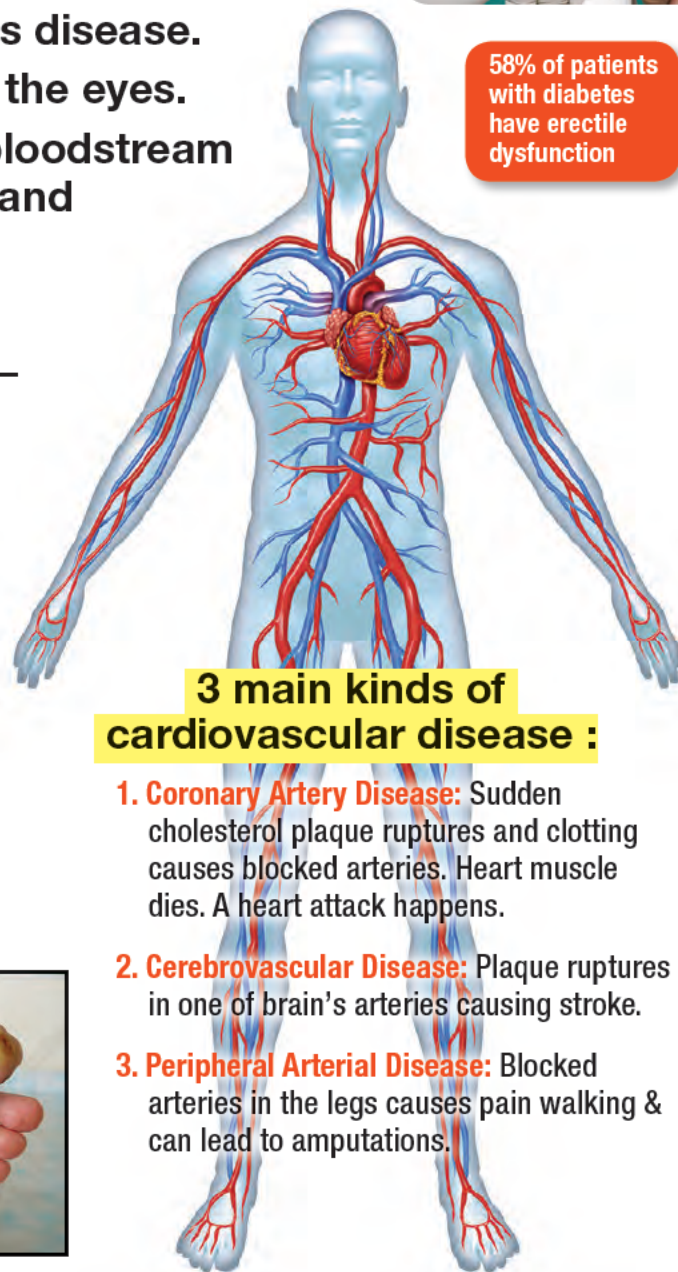
2 out of 3 people with diabetes die of heart disease or stroke.

### What truths do you need to know?

- **47%** of Americans are unaware that diabetes can lead to heart disease.
- **58%** don't know that it can affect one's sex life.
- **28%** don't believe diabetes is a serious disease.
- **35%** don't believe diabetes can affect the eyes.
- Having high amounts of sugar in the bloodstream develops into fat that clogs, narrows, and inflames the blood vessels, causing them to wear and tear.



58% of patients with diabetes have erectile dysfunction



### 3 main kinds of cardiovascular disease :

- 1. Coronary Artery Disease:** Sudden cholesterol plaque ruptures and clotting causes blocked arteries. Heart muscle dies. A heart attack happens.
- 2. Cerebrovascular Disease:** Plaque ruptures in one of brain's arteries causing stroke.
- 3. Peripheral Arterial Disease:** Blocked arteries in the legs causes pain walking & can lead to amputations.

### What is venous insufficiency – and why do you need to worry about it?

Leg and foot ulcers in diabetic patients have a common underlying cause: venous insufficiency.

Chronic venous insufficiency occurs when the leg veins do not allow blood to travel back to the heart. These valves that are not working properly can cause blood in the legs to pool. If left untreated, chronic venous insufficiency can cause pain, swelling, and leg ulcers. The condition can be disabling.

Venous insufficiency is most commonly caused by a blood clot. Alert a healthcare provider as soon as possible for certain symptoms. **Do not wait!**





## Diabetes and cardiovascular disease go hand-in-hand.

**68% of people with diabetes die of heart disease or stroke.**

Maintaining healthy blood sugar and glucose levels can be a constant struggle. Lowering blood sugar levels helps to prevent damage to your kidneys, blood vessels, skin, and eyes.

### BLACK GARLIC WORKS WITH YOUR BODY:

- **Cholesterol:** Black Garlic helps maintain healthy cholesterol levels.
- **Clotting:** Black Garlic supports healthy platelet aggregation, which can help to keep blood circulating and works against clotting.
- **Supports and helps maintain healthy blood pressure levels to combat risks.**



*"I feel energized. I feel like I have a whole new body! I can now climb steps the normal way, I am no longer tired all the time, and my mind seems clearer. Black Garlic Botanicals really does MAKE YOU FEEL GREAT! I really think it should be part of your everyday regimen for wellness." ~ Delores L.\**



## MAIN SYMPTOMS OF DIABETES

### NERVOUS SYSTEM

- Lethargy
- Stupor

With **Black Garlic** you achieve healthy blood pressure levels, enhancing your energy, and governing the regulatory system.

### EYES

- Blurred vision

**Black Garlic** keeps the blood vessels healthy, including the tiny blood vessels that nourish the retina.

### LIVER & KIDNEYS

- Liver toxins

**Black Garlic** supports a healthy liver, to enhance detoxification capabilities that are essential when taking medications.

### GASTRIC

- Nausea
- Vomiting
- Abdominal pain
- Obesity

**Black Garlic** helps protect your digestive system.

### HEART

– People with diabetes have conditions which exacerbate risk for developing heart disease, including high blood pressure, abnormal cholesterol levels, and lack of physical activity.

**Black Garlic** nourishes your heart muscle.

### FEET & LEGS

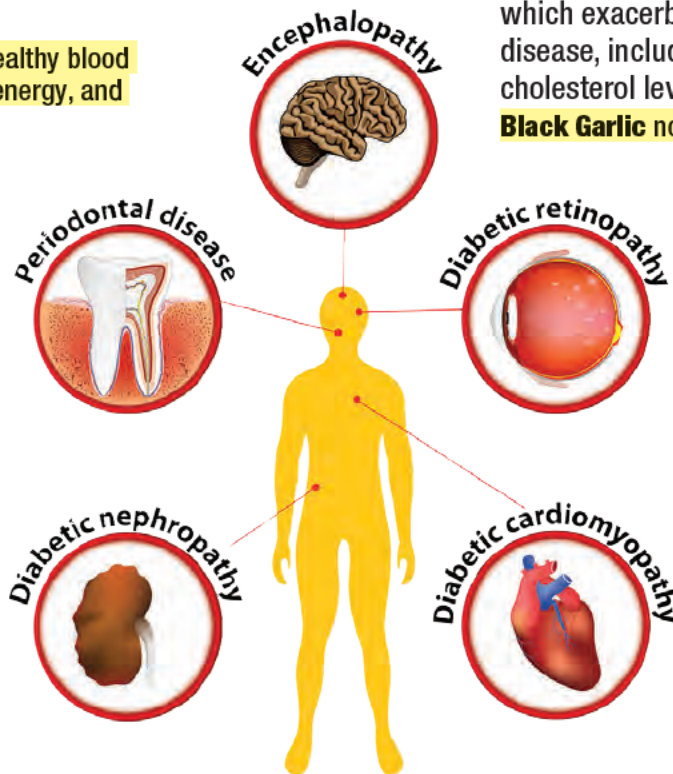
– Circulation difficulties can cause neuropathy (nerve damage) and poor circulation can lead to ulcers, bone loss, and deformity.

**Black Garlic** helps maintain healthy blood sugar levels and supports vital circulation throughout your body.

### SEXUALITY

– Men with erectile dysfunction often later learn they have diabetes. Sexual problems can indicate nerve damage, blocked arteries, and even imbalanced hormones.

**Black Garlic** supports a healthy circulatory system to encourage a vibrant sex drive and erections.



**Black Garlic is the all-natural maintenance plan for your heart and all of your vital functions.**

## Japanese have lowest incidence of heart

### What are your treatment options for heart disease?

#### **SENSIBLE DIET**

Being overweight is just 1 factor that puts you at risk for heart disease. Losing weight doesn't guarantee lowering cholesterol, blood pressure, or triglycerides (a type of fat in your blood).

- **Ornish Diet:** Very little wiggle room for food choices, only 10% of calories can come from fat, & can be pricey for produce, whole grains, and fish.
- **Mediterranean Diet:** Not a structured diet, so it's up to you to figure out on your own how many calories you need to eat to lose or maintain weight & how active you'll be.
- **Vegan Diet:** No animal products allowed, even dairy and eggs. Takes work to ensure you get sufficient amounts of key nutrients. Limited options for eating out, may require a lot of time to prep for meals.

#### **PHYSICAL ACTIVITY**

Recommended exercise at least 30 minutes a day, 5 days a week in order to improve heart health.

#### **GENETICS**

Many heart conditions are passed on from generation to generation. While you can't change your genes, you can learn your family history and prepare your body and your mind for any potential upcoming challenges with natural preventative solutions.

#### **STATINS**

Medications with possible side effects: muscle pain, liver damage, kidney failure, even death.

### The Miraculous Solution in Japan: Black Garlic

The Aomori prefecture is the garlic capital of Japan, producing as much as 80% of the total garlic in the nation. What it's really famous for is the fermented **Black Garlic**.

Popular in Asian cuisine, **Black Garlic** is fermented under highly controlled conditions for 3-4 weeks, which is what gives it its black color. While many are hesitant to try it because of its color, it is actually easy to digest and odorless, can be enjoyed as a preserved fruit, used as a spice or condiment, and the garlic skin can be used to brew tea.

#### **A Natural Supplement Improving Lives**

**Black Garlic** gained popularity after Hirosaki University professor, Jiniti Sasaki, showed that **Black Garlic had a beneficial effect on harmful cells in the body** — the same research was conducted using white garlic and did not yield the same results.



#### **Black Garlic is studied for:**

- ✓ **Increasing energy**
- ✓ **Strengthening the immune system**
- ✓ **Promote anti-aging effects**
- ✓ **Enhancing recovery from fatigue**
- ✓ **And, improving restfulness**





attacks in the world. Why?

## **Black Garlic** is the... “perfect human health food.” Black Garlic antioxidant capacity is the best in more than 300 kinds of food!

Black Garlic must be fermented in precise conditions for over 60 days with increasing efficacy the longer it ferments. It contains 18 kinds of amino acids needed by the human body.

### Healthy Arteries

Plaque build-up in arteries can lead to unhealthy heart conditions. Black Garlic helps keep blood vessels barrier-free to create smooth flow, which could address symptoms of fatigue. It may also inhibit calcium binding, which is responsible for arterial plaque formation.

### Prevent Health Crises Before They Take Hold

Black Garlic is being tested in both population studies and clinical trials to see how effective it is at preventing and treating the root cause of many key health issues.

### Want Healthy Blood Pressure & Cholesterol?

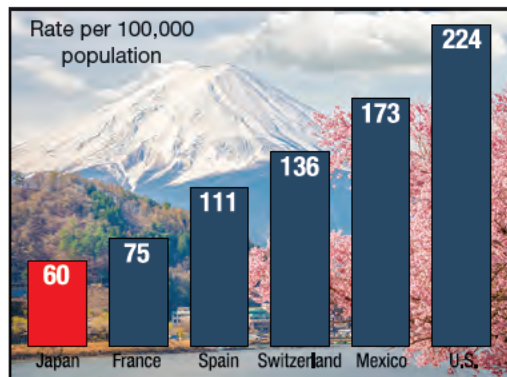
Black Garlic helps maintain healthy blood pressure, cholesterol and triglyceride levels.

### Overweight? Belly Fat Creates New Risk Factors

Some fat is a normal function of the human body and helps to regulate blood sugar. But belly fat in particular loses sensitivity to insulin, and can often trigger the body’s natural function of pumping insulin. This can cause metabolic syndrome, which may further develop into high blood pressure, excess bad cholesterol, and even type 2 diabetes.



Fermentation Process of Garlic



Lowest Heart Disease in Japan

## **BLACK GARLIC** A BREAKTHROUGH FOR:

- ✓ **Cholesterol**
- ✓ **Blood Sugar**
- ✓ **Blood Pressure**
- ✓ **The Heart**
- ✓ **The Brain**

I'm Jesse Duvell, and I live with my wife and daughter in Dallas, Texas. Four years ago, **I was diagnosed with two types of cancer.** I feared my life being cut short, and I wasn't ready to go.

The doctors prescribed a number of strong medications before I even started radiation treatment, which left me sicker than I had ever been in my life. My body started to shut down. I was in my early fifties and couldn't figure out where I went wrong.

**Growing up, my dad told me every day that if I can't change my circumstances, I could always change my mind.**

So I read books, I talked with experts and learned everything I could to stay at the cutting edge of supplements, where modern science meets the old ways of healing. I changed what I ate, though I still enjoyed some pizza and beer on the weekends. I started walking around outdoors again. I changed my work schedule to allow more time to relax and spend time with my family. I sought out the best supplements I could find to help my healing journey.

**Today, my cancer is in complete remission.**

My results may not be your results, but it changed my life. I knew I had to do something to help other people around me suffering.

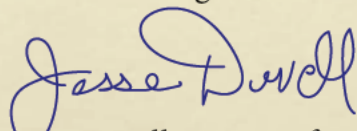
I was in a unique position. I had already created Health Research Labs, but now, I wanted to ensure we source top quality supplements, then price them so that everyone has access to them.

Yet, we needed to get the word out for real preventative care!

I wanted to now make sure people knew how they could change their lives for the better. I'm so convinced our products work, **I offer a 100% money back guarantee** if you don't love the product, no questions asked.

**I only hope I can be of service** and that my products can help you spend your time here on earth living comfortably with the people you love.

With warm regard,



Jesse Duvell, Owner of Health Research Labs





U.S. FOOD & DRUG ADMINISTRATION | OFFICE OF THE SECRETARY | FILE # 1412075 | DOCUMENT NO. 1089 | PAGE 16 OF 16

# More than 100 drugs pose extra dangers if you're at risk for heart failure.

## Move from the fear of dying to the joy of living!

People with heart failure take an **average of 7 prescription** medications a day.

Each additional medication increases the risk of side effects or dangerous drug interactions.

Some may be serious enough to require going to the hospital. Some can even bring on heart failure!

What types of drugs can exacerbate heart failure?

- Used to treat diabetes, pain, psychiatric conditions, cancer, and other conditions.

Natural heart regimens can help to balance cholesterol levels and blood pressure, and maintain a healthy heart:

- Mayo Clinic notes that cholesterol-lowering supplements and natural remedies can be helpful for heart disease factors.
- Natural remedies can be accessed without a prescription!



## NATURAL BLACK GARLIC IS ALL OVER THE NEWS!

*"The evidence is 'quite compelling' that the supplement seems to help mitigate cardiac risk factors, such as high cholesterol and blood pressure."*

~ David L. Katz, director of Yale University's Yale-Griffin Prevention Research Center

*"[Black Garlic is] high in S-allyl cysteine, or SAC, a sulfur-based compound that dissolves in water and is easy for the body to metabolize. SAC is an antioxidant, a type of molecule believed to reduce damage to cells."*

~ Wall Street Journal

**WALL STREET JOURNAL**

*"Black Garlic helps to repair age damaged skin. Uniquely colored due to its fermentation process, Black Garlic contains twice the antioxidants as regular garlic... and restores skin cells damaged by the aging process."* ~ Dr. Oz



*"Newly developed Black garlic has made a sensational debut with a strong immune system enforcement... anti-oxidant activity"*

~ Journal of Life Sciences

*"I told my church friends about Black Garlic — it makes me feel so much better and helps keep my blood circulation at super healthy levels."* ~ Milan L.\*



*"I am now more alert and have a better sense of well-being. I know that I have a good product!"* ~ Victor P.\*

*"I feel very good since I started Black Garlic about 3 months ago. My energy level has improved very much to the point that I feel I can do so much more than I used to."* ~ R. Mcneil\*

\* These are Real Results from Real Users of Black Garlic Botanicals! Individual results may vary. We guarantee you will love this product or your money back.

# Black Garlic Can Impr

People just like you are thriving like never before!

**READY TO KEEP YOUR BLOOD SUGAR LEVELS HEALTHY?**



*"My blood sugar numbers are now close to normal and I haven't had a headache since I started using Black Garlic Botanicals" ~ Gus H.\**

**From Fatigue to Fitness**



*"I made the switch to Black Garlic Botanicals and within the span of 3 months my LDL levels have reduced from 300 to 150. This product works!" ~ Gerald W.\**



*"My doctor told me to come back when I'm sick. I feel great and I no longer need to run to the doctor! Thank you Health Research Labs!" ~ Lloyd G.\**



*"I am no longer as tired and I can even climb the stairs much easier. My mind also seems clearer. Black Garlic Botanicals really does make you feel great! I really believe that you should take this product every day for your well being!" ~ Delores S.\**

**Results may vary depending on your body type. We are excited to see what Black Garlic can do for you! We guarantee you will love this product or your money back.**

**An Active Sex Life**



**Black Garlic has all the essentials to help your heart.**

<b>MINERAL CONTENT:</b>	<b>AMINO ACID CONTENT:</b>	Arginine
Sodium (Na)	Isoleucine	Alanine
Potassium (K)	Luecine	Asparagine
Magnesium (Mg)	Lysine	Glutamine
Calcium (Ca)	Methionine	Glycine
Iron (Fe)	Histidine	Proline
Zinc (Zn)	Phenylalanine	Serine
	Tryptophan	Tyrosine
	Valine	Cystine



## Qualities of Black Garlic

- ✓ Antioxidants
- ✓ Helps Maintain Healthy Blood Pressure
- ✓ Heart Protection
- ✓ Supports Healthy & Balanced Cholesterol
- ✓ Anti-Bacterial
- ✓ Circulation Support
- ✓ Strong Immunity



**You can improve your life now, too!  
Try it free risk-free today – only  
pay if you see results.**

*“Black Garlic Botanicals relieved the pain in my legs and feet. My circulation is better than it has been in a long time. This product is amazing and I can’t live without it.” ~ John I.\**



*“Black Garlic helps me sleep better at night — I can’t believe how rested I feel in the mornings now!” ~ Michelle M.\**

## More Black Garlic Benefits



**Just 2 capsules  
a Day!**

**Finally Get  
the Rest You  
Deserve**

### HEALTHY WEIGHT MANAGEMENT

“A thicker waistline increases heart attack risk,” says Nieca Goldberg, MD. Stomach fat is linked to high blood sugar, increased blood pressure, and raised levels of triglycerides, all of which are major risk factors for heart disease. Belly fat is also called visceral fat, which is closer to internal organs, and can be related to hormones — that’s why many women start seeing their tummies thicken during menopause.

**Black Garlic** is an excellent addition to a healthy diet and exercise for overall health. Sustainable weight management is the most sensible and practical option for anyone concerned about heart health.

### IMMUNITY BOOSTER

**Black Garlic** addresses inflammation, boosts immune function, and is toxic to invading bodies. The allicin in garlic, a sulfur-rich compound, is a powerful weapon against harmful conditions and promotes overall health. **Black Garlic** contains twice the antioxidant punch of fresh garlic, because of the fermentation process. This makes it an ideal health booster for every season.

### AGE DEFYING

**Black Garlic** is a great energizer and helps prolong a healthy lifestyle! It also helps repair damaged skin with double the amount of antioxidants than regular garlic. Like rust attacking metal, free radicals eat away at cells and destroy them, causing the aging effect. **Black Garlic** positively impacts cellular immunity, causing a rejuvenated appearance.

### DETOX

**Black Garlic** acts as a blood purifier and cleanses the body in general. It has antibacterial, anti-fungal properties that create a hostile environment for *Candida albicans* and can decrease bacteria linked to stomach ulcers. Your gut is also known as your second brain, because the health of your gastrointestinal system is extremely important to your overall wellbeing. **Black Garlic** supports cell regeneration and alkalizes your body to form a habitat resistant to takeover. It also features abundantly rich oxygen for healthy cell activity, so you can discover even more wonderful overall health with just 2 capsules per day!

