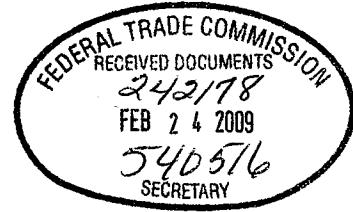


ORIGINAL



IN THE UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of ) Docket No.: 9329  
DANIEL CHAPTER ONE, )  
a corporation, and )  
JAMES FEIJO, ) PUBLIC DOCUMENT  
individually, and as an officer of )  
Daniel Chapter One )  
)  
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RESPONDENTS' RESPONSE TO COMPLAINT COUNSEL'S  
REQUEST FOR ADMISSIONS

As ordered by the Administrative Law Judge's Order of February 11, 2009, Respondents, through their counsel, respond to Complaint Counsel's Request for Admissions. Each request is repeated below, followed by the response.

1. The address for the Corporate Respondent is 1028 East Main Road, Portsmouth, Rhode Island 02871.

RESPONSE: Admit.

2. The Individual Respondent, alone or with others, controls or directs, or has controlled or has directed, the actions of the Corporate Respondent.

RESPONSE: Admit.

3. Patricia Feijo is an officer, director, or manager of the Corporate Respondent.

RESPONSE: Admit.

1 4. During the time period in which the Challenged Products have been advertised, promoted,  
2 or offered for sale, the Individual Respondent has held the position of Overseer of the  
3 Corporate Respondent.  
4

5 **RESPONSE:** Admit.

6 5. The Individual Respondent's business address is the same as the business address for the  
7 Corporate Respondent.  
8

9 **RESPONSE:** Admit.

10 6. The Individual Respondent is responsible for managing the marketing and intellectual  
11 property of the Challenged Products.

12 **RESPONSE:** Admit that Individual Respondent is responsible for managing the educational and  
13 intellectual property of the Challenged Products. Deny that the activities managed by Individual  
14 Respondent constitute marketing.  
15

16 7. The Individual Respondent has supervised persons who have engaged in activities relating  
17 to the promotion and/or sale of the Challenged Products.

18 **RESPONSE:** Admit that persons supervised by Individual Respondent have engaged in activities  
19 relating to providing the Challenged Products to individuals and organizations. Deny that such  
20 activities constitute promotion and/or sale of such products.  
21

22 8. The Individual Respondent has supervised Patricia Feijo's activities relating to the  
23 promotion and/or sale of the Challenged Products.

24 **RESPONSE:** Admit that Individual Respondent has supervised the Daniel Chapter One  
25 activities of Patricia Feijo. Deny that such activities include the promotion and/or sale of  
26 products.  
27

28 9. The Individual Respondent has supervised Dr. Bill Maclean's activities relating to the

1 promotion and/or sale of the Challenged Products.

2 **RESPONSE:** Deny. Dr. Bill Mclean represents a supplier to Daniel Chapter One and Individual  
3 Respondent has not supervised any of his activities.  
4

5 10. Respondents have offered for sale, and received payment for, the Challenged Products to  
6 consumers in numerous states of the United States.

7 **RESPONSE:** Deny that products are offered for sale. Products are provided for donations which  
8 vary in amounts, or are supplied as gifts or charitable contributions.  
9

10 11. Promotional materials for the Challenged Products have appeared in numerous states of  
11 the United States.

12 **RESPONSE:** Admit that materials related to the Challenged Products have appeared in many states.  
13 Deny that such materials constitute promotional materials.  
14

15 12. The Individual Respondent approved the promotional materials for the Challenged  
16 Products.

17 **RESPONSE:** Admit that Individual Respondent approved materials related to the Challenged  
18 Products. Deny that such materials constitute promotional materials.  
19

20 13. During the time period in which the Challenged Products have been advertised and sold,  
21 the Individual Respondent has been familiar with the claimed scientific substantiation for  
22 the Challenged Products' promotional materials.

23 **RESPONSE:** Deny that Challenged Products have been promoted, advertised or sold. Admit that the  
24 Individual Respondent has been familiar with the claimed scientific substantiation for the Challenged  
25 Products' educational materials.  
26

27 14. The Respondents provide monetary remuneration to persons who work on their behalf,  
28 including, but not limited to, engaging in activities relating to the promotion and sale of

1 the Challenged Products.

