



Davidson and Circa Direct, LLC (“Defendants”)<sup>1</sup>:

A. Temporarily restraining Defendants, in connection with the advertising, promotion, or offering for sale of any product, program, or service from misrepresenting that any advertising or promotional material is objective news content; independent tests demonstrate the effectiveness of these products, programs, or services; and consumer comments posted online express the views of ordinary consumers;

B. Temporarily restraining Defendants from failing to disclose, or disclose adequately, that any advertising or promotional material formatted to resemble objective news content is a paid advertisement;

C. Temporarily restraining Defendants from misrepresenting the health benefits, performance, or efficacy of any food or drug, including that such food or drug causes weight-loss or rapid weight-loss;

D. Temporarily restraining Defendants from disposing of or transferring their assets other than those assets that are used for actual, ordinary, and necessary business or living expenses that Defendants reasonably incurs;

E. Requiring Defendants to provide an accounting of their assets and present financial condition and of their online marketing partners;

F. Permitting limited expedited discovery as to the identity and location of assets, relevant documents, and other matters related to monitoring Defendants’

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<sup>1</sup>The FTC notified Defendants via e-mail and will also serve copies of all pleadings. *See* Declaration of Laura Sullivan, FTC-000847-50 (PX, Vol. VII).

compliance with the requested Order;

G. Requiring Defendants to serve a copy of the requested Order on all employees, agents, and independent contractors;

H. Providing other equitable relief; and

I. Requiring Defendants to show cause why a preliminary injunction should not issue extending the foregoing temporary relief until the merits of the FTC's allegations are finally adjudicated.

As grounds for this motion, and as further set out in the accompanying memorandum and exhibits, the FTC states that Defendants have engaged, and continue to engage, in deceptive acts and practices in or affecting commerce, in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45, 52. Defendants falsely claim their advertising and promotional materials are objective news content and disseminate patently false weight-loss claims. The requested temporary relief is necessary to halt Defendants' unlawful conduct and to preserve this Court's ability to issue full and final equitable relief, including restitution, the refund of monies paid, and the disgorgement of ill-gotten monies.

The FTC further moves the Court to order Defendants to show cause why a preliminary injunction should not issue.

The FTC respectfully refers this Court to the memorandum and exhibits, filed herewith in support of this motion. A proposed Order has also been filed herewith.

Dated: April 18, 2011

Respectfully submitted,

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General Counsel

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