# PREMIER BLACK GARLIC FROM JAPAN



**Richard Cohen, M.D.**  
Anti-Aging Specialist



**Health Research Labs**

*“Research has proven garlic has powerful health benefits, but you must take it in high concentrations to have a noticeable effect.*

*That’s why **Black Garlic Botanicals** supplement is such a miraculous solution. Rather than eat 8-12 cloves per day, you simply need to take 2 capsules per day.*

*If you’re serious about protecting your heart and arteries with a natural solution, it’s important to act now, because there really is no time to waste.*

*I believe your life is important, which is why I’ve arranged for you to try premium quality **Black Garlic Botanicals** – free of risk – for 60 days, so you can see for yourself how it can improve your entire well-being and appearance almost instantly.*

*As a health professional, I highly recommend you try **Black Garlic Botanicals** today.*

To your wellness,

*Richard Cohen, MD, Anti-Aging Specialist  
American Academy for Advancement in Medicine*



## 60 Days Customer Satisfaction Guarantee



**We promise you’ll be satisfied with your purchase — or you don’t pay.**

Health Research Labs products are made with premium quality standards and the latest scientific research to ensure you’re happy with the results.

**Here’s what we promise:**

- Premier natural products developed by the best international scientific team of experts, doctors, and health professionals that meet rigid quality specifications.
- Unparalleled rebates to ensure the smartest investment in your health.
- An opportunity to try our products **FREE**, so that you can experience life-changing results firsthand.



**Call 1-888-461-0599  
NOW to order**

**For the next 7 days, you can SAVE UP TO \$289 on a powerful natural booster that may change your life.**



*“I now have my blood pressure under control with **Black Garlic Botanicals**. This is a quality product!”  
~ Rolf M.\**



*“**Black Garlic** gives me more energy, more boost, and less stress. This product is excellent!!”  
~ Bobby Mitchell\**



*“My acid reflux is a thing of the past!”  
~ Eldon K.\**

The products offered in this publication are not intended to cure or diagnose health problems. These statements have been evaluated by the Food & Drug Administration. If you are currently on cardiovascular medication, do not discontinue. Speak to your physician before changing any medical regimen.



# 1 person in the U.S. dies every 40 seconds from these factors!

## Are you at risk?

- You're over 50.
- You're 10-20 lbs. overweight.
- You smoke.
- You drink 2 or more glasses of wine or beer per day.
- You have a parent who has cardiovascular disease.
- You have high LDL cholesterol or a total cholesterol higher than 200 mg/DL.
- You have diabetes.
- You do not exercise regularly.
- You have a diet of rich foods.
- You don't sleep well.



## DID YOU ANSWER "YES" to even one of these questions?

By answering "yes" to even one of these questions, your risk for heart disease is real and imminent.

If you fall into any of these categories, your risk is even higher!

- You are a woman.
- You are White, African-American, Hispanic, or Asian-American.
- You have had cardiac arrest or experienced a heart attack before.
- You live in the Southern part of the U.S.

## YOUR RISK-FREE TRIAL OFFER GUARANTEE Get up to \$289 in savings!

Through this RISK FREE TRIAL GUARANTEE, HRL undertakes to send you the **Black Garlic Botanicals** regimen of your choice with the assurance you can try it for 2 full months without any financial risk on your part.

As such, you can freely judge for yourself, for 2 months, the exceptional natural benefits of **Black Garlic Botanicals** on your entire body. If by some extraordinary reason, during this trial period of 2 months, you felt that the benefits of **Black Garlic Botanicals** was disappointing, you simply return your order (even if the bottles are empty) along with your invoice, within 60 days of your order and return it to the address on this order form. In this case, HRL undertakes to reimburse you the full purchase amount by mail, less shipping and handling, regardless of the duration of the treatment chosen and without asking any questions.

With such a RISK-FREE TRIAL GUARANTEE, you can order the treatment of **Black Garlic Botanicals** of your choice without hesitation: in case of dissatisfaction on your part, you don't risk losing a single penny by ordering your RISK-FREE TRIAL of **Black Garlic Botanicals**.



# Choose from 4 Black Garlic Botanicals Value Packages!

603311 | Page 34 of 145 PUBLIC PUBLIC

## SUPER-INTENSIVE

6 Bottles ...  
plus 6 Bottles **FREE!**

Save a **TREMENDOUS \$440!**



## MEGA-INTENSIVE

3 Bottles,  
plus 3 Bottles **FREE!**

Save a **WHOPPING \$210!**



## ULTRA-INTENSIVE

2 Bottles,  
plus 1 Bottle **FREE!**

Save **\$80!**



## INTENSIVE

1 Bottle

Save **\$10!**



Health  
Research  
Labs

**FOR FASTEST  
SERVICE  
CALL TODAY!  
1-888-461-0599**



We at Health Research Labs believe your heart is of the utmost importance. That's why we're offering incredible options for you to thrive like never before — at no risk!

You receive an entire year's supply of supplements and only pay if you're completely satisfied.

But, the only way you can benefit is if you take advantage of this offer now. After seven days, we may not have it available anymore. Call to place your order now and be sure you don't miss out on unbelievable savings on this proven, best-in-class natural supplement.

## CLAIM YOUR ULTIMATE DIABETIC NEUROPATHY STRATEGY NEUPATHIC SUPPLEMENT — THE PERFECT COMPANION TO BLACK GARLIC BOTANICALS

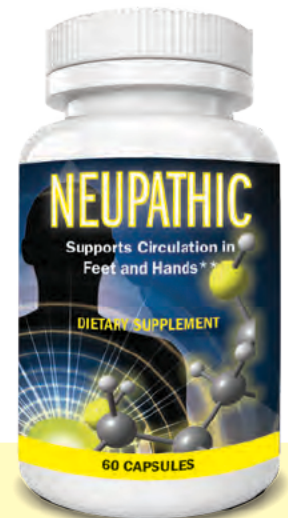
### Diabetes Can Cause Nerve Pain & Tingling Numbness

Maintaining healthy blood sugar levels can help to stabilize conditions that in a diabetic state might damage your kidneys, blood vessels, skin, and eyes.

Common diabetic nerve pain symptoms include: shooting burning, pins and needles, numbness, electric shock-like throbbing, tingling, stinging, stabbing, radiating, and sensitivity to touch.

*Nurohealth* features a groundbreaking formula that can dramatically:

- ✓ Promote healthy blood sugar
- ✓ Promote increased wound healing
- ✓ Promote healthy insulin sensitivity & production
- ✓ Promote healthy heart and blood vessels
- ✓ Healthy blood sugar levels
- ✓ Vigor and alertness
- ✓ Healthy blood circulation
- ✓ Healthy nerve endings



**Hurry! Limited-time offer for Black Garlic Botanicals customers only! Call 1-888-461-0599 to qualify or send in the order form.**



# BLACK GARLIC BOTANICALS RISK-FREE REPLY FORM

**YES!** I'm ready to live better and enjoy a higher quality of life with a healthy heart! Please send me the supply indicated below.

**ORDERED BY:** (PLEASE PRINT)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

**PAYMENT METHOD**

I have enclosed a check or money order payable to "HRL" for the amount of \$ \_\_\_\_\_

Please charge the full amount to my credit card        

Credit Card Account Number \_\_\_\_\_ Expiration Date (MO/YR) \_\_\_\_\_

Signature \_\_\_\_\_ Daytime Phone \_\_\_\_\_



**Health Research Labs**  
165 Pleasant Avenue  
South Portland, ME 04106

**3 Ways to Place Your Order:**

- 1. BY MAIL:** Place your order with cash, check or credit card. Simply detach this form and place it into the enclosed mailing envelope.
- 2. BY PHONE:**  
**1-888-461-0599**
- 3. ONLINE:**  
**www.HRLsupplements.com**

Subtotal	_____
S&H	_____
*RUSH Processing	+ \$4.95
<b>TOTAL</b>	_____

**SUPER-INTENSIVE** I get a 6 month supply, plus a 6 month bonus supply absolutely FREE! I pay only \$189.95 plus \$8.95 S&H (total of \$198.90) That's a total 12 month supply for only \$198.90! That's only 52¢ per day!



~~\$470.00~~ **\$189.95**  
**2 MONTH FREE TRIAL**  
**SAVE \$289.45!**

**MEGA-INTENSIVE** I get a 3 month supply, plus a 3 month bonus supply absolutely FREE! I pay only \$119.95 plus \$7.95 S&H (total of \$127.90) That's a total 6 month supply for only \$127.90! That's only 65¢ per day!



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**2 MONTH FREE TRIAL**  
**SAVE \$119.75!**

**ULTRA-INTENSIVE** I get a 2 month supply, plus 1 month bonus supply absolutely FREE! I pay only \$79.95 plus \$6.95 S&H (total of \$86.90) That's a total 3 month supply for only \$86.90! That's only 88¢ per day!



~~\$110.85~~ **\$79.95**  
**2 MONTH FREE TRIAL**  
**SAVE \$39.95!**

**INTENSIVE** I get a 1 month supply at the very lowest price available! I pay only \$39.95 plus \$5.95 S&H (total of \$45.90) for a 1 month supply.



**\$39.95**  
**2 MONTH FREE TRIAL**

**BLACK GARLIC BOTANICALS TOTAL PACKAGE WITH NEUOPATHIC** The "Complete" package for those people also concerned about overall health. Get everything in the "MEGA-INTENSIVE" package plus FREE S&H, plus buy 3 months of Neuopathic for only \$119.95 and get another 3 months FREE! You save an incredible 50% off the regular price. Total price only \$239.90.



~~\$470.00~~ **\$239.95**  
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**SAVE \$239.95!**

**Quantities Are Limited. Please Order By Next Tuesday! 1-888-461-0599** **CALL NOW**  **RUSH PROCESSING: Add \$4.95**

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HEALTH RESEARCH LABS

**BREAKING NEWS:** The Amazing Discovery  
from Japan That's Improving Lives

# BLACK GARLIC: The Most Incredible 'Food' For Your Body!

## Worried about your blood sugar levels and cholesterol?



- ✓ See how this powerhouse directly affects your cells!
- ✓ Cleanse your body of unwanted toxins.
- ✓ Why you need to know about this "perfect human health food".



**2 easy capsules –  
big health benefits.**

**LEARN MORE INSIDE**

**LIMITED TIME OFFER — ORDER TODAY!**

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# Exhibit B



Superfood Discoveries for Superior Health



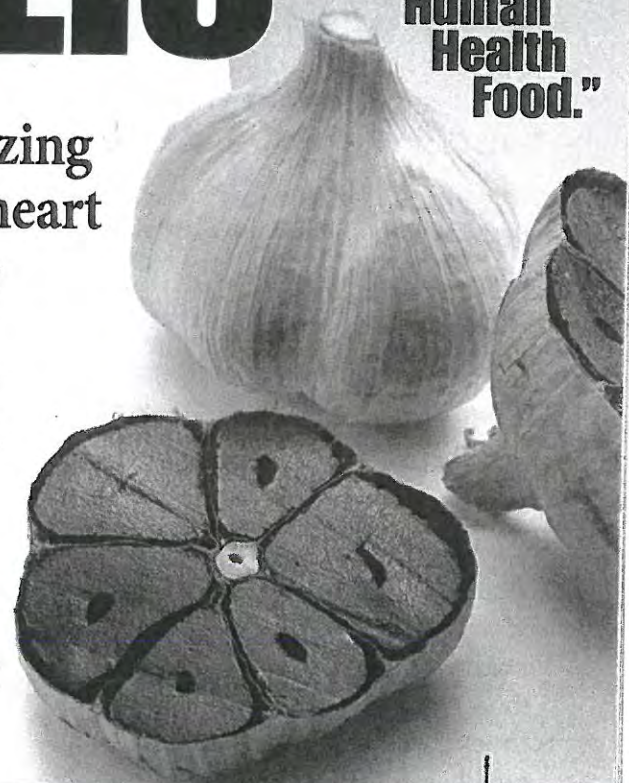
Throughout History ...

# BLACK GARLIC

AVB

Called by Doctors and Scientists:  
**"The Perfect Human Health Food."**

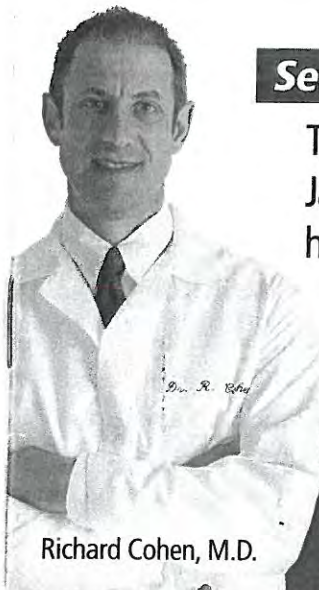
Has shown an amazing power to improve heart and cardiovascular health, maintain normal cholesterol levels, boost your immune system.



And MUCH MORE!

**See inside now...**

To learn about a extraordinary city in Japan where many people live to a healthy 100+ with none of these common health problems we suffer from here in America...



Richard Cohen, M.D.

Supported by Concrete Clinical Studies:

WALL STREET JOURNAL





## Cutting-Edge Natural Medicine

“If you’re looking for a stronger heart and complete health overhaul...

# Black Garlic is one of the few “Full Body Healers” on earth I trust 100%.”

**Black Garlic is a proven miracle for... Cholesterol... Hypertension... Diabetes... Your Heart... Your Brain... Hyperglycemia... Weight Control and more.**

Dear Friend,

What I’m about to tell you is really pretty amazing...

You see, there’s a place in Japan, called the Aomori prefecture, which is the **garlic capital of Japan...**

This ONE district produces nearly 80% of the total garlic crop in Japan.

**But what it’s really famous for around the world is its fermented, healing Black Garlic!** A proven super-food that has helped its citizens for thousands of years to live longer and healthier than you or I can expect to.

In fact, this Japanese city could be considered a miraculous “Blue Zone,” much like nearby Okinawa. This is defined by National Geographic Magazine as a place where people eat a unique diet that gives them extraordinary health benefits.

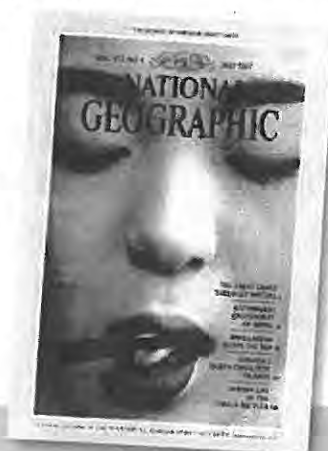
Black Garlic as a healing and longevity agent first gained a modern following and global popularity after Hirosaki University professor, Jiniti Sasaki, showed that Black Garlic reduced cell size of certain serious diseases.

He knew he was on to something important when he conducted the same research using white garlic, but did not yield the same healthier results.

And while his clinical research confirmed that black garlic absolutely has unique healing properties...

**This was NOT news to the Japanese people who have been using it for thousands of years to live longer and healthier!**

So while you may occasionally see garlic used as a ingredient in a natural





# ONLY Black Garlic gives you a whopping 23 essential, health improving nutrients.

## 6 Essential Minerals:

- Sodium
- Potassium
- Magnesium
- Calcium
- Iron
- Zinc

## 18 Important Amino Acids:

- Isoleucine
- Luecine
- Lysine
- Methionine
- Histidine
- Phenylalanine
- Tryptophan
- Valine
- Arginine
- Alanine
- Asparagine
- Glutamine
- Glycine
- Proline
- Serine
- Tyrosine
- Cystine
- Threonine

**BG18 is loaded with these nutrients your body needs!**



supplement to promote good health, it is not anywhere near as potent and effective as fermented Black Garlic extract!

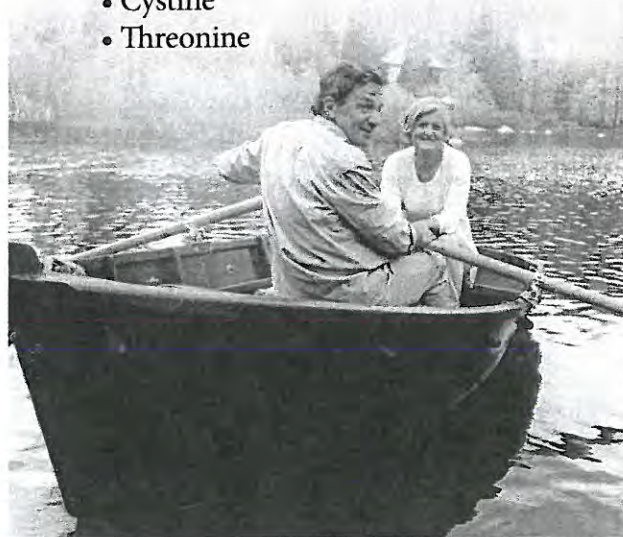
**Because you see, when normal white garlic is fermented it undergoes an amazing transformation that COMPLETELY alters its chemical makeup ... and turns it into a supreme superfood!**

Black garlic is fermented for a precise period of time at a high temperature, and under high humidity. This process turns garlic cloves dark, gives them a sweet taste, and alters their consistency. And it also makes them more potent and beneficial.

**The proven health benefits it offers you are astounding!**  
**For example:**

- Black Garlic has been shown to have positive effects for more than 150 different health issues due to its numerous powerful natural phyto-chemicals.

*Continued on page 5.*



**Call now 1-888-200-1834 for BG18 and see how it can help YOU.**



# BLACK GARLIC...

Is like rocket fuel for your body, your health and your longevity!



So how exactly does it help people in Japan live longer, healthier lives? Let's look at 6 ways it can help you do the same...

“Black Garlic has also been used by millions of Americans to improve heart health!”

**1) It Helps Prevents Plaque Buildup...**

In fact, it can help reverse plaque build-up in arteries — not just slow it down. Black Garlic keeps blood vessels barrier-free to create a smooth blood flow and alleviates symptoms of fatigue. It also strongly inhibits calcium binding, which is responsible for plaque build up.

**2) Reduces Blood Pressure and Cholesterol...** Black Garlic helps reduce high blood pressure and lowers high levels of bad cholesterol and triglycerides.

**3) Helps Naturally Regulate Weight...** Black Garlic helps enhance a healthy weight, enhances digestion, removes waste, and improves energy. It also lessens the effects of an unhealthy diet on your blood and liver. Black Garlic helps you get the best, easiest, most natural slimming results without the frustrations that come with diets.

**4) Immunity Booster...** Black Garlic helps reduce inflammation and boost immune function. The allicin in black garlic, a sulfur-rich compound, is a powerful weapon against bacteria, viruses, fungi, and parasites. And it contains twice the antioxidant punch of fresh garlic, because of the fermentation process. Black Garlic may be as effective as an immune-boosting shot, and is an ideal preventative remedy.

**5) Powerful Anti-Aging...** Black Garlic is a great energizer and helps prolong a healthy life! It also helps repair age-damaged skin with double the amount of antioxidants than regular garlic. Like rust attacking metal, free radicals eat away at your cells and destroy them, causing aging. Black Garlic rejuvenates your body by positively impacting cellular health and strength.

**6) Amazing Detox Agent...** Black Garlic acts as a blood purifier and cleanses your body. It has antibacterial, anti-fungal properties and kills bacteria linked to stomach ulcers. Black Garlic supports cell regeneration and alkalizes your body to protect against disease. It also features abundantly rich oxygen to protect against abnormal cell growth, viruses, and bacteria.

And you can get all this with just TWO BG18 Black Garlic capsules a day!



These statements have not been evaluated by the Food and Drug Administration (FDA). This product is not intended to diagnose, treat, cure or prevent any disease.



## Meet Dr. Richard Cohen, MD



**Richard Cohen, M.D. is a nationally-recognized medical expert.** As a specialist in nutritional medicine, he brings over two decades of experience in treating age-related illness.

He completed his undergraduate degree at Duke University with honors. And received his medical degree from Hahnemann Medical University in Philadelphia. Dr. Cohen is a member of the American College for the Advancement of Medicine.

Dr. Cohen's expertise has earned him the attention of physicians and health professionals across the U.S. He has trained the American medical community on dietary issues for over 20 years. And recently, he was recognized as a leading authority in using diet, nutritional supplements and lifestyle to enhance well-being.

In recent years, he has helped develop a number of successful, innovative treatments like BG18 to help his patients eliminate a variety of health problems.



*Continued from page 3.*

- It can reduce inflammation, boost immune function and boost cardiovascular health in multiple ways.
- One of Black Garlic's main compounds is allicin, a sulfur-rich compound that is likely its most powerful weapon against bacteria, viruses, fungi, and parasites.
- Black Garlic has also recently been discovered to contain TWICE the antioxidant punch of fresh garlic due to its extensive aging process.



**It has significant, unique health effects that NO other substance on earth has.**

Black Garlic is the best example of a food offered in abundance by Mother Nature, turned into a "Health Bonanza" by ancient man through a simple, yet astonishing process, and then proven by modern science to have a revitalizing effect on your body!

Numerous studies show Black Garlic's amazing health potential in nearly every area of your body, from clogged arteries to preventing insect bites and ear infections.

**Black Garlic isn't just a cure-all for your body...**

*Continued next page...*

# Raw Garlic vs. Black Garlic



**There's NO Comparison When it Comes to Healthy Benefits For You...**

**As raw garlic ferments and turns black... An astonishing transformation takes place that can improve your health and vitality!**

This chart shows just one example of how the fermentation process changes essential amino acids in garlic. These essential amino acids are protein-building blocks that are NOT produced by your body. They must be included in your diet.