2 **RESPONSE:** Deny that Respondents or persons working on their behalf engage in promotion and  
3 sale of products. The Respondents *may* provide monetary remuneration for work, but at times  
4 have also bartered products for work, and at times people have donated work to Respondents.  
5

6 15. The Respondents control the content of the Web site www.danielchapterone.com.

7 **RESPONSE:** Admit.

8 16. The Respondents control the content of the Web site www.delpages.com. [sic]  
9

10 **RESPONSE:** Deny that Respondents control the content of the Web site www.delpages.com. Admit  
11 that Respondents control the content of the Web site www.dclpages.com.

12 17. The Respondents control the content of the Web site www.dcstore.com. [sic]

13 **RESPONSE:** Deny that Respondents control the content of the Web site www.dcstore.com. Admit  
14 that Respondents control the content of the Web site www.dclstore.com.

15 18. The Respondents control the content of the Web site www.7HerbFormula.com.

16 **RESPONSE:** Admit.

17 19. The Respondents control the content of the Web site www.gdu2000.com.

18 **RESPONSE:** Admit.  
19

20 20. The Web site www.danielchapterone.com advertises, markets, promotes, or sells the  
21 Challenged Products.  
22

23 **RESPONSE:** Deny that the Web site www.danielchapterone.com advertises, markets,  
24 promotes or sells products.

25 21. The Web site www.dclpages.com advertises, markets, promotes, or sells the Challenged  
26 Products.  
27

28 **RESPONSE:** Deny that the Web site www.dclpages.com advertises, markets, promotes or

1 sells products.

2 22. The Web site www.dcstore.com [sic] advertises, markets, promotes, or sells the Challenged  
3 Products.  
4

5 **RESPONSE:** Respondents are unfamiliar with a Web site www.dcstore.com. Deny that the  
6 Web site www.dclstore.com advertises, markets, promotes or sells products.

7 23. The Web site www.7HerbFormula.com advertises, markets, promotes, or sells the  
8 Challenged Products.  
9

10 **RESPONSE:** Deny that the Web site www.7HerbFormula.com advertises, markets, promotes  
11 or sells products.

12 24. The Web site www.gdu2000.com advertises, markets, promotes, or sells the Challenged  
13 Products.  
14

15 **RESPONSE:** Deny that the Web site www.gdu2000.com advertises, markets, promotes or  
16 sells products.

17 25. Respondents claim in their promotional materials that the Challenged Products, when  
18 taken individually or collectively, prevent, treat, or cure cancer.

19 **RESPONSE:** Deny.  
20

21 26. Respondents claim in their promotional materials that the Challenged Products, when  
22 taken individually or collectively, prevent, treat, or cure tumors.

23 **RESPONSE:** Deny.  
24

25 27. Respondents have not performed clinical trials on the active and inactive ingredients  
26 contained in the Challenged Products.

27 **RESPONSE:** Admit.

28 28. Respondents do not possess the results of clinical trials performed by third parties on the

1 active or inactive ingredients contained in the Challenged Products.

2 **RESPONSE:** Deny. Materials in the possession of Respondents in some cases include or reference  
3 the results of clinical trials performed by third parties on the active or inactive ingredients contained in  
4 the Challenged Products.  
5

6 29. Respondents did not conduct any tests on the efficacy of Bio\*Shark as a product that  
7 prevents, treats, or cures cancer or tumors.

8 **RESPONSE:** Admit.  
9

10 30. Respondents did not ask any other person or entity to conduct tests on the efficacy of  
11 Bio\*Shark as a product that prevents, treats, or cures cancer or tumors.

12 **RESPONSE:** Admit.

13 31. Respondents did not conduct any tests on the efficacy of 7 Herb Formula as a product that  
14 prevents, treats, or cures cancer or tumors.  
15

16 **RESPONSE:** Admit.

17 32. Respondents did not ask any other person or entity to conduct tests on the efficacy of 7  
18 Herb Formula as a product that prevents, treats, or cures cancer or tumors.

19 **RESPONSE:** Admit.  
20

21 33. Respondents did not conduct any tests on the efficacy of GDU as a product that prevents,  
22 treats, or cures cancer or tumors.

23 **RESPONSE:** Admit.

