

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

In the Matter of

**MARC CHING,
Individually, and also d/b/a
WHOLE LEAF ORGANICS.**

FILE NO. 2023110

**AGREEMENT CONTAINING
CONSENT ORDER**

The Federal Trade Commission (“Commission”) has issued an administrative Complaint challenging certain acts and practices of Marc Ching, individually and doing business as Whole Leaf Organics (“Respondent”). The Commission’s Bureau of Consumer Protection (“BCP”) and Respondent enter into this Agreement Containing Consent Order (“Consent Agreement”) to resolve the allegations in the Complaint through a proposed Decision and Order to present to the Commission, which is also attached and made a part of this Consent Agreement.

IT IS HEREBY AGREED by and between Respondent and BCP, that:

1. The Respondent is Marc Ching, individually and doing business as Whole Leaf Organics, who has his principal office or place of business as 14900 Magnolia Blvd, #57347, Sherman Oaks, California 91413.
2. Respondent has been served a copy of the administrative Complaint issued by the Commission charging him with violations of Sections 5(a) and 12 of the Federal Trade Commission Act.
3. Respondent neither admits nor denies any of the allegations in the Complaint, except as specifically stated in the Decision and Order. Only for purposes of this action, Respondent admits the facts necessary to establish jurisdiction.
4. Respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission’s Decision contain a statement of findings of fact and conclusions of law;
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order issued pursuant to this Consent Agreement; and
 - d. Any claim under the Equal Access to Justice Act.

5. This Consent Agreement will not become part of the public record of the proceeding unless and until it is accepted by the Commission. If the Commission accepts this Consent Agreement, it will be placed on the public record for 30 days and information about it publicly released. Acceptance does not constitute final approval, but it serves as the basis for further actions leading to final disposition of the matter. Thereafter, the Commission may either withdraw its acceptance of this Consent Agreement and so notify Respondent, in which event the Commission will take such action as it may consider appropriate, or issue its decision in disposition of the proceeding, which may include an Order. *See* Section 3.25(f) of the Commission's Rules, 16 C.F.R. § 3.25(f) ("Rule 3.25(f)").

6. If this agreement is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to Rule 3.25(f), the Commission may, without further notice to Respondent: (1) issue its Decision and Order; and (2) make information about them public. Respondent agrees that service of the Order may be effected by its publication on the Commission's website (ftc.gov), at which time the Order will become final. *See* Rule 2.32(d). Respondent waives any rights he may have to any other manner of service. *See* Rule 4.4.

7. When final, the Decision and Order will have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other Commission orders.

8. The Complaint may be used in construing the terms of the Decision and Order. No agreement, understanding, representation, or interpretation not contained in the Decision and Order or in this Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

9. Respondent agrees to comply with the terms of the proposed Decision and Order from the date that Respondent signs this Consent Agreement. Respondent understands that he may be liable for civil penalties and other relief for each violation of the Decision and Order after it becomes final.

**MARC CHING,
Individually and
doing business as
WHOLE LEAF ORGANICS**

By: _____
Marc Ching

Date: _____

FEDERAL TRADE COMMISSION

By: _____
Tawana Davis
Amber Lee
Attorneys, Bureau of Consumer Protection

APPROVED:

Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices

Andrew Smith
Director
Bureau of Consumer Protection

Date: _____