Essential Amino Acids	Raw Garlic (per 100g)	Black Garlic (per 100g)
Isoleucine	217 mg	371 mg
Leucine	308 mg	779 mg
Lysine	273 mg	385 mg
Methionine	76 mg	210 mg
Histidine	113 mg	287 mg
Phenylalanine	183 mg	461 mg
Tryptophan	66 mg	102 mg
Valine	291 mg	610 mg

This is only ONE example of what happens to raw garlic during the fermentation process. This is truly amazing... How black garlic creates new nutrients that are enhanced by the fermentation process!

BG18 is packed with the power of 1200 mg of potent, no-taste, no-odor, fermented Black Garlic in daily use capsules.



There's even solid evidence, as seen in Japan's Aomori province, and more, that Black Garlic can help slow your aging process.

Black Garlic contains a wide range of phytochemicals that act together to produce a wide variety of responses in your body. It's

also rich in critical nutrition like manganese, calcium, phosphorus, selenium, and vitamins B6 and C, so it's beneficial for your bones as well as your thyroid.

Garlic also helps your body cleanse itself of toxic heavy metals, such as lead, mercury, cadmium and arsenic.



### Clinical studies abound on the amazing effectiveness of Black Garlic...

One of Black Garlic's most potent secret weapon is a compound called Allicin.

Researchers have found that it's a highly-effective natural "antibiotic" that takes care of anything in its path. Even better, in the face of Allicin, bacteria aren't able to resist it. Something rarely seen in medical circles.

In studies, Black Garlic has shown consistent, positive results over fresh garlic, says Matthew Budoff, a professor at the David Geffen School of Medicine at University of California, Los Angeles.

He is also the co-author of a study that found Black Garlic reduced the amount of soft, newly formed plaque

in arteries, compared with placebo.

And in a 2009 animal study, Japanese researchers found that black garlic was more effective than fresh garlic in reducing the size of tumors. The study was published in the journal Medicinal and Aromatic Plant Science and Technology.

In another study, black garlic was found to have twice the antioxidant levels as fresh garlic—as the aging/fermenting process appears to double the antioxidants.

Black garlic is also packed with high concentrations of sulfurous compounds, especially one called s-allylcysteine.

Science has shown a number of health benefits from SAC, including inhibition of cholesterol formation.

*Continued next page...*

## Look at What People are Saying About BG18...



"I'm a natural health consultant and my wife and I have a therapy practice where we recommend supplements. I'm grateful for having BLACK GOLD BG-18 in

my life! The main features I like about this product are heart health, a boosted immune system and living with less problems."

– Douglas S.



"I feel stronger, feel my general well being is better, and also feel I have stronger immunity. I also have my husband taking this product and he also will not be without it now!"

– Jeannine S.



"I'm a senior, 83 years old, and just had a good to excellent health checkup!"

– Maria G.



"My blood sugar levels have improved. My A1C dropped by 2 points. My blood pressure has also been lowered. I recommend this product because IT WORKS!"

– Lorraine T.

These testimonials are from real users of BG18. Results may vary based on the user.

Call now 1-888-200-1834 for BG18 and see how it can help YOU.



# Could Black Garlic be the Japanese Secret to Significantly Reducing Heart Attack Risk? For all natural, safe, effective heart health, nothing even compares to Black Garlic!

That's why, for many people across the U.S., Black Garlic has been the answer to reducing their risk of America's #1 killer...

Each year, 635,000 people in the U.S. have their first heart attack! And cardio-vascular disease is the leading cause of global death, causing 17.3 million deaths a year – a number that's expected to grow to more than 23.6 million by 2030.

However, can you guess which ONE country seems to *easily* avoid this serious epidemic... Yes, you, guessed it... JAPAN!

Despite smoking and blood pressure levels similar to those in Western countries, the Japanese are seemingly IMMUNE from the ravages of heart disease.

So what are they doing differently? They are HUGE believers in, and users of, Black Garlic! And this discovery has turned out to be a true miracle elixir for your heart, and your entire cardiovascular system.

Yes, Black Garlic is a true miracle for cardiovascular health! Just 1 capsule knocks down cholesterol and high blood pressure within days. It can also unblock, clean, and strengthen your arteries.

**Call now for BG18 and claim the same health benefits for yourself!**



There's also great news for those who suffer from type 2 diabetes...

This condition can wreak havoc on your health due to the effects of oxidative stress. Uncontrolled diabetes may lead to serious complications like kidney disease, heart disease, nerve damage and vision problems – sometimes even blindness.

However, the potent antioxidants in black garlic have shown to

lessen oxidative stress caused by increasing blood sugar levels. Multiple studies have found that its high level of antioxidants exert an even stronger effect than regular garlic and could be even more helpful in preventing complications of diabetes.

There's NO doubt... Black Garlic is a perfect "Wonder Food" that EVERYONE should consider taking every day.

*Continued on page 10.*



# Black Garlic also helps you in an unexpected way... *When it comes to your weight.*



It's no secret that belly fat and poor heart health go hand in hand. In fact, studies show that fat around your stomach poses a higher risk than any other fat, and contributes to high blood pressure, poor metabolism and high triglycerides.

**Some good news is that just 2 BG18 capsule a day can help you lose weight and reduce your risk in several different ways ...**

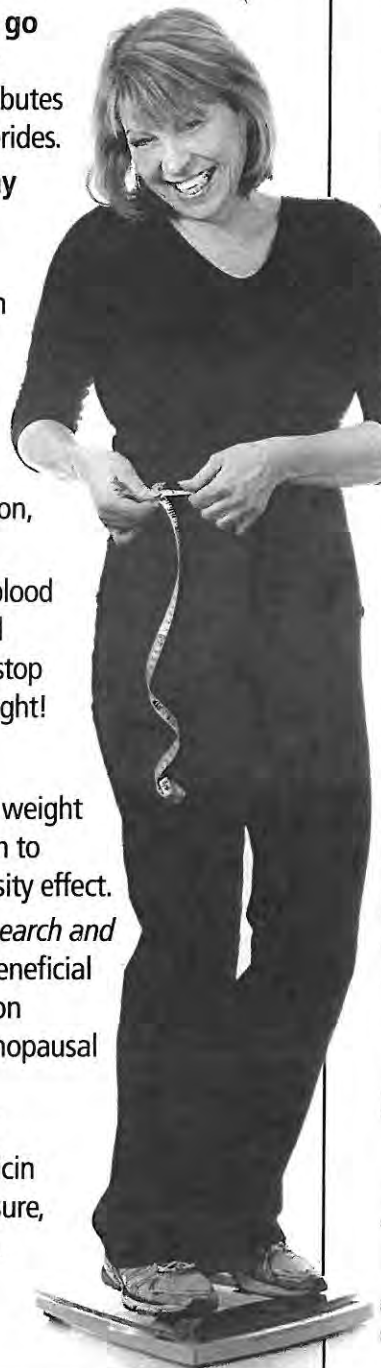
- ▶ Allicin, an active component of black garlic, has shown to enhance weight loss.
- ▶ Black Garlic has a high level of iodine, an effective nutrient for treating hyperthyroid conditions, which nearly always leads to extra weight gain.
- ▶ Black Garlic also can help process fat, enhance digestion, remove waste, and improve energy.
- ▶ Plus, it lessens the effects of an unhealthy diet on your blood and liver. So you can boost your immunity, reduce blood pressure, protect your blood vessels from damage, and stop inflammation all while helping you reach your ideal weight!

### Clinically proven to work...

- ▶ Korean researchers published findings from an animal weight loss study in the *Journal of Nutrition*. Garlic was shown to reduce body weight and showed a significant antiobesity effect.



- ▶ A 2012 study in *Nutrition Research and Practice* reported incredible beneficial effects of aged garlic extract on cardiovascular risk in postmenopausal women.
- ▶ And the *American Journal of Hypertension* showed that allicin positively impacts blood pressure, insulin, and triglyceride levels.



Call now 1-888-200-1834 for BG18 and see how it can help YOU.





**In BG18 you'll get only 100% pure, premium-sourced black garlic extract.**

- ✓ Protect your heart!
- ✓ Lower high cholesterol!
- ✓ Find your ideal weight!
- ✓ Protect against diabetes!
- ✓ Cleanse your body of toxins!



*Continued from page 8.*

**So how is Black Garlic transformed into something so special?**

Developed in Asia, black garlic has been gaining popularity among Westerners for several years now, but it has recently caught the eye of the health-minded due to studies revealing its impressive nutritional properties.

Black garlic is produced by “fermenting” whole bulbs of fresh garlic in a humidity-controlled environment in temperatures of about 60 to 90 degrees F for 86 days. No additives, no preservatives, just pure garlic.

Once out of the heat, the bulbs are left to oxidize. This lengthy process causes the garlic cloves to turn black and develop a soft texture.

As the white cloves slowly transition into their final black appearance, compounds in the fresh garlic transform into a whole new range of compounds.

In its potent, Blackened form, it is then dried and the powdered extract can be put in a capsule. Just

like you'll find in our BG18 pure Black Garlic extract formula.

**Our BG18 Black Garlic formula gives you the full, raw, health-improving power of Black Garlic!**

**BG18 has only ONE purpose:** To give you the same gift of longevity, health and vitality it gives the Japanese people who take it regularly.

***Especially when it comes to ending your health problems, low energy and issues related to poor heart health, diabetes overweight issues, aging and more, without drugs.***

You might find other products that have ingredients for one or the other of these issues, but I guarantee you won't find ANYTHING with the 1,000+ year track record and unique healing power as the Black Garlic in BG18.

BG18 is the *only* 100% all natural solution you need to help add healthy years to your life, and right the ship when it comes to your heart health! All this in a single, daily dose that costs only pennies a day.

*Continued on page 12.*



# A potent, cell-protecting antioxidant is at the heart of Black Garlic



**B**ecause of its unique composition, black garlic is recognized for its high antioxidant content, with one... S-allyl-cysteine... having huge scientific interest for its potency.

A study published in 2012 in the *Journal Oxidative Medicine and Cellular Longevity* showed that this antioxidant is especially abundant in black garlic, unlike common white garlic, which contains only small amounts. As a result, black garlic can help fight oxidative stress, free radical damage and cellular aging. In addition, the antioxidant power of S-allyl-cysteine has health benefits for the cardiovascular system.

## The cardio-protective effect of black garlic...

Black garlic can also improve your lipid profile, an important factor in protecting against cardiovascular problems. This beneficial effect was the object of a study published in the journal *Nutrition*, where researchers evaluated the potential of black

garlic among 55 people with high blood cholesterol levels. They found increases in 'good' HDL-cholesterol in patients supplemented with black garlic compared with those given a placebo.

## Black garlic also has significant anti-inflammatory effects...

Black garlic also contains two compounds – AGE-1 and AGE-2 – which a number of studies suggest offer anti-inflammatory help. To evaluate these effects, Korean researchers studied levels of molecules in the inflammatory response.

Published in the journal, *Phytotherapy Research*, their findings confirmed the anti-inflammatory action of AGE-1 which, reduced levels of nitric oxide and prostaglandin. Secretion of proinflammatory cytokines was similarly suppressed by of AGE-1.

These observations suggest that the AGE-1 compound present in black garlic can have a potent anti-inflammatory effect.

**BG18 can deliver all these health benefits to you! Call now.**

**Call now 1-888-200-1834 for BG18 and see how it can help YOU.**



# Black Garlic:

As reported by the *Wall Street Journal*...

Black garlic has shown potential health benefits in animal studies, including a report last year by Korean researchers that it helped control cholesterol in rats fed a high-fat diet. Another aged garlic product, called Kyolic from Japan, has shown benefits in humans.

The evidence is "quite compelling" that Black Garlic seems to help mitigate cardiac risk factors, such as high cholesterol and blood pressure, says David L. Katz, director of Yale University's Yale-Griffin Prevention Research Center.



If you're looking to add healthy years to your life, and want to avoid many of the health problems that plague so many seniors, call toll-free 1-888-200-1834 now for BG18.

Continued from page 10.

Reply now 100% risk free for all-natural, health-restoring, risk-reducing BG18!

I've arranged for you to try premium quality BG18 — risk-free — for 60 days, so you can see for yourself how it can improve your entire well-being and appearance almost instantly.

As a health professional, I highly recommend you try BG18 now.

In my opinion, it is the most potent superfood, health-improving formula on the market today! And the ONLY one I'm confident can improve your risky health issues and help you get back to normal.

Don't wait... reply now to start on BG18 and get special, first-time buyer only low pricing. Plus, if you reply now, you'll also get a special offer on our astounding HydraFuel product!

Don't put your good health at risk. BG18 is a popular, natural solution for men and women of all ages who struggle to maintain heart health, healthy blood sugar levels and more. And of course you're backed by our 100% Money Back Guarantee...

Yes, your reply is 100% risk free... If you're not 100% satisfied with your improved health after using BG18, simply send it back for a full refund of your



# Doctors' Opinion...



## Question:

**What is the single, greatest health benefit of Black Garlic?**

## Answer:

**In my experienced medical opinion, Black Garlic's most important benefit is its all natural help for heart issues and diabetes.**

**From potential life extension to antioxidant help to disease protection, no doubt, Black Garlic can do a lot to help you. But what I see in so many people is poor heart health and serious blood sugar issues. And I believe that is where its greatest benefit lies.**

**And if you have BOTH, that is a dangerous combination...**

- 2 out of 3 people with diabetes die of heart disease or stroke.
- 47% of Americans are unaware that diabetes can lead to heart disease.
- 58% don't know that it can affect their sex life.
- 28% don't believe diabetes is a serious disease.
- Having high amounts of sugar in the bloodstream develops into fat that clogs, narrows, and inflames the blood vessels, causing additional wear and tear.

**I'm confident BG18 can help improve both of these dangerous health issues and get you on firmer footing. And no other natural healer can help protect you from both like Black Garlic can. Call now for BG18 and see for yourself.**



purchase price within 60 days.  
No questions asked.

I look forward to hearing from you!

Sincerely,

*Richard Cohen M.D.*

Richard Cohen, M.D.  
Whole Body Supplements  
Medical Director

**P.S. Amazing BG18, packed with 1200 mg of pure Black Garlic gives you the power of a variety of needed good-health nutrients all in two capsules!**

Most notably, it can help your entire cardio system run smoothly. Reply now if you want to enjoy the longer life



**Call now 1-888-200-1834 for BG18 and see how it can help YOU.**

and ultimate health benefits Japanese people enjoy every day! BG18 is 100% effective and safe to use daily! Remember, thousands of people have already used it to help extend the healthy years of their life! **Call now risk free 1-888-200-1834.**

**P.P.S. Sign up for our FREE weekly email newsletter!** It's called *Dr. Cohen's Healthy News Now...* and it discusses the latest news on many different health issues. Our customers love it! **Just give us your email address when you place your order for BG18.**

**Get up to 7 Bottles of BG18 FREE!**



**That's right...** See your Risk Free Reply Form now for details! Proven help is on the way for your heart and entire body!

## Grab This Combo Offer and Save

**When you reply for BG18 now, you also qualify for a special, discounted supply of our trusted HydraFuel Formula.**

Support your cellular hydration with this premium formula that contains 14 vitamins and minerals to help keep your cells 100% healthy and hydrated... and you looking and feeling young!

You'll also give your body the combined antioxidant activity of 29 vitalizing superfruits, phytonutrients, herbs and vegetable extracts to hydrate your dried out cells!

Improve heart health, boost energy, improve sexual health, beat stress, improve performance and reduce wrinkles... These are just a few of the benefits found in HydraFuel.

It can fill in your cells' nutrient gaps to give your health a quick and lasting jumpstart. Which is especially important if your healthy has been suffering as a result of poor digestion.

Try the amazing powers of HydraFuel for yourself. You'll SEE and FEEL the difference that Optimum Cellular Hydration can create for you. You'll look and feel years younger... feel more energy... sleep better... move better... and enjoy a revival of your health!

**Don't wait... Reply now and get this perfect companion product to BG18.**



- Vitamin C
- Vitamin E
- Vitamin B1
- Riboflavin
- Niacin
- Vitamin B6
- Folic acid
- Vitamin B12
- Biotin
- Pantothenic acid
- Calcium
- Magnesium
- Zinc
- Chromium
- SynerTea®
- Amla
- Spectra: which contains over 2 dozen fruit and vegetable extracts



# BG18 Risk-Free Reply Form

Up to \$384.85 in total savings and get Free Shipping!

**YES!** I'm ready to reap the same amazing health rewards the Japanese have enjoyed for centuries. I've seen the impressive research on Black Garlic from leading medical institutions around the world that prove taking black garlic can substantially improve my health! I understand I'm covered by your 60-day money back guarantee... Either BG18 works as promised, or I can get a full and fast refund. Please send me the following supply:

**SUPER-INTENSIVE:** I get a 5 month supply, plus a 7 month bonus supply absolutely FREE! I pay only \$219.95 and get FREE SHIPPING! **\$604.40 \$219.95 60 DAYS RISK FREE! SAVE \$384.45!**

**MEGA-INTENSIVE:** I get a 3 month supply, plus a 3 month bonus supply absolutely FREE! I pay only \$139.95 and get FREE SHIPPING! **\$304.70 \$139.95 60 DAYS RISK FREE! SAVE \$164.75!**

**ULTRA-INTENSIVE:** I get a 2 month supply, plus a 1 month bonus supply absolutely FREE! I pay only \$84.95 and get FREE SHIPPING! **\$154.85 \$84.95 60 DAYS RISK FREE! SAVE \$69.90!**

**INTENSIVE:** I get a 1 month supply for only \$44.95 + \$5.95 S&H! **\$49.95 \$44.95 SAVE \$5.00!**

**TOTAL PACKAGE:** I get everything is the Mega-Intensive Package plus buy 3 months of HydraFuel for only \$249.95 and get another 3 months FREE! All of this with FREE SHIPPING! **\$604.40 \$249.95 60 DAYS RISK FREE! SAVE \$354.45!**

**Select Your Preferred Method of Payment:**

Enclosed is my check, cash or money order for: \$ \_\_\_\_\_  
(Make check payable to Whole Body Supplements, 165 Pleasant Ave., South Portland, ME 04106)

Please bill my credit card:  VISA  Master  DISC. VER  AMERICAN EXPRESS

Card #: \_\_\_\_\_ Expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

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- ✓ Improves restfulness
- ✓ Supports healthy circulation

Richard Cohen, M.D.,  
Scientific Advisor

**See More Inside Now...**

# Exhibit E





**Richard Cohen, M.D.**  
*Scientific Advisor*

# “When it comes to a sudden heart attack... What You Don't Know **CAN Hurt You!**”

Do you **KNOW** what **YOUR** arteries look like right now?



**All Clear!**



**Uh Oh!**



**DANGER!**



Keeping your risk low and your **HEART** healthy is all about keeping your arteries **CLEAR!** See inside for help from a revolutionary, new, heart-helping liquid drop formula...

**SEE INSIDE** to discover a natural nutrient that is up to **95% EFFECTIVE** at maintaining clear arteries and reducing risk of a heart problem!





***"It's no secret... Heart Attack is the #1 killer of men and women."***

**"If you want to AVOID it, I have good news about a revolutionary NEW and NATURAL treatment that can help keep your arteries clear and your mind at ease."**

**If you don't think a Heart Attack... Stroke... High Blood Pressure or other life threatening issues could ever happen to you... Please, think again.**

Dear Friend,

**I'm sure you'd agree, there's *nothing* funny about a heart attack.**

As the #1 killer of men AND women in the U.S., if you haven't given any thought to heart attack prevention, it's time to get on board!

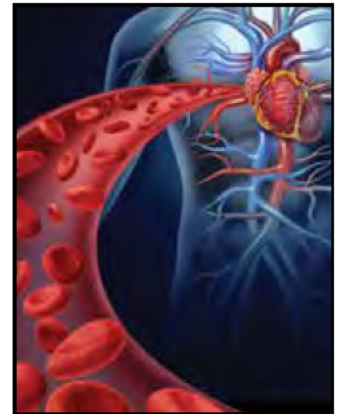
Unlike other common health problems related to aging, like low energy, sore joints, bad memory, an enlarged prostate or menopause... you can't always FEEL or SEE a heart attack or stroke coming.

**It can come out of nowhere, at any time.**

And you don't even *have* to be older. While it is more common for people age 55+, the reality is it can happen to anyone, at any age.

As a medical doctor, I routinely encounter people who don't fully understand that a heart attack or stroke is *not* all about their heart. It is more about their arteries. Your heart is *not* usually the problem. **You can have a strong, healthy heart and STILL suffer a serious, sudden heart attack or stroke.**

**Avoiding a heart attack is all about keeping your arteries clear,** your cholesterol in check, your blood pressure low and your risk of a blood clot low... so accumulated plaque does not close off an artery or break off and cause a stroke.



**Now there's a new, improved twist on our most effective natural, heart-helping treatment.**

Before I tell you what this amazing treatment is, I just want to mention that of course you can always undergo a medical procedure to clear out your arteries mechanically.