24 34. Respondents did not ask any other person or entity to conduct tests on the efficacy of  
25 GDU as a product that prevents, treats, or cures cancer or tumors.  
26

27 **RESPONSE:** Admit.

28 35. Respondents did not conduct any tests on the efficacy of BioMixx as a product that

1 prevents, treats, or cures cancer or tumors.

2 **RESPONSE:** Admit.

3  
4 36. Respondents did not ask any third parties to conduct tests on the efficacy of BioMixx as a  
5 product that prevents, treats, or cures cancer or tumors.

6 **RESPONSE:** Admit.

7  
8 37. Respondents do not possess any scientific evidence that the Challenged Products, taken  
9 either individually or collectively, prevent, treat, or cure cancers or tumors.

10 **RESPONSE:** Deny.

11  
12 38. The Challenged Products, taken either individually or collectively, do not prevent, treat or  
13 cure cancers or tumors.

14 **RESPONSE:** Deny.

15  
16 39. The Challenged Products are "foods" or "drugs" within the meaning of Sections 12 and 15  
17 of the FTC Act, 15 U.S.C. §§ 55(b) and 55(c).

18 **RESPONSE:** Deny. The Challenged Products are dietary supplements.

19  
20 40. The Food and Drug Administration (FDA) issued an August 15, 2008 warning letter  
21 ("FDA letter") to Respondents, stating that it found that 7 Herb Formula and other  
22 products distributed, sold, or promoted by Respondents "to be drugs under section  
23 201(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act (the Act) [21 U.S.C.  
24 § 321(g)(1)(B)]."

25 **RESPONSE:** Admit, and Respondents object to the FDA statement.

26  
27 41. The Corporate Respondent engages in economic activity that meets the definition of  
28 "commerce" in 15 U.S.C. § 44.

**RESPONSE:** Deny.

1 42. The Corporate Respondent receives funds from, and in return provides products to,  
2 individuals in various parts of the United States.

3 **RESPONSE:** Admit that the Corporate Respondent receives funds from, and provides products  
4 to, individuals in various parts of the United States. Deny that the products are provided “in  
5 return” for the funds to the extent that such statement would imply a sale of the products.  
6

7  
8 Dated this 23rd day of February, 2009.  
9

10 Swankin & Turner  
11 Attorneys for Respondents

12  
13 By: 

14 James S. Turner

15 1400 16<sup>th</sup> Street, NW, Suite 101  
16 Washington, DC 20036  
17 Ph: 202-462-8800  
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19 Email: jim@swankin-turner.com  
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1  
2 **IN THE UNITED STATES OF AMERICA**  
3 **BEFORE THE FEDERAL TRADE COMMISSION**  
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5 **In the Matter of** ) **Docket No.: 9329**  
6 **DANIEL CHAPTER ONE,** )  
7 **a corporation, and** ) **PUBLIC DOCUMENT**  
8 **JAMES FEIJO,** )  
9 **individually, and as an officer of** )  
10 **Daniel Chapter One** )

11  
12 **CERTIFICATE OF SERVICE**

13  
14 I certify that on February 23, 2009, I served or caused to be served the following  
15 document on the individuals listed below by electronic mail, followed by Federal Express  
16 delivery:

17 Respondents' Response to Complaint Counsel's Requests for Admissions

18 Service to:


19 Donald S. Clark  
20 Office of the Secretary  
21 Federal Trade Commission  
22 600 Pennsylvania Avenue, NW, Room H-135  
23 Washington, DC 20580  
24 Email: secretary@ftc.gov

25 Leonard L. Gordon, Esq. (lgordon@ftc.gov)  
26 Theodore Zang, Jr., Esq. (tzang@ftc.gov)  
27 Carole A. Paynter, Esq. (cpaynter@ftc.gov)  
28 David W. Dulabon, Esq. (ddulabon@ftc.gov)  
Federal Trade Commission – Northeast Region  
One Bowling Green, Suite 318  
New York, NY 10004

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Courtesy Copies:

Hon. D. Michael Chappell  
Administrative Law Judge  
600 Pennsylvania Avenue, NW, Room H-106  
Washington, DC 20580  
Email: oalj@ftc.gov



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Swankin & Turner  
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Washington, DC 20036