In fact, heart-related treatments are a huge profit center for hospitals and doctors. But like any procedure, they are expensive, invasive, time-consuming and risky.



## Meet Dr. Richard Cohen, M.D.

**Richard Cohen, M.D. is a nationally-recognized medical expert.** As a specialist in nutritional medicine, he brings over two decades of experience in treating age-related illness.

He completed his undergraduate degree at Duke University with honors. And received his medical degree from Hahnemann Medical University in Philadelphia. Dr. Cohen is a member of the *American College for the Advancement of Medicine*.

Dr. Cohen's expertise has earned him the



attention of physicians and health professionals across the U.S. He has trained the American medical community on dietary issues for over 20 years. And recently, he was recognized as **a leading authority in using diet, nutritional supplements and lifestyle to enhance well-being.**

In recent years, he has helped develop a number of successful, innovative treatments like the **Ultimate Heart Formula to help his patients eliminate a variety of health problems.**

Instead, right before you is a simple, safe, inexpensive, non-painful and preventative option that could help you say goodbye to your heart surgeon and avoid an angioplasty.

As a doctor, I'll *never* recommend surgery if I think there is a better way. And in this case, I do firmly believe there *is* a better, more natural and gentler way to help keep your heart strong and your arteries free and clear for greater peace of mind.

**If you take this easy and safe step, and keep the blood inside your arteries moving fast and easy like it should...**

- The risk of heart-related issues can be minimized and give you greater peace of mind.
- You could reduce your risk of surgery.

*(continued on page 5)*

**Keep Reading for an Exclusive, Doctor-Approved Clear Artery Support Formula!**

### Be sure to take advantage of this **GREAT COMBO OFFER** on page 15...

**E**ydroxin is a 3-in-1 anti-aging miracle that quickly regenerates every cell in your body and can help you live longer and healthier.

It will help you begin to eliminate premature aging and promote wellness everywhere in your body! You'll slow the aging process, restore energy, improve cardiovascular health, help with great looking skin, relieve discomfort, and healthy brain function. And more!

**It is the perfect companion product to Ultimate Heart Formula and offered at a deep discount!**



**Great Combo Offer!**

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

**Help Keep Your Arteries Clear and Enjoy More Peace of Mind! Call Toll-Free 888-462-9386 • 3 HRL005070**

# Inside a Blocked Artery...

***A very dangerous situation to be in!***

**Even though it's called a "Heart Blockage," this term is commonly used to refer to coronary artery disease,** a build up of plaque that "narrows" the inside of the arteries that supply your heart with blood.

An artery blockage, if severe enough can prevent your heart from getting the blood it needs to function, especially when more blood flow is required, such as during exercise. This can lead to **chest pain** and **shortness of breath**.

Tests can be used to see if there are sections of arteries that are so blocked that blood flow is at risk. However, these tests are *not* perfect, and in people known to be at high risk, the best way to directly assess a blockage is to look at a blood vessel or artery itself with an angiogram.

**A moderate amount** of blockage is in the 40-70% range. Usually heart blockage in the moderate range does not cause significant limitation to blood flow or cause symptoms.

**Severe heart blockage** is typically greater than 70%. This degree of narrowing results in significantly reduced blood flow to the heart and can cause chest pain and shortness of breath.



**And if there is a 100% blockage, this can stop blood flow and lead to a heart attack!** If a heart attack victim is treated quickly, the blockage can be addressed surgically with a stent to allow blood flow to resume. However, if this



**Our Ultimate Heart Formula can help support a healthy heart, healthy cholesterol and healthy blood pressure.**

**As blockages in your veins and arteries become clear, you can experience better blood circulation — resulting in more energy, better sleep, sharper mental clarity and better health.**

treatment isn't done within a few hours, then the heart can die, and cannot usually recover.

**The other fatal risk is if part of a blockage breaks off and travels into the brain to cause a stroke.**

A stroke occurs when the blood supply to your brain is interrupted or reduced and deprives your brain of oxygen and nutrients, which can cause brain cells to die.

A stroke can be caused by a blocked artery or the leaking or bursting of a blood vessel under pressure.

**When it comes to your heart, as they say, an ounce of prevention goes a long way! You can do A LOT to support your heart health by taking the Ultimate Heart Formula! So don't wait any longer.**



■ You could help maintain normal cholesterol and blood pressure.

■ You could improve your circulation.

■ You could reduce shortness of breath.

Now, I'm sure you'd agree, that is A LOT of worry and health risk you can leave behind!

**And here's how you can do it...** By using our flagship heart health formula called the **Ultimate Heart Formula**.

I've seen for myself the powerful effect of the ingredients I'm about to show you. And as you'll read on further pages, our **Ultimate Heart Formula** has had a huge effect on people like you, even some who thought they might die when conventional medicine could not help them...



**And our Ultimate Heart Formula did!**

Now, if you're going to use this formula to help keep your heart strong and your arteries clear, then you should know a little bit about how it can help you. **Take a look...**

**CoQ10 is the world's most**

**proven-powerful, heart-helping nutrient.**

This heart and artery friendly miracle was first discovered in 1957. It's called **Coenzyme Q10** – or CoQ10 for short, and it is made naturally in your body.

To date, there have been more than 60 studies showing CoQ10's beneficial effect on heart health, the results of which, were incredible!

Taking this powerful, natural nutrient every day can help significantly strengthen your heart

*(continued)*

## Why Our Revolutionary Drop Formula Will Serve Your Heart Better.

**Chances are you may have taken a heart health formula in the past...**

And chances are that formula was in the form of a pill or capsule.

However, our leading, **Ultimate Heart Formula** is in the form of a drop that goes under your tongue. **Here's why...**



**A "Heart Strong" Formula!**

**Instant absorption...** That's what makes our formula so effective for so many people!

You see, when you take a capsule or pill, it has to pass through your stomach acid, which is strong enough to dissolve a razor blade!

So most pills and capsules don't stand a chance to get into your blood stream where they can be carried to where they need to be.

**Our liquid drops go right under your tongue to be instantly absorbed into your body,** and can get right to work

strengthening your heart and maintaining clear arteries.

Like so many thousands of others, you'll love our **Ultimate Heart Formula** to not only help you feel better, but to also give you invaluable peace of mind.

**You'll know you are doing all you can to keep your cardio system running well! Reply now 100% risk free for Ultimate Heart Formula instant absorption drops!**





and help prevent an unexpected heart attack.

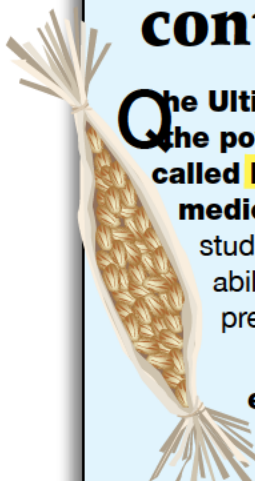
For example, in one study, 100% of cardiologists, treating 806 patients for weakening hearts and loss of blood flow to the heart, reported **“significant improvements”** in their patients’ symptoms.

Two studies reported in the medical journal, *Pharmacotherapy*, that 51% and 43% of people were able to get off blood-pressure and cardiovascular medication with the help of CoQ10 treatment.

In another CoQ10 study, reported in the medical journal, *Clinical Investigator*, 100% of patients with serious heart problems experienced an improvement in their symptoms. And **80% experienced beneficial blood-pressure levels.**

Furthermore, in yet another study involving 2,664 heart patients over a 3-month period, the results showed that 75% of people experienced  
*(continued on page 8)*

## The Ultimate Heart Formula also contains a powerful, clot-busting agent!



**Q**ue **Ultimate Heart Formula** gives you the power of a Japanese soy plant called **Natto**, with a **1,000-year-old medicinal history!** And recent scientific studies have shown it has the uncanny ability to liquefy blood-clots and help prevent them from occurring at all!

**This is so important because even a blood-clot the size of a pin-head can be deadly!**

**Like EDTA and CoQ10, the results from the clinical studies carried out on Natto have been remarkable!** For example, researchers from JCR Pharmaceuticals, Oklahoma State University, and Miyazaki Medical College, gave people 200-grams of Natto before breakfast. **The result...**

Natto was able to reduce the time it took their bodies to dissolve a dangerous blood-clot by 48% within just two hours of treatment. Plus, their bodies retained this enhanced ability to dissolve blood-clots for up to eight hours. **And that’s not all...**

In another study, performed by Miyazaki Medical College, people were given Natto. Within just two hours, their systolic blood pressure decreased, on average, from



173mmHg to 155mmHg. And their diastolic blood pressure decreased from 101mmHg to 91mmHg.

**And according to Dr. Martin Milner, a researcher of cardiology and pulmonary medicine at the Center for Natural Medicine in Oregon...**

*“Natto represents the most exciting development in the prevention and treatment of cardiovascular related problems. We have finally found a potent natural agent that can help thin and dissolve clots effectively, without side-effects.”*

**The bottom line is:** According to the *American Thrombosis Association*, up to 20-million cases of blood clot-related illnesses are reported each and every year. But now, thanks to Natto in the **Ultimate Heart Formula**, you have a proven safe way to help your body support healthy arteries.

# We have been flooded with testimonials for our Ultimate Heart Formula!



**“My blood pressure is normal..** Tastes good. I also have more energy and a more stable pulse.”\*  
—*John A. Jones*

### **“Excellent Results. No Pain! Easy to Take!”**

Thank you for the **Ultimate Heart Formula**. It gives me more energy. It’s easy to take, has no unwanted side effects. **It makes life easier with no pain in my heart. I highly recommend the Ultimate Heart Formula to anyone who has heart problems.”\***

—*Dawn Simoneau*



**“I have no heart problems since starting Ultimate Heart Formula many years ago.** Thank God for the ad I read years ago. I am now 81 and going strong. Sorry I’m bragging now.”\* —*Vicki Miles*

“Most products that we send for through the mail do not do what is claimed. I had PVC’s which I hated so much. **After using the Ultimate Heart Formula I feel great and am so happy.”\*** —*Darlene H. Juhl*



“I had occasional rapid heart beats and irregular heart beats. **After taking Ultimate Heart Formula I feel great and have felt great since.** I have been taking this product almost 12 months. It’s easy to take and quick to work.

**Convenience. Taste. Results.”\***

—*Fred Memmer*



“Met my expectations. I like that it is taken orally. **I have been free from chest pains since the start. It gives me confidence when I go to bed at night that I will awake to see another day.** I am 85 and was diagnosed with mitral valve prolapse many years ago.”\* —*Diana Lessard*

### **“Peace of mind. I no longer**



**have to worry about heart problems.** My father did chelation for the heart.”\* —*Christine Robbins*

—*Christine Robbins*

**“I feel more positive and more active. My arteries and veins are clear. I feel 50 years old.”\***

—*Joan E. Johnson*



**Call Toll-Free 888-462-9386 for Ultimate Heart Formula instant absorption drops!**

\*These are real results from real users of the **Ultimate Heart Formula**. Individual results may vary. We guarantee you will love this product or your money back.



fewer skipped heartbeats and 63% experienced a reduction in irregular heartbeats.

And according to studies reported in the *Cardiovascular Drugs Therapy* medical journal, **CoQ10 can improve the condition of 91% of patients** who have suffered a disastrous interruption of blood-flow to the heart.

In even MORE studies, heart patients taking CoQ10 were found to have less than one-third as much chest pain and 75% fewer heart rhythm problems than those not taking CoQ10.

**Best of all:** There have been more than 1,000 published papers that PROVE CoQ10 is completely safe. Long term trials have even shown that supplementing with CoQ10 is absolutely safe and non-toxic even after 8-years of use.

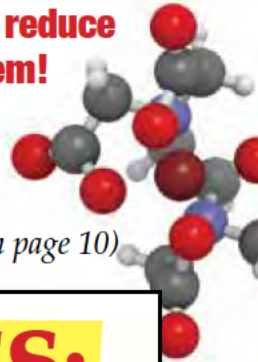
That's why CoQ10 researchers were awarded the Nobel Prize for Science, the Priestly Medal from the American Chemical Society, and the National Medal of Science presented by The President of The United States.

**It's absolutely amazing!** And that is just the start of our **Ultimate Heart Formula**. There's much more!

**EDTA is up to 95% effective at maintaining clear arteries and helping to reduce the risk of a heart problem!**

It's true, Ethylene Diamine Tetra-acetic Acid – or **EDTA** has shown to be 95% effective in helping maintain

*(continued on page 10)*



## **CONSTRICTED ARTERIES:**

**Lead to high blood pressure...  
Which is also a huge risk to your health.**

**Q**here are few medical conditions that can kill an unsuspecting person more suddenly than a stroke or heart attack... caused in part by **HIGH BLOOD PRESSURE**.



against your artery walls as your heart pumps it through your body, usually caused by blocked arteries. If this pressure rises, and stays high over time, you have **High Blood Pressure**.

**Make no mistake, your blood pressure is a KEY indicator of your heart health.**

This makes your heart work harder

That's why it's the **FIRST** thing they do when you visit your doctor. It's an instant indicator of your heart health. If it's too high, or too low, and you could be in danger.

to pump blood to your body, and contributes to hardening of the arteries and heart failure. If the pressure gets too great inside your artery, it can actually burst or leak.

It's not always clear you have high blood pressure. But don't be mistaken, it's a very serious condition that can lead to heart failure.

**So what exactly is high blood pressure...**

Our **Ultimate Heart Formula** can help support your artery health and healthy blood pressure to reduce much of this risk! **Don't wait. Reply now for heart help.**

Blood pressure is the force of blood pushing



# **MORE** praise for Ultimate Heart Formula *from people just like you...*

"It is great! **I am now having much better blood circulation to my hands and feet.**

I am 96 years old."\* —*Roy Feather*



**"I do not have chest pains. the Ultimate Heart Formula keeps my heart working with no stress.** Thank you so much. I just feel so good that I got on with loving life."\*

—*Dawn Simoneau*

**"My irregular heart beat episodes are a thing of the past.** Don't quit producing this product ever!"\* —*Fred Memmer*



"I ordered the **Ultimate Heart Formula** and have been using it for about 2 years. **My cholesterol levels have been around 167 or less.**"\*

—*Billy J. Huffman*

**"My heart is steadier now. My chest doesn't hurt or ache and my general health and circulation is better."**\*

—*Dean Tollefson*

"My cardiologist says I have a thickened heart and I've had a stint put in my right leg. After



taking the **Ultimate Heart Formula** my legs are no longer causing me any discomfort. **I feel so much better. I have lots more pep.**"\*

—*Sheila Brothers*



"I went to a cardiologist. They said I have 2 plugged arteries and since they are close to the heart surgery can't be done. I am 92 years old and I was having trouble breathing even when washing dishes. The cardiologist gave me two drugs that didn't help. **When I received the ad for the Ultimate Heart Formula I decided to give it a try. It has helped me to breath better and I can walk slowly and not huff and puff.**"\* —*Mary A. Lopez*

**"This product is a life saver.** I am so glad I ordered **Ultimate Heart Formula.** Please don't ever run out of it!"\* —*Ron Bryant*

**"I feel more alert and have more energy."**\*  
—*Andrew Nero*



"I had a stroke in 2011. In 2013, I was diagnosed with Atrial Fibrillation. This caused me heart palpitations and shortness of breath with episodes of light headedness. After trying different

things, **I tried the Ultimate Heart Formula which worked great.** Of course the doctors don't want to hear about how good the natural stuff can be, but for me I'm sticking with it. Thank you!"\* —*Dorothy Davis*



**"Stops the pounding in my heart. I feel much safer without chest discomfort."**\*

—*Ava Zimmerman*

**Call Toll-Free 888-462-9386 Today 100% Risk-Free!**



arteries in over 1,823 scientific studies.

EDTA is a natural amino-acid that eliminates dangerous blockages from your veins and arteries – blockages that prevent blood and oxygen from reaching your heart and brain – helping to reduce your risk of a heart attack.

In a study conducted by Dr. Norman Clarke M.D., a cardiologist and Chief of Research at the Providence Hospital Detroit, several hundred patients with chest pains and plaque-filled arteries were given EDTA.

**The results were absolutely amazing:**

95% of them made a dramatic recovery and experienced remarkable improvements in their health.



**“ I feel that it has given me some extra strength in my daily routine. I do not get as tired as I used to in a day’s work. I have more energy.\* ”**  
—William Wiebe

In another study, published in the *Journal of Chronic Diseases*, **100% of patients who used EDTA for 90-days saw a reduction in their blood-pressure levels.** In addition, 70% experienced reductions in their cholesterol levels too.

According to a study published in the British medical journal, *Lancet*, common anti-clotting drugs such as aspirin and coumadin are effective against only one-third of blood clot cases. None of them help the whole problem. EDTA, on the other hand, can fight blood-clots by keeping the blood thin, thereby reducing your risk of an attack.

Furthermore, according to Dr. Michael Janson, who’s been treating heart patients with  
*(continued on page 12)*

**Let Ultimate Heart Formula Protect YOUR arteries and heart!**

**T**ith or without obvious symptoms... every year more and more people are choosing to be safe instead of sorry... and maintaining their heart health with all natural, side-effect-free Ultimate Heart Formula!

The **Ultimate Heart Formula** is an all-natural combination of 19 powerful herbs and essential nutrients that counter the causes of poor cardio health.

The **Ultimate Heart Formula’s** unique “Senior Formula” is made with ingredients specifically shown to help improve the effects of a weakened heart, clogged arteries,

high blood pressure and high cholesterol for older people!

**Many people experience remarkable results in just a matter of days!** And you’ll always know it is working in the background of your life to help and protect you. The **Ultimate Heart Formula** also comes with an unconditional 60-day guarantee. If you don’t see and feel remarkable differences in your health, you don’t pay.





**Ultimate Heart Formula contains 19 heart helping nutrients!**

# You won't believe how much **MORE** powerful heart help is in our **Ultimate Heart Formula!**

**Vitamin C** is known to help blood vessels relax, which can be beneficial for heart health. Damage to the heart caused by a heart attack are related, in part, to the inability of blood vessels to dilate enough to allow blood flow.



reduced blood flow due to narrowed arteries, and hardening of the arteries.

**Ginger** is linked to healthier hearts and may reduce the risk of many chronic conditions, including high blood pressure and coronary heart disease.



**Vitamin E** improves vascular function... Has anti-clotting properties... Defends against oxidative damage that can cause heart disease... And reduces CRP, a blood protein linked to heart disease.

**Kelp** is naturally high in antioxidants and helps to combat oxidative stress and may offer benefits to cardiovascular health.

**Vitamin B12** can lower homocysteine levels, which is an indicator of increased risk for heart disease, compared to people with average or low levels of homocysteine.

**Mistletoe** is used for heart and blood vessel conditions including high blood pressure and hardening of the arteries.

**Aloe Vera** supports healthy cholesterol levels and blood pressure... Can help regulate heart rhythm...

**Onion** encourages a healthy heart in many ways, including healthy blood pressure and lowering heart attack risk.



**Bilberry** can help with LDL (bad) cholesterol levels, and help improve platelet function and blood pressure.

**Bromelain** supports a healthy heart by helping to reduce inflammation and reducing triglycerides.



**Cayenne** can help prevent blood clots to help reduce the risk of a heart blockage.

**Garlic** is used for many conditions related to the heart and blood system. These conditions include high blood pressure, low blood pressure, high cholesterol, inherited high cholesterol,



**Support your heart 100% with our powerful Ultimate Heart Formula!**

These health benefits have been seen in both human and experimental studies.

EDTA for many years, 90% of his patients report remarkable relief from chest discomfort as a result of EDTA treatment.

And according to Dr. Gary Null, Ph.D., founder and director of the *Nutritional Institute of America*, "EDTA brought relief to more than 93% of patients suffering from heart disease and it can help avoid bypass surgery in 85% of cases. **Thousands of stories from patients and physicians support its effectiveness and safety.**"

As a result of these remarkable findings, massive multi-million dollar EDTA research grants have been given to many of America's most respected health organizations, such as the *National Institutes of Health*, the *U.S. Public Health Service*, and *The Mayo Foundation*.



**// My heart palpitations have been cut way down. At the age of 82 I don't get the feeling that my heart is going to pump out of my chest!\*///**

—Dorothy Davis

Now, those are just 2 of the 19 heart-friendly nutrients you'll find in the **Ultimate Heart Formula!** It contains the ingredients you need to support and strengthen your heart and to maintain your healthy arteries, cholesterol, and blood pressure levels!

**Now you just need to take action before it's too late!**

**With our Ultimate Heart Formula... You get it ALL... Amazing heart and artery protection... without side effects!**

**Ultimate Heart Formula** is

100% safe and can only help you improve your heart health!

The natural ingredients will work hand-in-hand to have a positive effect on your body, only safely, naturally and without side effects.

## If you can keep YOUR arteries clear, and YOUR heart strong,

**there's no telling how long your heart can work hard for you!**

**You could increase your life span and quality of life by flushing your arteries free of life threatening plaque!**

Yes, with the **Ultimate Heart Formula**, a lifetime of plaque build up could disappear before you know it!

The artery-flushing power of this formula does not even require a doctor's visit or a stay in the hospital!

You simply take 20 drops of our **Ultimate Heart Formula** 2 times a day, that only costs

pennies a day, and is as safe as baby food.

Soon the plaque stuck in your arteries can begin to dissolve, and be naturally passed out of your body!



**Paired with a healthy heart, you could add decades of healthy, active living to your life. Reply now!**



On the other hand, heart/cardio medications are notorious for their ugly side effects, because those chemicals just aren't good for your body.

**Naturally protect and strengthen your heart and arteries...  
Reply now 100% risk free for all-natural Ultimate Heart Formula!**

If you knew how truly debilitating a heart attack or stroke would be for you, taking away your ability to walk, talk, eat by yourself, or even move... You would take this matter very seriously.

It would make your decision to reply now for our **Ultimate Heart Formula** a no-brainer. It is simply among the most potent, natural heart formulas on the market today! As a medical doctor, I'm 100% confident it can support your heart and artery health to help lower your cardio health risk. So you don't have to worry about the damage it will do to your body.

**Don't wait...** Reply now to join our thousands of satisfied users and get special, first time-buyer-only low pricing. You can also get a greatly discounted price on the perfect companion product, and FREE Shipping!

**Don't roll the dice on your good health or your life!** Take this easy step now to keep your heart strong and your arteries clear.

**Reply now for the Ultimate Heart Formula...** America's #1 natural treatment to help maintain cardio health... doctor-recommended and formulated... and already used by thousands of people just like you! Call now!

With daily use, it can rejuvenate your heart and arteries with needed nutrients to give you many years of trouble-free support!

**Your reply is 100% risk free...** If you're not 100% satisfied with your improvement after using **Ultimate Heart Formula**, simply send it back for a full refund of your purchase

The advertisement for Ultimate Heart Formula is contained within a rectangular frame. At the top right, a red speech bubble with white text says "FREE SHIPPING!". The main image shows a man and a woman riding bicycles on a sandy beach at sunset. In the foreground on the right is a brown glass bottle of "The Ultimate Heart Formula" with a black dropper cap. The bottle label includes the text: "HEALTH RESEARCH LABS", "The Ultimate Heart Formula", "Multi-Ingredient Liquid Formula", "A Herbal Dietary Supplement For Optimal Heart Health", and "DIETARY SUPPLEMENT 3.2 FL. OZ. (94 mL)".

**V**ou can enjoy a healthy trouble-free heart and arteries, naturally, with an effective formula used by thousands of people across America! **Reply now for the Ultimate Heart Formula.**

price within 60 days. No questions asked.

I look forward to hearing from you!

Sincerely,

*Richard Cohen*

Richard Cohen, M.D.

*Health Research Labs, Scientific Advisor*

**P.S. Our Ultimate Heart Formula can help keep your heart strong and arteries clear, so you can feel great and worry less!** Respond now if you want your healthiest heart possible! You'll get completely natural, real support for complete heart protection. All natural **Ultimate Heart Formula** is 100% effective and safe to use every day! Remember, thousands of people have already used it to help keep troubling heart-related problems out of their life! **Call now risk free 888-462-9386.**

**P.P.S. Sign up for our FREE weekly email newsletter!** It's called *Dr. Cohen's Healthy News Now...* and it discusses many different health issues. Our customers love it! Just give us your email address when you place your order.

# Grab This Combo Offer and **SAVE!**

**When you request your supply of Ultimate Heart Formula now, you also qualify for a special, discounted supply of our trusted Hydroxin Formula.**

**P**upport your cellular hydration with **this premium formula** that contains 14 vitamins and minerals to help keep your cells 100% healthy and hydrated... and you looking and feeling young!

You'll also give your body the combined antioxidant activity of 29 vitalizing superfruits, phytonutrients, herbs and vegetable extracts to hydrate your dried out cells!

**Improve heart health, boost energy, improve sexual health, beat stress, improve performance and reduce wrinkles...** These are just a few of the benefits found in each bottle of **Hydroxin**.

It can fill in your cells' nutrient gaps to give your health a quick and lasting jumpstart. Which is especially important if your healthy has been suffering as a result of poor digestion.

**Try the amazing powers of Hydroxin for yourself.**

You deserve the opportunity to SEE and FEEL the difference that **Hydroxin** can create for you. You'll look and feel years younger... feel more energy... sleep better... move better... and enjoy a true revival of your health!

**With your cells getting and staying hydrated...** and with all the nourishment from the remarkable nutrients like Amla Melon Extract, Spectra Total ORAC, SynerTea and Nitric Oxide... you can say "goodbye" to dried up, tired cells and say "hello" to a **YOUTHFUL LIFE!**

**Don't wait... Reply now and get this perfect companion product to Ultimate Heart Formula.**



## ***Our Iron-Clad Guarantee:***

**Try Ultimate Heart Formula Risk-Free For 60 Days.**

**If You Don't Feel 100% Better — YOU'LL GET YOUR MONEY BACK!**

**YOU will be the *only* judge.** You've read about the cardio-improving and heart-strengthening power of **Ultimate Heart Formula**.

For up to 60 days, you can use it completely risk free in your own home and see your results. **If you are not 100% satisfied, you can request a full refund of your purchase price.** No questions asked.

—Dr. Cohen

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.





# Give Your Heart and Arteries a Fresh Start!

And, give yourself more peace of mind as you **reduce** the risk of heart problems.



**“That’s right... Peace-Of-Mind, knowing that every day you are doing something to help your heart stay healthy.”**

**—Richard Cohen, M.D., Scientific Advisor**

Thousands of people just like you have already discovered the powerful effect of our **Ultimate Heart Formula**.

**See their amazing stories inside now...**



Health Research Labs  
165 Pleasant Ave.  
South Portland, ME 04106

HRL005083

PRSRT STD  
U.S. Postage  
**PAID**  
Health  
Research Labs

# Exhibit F



**NATURAL NERVE PAIN RELIEF SPECIAL EDITION**

**RICHARD COHEN, M.D., SCIENTIFIC ADVISOR**

# ***Put Out the Fire on Diabetic Nerve Pain and... Walk, Stand and Sit Comfortably Again!***

This **“Perfect”** Nerve Pain easing pill combines special nutrients to restore circulation and soothe nerve pain associated with diabetes!

*See inside how it can help you...*

## **OPEN NOW to Ease These Issues:**

- ✓ Burning
- ✓ Itching
- ✓ Tingling
- ✓ Numbness
- ✓ Constant cold
- ✓ Swelling and heaviness
- ✓ Cramps and restlessness...

**And SO MUCH MORE!**



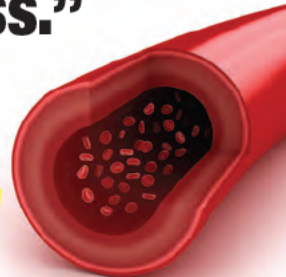
**Studies show that there IS a natural, effective treatment for diabetic nerve pain!**



**“Diabetic nerve pain is affecting more and more people like you, causing them 24/7 discomfort and making them unstable on their feet...”**

**“That’s why I helped create a ‘perfect’ nerve-pain-relieving formula that puts the ‘fire out’ in your legs, hands and feet, so you can move easily again, *without* pain and numbness.”**

Once you get your blood moving freely again in your hands and feet, you will enjoy a world of improvement while standing, sitting or walking!



**85% of people with diabetic nerve pain say it affects them daily... according to a Pfizer-sponsored survey.**

Dear Friend,

I’ve had patients describe their nerve pain as:

“Pins and needles”

“A hot, burning feeling”

“Like walking on hot coals”

“Like walking on balloons”

“Tingling and itchy”

If any of this sounds familiar, my guess is that you too have diabetic nerve pain and/or neuropathy.

**So I hope you’ll keep reading this important report...**

Because what most people *don’t* know, is how to get rid of it.

The pain is so bad for many people they can’t stand for long. They have trouble walking. And their hands and feet are always cold and numb.



## Meet Dr. Richard Cohen, M.D.

**Richard Cohen, M.D. is a nationally recognized medical expert.**

As a specialist in nutritional medicine, he brings over two decades of experience in treating age-related illness.

He completed his undergraduate degree at *Duke University* with honors. And received his medical degree from *Hahnemann Medical University* in Philadelphia. Dr. Cohen is a member of the *American College for the Advancement of Medicine*.

Dr. Cohen's expertise has earned him the attention of physicians and health professionals across the U.S. He has trained the American medical community on dietary issues for over 20 years. And recently, **he was recognized as a leading authority in using diet, nutritional supplements and lifestyle to enhance well-being.**

In recent years, he has helped develop a number of successful, innovative treatments to help his patients eliminate a variety of health problems.



If you ask me, that's no way to enjoy life. And your legs and feet are too important to your mobility and quality of life to ignore this problem!

**What you really have is a severe circulation problem that is damaging nerves, and causing further complications...**

People suffering with diabetes often have elevated blood sugar levels, and over time these elevated levels can cause permanent damage to the nerves in their feet and hands.



Not only that, this can lead to excess fluid in the legs, and swelling that puts further pressure

on your nerve endings and causes even MORE pain, and MORE problems.

**This nerve damage causes a very distinct type of pain — diabetic nerve pain.** Which is different from the pain you may experience from a headache, a sprained ankle, or arthritis.

Some people with diabetic nerve pain experience shooting, burning, pins and needles or itching, while others may have only mild symptoms. I have found that the type and intensity of the pain varies greatly from person to person.

**Diabetic nerve pain is most commonly felt in the feet and hands,** and although it can come and go, the damage that caused nerve pain is permanent.

***So what can you do about it?***

*(continued)*

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

**Soothe Diabetic Nerve Pain and More! Call Now Toll Free 888-761-5495 • 3  
HRL005038**



If you do in fact have diabetes, you need to take care of that by managing your blood sugar with your doctor's help.

As I mentioned, the bad news is, once this nerve damage is done, you can't undo it.

**But, fortunately scientists have discovered that you can definitely help it improve, so you are not in constant discomfort.**

And in my medical opinion, this is the best way to help address your issues — with a natural supplement that helps your body FIX the



problem on its own. And doesn't just mask the pain.

**That is what we have in Neupathic...** A "perfect" nerve pain supplement that was formulated from the ground up to improve your circulation and ease the numbness, tingling, itching, burning and swelling from excess fluid trapped in your legs.

**Neupathic contains 6 known nerve pain soothers and lower leg health-improving nutrients that can help you see a change for the better in just days. You won't just hope it's working, you can actually feel a difference.**

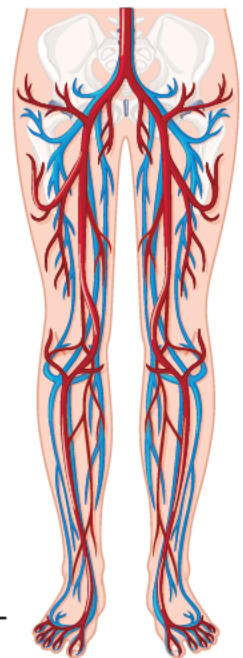
I'd like to tell you briefly about each one. As I believe, just like for my own patients, you should know *how* and *why* each nutrient can help you... and see the clinical proof of effectiveness for yourself.

### **Vitamin E helps protect and restores health to your damaged nerves...**

One of your body's most valuable, natural antioxidants, **Vitamin E**, improves glucose balance and helps protect blood vessels and nerves from free radical damage which is accelerated by diabetes.

This makes it one of the best vitamins for blood sugar issues AND diabetic nerve pain. Studies have shown that high doses of vitamin E may even reverse damage to nerves caused by diabetes.

Reduced levels of vitamin E are also seen in people with diabetic neuropathy. Vitamin E supplementation alone has been found to



## **Symptoms of Diabetic Nerve Pain:**

**If you have diabetic nerve pain, you could suffer with any or all of the symptoms below.**

- ✓ Shooting pain
- ✓ Burning
- ✓ Pins and needles
- ✓ Electric shock-like pain
- ✓ Extra sensitivity
- ✓ Numbness
- ✓ Throbbing
- ✓ Tingling
- ✓ Stinging
- ✓ Stabbing
- ✓ Radiating

**Neupathic** was specifically formulated with 6 distinct nutrients to help address ALL these issues and more.



# Understanding Diabetic Nerve Pain From the Inside...

**D**abetic neuropathy, including nerve pain, often starts five to ten years after a person starts having blood sugar issues. It is a progressive degeneration of the nerves caused by diabetes.



Because of the loss of sensation, injuries can go unnoticed and often become infected. If ulcers or foot injuries go untreated, the infection may affect the bone and require amputation. However, problems

**Symptoms of neuropathy include** numbness or pain, tingling, burning or swelling in the feet and legs, and coldness in your hands.

The most common type of neuropathy is **peripheral neuropathy**. This damages the nerves of your feet especially. The foot often becomes wider and shorter. Your stride becomes longer or shorter. Foot ulcers can appear as pressure is put on parts of the foot that are less protected.

caused by minor injuries can usually be controlled IF they're caught in time.

Living with this condition long term is both unhealthy and painful! **Neupathic was designed specifically to deal with these unique health problems.**



improve signs of neuropathy, and can also improve nerve conduction in people with type 2 diabetes.

**One study found that an antioxidant like vitamin E can help control neuropathy.** In the study, 92 people with diabetic neuropathy took a standard pain and blood sugar medication, with or without 400 IU of vitamin E per day. After 12 weeks, blood sugar levels had declined nearly three times **MORE** for those taking vitamin E.

For their neuropathic pain, those over age 50 in the vitamin E group had **TWICE** the pain relief as a placebo. Discussing their findings, doctors said that while there is no cure for

neuropathy, vitamin E *can* help ease pain and improve quality of life.

**Vitamin B1 can help stop that prickly feeling in your feet.**

Taking **Vitamin B1** (*Thiamine*) combined with vitamin B6 (**also found in Neupathic!**) can improve symptoms of diabetic neuropathy.

Your body uses thiamine to break down sugars that you eat, turn carbohydrates into energy, and help in nervous system functions.



(continued)



# Take this easy step towards normal, **pain free** legs and feet again!

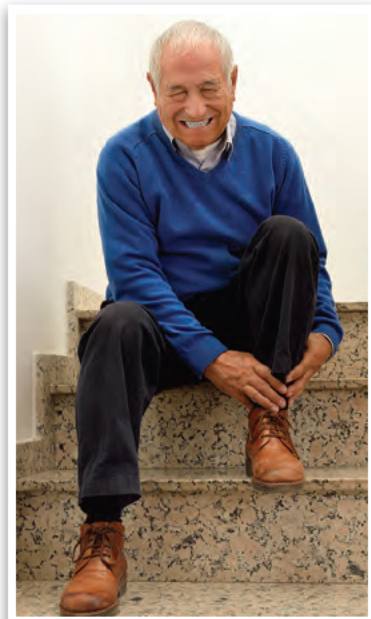
*Non-drug... proven ingredients!*

**CALL NOW** toll free to soothe your diabetic nerve pain and more...

**888-761-5495**



For people with diabetes, the risk of thiamine deficiency increases because your body does not always absorb this vitamin properly, causing it to pass out of your body in your urine.



**Without enough thiamine, you'll experience pain, prickly sensations, nerve deadening, and other symptoms related to nerve damage.**

Studies have shown that thiamine, either from your diet or in supplement form, plays a key role in vascular

(relating to the nerves in your arms and legs) health.

And some of the latest research has focused on using thiamine therapy to prevent and treat early-stage diabetic neuropathy.

**In recent clinical trials, experts found that thiamine supplements can prevent**

**the development of neuropathy...**

A landmark trial in Africa found that supplementing with both vitamin B1 and vitamin B6 led to significant improvement of symptoms of diabetic neuropathy after four weeks.

Another trial found that combining vitamin B1 and vitamin B6 plus vitamin B12 in high amounts led to improvement in diabetic neuropathy in only 12 weeks.

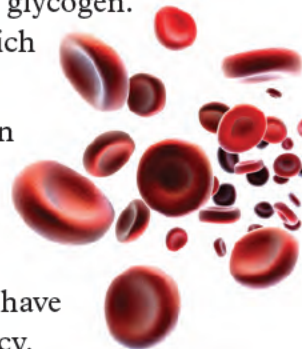
**As a result, doctors recommend that people with diabetic neuropathy supplement with vitamin B1.**

## **Vitamin B6 can help keep your nerve endings healthy.**

The main job of **Vitamin B6** is to help your body process and use proteins and glycogen. It also helps form hemoglobin, which carries blood in your body.

One of the best diabetic vitamin supplements, Vitamin B6 supports nerve health, which is critical in addressing neuropathy.

And some cases of neuropathy have been linked to vitamin B6 deficiency.



While neuropathy causes numbness and tingling in the hands and feet, it is thought that **vitamin B6 can aid in reducing neuropathy symptoms** by maintaining the covering on nerve endings.

However, at doses higher than 200mg, it actually has the opposite effect, and can make neuropathy worse!

That's why we put a 33.3mg dose in **Neupathic**, an ample amount to help with your symptoms of neuropathy, but not so much it has the opposite effect.

### **Folic acid helps ward off nerve pain.**

**Folic acid** is a more stable form of folate found in dietary supplements and added to vitamin-fortified foods.



It's a vital nutrient for people with neuropathy and chronic pain. That's because a folic acid deficiency can directly influence the development of neuropathy.

Your body requires adequate levels of folic acid to synthesize the amino acid methionine from homocysteine. When folic acid is lacking, methionine is *not* produced and your levels of homocysteine rise.

A 2001 clinical study published in *"Diabetic Medicine"* found a correlation between elevated levels of homocysteine and the development of diabetic neuropathy symptoms.

**And a deficiency in folic acid can have an impact on developing the symptoms of diabetic neuropathy.**

### **You likely need more Vitamin B12, to protect your nerves...**

Neuropathy can also occur as a result of  
(continued)

***"I don't have diabetes, but I definitely have lower leg issues."***



**Lower leg issues, or neuropathy is also very common among NON-diabetics.**

Even if you have a blood sugar imbalance, or some extra weight, your legs and feet may feel burdened, heavy and uncomfortable.

The dynamics are the same, your legs for several reasons, may be retaining fluid, that can make your legs heavy, tired and bulge with veins.

And unfortunately, this can eventually also do nerve damage as that extra fluid puts pressure on those nerves and causes damage.

**Take a look...** If your own legs and feet are swollen, inflamed, heavy, tired, achy or numb — regardless of anything else, **your legs need some help from Neupathic.**

And I'd advise, don't ignore it, it will only get worse!

**Neupathic is ready to help you NOW!**



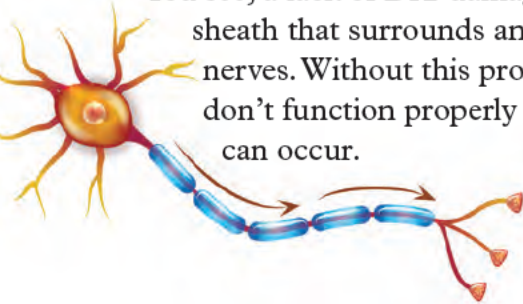


malnutrition, for which there are many causes... And, a clear link has been made between a lack of vitamin B12 and neuropathy.

**Vitamin B12 deficiency is common in the United States, especially among seniors.**

It's estimated that between 10% and 25% of people over 80 years of age may have a B12 deficiency.

You see, a lack of B12 damages the myelin sheath that surrounds and protects nerves. Without this protection, nerves don't function properly and neuropathy can occur.



Even a B12 deficiency that is relatively mild can affect the nervous system. The nerve damage caused by a lack of B12 can become permanently debilitating, if the underlying condition is not treated. **Symptoms and signs of a B12 deficiency include:**

- Lack of coordination
- Pain and numbness
- Tingling in hands or feet
- Sensory loss
- Weakness



Luckily, we added a healthy dose of Vitamin B12 so you will be fully covered.

**Evening Primrose oil contains a unique acid that can improve nerve pain symptoms...**

The oil from this flowering plant contains gamma-linolenic acid, and has been found helpful in numerous conditions including eczema, rheumatoid arthritis, and the nerve issues that can come with diabetes.



**Evening primrose oil** has long been associated with improved diabetic

## Neupathic is a Leading Choice for Americans Who Need Nerve Pain and Neuropathy Help!



**A**s lower leg health becomes a larger problem in the U.S., several formulas have come about to address this unique problem.

But few live up to the hype. **Neupathic**, having been carefully doctor-formulated with nutrients that are known to help this situation, makes it a clear winner!

If relief you can rely on long term is what you need, reply now for **Neupathic**. See how wonderful it can make your legs and feet feel again!

**CALL NOW** toll free to soothe your diabetic nerve pain and more... **888-761-5495**

**neuropathy...** Supplementing with evening primrose every day for six months has been found in research studies to improve nerve function and relieve pain symptoms in people with diabetic nerve damage.

For people with diabetic nerve pain, a major problem is that nerves can stop functioning. This can lead to damage to the feet and other parts of the body, which significantly reduces the person's quality of life.

Defects with essential fatty acid metabolism appear to contribute to this, leading to a number of studies of evening primrose.

The most recent appeared in the *Journal of Diabetes Care*. Over 100 patients with mild nerve damage were given six capsules of gamma-linolenic acid twice a day for a year, the others, placebo. Sixteen measures of nerve function were followed over the year.

Every measure improved in the group on gamma-linolenic acid compared to the placebo group. For thirteen of the sixteen measures, the improvement was statistically significant.



The treatment was also more effective in those people who were better at keeping their blood sugar normal.

There you have it, 6 powerful nutrients that give you the perfect solution to your nerve pain and other neuropathy symptoms! *Now...*

**It's time to ease the discomfort in your legs, feet and hands, and feel normal and comfortable again!**

Of course, I know there are other formulas available with different, ingredients for this same problem... *(continued)*

## Real Comments From Real Nerve Pain Sufferers...



**"Great reduction of pain."**

No more nerve pain in my feet. I also hardly notice any leg cramps. This product is great!"

—Ruth J.

**"My circulation is now much better."**

—Marion M.



**"No burning, stabbing pain."**

No more stiffness. More energy. Move better. **Neupathic** is fantastic. I love it! It should be available at the drug store."

—Naomi R.



**"Neupathic is a great 'miracle-like product'**

which starts working the very first day you use it. Then it continues to control your pain every day. My feet have begun to feel normal. **Neupathic** has improved my life. My nerve pain is gone and I will continue to take **Neupathic** until my numbness is gone too!"

—Gloria R.



**"My feet no longer burn,"**

especially after an hour or so of inactivity. I definitely feel more comfortable."

—Margaret J.

Results may vary. These are real users with real results.





**BUT... I call Neupathic the “perfect” solution** because it was formulated based on the latest medical research, and recent science has now shown these 6 ingredients get the job done better, and work better together.

The fact is, you need powerful nerve treatment at the cellular level to help you. And you will NOT find any other formulas, with this proven nutrient lineup, or at this precise, high dosage. Which leaves all other products lacking for effective relief.

Already, thousands of people have tried **Neupathic** and LOVED the soothing results. They literally tell stories of amazing relief from their agonizing symptoms within just days of use.

**Don't wait any longer...  
Stay a step ahead of tingling,  
burning, numbness and more!**

The reason why **Neupathic** is the best choice today for long-lasting nerve relief is because it

## More Comments from Happy Neupathic Customers...



**“I used to feel like someone was putting a needle in my toes.** I no longer feel that and I am quite happy!”

— Willard C.



**“Neupathic has helped to relieve the neuropathy in my feet.”**

— Henry F.

Results may vary. These are real users with real results.

contains the 6 KNOWN nerve pain, and lower leg health helping nutrients.

You'll help quiet those agitated nerves, and help restore comfort, health and mobility to your legs, hands and feet!

**YOU are a perfect candidate for Neupathic if:**

■ You find it difficult to walk because you can't feel the ground under your feet.

■ You can't stop the itching, burning, stabbing, pins and needles or tingling in your legs and feet.

■ Your hands, feet and legs are always cold.

■ You don't get a restful night's sleep because of pain and discomfort.

■ It's hard to keep your balance on unsteady legs and feet.

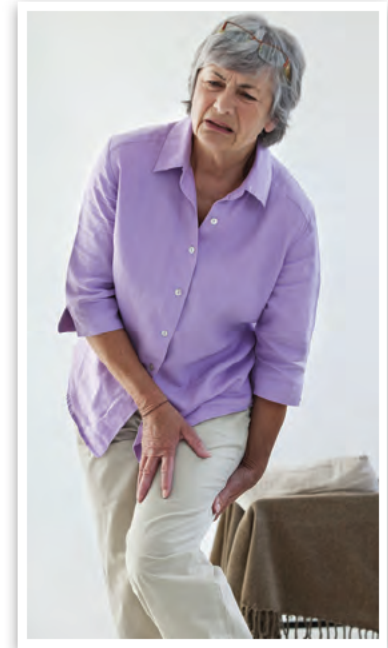
■ It's hard to walk, move, exercise, bend, or enjoy your favorite activities.

■ You feel trapped and immobile because of your unhealthy legs and feet.

■ Your condition is worsening... as your pain gets worse and your legs become more swollen and heavy and tired.

**If this describes your life today, I urge you to try the soothing relief that comes from Neupathic!**

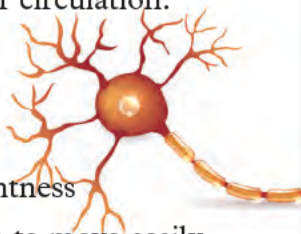
**Neupathic** will go to work fast to settle your pain, ease your burning and tingling and numbness, and restore health and mobility to your legs.



It can also help address the direct cause of nerve pain and neuropathy, damaged nerves, excess fluid — and poor circulation.

Allowing you to:

- ...Increase your mobility
- ...Relieve nerve pain
- ...Reduce swelling and tightness
- ...Gain back your freedom to move easily and enjoy your favorite activities again



### Neupathic is different from other nerve pain formulas you've tried...

Neupathic is recognized as one of the more powerful natural nerve pain relief options available.

The 6 ingredients, including several important B vitamins, are the best known nerve-soothing and repair nutrients you can find.

So if you're in constant need of relief for your feet and legs, and you want to stop the cold feeling in your hands and feet... it really can become a "thing of the past" with Neupathic.

Once you try it, you can experience soothing relief from long-term aches and pains, swelling, burning, coldness, shooting pain, leg fatigue, and any issues you have with your legs and feet.



Thousands have now used Neupathic and experienced a rejuvenation of their legs! So make the decision now to relieve your pain troubles!

Neupathic is a doctor-formulated, 100% all-natural, and 100% safe product with NO known side effects or harmful ingredients.

(continued)

## 110,000 miles...



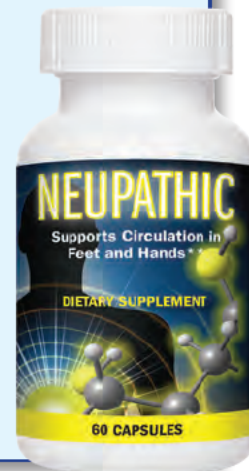
**The average person takes about 7,500 steps a day...** If you maintain that average until age 80, you'll walk about 216,262,500 steps in your lifetime!

**That's about 110,000 miles of travel for your legs and feet...** IF you stay healthy and active.

So if you're about age 50, you've already put on about 50,000 miles!

However, if you suffer with poor lower leg health, you'll need some help to stay active and hit 110,000! **And Neupathic stands ready to help you!**

**CALL NOW toll free to soothe your diabetic nerve pain and more... 888-761-5495**





**And you'll be backed by our  
iron-clad GUARANTEE:**

*If you're not 100% satisfied with the soothing, symptom-relieving results of Neupathic, you can return it anytime within 60 days for a full refund.*

*No questions asked.*

Neupathic's twice-a-day, easy-to-swallow capsules are rapidly absorbed and speed throughout your system to bring you fast relief.

**Neupathic can make getting back  
on your feet fast and easy...**

In my opinion as a doctor, there is *nothing* stronger to help you move easier, suffer less, sleep better and get more done than by using Neupathic.

Reply now for Neupathic and get the nerve-pain-easing power of these concentrated nutrients in each capsule.

I give you my personal guarantee that it does

**Imagine enjoying a whole day without ever thinking of the PAIN in your feet!**



***And then having weeks, months and even years of constant comfort!***

work. It can help you quickly feel more energetic than you have in years.

As a first-time user, we've made special arrangements for you to try **Neupathic** for 60 days with no risk.

And remember, if you're not utterly delighted with your results by day 60, just call or email us, then send back the unused portion to us — and we will never charge you another cent.

**This is a 100% iron-clad guarantee, so you can't possibly lose!**

**Plus, you'll get FREE SHIPPING and a FREE Gift!**

**Don't wait... Reply now to get your supply of Risk Free Neupathic!**

Yours for Healthy Legs and Feet,

*Richard Cohen*

Richard Cohen, M.D.

Scientific Advisor

**P.S. Neupathic can help get you moving**

**comfortably again!** Respond now if your nerve pain is driving you crazy! You'll get completely natural, real relief from your



discomfort. **All natural Neupathic is 100% effective and safe to use every day!** Remember, it has shown to help reverse damaged nerves to help you feel great all day and all night! **Call now 888-761-5495.**

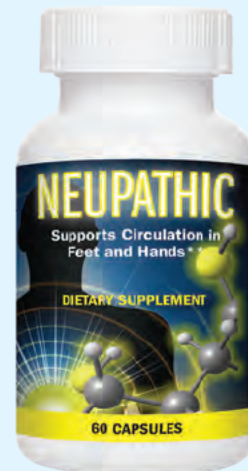
**Call now toll free or mail the Reply Form on the next page for soothing Neupathic! And remember, you get **FREE SHIPPING!****

**Are you ready to walk, dance and move easily again!**



**What have your legs kept you from enjoying...**

- ✓ Taking a long walk
- ✓ Running or jogging
- ✓ Playing tennis or golf
- ✓ Working in your yard
- ✓ Sleeping comfortably at night
- ✓ Taking vacations
- ✓ Dancing
- ✓ Going for a drive
- ✓ Fishing
- ✓ Serving others
- ✓ Sitting through a movie
- ✓ Driving
- ✓ Playing with grandkids
- ✓ Biking



**DON'T MISS OUT ANY MORE!**

**CALL NOW toll free to soothe your diabetic nerve pain and more...**

**888-761-5495**



# Grab This Combo Offer and **SAVE:**

When you request your supply of **Neupathic**, you also qualify for a special, discounted supply of our **Regimen Cell Rejuvenation Formula.**

**Hit Your Body's "RESET" Button... And Help Regenerate All 50 Trillion of Your Body's Cells to "Primary Purity!"**

Top U.S. Medical Institutions Verify the Power of the 25 Nutrients in Our **Regimen Cell Rejuvenation Formula. So You Can Help Restore Every Part of Your Health:**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>✓ <b>Move Freely</b></li> <li>✓ <b>Maintain Healthy Cholesterol</b></li> <li>✓ <b>Promote Healthy Hair Growth</b></li> <li>✓ <b>Boost Energy</b></li> <li>✓ <b>Diminish Wrinkles</b></li> </ul> | <ul style="list-style-type: none"> <li>✓ <b>Maintain Optimal Weight</b></li> <li>✓ <b>Enjoy Youthful Sex</b></li> <li>✓ <b>Maintain Healthy Brain Function</b></li> <li>✓ <b>Maintain a Healthy Heart</b></li> <li>✓ <b>Support Optimal Hearing</b></li> </ul> |
|--|--|

**See What Happens When ALL 50 TRILLION of Your Cells Experience a "Rebirth!"**



## YOUR FREE GIFT!

Get a **FREE** Supply of Soothing Glucophene Pain-Relieving Cream!



**GET YOUR FREE TUBE NOW WHEN YOU BUY AT LEAST 2 BOTTLES OF NEUPATHIC!**

With Neupathic working inside to help your nerve pain and other lower leg health problems, Glucophene cream works outside to help you instantly, upon application, reinvigorate your legs and feet.

Call now toll-free, or return the form on the next page to get your **FREE** supply with your 2 bottle, or more, supply of **Neupathic**.

This is an exclusive offer that is not available anywhere else.

- ✓ **NO RISK**
- ✓ **NO COST**
- ✓ **COMPLETELY FREE TRIAL!**

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

# Neupathic Risk-Free Reply Form

FEDERAL TRADE COMMISSION / OFFICE OF THE SECRETARY / FILED 12-1-2011 / DOCUMENT NO. 603311 / Page 108 of 143 | PUBLIC



**YES!** I'm sick and tired of being limited in what I can do, and the constant pain, numbness, coldness, tingling and burning. I'm ready to make a change with this symptom-relieving formula! I understand it is doctor-formulated and guaranteed to give my legs and feet new life and energy. I understand I'm covered by your 60-day money back guarantee... Either Neupathic works for me, or I can get a full and fast refund.

**SUPER-INTENSIVE:** I get a 5 month supply, plus a 7 month bonus supply absolutely FREE! **I pay only \$199.95 and get FREE SHIPPING!**



**\$199.95**  
SAVE \$350.85!  
Only 55 cents/day

**MEGA-INTENSIVE:** I get a 3 month supply, plus a 3 month bonus supply absolutely FREE! **I pay only \$129.95 and get FREE SHIPPING!**



**\$129.95**  
SAVE \$145.45!  
Only 66 cents/day

**ULTRA-INTENSIVE:** I get a 2 month supply, plus a 1 month bonus supply absolutely FREE! **I pay only \$79.95 and get FREE SHIPPING!**



**\$79.95**

**INTENSIVE:** I get a 1 month supply for only **\$39.95 + \$5.95 S&H!**

**Quantities are limited! Please order by next Tuesday!**  
**CALL NOW TOLL FREE: 888-761-5495**

**TOTAL PACKAGE:** I get everything in the Mega-Intensive Package plus buy 3 months of Regimen for only \$119.95 and get another 3 months FREE! **All of this with FREE SHIPPING!**



**\$239.95**  
SAVE \$310.85!

Please send me my **FREE** tube of soothing Glucophene Cream.

**RUSH PROCESSING:** Add \$4.95 for the fastest way to receive your order.

## ORDERED BY: (PLEASE PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

## SELECT YOUR PREFERRED METHOD OF PAYMENT:

I have enclosed my check or money order payable to "HRL" for the amount of: \$ \_\_\_\_\_

Please charge the full amount to my credit card:



□□□□ □□□□ □□□□ □□□□ □□□□

Credit Card Account Number

Exp. Date (MO/YR)

Signature: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

## 3 Ways to Place Your Order:

**1. By Mail:** Use the enclosed envelope or mail to:

Health Research Labs,  
165 Pleasant Ave.,  
South Portland, ME 04106

**2. By Phone: CALL TOLL-FREE**  
**888-761-5495**

**3. Online:**  
[www.HRLsupplements.com](http://www.HRLsupplements.com)

Subtotal \_\_\_\_\_

S&H \_\_\_\_\_

\*RUSH Processing + 4.95

**TOTAL** \_\_\_\_\_

Health Research Labs,  
165 Pleasant Avenue,  
South Portland, ME 04106

Please remove my name from future mailings. **15**  
**HRL005050**

## Our Iron-Clad Guarantee: Try Neupathic Risk-Free For 60 Days.

**If You Don't Feel 100% Better — Day and Night — YOU'LL GET YOUR MONEY BACK!**

YOU will be the only judge. You've read about the symptom-improving and invigorating power of Neupathic. For up to 60 days, you can use it completely risk free in your own home and see your results. If you are not 100% satisfied, you can request a full refund. No questions asked. —Dr. Cohen

NATURAL NERVE PAIN RELIEF • SPECIAL EDITION

# You Need Healthy Legs to Enjoy Life.

## Don't Let Poor Lower Leg Health or Nerve Pain Drag You Down!



**“I have the answer to put the ‘*spunk*’ back in your legs!”**

**I**f you feel trapped by your legs... If you are in pain, no matter whether you are sitting, standing, sleeping, or doing nothing, you need to read what is inside.”

“You will read about a **doctor-formulated nerve pain and lower leg health formula** that can help you be comfortable, stable and pain free on your feet again.”



**Richard Cohen, M.D.**  
Scientific Advisor

**See Inside Now...**

PRSRT STD  
U.S. Postage  
**PAID**  
Health  
Research Labs

Health Research Labs  
165 Pleasant Ave.  
South Portland, ME 04106



HRL005051

## **ATTACHMENT 2**



**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:** ~~Joseph J. Simons, Chairman~~ **Lina M. Khan, Chair**  
 Noah Joshua Phillips  
~~Rohit Chopra~~  
 Rebecca Kelly Slaughter  
 Christine S. Wilson

**In the Matter of**

**HEALTH RESEARCH LABORATORIES, LLC,  
a limited liability company,**

**WHOLE BODY SUPPLEMENTS, LLC,  
a limited liability company, and**

**KRAMER DUHON,  
individually and as an officer of  
HEALTH RESEARCH LABORATORIES, LLC  
and WHOLE BODY SUPPLEMENTS, LLC.**

**DOCKET NO. 9397**

**AMENDED COMPLAINT**

The Federal Trade Commission, having reason to believe that Health Research Laboratories (“HRL”), a limited liability company, Whole Body Supplements (“WBS”), a limited liability company, and Kramer Duhon, individually and as an owner and officer of HRL and WBS (collectively, “Respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent HRL is a Nevada limited liability company with its principal office or place of business at 16250 Knoll Trail Drive, Dallas, TX 75248.
2. Respondent WBS is a Nevada limited liability company with its principal office or place of business at 16250 Knoll Trail Drive, Dallas, TX 75248.
3. At all times relevant to the acts and practices alleged in this Complaint, Respondent Kramer Duhon ~~is~~was the sole owner of HRL and WBS, and additionally served as the Chief Executive Officer, Chief Operating Officer ~~and managing member of HRL and the Chief~~

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~~Operating Officer and~~, and as a managing member of ~~WBS.both companies~~. Individually or in concert with others, ~~he~~Kramer Duhon controlled or had the authority to control the acts and practices of HRL and WBS, including the acts and practices alleged in this ~~complaint~~. ~~His~~Complaint. At all times relevant to the acts and practices alleged in this Complaint, his principal office or place of business ~~is~~was 16250 Knoll Trail Drive, Dallas, TX 75248.

4. Respondents haveAt all times relevant to the acts and practices alleged in this Complaint, Kramer Duhon was directly involved in, and informed about, business decisions such as product development, pricing, and advertising for HRL and WBS. For example, Kramer Duhon participated in, and was informed about, decisions related to copywriting and the design of mailers for Neupathic, The Ultimate Heart Formula, and BG18. Kyle Duhon assisted Kramer Duhon with the day-to-day business operations of HRL and WBS.

5. The FTC and State of Maine previously filed a complaint against HRL and Kramer Duhon in U.S. District Court alleging, among other things, they violated the FTC Act by disseminating deceptive ads with false and unsubstantiated health and disease-related claims. *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 1 (“Federal Complaint”).

6. The Federal Complaint challenged HRL’s advertising claims for several health-related products featured in multi-page direct mail brochures. *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 1, 1-1, 1-2, 1-3, 1-4.

7. The parties resolved that action with a Stipulated Final Judgment and Order (“Order”) entered by U.S. District Judge Jon D. Levy on January 16, 2018 in *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 15.

8. Section III of the Order prohibits Respondents from making “any representation about the health benefits, safety, performance, or efficacy” of a dietary supplement, food, or drug “unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.” *Id.*

9. Section III further provides that “competent and reliable scientific evidence means tests, analyses, research, or studies (1) that have been conducted and evaluated in an objective manner by experts in the relevant disease, condition, or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results; and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the Covered Product, or of an Essentially Equivalent Product, when such experts would generally require such human clinical testing to substantiate that the representation is true.” *Id.*

4.10. Following entry of the Order, Respondents advertised, labeled, offered for sale, sold, and distributed, or caused to be distributed a number of dietary supplement products to consumers. HRL sold, among other products, Black Garlic Botanicals, The Ultimate Heart Formula, and

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Neupathic. WBS sold BG18, among other products. Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic are “food” and/or “drugs” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

11. As described in further detail below in Paragraphs 24, 29, 33, 37, 45, 47, 49, 51, Respondents’ advertisements for Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic included representations that the products would effectively prevent, reduce the risk of, cure, treat, or mitigate cardiovascular disease, atherosclerosis, hypertension, or diabetic neuropathy. These representations were material to consumers’ purchasing decisions because they were health claims and related to the products’ performance and efficacy.

12. Respondents did not have adequate substantiation to support their health efficacy claims, although they were aware that Section III of the Order required them to have competent and reliable scientific evidence to substantiate their claims.

13. Specifically, when Respondents disseminated their advertisements for Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic after January 16, 2018, they did not possess or rely upon competent and reliable scientific evidence sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which their representations related, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that their representations were true. At the time Respondents disseminated the advertisements, they lacked competent and reliable scientific evidence in the form of randomized, double-blind, and placebo-controlled human clinical testing of the products or equivalent products with the same dosages and combination of active ingredients, which experts in the relevant diseases or conditions would require to substantiate that the representations are true.

14. Respondents’ disregard of the substantiation requirements in Section III of the Order when advertising Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic demonstrate the necessity of additional relief in this matter.

15. The FTC and State of Maine filed a Motion for an Order to Show Cause (“Contempt Motion”) against Respondents on December 17, 2019 in *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 21 alleging their mailers for Black Garlic Botanicals, BG18, Neupathic, and Neupathic violated Section II.H of the Order.

16. The Contempt Motion was ultimately denied on August 12, 2020 on the ground that a section heading created ambiguity about the scope of Section II.H of the Order. *FTC and State of Maine v. Health Research Laboratories, et al.*, 2:17-cv-00467 (D. Me.), Dkt. 49, 52. The Court did not consider the question of whether Respondents violated Section III of the Order.

17. Respondents continued to sell Black Garlic Botanicals, BG18, The Ultimate Heart Formula, and Neupathic to consumers even after becoming aware that FTC staff were conducting a compliance investigation related to their advertising for these products and while the Contempt Motion was pending in the District of Maine.

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18. As explained below in Paragraphs 22, 27, 32, and 36, Respondents' advertising was widely disseminated throughout the United States and Canada.

5.19. The acts and practices of Respondents alleged in this ~~complaint~~**Complaint** have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

### **Black Garlic Botanicals**

6.20. HRL began selling Black Garlic Botanicals in November 2016. ~~Each capsule contains 600 mg of the active ingredient black garlic, and the recommended dosage is two capsules a day. HRL sells a one-month supply of Black Garlic Botanicals for \$39.95, plus shipping and handling, and continued to sell it following entry of the Order. HRL continued to sell the product to consumers through at least January 2021, despite the filing of the Contempt Motion and the Complaint in this administrative proceeding.~~

21. According to the product label, each capsule of Black Garlic Botanicals contains 600 mg of "aged black garlic bulb powder", and the recommended dosage is two capsules a day. HRL sold a one-month supply of Black Garlic Botanicals for \$39.95, plus shipping and handling. HRL also sold the product to consumers in other quantities and at different prices.

22. HRL has disseminated or has caused to be disseminated advertising and promotional materials for Black Garlic Botanicals in multi-page mailers sent to consumer residences and on company websites. ~~The~~Following entry of the Order, HRL disseminated or has caused to be disseminated more than 800,000 mailers to consumer residences in the United States and Canada. HRL continued to disseminate these mailers as late as August 2019 despite Respondents' awareness that the FTC was investigating whether advertising for Black Garlic Botanicals violated the Order.

23. HRL's Black Garlic Botanicals mailer, attached as Exhibit A, repeatedly touts the purported health benefits of fermented black garlic. The mailer also represents to consumers that this is the product's active ingredient. For example, the mailer explains "Black Garlic is fermented under highly controlled conditions for 3-4 weeks, which is what gives it its black color" and states "Black Garlic must be fermented in precise conditions for over 60 days with increasing efficacy the longer it ferments." Ex. A, HRL004989, HRL004990.

24. The Black Garlic Botanicals mailer opens with the following representations and depictions:



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# Every 90 seconds, someone dies from heart disease in the U.S. – are you next?

**1 in 7 people die from heart disease.**

Only 10% of people survive cardiac arrest if treated by emergency medical services. What are you waiting for?

**GOOD NEWS: Everything you need to know about your heart health is in this issue!**

**In This Heart Health Breaking News Issue:**

Cardiovascular disease — #1 cause of death in the world! . . . . .	2
Diabetes & venous insufficiency are additional risks . . . . .	6
Overweight? Belly fat creates new risk factors . . . . .	7
Why don't people suffer from high cholesterol in Japan? . . . . .	8
One Man's Personal Journey Created an Empire of Good Health . . . . .	10
<b>Black Garlic</b> all over the news! . . . . .	12

**PRODUCT NOW AVAILABLE**

**HEALTH RESEARCH LABS - Breaking News Cardiovascular Issue**

Exhibit A (Black Garlic Botanicals mailer)

This front-page content is followed by additional descriptions of the dangers of cardiovascular disease. For example, the second and third pages display a banner across the top, which states, “Cardiovascular Disease: #1 cause of Death in the world, especially the U.S.!” A banner at the bottom states, “There’s a miraculous natural solution that can help – find out what it is!!”

The mailer continues with the following statements about the efficacy of black garlic in reducing arterial plaque, blood pressure, and cholesterol:

- **BLACK GARLIC WORKS WITH YOUR BODY**
  - Cholesterol: Black Garlic helps maintain healthy cholesterol levels.
  - Clotting: Black Garlic supports healthy platelet aggregation, which can help to keep blood circulating and works against clotting.

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- Supports and helps maintain healthy blood pressure levels to combat risks.
- Healthy Arteries  
Plaque build-up in arteries can lead to unhealthy heart conditions. Black Garlic helps keep blood vessels barrier-free to create smooth flow, which could address symptoms of fatigue. It may also inhibit calcium binding, which is responsible for arterial plaque formation.
- Want Healthy Blood Pressure & Cholesterol? Black Garlic helps maintain healthy blood pressure, cholesterol and triglyceride levels.
- **BLACK GARLIC**  
**A BREAKTHROUGH FOR**
  - ✓ Cholesterol
  - ✓ Blood Sugar
  - ✓ Blood Pressure
  - ✓ The Heart
  - ✓ The Brain
- “I made the switch to Black Garlic Botanicals and within the span of 3 months my LDL levels have reduced from 300 to 150. This product works!” ~ Gerald W.
- “I now have my blood pressure under control with Black Garlic Botanicals. This is a quality product!” ~ Rolf M.

**BG18**

25. WBS began selling BG18 in August 2017. ~~The and continued to sell it after entry of the Order and after the filing of the Contempt Motion in December 2019.~~ WBS continued to sell the product to consumers through at least September 2020.

7.26. BG18 has identical ingredients to Black Garlic Botanicals. ~~Each~~ According to the product label, each capsule contains 600 mg of ~~the active ingredient~~ “aged black garlic, bulb powder”, and the recommended dosage is two capsules a day. WBS sells a one-month supply of BG18 for \$44.95, plus shipping and handling. WBS also sold the product to consumers in other quantities and at different prices.

8.27. WBS has disseminated or has caused to be disseminated advertising and promotional materials for BG18, including multi-page mailers and content on company websites. ~~An example of a mailer for BG18 is attached as Exhibit B~~ Following entry of the Order, WBS disseminated or caused to be disseminated more than 400,000 mailers to consumer residences in the United States and Canada. WBS continued to disseminate these mailers as late as June 2019 despite Respondents’ awareness that FTC staff were investigating whether advertising for BG18 violated the Order.

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28. An example of a mailer for BG18 is attached as Exhibit B. The mailer repeatedly touts the purported health benefits of fermented black garlic. It also represents to consumers that this is the product’s active ingredient. Ex. B, FTC0002, FTC0003, FTC0006, and FTC0010.

9.29. The front page of the attached BG18 mailer features an image of a caduceus and, a photograph of a doctor in a white coat, and states “Black Garlic has shown an amazing power to improve heart and cardiovascular health, maintain normal cholesterol levels, boost your immune system. And MUCH MORE!” The mailer continues with the following representations:

- Black Garlic is a proven miracle for . . . Cholesterol . . . Hypertension . . . Your Heart.
- [Black Garlic] can help reverse plaque build-up in arteries – not just slow it down. Black Garlic keeps blood vessels barrier-free to create a smooth blood flow and alleviates symptoms of fatigue. It also strongly inhibits calcium binding, which is responsible for plaque build-up.
- Reduces Blood Pressure and Cholesterol. . . Black Garlic helps reduce high blood pressure and lowers high levels of bad cholesterol and triglycerides.
- “My blood pressure has also been lowered. I recommend this product because IT WORKS!” ~ Lorraine T.
- On the following page, the brochure poses this question and answer:

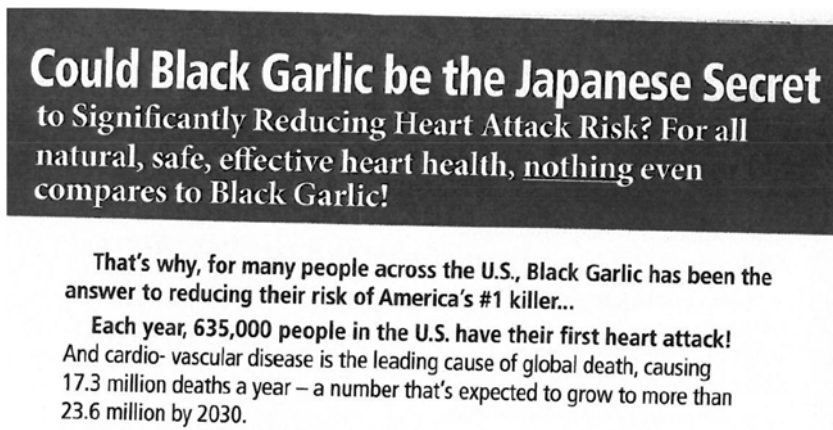


Exhibit B (BG18 mailer).

- Yes, Black Garlic is a true miracle for cardiovascular health! Just 1 capsule knocks down cholesterol and high blood pressure within days. It can also unblock, clean, and strengthen your arteries.

**PUBLIC**

- The cardio-protective effect of black garlic. . . Black garlic can also improve your lipid profile, an important factor in protecting against cardiovascular problems.

### **The Ultimate Heart Formula**

30. HRL ~~has been~~began selling The Ultimate Heart Formula (“UHF”) ~~since~~in November 2008, ~~and continued to sell it following entry of the Order. HRL continued to sell the product to consumers through at least January 2021, despite the filing of the Contempt Motion and the Complaint in this administrative proceeding.~~

10.31. ~~According to the product label,~~ UHF contains Vitamins C, E, and B12 as well as garlic extract (25 mg), Tetrasodium EDTA (40 mg), Ubiquinol (CoEnzyme Q-10) (5 mg), and Nattokinase (10 mg). The recommended dosage is 20 drops or 1ml, twice per day. HRL sold a one-month’s supply of UHF for \$39.95, plus shipping and handling. ~~The recommended dosage is 20 drops or 1ml, twice per day.~~HRL also sold the product to consumers in other quantities and at different prices.

32. HRL disseminated or caused to be disseminated advertisements for UHF, including ~~multi-page~~multi-page mailers and company websites. Following entry of the Order, HRL disseminated or caused to be disseminated more than 200,000 mailers to consumer residences in the United States and Canada.

11.33. An example of a mailer for UHF is attached as Exhibit C, which contains the following statements and depictions on its first and second pages:



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**Richard Cohen, M.D.**  
*Scientific Advisor*

**“When it comes to a sudden heart attack...  
What You Don’t Know  
**CAN Hurt You!”****

Do you **KNOW** what **YOUR** arteries look like right now?

-  **All Clear!**
-  **Uh Oh!**
-  **DANGER!**



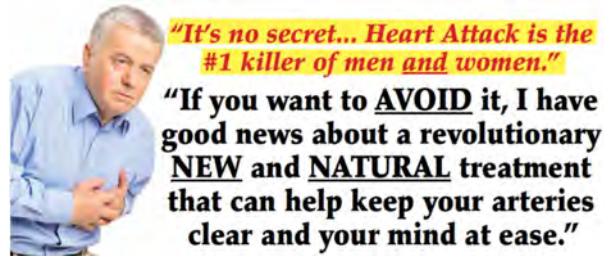
**K**eeping your risk low and your **HEART** healthy is all about keeping your arteries **CLEAR!** See inside for help from a revolutionary, new, heart-helping liquid drop formula...

**SEE INSIDE** to discover a natural nutrient that is up to **95% EFFECTIVE** at maintaining clear arteries and reducing risk of a heart problem!



Exhibit C (The Ultimate Heart Formula mailer).

**PUBLIC**



**Avoiding a heart attack is all about keeping your arteries clear,** your cholesterol in check, your blood pressure low and your risk of a blood clot low... so accumulated plaque does not close off an artery or break off and cause a stroke.



**Now there's a new, improved twist on our most effective natural, heart-helping treatment.**

Exhibit C (The Ultimate Heart Formula mailer, p.2)

These depictions and representations are followed by a number of additional claims, including:

- Instead, right before you is a simple, safe, inexpensive, non-painful and preventative option that could help you say goodbye to your heart surgeon and avoid an angioplasty.
- Our Ultimate Heart Formula can help support a healthy heart, healthy cholesterol and healthy blood pressure. As blockages in your veins and arteries become clear, you can experience better blood circulation – resulting in more energy, better sleep, sharper mental clarity and better health.
- The Ultimate Heart Formula also contains a powerful, clot-busting agent!
- The Ultimate Heart Formula is an all-natural combination of 19 powerful herbs and essential nutrients that counter the causes of poor cardio health. The Ultimate Heart Formula's unique "Senior Formula" is made with ingredients specifically shown to help improve the effects of a weakened heart, clogged arteries, high blood pressure and high cholesterol for older people!

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- With our Ultimate Heart Formula ...You get it ALL ... Amazing heart and artery protection ... without side effects!
- Yes, with the Ultimate Heart Formula, a lifetime of plaque build up could disappear before you know it! The artery-flushing power of this formula does not even require a doctor's visit or stay in the hospital!

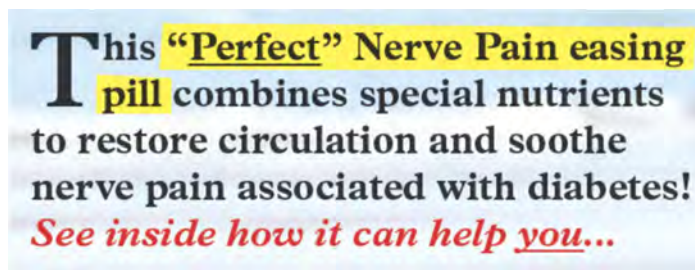
### Neupathic

34. Beginning in August 2016, HRL also sold a dietary supplement called Neupathic. HRL continued to sell the product following entry of the Order and after the filing of the Contempt Motion. HRL continued to sell Neupathic to consumers through at least October 2020.

12-35. According to the product label, Neupathic contains the following active ingredients: Vitamins E (30 IU), B1 (33.3 mg), B6 (33.3 mg), B12 (16.7 mcg), and folate (266.7 mcg), and Evening Primrose Oil (666.7 mg). The recommended dosage is two capsules per day. HRL sold a one-month's supply of Neupathic for \$39.95, plus shipping and handling. The recommended dosage is two capsules per day. HRL also sold the product to consumers in other quantities and at different prices.

36. HRL has disseminated or caused to be disseminated advertising and promotional materials for Neupathic, including multi-page mailers and content on company websites. Following entry of the Order, HRL disseminated or caused to be disseminated more than 400,000 mailers to consumer residences in the United States and Canada. HRL continued to disseminate these mailers as late as June 2019 despite Respondents' awareness that FTC staff were investigating whether their advertising for Neupathic violated the Order.

13-37. An example of a mailer is attached as Exhibit D, which contains the following depictions and statements on the first page:



**T**his **“Perfect”** Nerve Pain easing **pill** combines special nutrients to restore circulation and soothe nerve pain associated with diabetes!  
*See inside how it can help you...*

**PUBLIC**



Exhibit D (Neupathic mailer).

The mailer continues inside with additional claims:

- If you have diabetic nerve pain, you could suffer with any or all of the symptoms below.
  - ✓ Shooting pain
  - ✓ Burning
  - ✓ Pins and needles
  - ✓ Electric shock-like pain
  - ✓ Extra sensitivity
  - ✓ Numbness
  - ✓ Throbbing
  - ✓ Tingling
  - ✓ Stinging
  - ✓ Stabbing
  - ✓ Radiating

Neupathic was specifically formulated with 6 distinct nutrients to help address ALL these issues and more.

- A “perfect” nerve pain supplement that was formulated from the ground up to improve your circulation and ease the numbness, tingling, itching, burning and swelling from excess fluid trapped in your legs.
- Take this easy step towards normal, pain free legs and feet again! Non-drug ... proven ingredients.



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It can also help address the direct cause of nerve pain and neuropathy, damaged nerves, excess fluid — and poor circulation.

**Allowing you to:**

- ...Increase** your mobility
- ...Relieve** nerve pain
- ...Reduce** swelling and tightness
- ...Gain back** your freedom to move easily and enjoy your favorite activities again

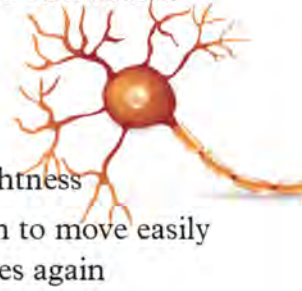


Exhibit D (Neupathic mailer, p. 11).

- Respond now if your nerve pain is driving you crazy! You’ll get completely natural, real relief from your discomfort. All natural Neupathic is 100% effective and safe to use every day! Remember, it has [*sic*] shown to help reverse damaged nerves to help you feel great all day and all night.
- “Great reduction of pain. No more nerve pain in my feet. I also hardly notice any leg cramps. This product is great!” — Ruth J.
- “Neupathic is a great ‘miracle-like product’ which starts working the very first day you use it. Then it continues to control your pain every day. My feet have began [*sic*] to feel normal. Neupathic has improved my life. My nerve pain is gone and I will continue to take Neupathic until my numbness is gone too!” — Gloria R. *Id.*

38. As explained above in Paragraph 13, Respondents did not have competent and reliable scientific evidence to support the efficacy and health benefit claims in their advertisements for Black Garlic Botanicals, BG18, UHF, and Neupathic.

~~Count I~~

39. Respondents’ advertisements for Black Garlic Botanicals, BG18, UHF, and Neupathic prominently feature endorsements of Richard Cohen, M.D., who is also identified as a “Scientific Advisor” in the advertisements.

40. On June 4, 2018, Kyle Duhon requested that Richard Cohen sign and backdate the dates of “Approval/Review” on forms ostensibly approving advertising claims in the mailers for BG18, UHF, and Neupathic as well as other products sold by HRL and WBS. Cohen signed and returned these “approval” forms the same day without being provided with the advertisements and purported scientific substantiation. This took place shortly after FTC staff sent a May 21, 2018 letter to HRL and Duhon requesting information and documents related to their advertising and compliance with the Order.

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41. Respondents' consultants, Richard Cohen and Inna Yegerova, lacked appropriate education, professional qualifications, and expertise to evaluate whether Respondents' advertising claims for Black Garlic Botanicals, BG18, UHF, and Neupathic were supported by competent and reliable scientific evidence.

42. Respondents knew their disease-related claims for Black Garlic Botanicals were not substantiated. For example, one of Respondents' advisors, Curtis Walcker, warned Kyle Duhon in May 2018 that these claims were problematic. However, Respondents disregarded Walcker's concerns and continued to disseminate the mailers without making any changes to address the concerns.

43. In October 2018, Walcker sent an email to Kyle Duhon advising him that nerve damage from diabetic neuropathy could not be reversed and warning that any advertising containing such efficacy claims could not be substantiated. Respondents again ignored that warning and continued to disseminate Neupathic mailers representing the product could effectively cure or reverse nerve damage associated with diabetic neuropathy.

44. Respondents' unlawful conduct is likely to reoccur in the future.

**Count J**  
**False or Unsubstantiated Efficacy Claims Related to Black Garlic Botanicals**  
**(HRL and Duhon)**

14-45. -In connection with the advertising, promotion, offering for sale, or sale of Black Garlic Botanicals, HRL and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that Black Garlic Botanicals:

- a. Prevents or reduces the risk of cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
- b. Treats cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
- c. Prevents or reduces the risk of atherosclerosis including by reducing cholesterol or decreasing arterial plaque;
- d. Treats atherosclerosis including by reducing cholesterol or decreasing arterial plaque; and
- e. Cures, treats, or mitigates hypertension including by decreasing arterial plaque or lowering blood pressure.

15-46. The representations set forth in Paragraph 1445 are false or misleading, or were not substantiated at the time the representations were made.

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**Count II**  
**Respondents' False or Unsubstantiated Efficacy Claims Related to BG18**  
**(WBS and Duhon)**

16.47. In connection with the advertising, promotion, offering for sale, or sale of BG18, WBS and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that BG18:

- a. Prevents or reduces the risk of cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
- b. Treats cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque.
- c. Prevents or reduces the risk of atherosclerosis including by reducing cholesterol or decreasing arterial plaque;
- d. Treats atherosclerosis including by reducing cholesterol or decreasing arterial plaque; and
- e. Cures, treats, or mitigates hypertension including by decreasing arterial plaque or lowering blood pressure.

17.48. The representations set forth in Paragraph 16.47 are false or misleading, or were not substantiated at the time the representations were made.

**Count III**  
**Respondents' False or Unsubstantiated Efficacy Claims Related to UHF**  
**(HRL and Duhon)**

18.49. In connection with the advertising, promotion, offering for sale, or sale of UHF, HRL and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that UHF:

- a. Prevents or reduces the risk of cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque;
- b. Treats cardiovascular disease including by lowering blood pressure, improving blood flow, reducing cholesterol, or decreasing arterial plaque.
- c. Prevents or reduces the risk of atherosclerosis including by reducing cholesterol or decreasing arterial plaque;

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- d. Treats atherosclerosis including by reducing cholesterol or decreasing arterial plaque; and
- e. Cures, treats, or mitigates hypertension including by decreasing arterial plaque or lowering blood pressure.

19.50. The representations set forth in Paragraph 1849 are false or misleading, or were not substantiated at the time the representations were made.

#### Count IV

#### **Respondents' False or Unsubstantiated Efficacy Claims Related to Neupathic (HRL and Duhon)**

20.51. In connection with the advertising, promotion, offering for sale, or sale of Neupathic, HRL and Kramer Duhon have represented, directly or indirectly, expressly or by implication, that Neupathic:

- a. Cures, treats, or mitigates diabetic neuropathy including by improving blood circulation, or eliminating or alleviating diabetic nerve pain and discomfort.

21.52. The representations set forth in Paragraph 2051 are false or misleading, or were not substantiated at the time the representations were made.

#### **Violations of Sections 5 and 12**

22.53. The acts and practices of Respondents as alleged in this ~~complaint~~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.

#### **NOTICE**

You are notified that on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, 2022, at 10:00 a.m., at the Federal Trade Commission offices, 600 Pennsylvania Avenue, NW, Room 532-H, Washington, DC 20580, an Administrative Law Judge of the Federal Trade Commission will hold a hearing on the charges set forth in this Complaint. At that time and place, you will have the right under the Federal Trade Commission Act to appear and show cause why an order should not be entered requiring you to cease and desist from the violations of law charged in this Complaint.

You are notified that you are afforded the opportunity to file with the Federal Trade Commission (“Commission”) an answer to this Complaint on or before the 14th day after service of the Complaint upon you. An answer in which the allegations of the Complaint are contested



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must contain a concise statement of the facts constituting each ground of defense; and specific admission, denial, or explanation of each fact alleged in the Complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the Complaint not thus answered will be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the Complaint, the answer should consist of a statement that you admit all of the material facts to be true~~—~~, but must also provide a specific response to each individual factual allegation in the Complaint confirming whether Respondents dispute each allegation. Such an answer will constitute a waiver of hearings as to the facts alleged in the Complaint and, together with the Complaint, will provide a record basis on which the Commission may issue a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding. In such answer, you may, however, reserve the right to submit proposed findings of fact and conclusions of law under FTC Rule § 3.46.

Failure to answer timely will be deemed to constitute a waiver of your right to appear and contest the allegations of the Complaint. It will also authorize the Commission, without further notice to you, to find the facts to be as alleged in the Complaint and to enter a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding.

The Administrative Law Judge will hold an initial prehearing scheduling conference not later than 10 days after the answer is filed by the last answering Respondent. Unless otherwise directed by the Administrative Law Judge, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Room 532-H, Washington, DC 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the prehearing scheduling conference, but in any event no later than 5 days after the answer is filed by the last answering Respondent. Rule 3.31(b) obligates counsel for each party, within 5 days of receiving a Respondent's answer, to make certain initial disclosures without awaiting a formal discovery request.

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

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~~NOTICE OF CONTEMPLATED RELIEF~~

~~Should~~

~~The following is the form of the order which the Commission conclude from the record has reason to believe should issue if the facts are found to be as alleged in the Complaint. If, however, the Commission concludes from record facts developed in any adjudicative proceedings in this matter that the proposed order provisions as to Respondents have violated or are violating Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52 might be inadequate to fully protect the consuming public, the Commission may order such other relief against Respondents as is supported by the record and is as it finds necessary and appropriate, including but not limited to:~~

- ~~a. A prohibition on any representation that Respondents' products cure, treat, mitigate, prevent, or reduce the risk of any disease.~~
- ~~b. A prohibition on representations about the health benefits, safety, efficacy, or the performance of Respondents' products unless those representations are supported by competent and reliable scientific evidence.~~
- ~~c. A prohibition on misrepresentations regarding tests, studies, or other research.~~
- ~~d. A requirement that Respondents preserve records relating to competent and reliable clinical tests or studies.~~
- ~~e. A requirement that Respondents send appropriate notification of the order to all affected customers.~~

~~A requirement that Respondents cancel any automatically recurring orders for~~

ORDER

Definitions

For purposes of this Order, the following definitions apply:

- A. "Covered Product" means any Food or Drug.
- B. "Corporate Respondent" means Health Research Laboratories, LLC, or Whole Body Supplements, LLC.
- C. "Dietary Supplement" means:
  - 1. any product labeled as a dietary supplement or otherwise represented as a dietary supplement; or

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2. any pill, tablet, capsule, powder, softgel, gelcap, liquid, or other similar form containing one or more ingredients that are 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.

D. “Drug” means: (a) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (c) articles (other than food) intended to affect the structure or any function of the body of humans or other animals; and (d) articles intended for use as a component of any article specified in (a), (b), or (c); but does not include devices or their components, parts, or accessories.

E. “Essentially Equivalent Product” means a product that contains the identical ingredients, except for inactive ingredients (e.g., inactive binders, colors, fillers, excipients), in the same form and dosage, and with the same route of administration (e.g., orally, sublingually), as the Covered Product; *provided that* the Covered Product may contain additional ingredients if reliable scientific evidence generally accepted by experts in the field indicates that the amount and combination of additional ingredients are unlikely to impede or inhibit the effectiveness of the ingredients in the essentially equivalent product.

F. “Food” means: (a) any article used for food or drink for humans or other animals; (b) chewing gum; and (c) any article used for components of any such article.

G. “Individual Respondent” means Kramer Duhon.

H. “Negative Option Feature” means, in an offer or agreement to sell any good or service, a provision under which the consumer’s silence or failure to take affirmative action to reject a good or service or to cancel the agreement is interpreted by the seller or provider as acceptance or continuing acceptance of the offer.

I. “Respondents” means Health Research Laboratories, LLC, Whole Body Supplements, LLC, and Kramer Duhon, individually, collectively, or in any combination.

**PUBLIC****Provisions****I.**

**IT IS ORDERED** that Respondents must not advertise, market, promote, or offer for sale any Dietary Supplement or assist others in the advertising, marketing, promoting, or offering for sale of any Dietary Supplement.

**II.**

**IT IS FURTHER ORDERED** that Respondents, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any product, must not make any representation, expressly or by implication, that a product cures, treats, mitigates, prevents, or reduces the risk of any disease.

**III.**

**IT IS FURTHER ORDERED** that subject to the prohibitions in Parts I and II of this Order, Respondents, Respondents' officers, agents, and employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, must not make any representation expressly or by implication, about the health benefits, safety, performance, or efficacy of any Covered Product, unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant condition or function to which the representation relates, 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 Provision, "competent and reliable scientific evidence" means tests, analyses, research, or studies that (1) have been conducted and evaluated in an objective manner by experts in the relevant condition or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results; and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the Covered Product or of an Essentially Equivalent Product, when such experts would generally require such human clinical testing to substantiate that the representation is true. In addition, when such tests or studies 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 set forth in Part V of this Order must be available for inspection and production to the Commission. Respondents have the burden of proving that a product satisfies the definition of Essentially Equivalent Product.



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**IV.**

**IT IS FURTHER ORDERED** that subject to the prohibitions in Parts I and II of this Order, Respondents, Respondents' officers, agents, employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with advertising, marketing, promoting, offering for sale, sale, or distribution of any Covered Product must not make any misrepresentations expressly or by implication:

- A. That the performance or benefits of any Covered Product are scientifically or clinically proven or otherwise established; or
- B. The existence, contents, validity, results, conclusions, or interpretations of any test, study, or other research.

**V.**

**IT IS FURTHER ORDERED** that, with regard to any human clinical test or study ("test") upon which Respondents rely to substantiate any claim not banned by Parts I or II, but covered by Part III, Respondents must 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:

- 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 any pretest analysis, intent-to-treat analysis, or 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 does not apply to a reliably reported test, unless the test was conducted, controlled, or sponsored, in whole or in part by: (1) any Respondent; (2) any Respondent's officers, agents, representatives, or employees; (3)*

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any other person or entity in active concert or participation with any Respondent; (4) any person or entity affiliated with or acting on behalf of any Respondent; (5) any supplier of any ingredient contained in the product at issue to any of the foregoing or to the product's manufacturer; or (6) the supplier or manufacturer of such product.

For purposes of this Provision, "reliably reported 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.

For any test conducted, controlled, or sponsored, in whole or in part, by Respondents, Respondents must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of any personal information collected from or about participants. These procedures must be documented in writing and must contain administrative, technical, and physical safeguards appropriate to Corporate Respondents' size and complexity, the nature and scope of Respondents' activities, and the sensitivity of the personal information collected from or about the participants.

## **VI.**

**IT IS FURTHER ORDERED** that Respondents must notify customers as follows:

- A. Respondents must identify all consumers who purchased Black Garlic Botanicals, BG18, UHF, ~~or~~ The Ultimate Heart Formula, and Neupathic on or after January 17, 2018 ("Eligible Customers").
1. Such Eligible Customers, and their contact information, must be identified to the extent such information is in Respondents' possession, custody or control;
  2. Eligible Customers include those identified at any time through the eligibility period, which runs for ~~any existing~~ 1 year after the issuance date of the Order.
- B. Respondents must mail all Eligible Customers the letter in the form shown in Attachment A. Each such mailing must comply with the following:
1. The envelope containing the letter must be in the form shown in Attachment B.
  2. The mailing of the notification letter must not include any other enclosures other than a copy of this Order.
  3. The mailing must be sent by first-class mail, postage prepaid, address correction service requested with forwarding and return postage guaranteed. For any mailings returned as undeliverable, Respondents must use standard address search methodologies such as re-checking Respondents' records and the Postal Service's National Change of Address database and re-mailing to the corrected address within 8 days.

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4. Each such notice must be mailed within 120 days after the effective date of this Order.

C. Respondents must report on their notification program under penalty of perjury as follows:

1. Respondents must submit a report at the conclusion of the program, but in no event later than 180 days after the effective date of this Order, detailing its compliance with this Provision.

~~2.~~ If a representative of the Commission requests any information regarding the program, including any of the underlying customer who was first charged before data, Respondents must submit the issuance requested information within 10 days of the Complaint request.

3. A requirement that Respondents Failure to provide required notices or any requested information will not use, sell, rent, lease, or transfer any be treated as a continuing failure to obey this Order.

## **VII.**

**IT IS FURTHER ORDERED** that Respondents and their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, must not disclose, use, or receive any benefit from customer information including the name, address, telephone number, e-mail address, social security number, or other identifying information ~~related to any customer who paid money to any Respondent for or any data that enables access to a customer's account (including a credit card, bank account or other financial account) that any Respondent obtained prior to the issuance of this Order in connection with sales of Black Garlic Botanicals, BG18, UHF, or Neupathic prior to the issuance of the Complaint~~ The Ultimate Heart Formula, or Neupathic. Respondents must also preserve such identifying information together with records of the product(s) individual customers purchased and the date and amount of payments made to Respondents until receipt of written notice from Commission staff to destroy the information. Once Commission staff notify Respondents to destroy such customer information, Respondents will have five days to comply.

A requirement that, for a period of time, Respondents send *Provided, however, that Respondents may disclose such customer information to the FTC or any law enforcement agency, or as required by any law, regulation, or court order.*

## **VIII.**

**IT IS FURTHER ORDERED** that, consistent with Part VII, Respondents must immediately cancel any subscription plan with a Negative Option Feature related to Black Garlic Botanicals, BG18, The Ultimate Heart Formula, or Neupathic.

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IX.

**IT IS FURTHER ORDERED** that Respondents obtain acknowledgments of ~~the order to the Commission.~~receipt of this Order:

- ~~f. A requirement that, for a period of time, Respondents create and preserve certain records demonstrating compliance with the order.~~
- ~~g. A requirement that, for a period of time, Respondents provide notice of all new business activity to the Commission.~~
- ~~h. A requirement that Respondents file periodic compliance reports with the Commission.~~
- ~~i. A requirement that Respondents' compliance with the order be monitored for a term to be determined by the Commission.~~



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~~j. Any other relief appropriate to correct or remedy the effects of Respondents' deceptive practices or of any or all of the conduct alleged in the complaint.~~

~~— IN WITNESS WHEREOF, the Federal Trade Commission has caused this complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, DC, this \_\_\_ day of \_\_\_\_\_ 2020.~~

- ~~A. Each Respondent, within 10 days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.~~
- ~~B. For 20 years after the issuance date of this Order, the Individual Respondent, for any business that such Respondent, individually or collectively with any other Respondent, is the majority owner or controls directly or indirectly, and each Corporate Respondent, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for the manufacturing, labeling, advertising, marketing, distribution, or sale of any Covered Product, and all agents and representatives who participate in manufacturing, labeling, advertising, marketing, distribution, or sale of any Covered Product; and (3) any business entity resulting from any change in structure as set forth in Part X. Delivery must occur within 10 days after the effective date of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.~~
- ~~C. From each individual or entity to which a Respondent delivered a copy of this Order, that Respondent must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.~~

**X.**

**IT IS FURTHER ORDERED** that Respondents make timely submissions to the Commission:

- A. One year after the issuance date of this Order, each Respondent must submit a compliance report, sworn under penalty of perjury, in which:
1. Each Respondent must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Respondent; (b) identify all of that Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Respondent (which Individual Respondent must describe if they know or should know due to their own involvement); (d) describe in detail whether and how that Respondent is in compliance with each Part of this Order, including a discussion of all of the changes the Respondent made to comply with the Order; and (e) provide a copy of each acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.

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2. Additionally, the Individual Respondent must: (a) identify all his telephone numbers and all his physical, postal, email, and Internet addresses, including all residences; (b) identify all his business activities, including any business for which such Respondent performs services whether as an employee or otherwise and any entity in which such Respondent has any ownership interest; and (c) describe in detail such Respondent's involvement in each such business activity, including title, role, responsibilities, participation, authority, control, and any ownership.
- B. Each Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:
1. Each Respondent must submit notice of any change in: (a) any designated point of contact; or (b) the structure of any Corporate Respondent or any entity that Respondent has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.
  2. Additionally, the Individual Respondent must submit notice of any change in: (a) name, including alias or fictitious name, or residence address; or (b) title or role in any business activity, including (i) any business for which such Respondent performs services whether as an employee or otherwise and (ii) any entity in which such Respondent has any ownership interest and over which Respondents have direct or indirect control. For each such business activity, also identify its name, physical address, and any Internet address.
- C. Each Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Respondent within 14 days of its filing.
- D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_" and supplying the date, signatory's full name, title (if applicable), and signature.
- E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Health Research Laboratories, Dkt. 9397.

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**XI.**

**IT IS FURTHER ORDERED** that Respondents must create certain records for 20 years after the issuance date of the Order, and retain each such record for 5 years, unless otherwise specified below. Specifically, the Corporate Respondents and Individual Respondent for any business that such Respondent, individually or collectively with any other Respondents, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold, the costs incurred in generating those revenues, and resulting net profit or loss;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each Provision of this Order, including all submissions to the Commission; and
- E. A copy of each unique advertisement or other marketing material making a representation subject to this Order.
- F. For 5 years from the date of the last dissemination of any representation covered by this Order:
  - 1. All materials that were relied upon in making the representation; and
  - 2. All tests, studies, analysis, other research or other such evidence in Respondents' possession, custody, or control that contradicts, qualifies, or otherwise calls 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.
- G. For 5 years from the date created or received, all records, whether prepared by or on behalf of Respondents, that tend to show any lack of compliance by Respondents with this Order.

**XII.**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring Respondents' compliance with this Order:

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- A. Within 10 days of receipt of a written request from a representative of the Commission, each Respondent must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury, and produce documents for inspection and copying. Respondents will answer interrogatories and sit for investigational hearings within 30 days of a written request from Commission staff.
- B. For matters concerning this Order, representatives of the Commission are authorized to communicate directly with each Respondent. Respondents must permit representatives of the Commission to interview anyone affiliated with any Respondent who has agreed to such an interview. The interviewee may have counsel present.
- C. The Commission may use all other lawful means, including posing through its representatives as consumers, suppliers, or other individuals or entities, to Respondents or any individual or entity affiliated with Respondents, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

### **XIII.**

**IT IS FURTHER ORDERED** that this Order is final and effective upon the date of its publication on the Commission's website ([www.ftc.gov](http://www.ftc.gov)) as a final order. This Order will terminate 20 years from the date of its issuance (which date may be stated at the end of this Order, near the Commission's seal), or 20 years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying settlement) in federal court alleging any violation of this Order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Provision in this Order that terminates in less than 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 Provision.

*Provided, further*, that if such complaint is dismissed or a federal court rules that the Respondent did not violate any Provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Provision 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.



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**PUBLIC**

By the Commission.

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April J. Tabor

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Acting Secretary

SEAL:

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**ISSUED:**

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ATTACHMENT A

[To be printed on Health Research Laboratories, LLC or Whole Body Supplements, LLC letterhead and sent via First Class mail]

[Date]

Subject: [Black Garlic Botanicals, BG18, The Ultimate Heart Formula, or Neupathic]

[Name of customer]

[Mailing address of customer]

Including zip code]

Dear [Name of customer]:

Our records show that you bought [Black Garlic Botanicals, The Ultimate Heart Formula, or Neupathic from Health Research Laboratories] [BG18 from Whole Body Supplements].

We made claims that our products could prevent, reduce the risk of, treat or cure serious diseases and health conditions such as cardiovascular disease, high blood pressure, and diabetic nerve pain. The Federal Trade Commission has found that we made these claims without having the scientific evidence to support them.

The enclosed FTC order requires us to stop selling dietary supplements and claiming that our products cure, treat, mitigate, prevent, or reduce the risk of any disease.

Furthermore, taking our products could interfere with effective treatments recommended by your doctor.

Learn more about the lawsuit against Health Research Laboratories and Whole Body Supplements at <https://www.ftc.gov/news-events/press-releases/2020/11/ftc-approves-administrative-complaint-against-supplement-marketer>.

Sincerely,

Kramer Duhon  
Health Research Laboratories, LLC  
Whole Body Supplements, LLC

Enclosure [Enclosed Order]

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**ATTACHMENT B**

The envelope for the notification letter must be in the following form, with the underlined text completed as directed:

[HEALTH RESEARCH LABORATORIES, LLC OR  
WHOLE BODY SUPPLEMENTS, LLC

Street Address

City, State and Zip Code]

FORWARDING AND RETURN POSTAGE GUARANTEED ADDRESS CORRECTION  
SERVICE REQUESTED

[name and  
mailing address of customer,  
including zip code]

**ABOUT YOUR PURCHASE OF [BLACK GARLIC BOTANICALS/BG18/THE  
ULTIMATE HEART FORMULA, OR NEUPATHIC]**

## **ATTACHMENT 3**



**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                 **Noah Joshua Phillips**  
                                 **Rebecca Kelly Slaughter**  
                                 **Christine S. Wilson**

**In the Matter of**

**HEALTH RESEARCH LABORATORIES, LLC,  
a limited liability company,**

**WHOLE BODY SUPPLEMENTS, LLC,  
a limited liability company, and**

**KRAMER DUHON,  
individually and as an officer of  
HEALTH RESEARCH LABORATORIES, LLC  
and WHOLE BODY SUPPLEMENTS, LLC.**

**DOCKET NO. 9397**

**[PROPOSED] ORDER AMENDING COMPLAINT AND NOTICE AND REMANDING  
MATTER TO CHIEF ADMINISTRATIVE LAW JUDGE**

Complaint Counsel filed a Second Motion to Amend the Complaint and Notice and additionally requests that the Commission include certain instructions as part of its remand Order. The motion is granted.

Based on the submissions and the record in this proceeding, we conclude that the proposed amendments to the Complaint and Notice are in the public and parties' interests, will facilitate the resolution of this matter, and will not unduly prejudice Respondents. Further, there is good cause to extend the hearing date. This matter is remanded to the Chief Administrative Law with instructions set forth below.

**IT IS ORDERED** that the Amended Complaint and Notice attached hereto should issue.

**IT IS FURTHER ORDERED** that Respondents answer the Amended Complaint within fourteen days of service. Further, to prevent future delays and uncertainty, any Answer that Respondents file must include specific statements responding to each fact alleged in the Amended Complaint and confirming whether they admit or deny each allegation.

**IT IS FURTHER ORDERED** that following remand, the Chief Administrative Judge is requested to promptly determine whether Respondents' counsel should be suspended or barred from future participation in this proceeding under Commission Rule 3.42(d) based on counsel's dilatory and obstructionist conduct. *See* Order (Nov. 19, 2021), at 8-9. The Chief Administrative Law Judge will set an appropriate briefing schedule and new scheduling order for the parties.

**IT IS FURTHER ORDERED** that the parties shall have at least three months to conduct fact discovery and an additional six weeks to produce expert reports and conduct expert depositions following remand. Specifically, the parties are permitted to: (1) serve up to 50 additional document requests, 25 additional interrogatories, and 50 additional requests for admission (without any limitation on the number of requests for admission for authentication and admissibility of exhibits); (2) conduct fact witness depositions; (3) and complete expert reports and depositions in advance of the evidentiary hearing.

**IT IS FURTHER ORDERED** that this matter is remanded to the Chief Administrative Law Judge for discovery, evidentiary hearing, and initial decision.

By the Commission.

April J. Tabor  
Secretary

SEAL:

ISSUED: