

Complaint

IN THE MATTER OF

**CDK GLOBAL, INC.,
CDK GLOBAL, LLC,
AUTO/MATE, INC.,
ROBERT EUSTACE,
ELSA EUSTACE,
G. LARRY COLSON, JR.,
MICHAEL ESPOSITO,
AND
GLEN EUSTACE**COMPLAINT AND FINAL ORDER IN REGARD TO ALLEGED
VIOLATIONS OF SECTION 5 OF THE FEDERAL TRADE COMMISSION
ACT AND SECTION 7 OF THE CLAYTON ACT

*Docket No. 9382; File No. 171 0156
Complaint, March 19, 2018 – Decision, March 26, 2018*

This case addresses the \$190 million acquisition by CDK Global, Inc. of certain assets of Auto/Mate, Inc. The complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act and Section 5 of the FTC Act by restraining competition in the market for dealer management systems business software (“DMS”) to franchise automotive dealerships in the United States. The order dismisses the Complaint on the grounds that the Respondents terminated their Stock Purchase Agreement and withdrew the Hart-Scott-Rodino Notification and Report Forms which they filed for the acquisition.

Participants

For the *Commission*: James Abell, Stephen Antonio, Peggy Bayer Femenella, Michael Blevins, Alicia Burns-Wright, Maria Cirincione, Michael Franchak, Matthew Gessesse, and Janet Kim.

For the *Respondents*: Aidan Synnott, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Lee Van Voorhis, Jenner & Block LLP.

Complaint

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act (“FTC Act”), and by virtue of the authority vested in it by the FTC Act, the Federal Trade Commission (“Commission”), having reason to believe that Respondents CDK Global, Inc. and CDK Global, LLC (collectively “CDK”) and Auto/Mate, Inc. (“Auto/Mate”), Robert Eustace, Elsa Eustace, G. Larry Colson, Jr., Michael Esposito, and Glen Eustace have executed an acquisition agreement in violation of Section 5 of the FTC Act, as amended, 15 U.S.C. § 45, which if consummated would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint pursuant to Section 5(b) of the FTC Act, 15 U.S.C. § 45(b), and Section 11(b) of the Clayton Act, 15 U.S.C. § 21(b), stating its charges as follows:

I. NATURE OF THE CASE

1. Respondents are providers of dealer management systems (“DMS”) for franchise (new car) dealerships. The DMS is mission-critical business software used by dealerships to manage nearly every aspect of their business, including accounting, payroll, parts and vehicle inventory, service repair scheduling, and vehicle financing. Franchise DMS providers must also obtain car manufacturer (“OEM”) certifications so that the DMS can share information between the franchise dealerships and OEMs, including information about new car sales, warranty services, parts, financial performance, and labor time.

2. CDK and Reynolds & Reynolds (“Reynolds”) are the two largest franchise DMS providers in the United States. They are also the highest priced, and have similar business models, which include long-term contracts and significant initial and monthly fees for third-party applications (app) vendors to integrate with their respective DMS.

3. Auto/Mate is an innovative, disruptive challenger to the two market leaders. It offers franchise dealerships a distinct value proposition, including strong functionality, low pricing, an

Complaint

agnostic platform for third-party applications, extensive OEM certifications, short contracts, free software upgrades and training, and a reputation for high-quality customer service. In recent years, Auto/Mate has grown as a competitive threat in the franchise DMS market, including by specifically targeting CDK customers. Auto/Mate has consistently expanded its customer base and revenues through both aggressive pricing and adapting its differentiated product to match the preferences of many franchise dealers, placing pressure on CDK's pricing and margins. It has also developed features attractive to larger franchise dealerships and as a result, became an increasing threat to take more customers from CDK. CDK identified Auto/Mate as a current and emerging threat and responded aggressively by discounting and offering more flexible and better terms to customers.

4. In the fall of 2016 when Auto/Mate placed itself up for sale, CDK concluded that it could eliminate a strong current competitor, which was threatening to become an even more disruptive rival, by simply purchasing the company. However, CDK's plan to rid itself of a significant and growing competitive threat hit a roadblock: during the bidding process, CDK suspected that other well-financed, credible bidders recognized Auto/Mate's competitive strengths and were seriously interested in buying the company. CDK recognized that if Auto/Mate fell into the hands of a well-financed buyer willing to invest additional resources, Auto/Mate would become an even more aggressive and effective competitor. CDK was so concerned about this possibility that it

After concluding that it could not allow Auto/Mate to fall into the hands of a larger, well-financed backer, CDK

CDK ultimately offered a price that was far in excess of its original standalone valuation of Auto/Mate

Indeed, the most credible explanation for CDK's

Complaint

6. CDK's post-merger plans for Auto/Mate provide substantial additional support for the conclusion that this Acquisition will reduce competition. Post-merger, CDK plans to substantially downgrade [REDACTED] features and service, raise [REDACTED] prices, and prevent CDK's larger customers from migrating [REDACTED].

7. Today, competition from Auto/Mate yields a myriad of substantial benefits to franchise dealers. Auto/Mate's presence in this market means lower prices, greater innovation, more flexible contract terms, and better service. If consummated, the Acquisition would eliminate the considerable and growing competition between CDK and Auto/Mate. It would also eliminate competition between Auto/Mate and other DMS providers, and thereby cause significant and pervasive harm to franchise dealers.

8. The Acquisition would entrench CDK's [REDACTED] share of the relevant market and would significantly increase market concentration. Post-Acquisition, CDK would control approximately 47% of the franchise DMS market. Reynolds would possess approximately [REDACTED] of the relevant market. Under the 2010 U.S. Department of Justice and Federal Trade Commission Horizontal Merger Guidelines ("Merger Guidelines"), a post-merger market-concentration level above 2500 points, as measured by the Herfindahl-Hirschman Index ("HHI"), and an increase in market concentration of more than 200 points renders a merger presumptively unlawful. Post-Acquisition market concentration would be more than 2500, and the Acquisition would increase HHIs in an already concentrated market by well over 200 points. Thus, the Acquisition is presumptively unlawful.

9. New entry or repositioning by existing producers would not be timely, likely, or sufficient to counteract the anticompetitive effects of the Acquisition. *De novo* entrants face considerable barriers including substantial and lengthy up-front investments in product development and OEM certification, with a high risk of failure. Similarly, existing DMS providers face substantial challenges in order to reposition to replace Auto/Mate's competitive significance, including but not limited

Complaint

to, a poor or non-existent reputation among customers, software with limited functionality, limited or non-existent OEM certifications, poor service levels, constrained capacity, and high prices. In brief, the remaining firms in this market are not likely to replace the unique, substantial, and growing competitive significance of Auto/Mate in a timely way, either collectively or individually.

10. Respondents cannot show cognizable efficiencies that would offset the likely and substantial competitive harm from the Acquisition.

II. JURISDICTION

11. Respondents are, and at all relevant times have been, engaged in commerce or in activities affecting “commerce” as defined in Section 4 of the FTC Act, 15 U.S.C. § 44, and Section 1 of the Clayton Act, 15 U.S.C. § 12.

12. The Acquisition constitutes an acquisition subject to Section 7 of the Clayton Act, 15 U.S.C. § 18.

III. RESPONDENTS

13. CDK is the largest provider of franchise DMS in the United States. CDK is a publicly traded company, headquartered in Hoffman Estates, Illinois. CDK had 2017 global revenues of over \$2 billion. In the United States, CDK has DMS customers with more than [REDACTED] franchise dealership locations (or “rooftops,” the industry’s preferred term).

14. Auto/Mate is one of the fastest-growing providers of franchise DMS in the United States. Auto/Mate is a privately held company based in Albany, New York, with 180 employees in the United States. [REDACTED]

[REDACTED] Auto/Mate had 2017 revenues of approximately [REDACTED]. In the United States, Auto/Mate has DMS customers with more than [REDACTED]

Complaint

franchise dealership rooftops. Since 2012, Auto/Mate has grown rapidly, significantly increasing its customer base year-over-year. Auto/Mate is now the fifth largest franchise DMS provider in the United States with approximately [REDACTED] market share.

IV. THE ACQUISITION

15. Pursuant to a Stock Purchase Agreement, dated April 28, 2017, CDK proposes to acquire 100% of the shares of Auto/Mate for approximately [REDACTED] in cash.

V. MARKET PARTICIPANTS AND INDUSTRY DYNAMICS

16. The United States franchise DMS market is highly concentrated with CDK and Reynolds controlling approximately 70% of the market. Dealertrack, Auto/Mate, and Autosoft round out the top five franchise DMS providers in the United States. Each of the remaining franchise DMS providers accounts for a much smaller share of the market.

17. CDK and Reynolds have similar business models — both offer a broad set of features and OEM certifications, but both also charge relatively high prices, and both regularly require their customers to sign long-term contracts. In addition to these issues, both companies tend to charge relatively high fees for integrating third party applications, and CDK has a reputation for relatively poor customer service. Despite such business practices that frustrate some of their customers, the two market leaders have maintained dominant positions in this market.

18. Customers frustrated with CDK's and Reynolds's business practices have faced significant challenges in switching DMS suppliers and, historically, a lack of good alternatives to the two market leaders. In order to change DMS suppliers, franchise dealers need to spend a significant number of hours training their staff, while dealing with losses in productivity that can lead to lower sales during the transition period. Because the DMS touches essentially every aspect of a dealer's business, there is considerable risk associated with switching to a DMS that does not perform adequately. This makes customers understandably

Complaint

wary of DMS suppliers without an established track record of success.

19. Auto/Mate is a low price, innovative company that has posted consistent, double-digit growth in recent years. A significant portion of Auto/Mate's wins in recent years have come at CDK's expense. Auto/Mate's value proposition includes but is not limited to, low prices, an ample and growing set of features, month-to-month contracts, the choice of on-site or cloud server deployment, a full roster of major OEM certifications, a low-cost agnostic platform for third-party applications, a strong reputation, and excellent customer service.

20. Today, no other DMS offers Auto/Mate's combination of low prices, high functionality, and strong customer service. These attributes position Auto/Mate well to effectively challenge the market leadership of CDK and Reynolds. According to its internal business documents, Auto/Mate plans to grow its market share both by continuing to aggressively court and win small franchise dealership customers as well as by continuing to expand on its recent successes in winning larger franchise dealership customers. In 2016, Auto/Mate stated it could grow [REDACTED]

21. Compared to Auto/Mate, each remaining DMS provider, including Dealertrack and Autosoft, lacks important features or value, including but not limited to, low pricing, important software functionalities, important OEM certifications, month-to-month contracts, or a strong reputation. Many of these DMS providers have failed to show significant growth or have stagnated or contracted in the last several years. Many of the remaining DMS providers have significant limitations on their capacity to add and support new customers.

VI. RELEVANT MARKET

22. The relevant market is the sale of DMS for franchise dealers in the United States ("Relevant Market" or "U.S. Franchise DMS Market"). A hypothetical monopolist of the sale of all franchise DMS in the United States would find it profit-

Complaint

maximizing to impose at least a small but significant and non-transitory increase in price (“SSNIP”).

A. Relevant Product Market

23. The relevant product market in which to assess the effects of the proposed Acquisition is DMS for franchise dealers.

24. The DMS is a mission-critical business software that serves as the backbone of the dealer’s information technology systems. Within a dealership, the DMS is used to manage nearly every aspect of the business, including accounting, payroll, parts and vehicle inventory, service repair scheduling, and vehicle financing. Much of the technology needed to run a dealership, including internet connectivity, telephones, website management, inventory, service scheduling, finance and insurance, and accounting is run or connected through the DMS. The DMS is also necessary for sharing information between the dealerships and OEMs like Ford, Audi, or Honda. This enables the dealer and OEMs to share real-time information on sales, inventory, parts, service, and warranties.

25. There are no reasonably interchangeable substitutes for franchise DMS, and franchise dealerships could not realistically switch to other products in the face of a SSNIP for DMS for franchise dealers.

26. DMS for franchise dealers has distinct qualities that other DMS products, including independent (used car) DMS does not have. A DMS for franchise dealers must have OEM certifications for the dealer to communicate with OEMs to share new car sales and parts information, and perform warranty services. Independent DMS providers and general business software do not have OEM certifications.

27. In addition to OEM certification, franchise dealers generally require software features tailored to franchise car dealership business operations, which are lacking in other DMS. In particular, franchise dealers demand complex automobile repair and parts software modules that independent DMS providers do not offer. In addition, independent DMS providers often lack

Complaint

other software modules important to the franchise dealer, including accounting and payroll modules.

28. Franchise dealers do not use independent DMS providers as a competitive restraint in negotiations with franchise DMS providers. General business software programs are also not a constraint on franchise DMS providers, and franchise dealers do not use general business software as a competitive restraint in negotiations with franchise DMS providers.

29. Thus, DMS for franchise dealers is the relevant product market in which to analyze the Acquisition's likely effects.

B. Relevant Geographic Market

30. The relevant geographic market is the United States. Auto/Mate does not compete outside of the United States. OEM certifications are frequently limited to specific countries and many OEMs require a United States-specific certification. Because franchise DMS customers demand OEM certifications that work within their country, and those certifications are frequently nation-specific, the relevant geographic market is the United States.

VII. MARKET STRUCTURE AND THE MERGER'S PRESUMPTIVE ILLEGALITY

31. The U.S. Franchise DMS Market is highly concentrated, with CDK and Reynolds controlling roughly 70% of the market. CDK has approximately [REDACTED] market share and Auto/Mate has approximately [REDACTED] market share. Post-Acquisition, the Relevant Market would be even more highly concentrated; CDK would control nearly half the market.

32. The Merger Guidelines and courts often measure concentration using HHIs. HHIs are calculated by totaling the squares of the market shares of every firm in the relevant market. Under the Merger Guidelines, a merger is presumed likely to create or enhance market power and is presumptively illegal when the post-merger HHI exceeds 2,500 and the merger increases the HHI by more than 200 points.

Complaint

33. Post-Acquisition, the Relevant Market would be substantially more highly concentrated than it is today. Post-Acquisition, CDK would control approximately 47% of this Relevant Market. Reynolds, the next largest competitor, would possess approximately [REDACTED] of the Relevant Market. The Acquisition would result in a post-Acquisition HHI of over 2,500, and would increase concentration by well over 200 points. Therefore, the Acquisition establishes a presumption of competitive harm.

34. In this matter, the HHIs based on current market shares materially understate Auto/Mate's competitive significance in the Relevant Market because they do not take into consideration Auto/Mate's likely growth trajectory. Prior to the merger announcement, Auto/Mate posted significant growth year-over-year, adding new functionalities to its DMS and gaining large dealership customers. Moreover, Auto/Mate's reputation was growing in the industry and it was poised for continuing and significant growth.

35. The Acquisition is, therefore, presumptively unlawful under relevant case law and the Merger Guidelines.

VIII. ANTICOMPETITIVE EFFECTS: THE ACQUISITION WOULD ELIMINATE VITAL COMPETITION BETWEEN AUTO/MATE AND OTHER DMS PROVIDERS

36. The Acquisition is likely to substantially lessen competition in the Relevant Market. Auto/Mate competes aggressively against CDK today and would compete even more aggressively against CDK in the future but for the Acquisition. The merger would extinguish this competition, as well as competition between Auto/Mate and other DMS providers. The result would be higher prices, inferior service, and reduced quality and innovation.

Complaint

A. Auto/Mate Competes Aggressively Against CDK Today

37. To successfully challenge the large incumbent DMS providers, Auto/Mate deploys aggressive sales and marketing efforts. In attempts to win CDK customers, Auto/Mate has repeatedly emphasized CDK's price increases for both its core DMS and third-party integration, CDK's restrictive contracts, and CDK's business practices in marketing blasts it sent directly to CDK customers:

- “Pressure to increase margins has already caused prices to increase on third-party integration fees. This pressure will also cause increased prices on products for dealers directly if they have not seen it already.”
- “CDK is letting go of a substantial amount of account managers in addition to other employees” and “[t]his will surely result in decreased communications between CDK and its dealers.”
- “We believe that CDK dealers using an older web platform are being forced to migrate to a newer version and are required to pay for the cost of implementation.”
- “[I]f you are currently using an in-house server, you may be alarmed to find out that you will be forced to migrate to a cloud-based solution by January 1st, 2018.”
- “We are aware that these changes could drastically impact your bottom line. If you're tired of being locked down in an unsatisfactory contract and forced to pay for unnecessary updates, please feel free to contact me personally.”

38. Auto/Mate also focuses on the overall price difference between Auto/Mate and CDK and Reynolds, using its website to assure prospective customers that “dealers often find their Auto/Mate monthly support bills to be 65-75 percent less than

Complaint

what they're paying with Reynolds and Reynolds or CDK." Auto/Mate is successful in its attempts to target CDK and Reynolds customers. Auto/Mate touted that "[o]ver 82% of our customers are converted from CDK Global and Reynolds & Reynolds DMS systems."

39. Auto/Mate also continually improves its product in response to customer demand for feature innovations. [REDACTED]

[REDACTED] Auto/Mate almost always provides these enhancements to its entire customer base, and in most cases, does so free of charge.

40. Auto/Mate's aggressive competition drew considerable attention at CDK. In 2016, CDK recognized that Auto/Mate was winning an increasing share of opportunities and that CDK was "losing more clients to Automate (sic) in the [REDACTED] than we've ever lost before," that Auto/Mate had "shrunk the gap in functionality to our core DMS," that Auto/Mate was "moving up toward Tier 1," and that Auto/Mate was now successfully acquiring large dealership customers. Internally, CDK discussed that Auto/Mate was getting "more and more aggressive with pricing" and that Auto/Mate was "making too much headway" relative to other franchise DMS competitors.

41. To respond to competition from Auto/Mate, CDK regularly offers [REDACTED] concessions. Reynolds also provides [REDACTED] and other benefits in response to competition from Auto/Mate.

42. In 2016, CDK implemented a plan specifically designed to reduce the risk that some of its customers would switch to Auto/Mate. [REDACTED]

[REDACTED] all of which were beneficial to customers.

Complaint

43. Competition between CDK and Auto/Mate has substantially lowered prices for customers. The following are examples of this direct price competition:

- In a competition between CDK, Auto/Mate and Dealertrack, a franchise dealer's consultant produced a cost comparison showing that Auto/Mate's total price over 60 months was [REDACTED] less than Dealertrack and [REDACTED] less than CDK's DMS. In explaining his decision to leave CDK, the franchise dealer cited the price difference as "significant" and added that the decision to leave "wasn't a very hard call."
- A franchise dealer told CDK it was switching to Auto/Mate because "The price difference between R&R / CDK and a smaller DMS like Auto/Mate is a savings of [REDACTED] over 60 months. That is substantial and the main reason our owners wish to go this route."
- In competition with Auto/Mate, CDK was forced to provide a roughly [REDACTED] discount on monthly charges (an equivalent of approximately [REDACTED] over 60 months).

44. CDK also regularly responds to competition from Auto/Mate on non-price terms, including but not limited to,

[REDACTED]
[REDACTED] For example, CDK typically offers a 60-month term contract, whereas Auto/Mate's contracts are month-to-month. Before the Acquisition's announcement, in response to Auto/Mate competition, [REDACTED] In another example, seeing Auto/Mate as the "real risk" to win one of its existing customers who expressed frustration with CDK's service, [REDACTED]
[REDACTED]

Complaint

B. Auto/Mate Is Positioned to Compete Even More Aggressively in the Future Against CDK, Especially for Larger Dealership Customers

45. This Acquisition would lead to a real and significant loss of current competition. However, Auto/Mate's effect on the market is more significant than its current market share suggests, in part because of its compelling value proposition and history of continuous software innovations. These issues strongly indicate that, prior to the Acquisition, Auto/Mate was poised to become an even more aggressive and effective competitor in the Relevant Market.

46. For the past five years, Auto/Mate has been experiencing significant year-over-year rooftop growth. To drive this growth, Auto/Mate recently introduced several important functionality upgrades, including centralized accounting, which is a feature that dealerships with multiple rooftops value, and often strongly prefer. By adding centralized accounting to an already solid feature set at aggressive prices, Auto/Mate has attracted the attention of multi-rooftop dealers with very sophisticated DMS needs. Auto/Mate's introduction of centralized accounting was a [REDACTED] and amplified its competitive threat to CDK.

47. Prior to the Acquisition's announcement, Auto/Mate was on a clear growth path and believed it was well positioned to win larger DMS franchise customers. In 2016, Auto/Mate's Chairman made its growth plans clear: "We expect that as we continue to take larger groups from CDK/R&R, that we will eventually wake the sleeping giants. Right now, we're an annoyance, and they truly think that we are not a serious competitor at dealerships of a certain size. However, they are not really aware of some of the recent changes we have made to the software, and in the coming months we will begin installing a pilot store at a very large dealer group[] that, assuming we are successful, ought to shake up the industry, at least those who are paying attention."

48. As predicted, Auto/Mate had its best year yet in 2016, the last full year prior to the Acquisition's announcement, when it won several larger dealerships and successfully started [REDACTED]

Complaint

C. The Acquisition Will Eliminate the Consumer Benefits of Head-to-Head Competition Between Auto/Mate and other DMS providers

53. The Acquisition would eliminate the intense head-to-head price and quality competition between CDK and Auto/Mate occurring today. Consequently, CDK would not need to compete as aggressively on price to win franchise dealer customers, and would have the incentive and ability to raise prices and lower service quality. The Acquisition would also eliminate the competition between Auto/Mate and other DMS providers, reducing the need for those providers to compete as aggressively on price, service, and innovation.

54. After the Acquisition, CDK and other DMS providers would face less competition to retain and gain new customers and would have less incentive to offer shorter contracts, faster software enhancements, more third-party and less expensive app integration, additional training, and better customer service. CDK was aware that it would face less competition after acquiring Auto/Mate, internally touting: “We are so serious about acquiring new customers that we bought the DMS [Auto/Mate] that has been kicking our butts.”

55. Indeed, CDK was willing to pay top dollar to keep Auto/Mate out of the hands of an acquirer that would increase Auto/Mate’s already impressive growth trajectory. CDK predicted that, in the hands of a motivated and well-capitalized buyer, Auto/Mate would [REDACTED]

[REDACTED] To prevent this, CDK [REDACTED] over the next highest bidder to acquire Auto/Mate, and [REDACTED] CDK’s original valuation of Auto/Mate. The gap between CDK’s winning bid and its initial valuation substantially represents the defensive value to CDK of removing Auto/Mate as a competitor and preventing a well-financed alternative buyer from accelerating Auto/Mate’s growth further.

56. Post-Acquisition, CDK plans to severely handicap the [REDACTED] DMS platform and remove it as a competitive alternative to CDK’s other DMS products for large swaths of

Complaint

customers. [REDACTED]

[REDACTED] These are two Auto/Mate features its customers highly value. [REDACTED]

[REDACTED] Prior to the Acquisition announcement, Auto/Mate was successfully adding customers with three or more rooftops, often at the expense of CDK. [REDACTED] customers therefore would face degraded functionality and higher prices following the Acquisition, and [REDACTED] strong competitive attributes would be significantly dampened or withdrawn from the market. To the extent that Auto/Mate customers seek another franchise DMS provider, that provider would not be a close substitute to the unique value proposition they chose with Auto/Mate. Moreover, such alternatives may not be available given the significant installation and support capacity limitations of many other DMS providers.

IX. LACK OF COUNTERVAILING FACTORS

A. Barriers to Entry and Expansion

57. Respondents cannot demonstrate that new entry or expansion by existing firms would be timely, likely, or sufficient to offset the anticompetitive effects of the Acquisition.

58. New entry or repositioning by existing producers would not be timely, likely, or sufficient to counteract the anticompetitive effects of the Acquisition. *De novo* entrants into this market would face considerable barriers in replicating the competition that will be eliminated by the Acquisition. Effective entry into this market would require substantial, costly up-front investments in product development and OEM certification, and the risk of failure would be high given the substantial product development and reputational barriers to commercial success in this market. Collectively, these challenges would take many years to overcome. Auto/Mate's current success has taken many years of slow, careful growth to achieve, and new entrants would face a similarly protracted, high-risk path to success.

Complaint

59. Similarly, existing DMS providers are unlikely to replace the competition that will be lost as a result of the Acquisition, because all of them lack important offerings Auto/Mate provides and that they are unlikely to develop in a timely manner if Auto/Mate is absorbed by CDK. While each firm's shortcomings are distinct, each faces real and significant challenges in becoming the next Auto/Mate. These challenges include, but are not limited to, a poor or non-existent reputation among customers, software with limited functionality, limited or non-existent OEM certifications, poor service levels, and constrained capacity. Moreover, other DMS providers are significantly higher priced than Auto/Mate and would not sufficiently replace Auto/Mate's aggressive pricing. The remaining firms in this market are not likely to replace the unique, substantial, and growing competitive significance of Auto/Mate in a timely way, either collectively or individually.

B. Efficiencies

60. Respondents have not identified and cannot demonstrate cognizable efficiencies that would be sufficient to rebut the strong presumption and evidence that Acquisition likely would substantially lessen competition in the relevant market.

X. VIOLATION

Count I – Illegal Agreement

61. The allegations of Paragraphs 1 through 60 above are incorporated by reference as though fully set forth herein.

62. The Acquisition Agreement constitutes an unfair method of competition in violation of Section 5 of the FTC Act, as amended, 15 U.S.C. § 45.

Count II—Illegal Acquisition

63. The allegations of Paragraphs 1 through 60 above are incorporated by reference as though fully set forth herein.

Complaint

64. The Acquisition, if consummated, may substantially lessen competition in the relevant market in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and is an unfair method of competition in violation of Section 5 of the FTC Act, as amended, 15 U.S.C. § 45.

NOTICE

Notice is hereby given to the Respondents that the twenty-first day of August, 2018, at 10 a.m., is hereby fixed as the time, and the Federal Trade Commission offices at 600 Pennsylvania Avenue, N.W., Room 532, Washington, D.C. 20580, as the place, when and where an evidentiary hearing will be had before an Administrative Law Judge of the Federal Trade Commission, on the charges set forth in this complaint, at which time and place you will have the right under the Federal Trade Commission Act and the Clayton 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 the complaint.

You are notified that the opportunity is afforded you to file with the Commission an answer to this complaint on or before the fourteenth (14th) day after service of it upon you. An answer in which the allegations of the complaint are contested shall 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 shall be deemed to have been admitted. If you elect not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that you admit all of the material facts to be true. Such an answer shall 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 shall 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 and conclusions under Rule 3.46 of the Commission's Rules of Practice for Adjudicative Proceedings.

Complaint

Failure to file an answer within the time above provided shall be deemed to constitute a waiver of your right to appear and to contest the allegations of the complaint and shall 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 shall hold a prehearing scheduling conference not later than ten (10) days after the Respondents file their answers. 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, N.W., Room 532, Washington, D.C. 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the pre-hearing scheduling conference (but in any event no later than five (5) days after the Respondents file their answers). Rule 3.31(b) obligates counsel for each party, within five (5) days of receiving the Respondents' answers, to make certain initial disclosures without awaiting a discovery request.

NOTICE OF CONTEMPLATED RELIEF

Should the Commission conclude from the record developed in any adjudicative proceedings in this matter that the Merger challenged in this proceeding violates Section 5 of the Federal Trade Commission Act, as amended, and/or Section 7 of the Clayton Act, as amended, the Commission may order such relief against Respondents as is supported by the record and is necessary and appropriate, including, but not limited to:

1. If the Acquisition is consummated, divestiture or reconstitution of all associated and necessary assets, in a manner that restores two or more distinct and separate, viable and independent businesses in the relevant market, with the ability to offer such products and services as CDK and Auto/Mate were offering and planning to offer prior to the Acquisition.

Final Order

2. A prohibition against any transaction between CDK and Auto/Mate that combines their businesses in the relevant market, except as may be approved by the Commission.
3. A requirement that, for a period of time, CDK and Auto/Mate provide prior notice to the Commission of acquisitions, mergers, consolidations, or any other combinations of their businesses in the relevant market with any other company operating in the relevant markets.
4. A requirement to file periodic compliance reports with the Commission.
5. Any other relief appropriate to correct or remedy the anticompetitive effects of the transaction or to restore Auto/Mate as a viable, independent competitor in the relevant market.

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, D.C., this nineteenth day of March, 2018.

By the Commission.

ORDER DISMISSING COMPLAINT

On March 19, 2018, the Commission issued an Administrative Complaint alleging that Respondents CDK Global, Inc. and CDK Global, LLC (collectively “CDK”), and Respondents Auto/Mate, Inc. (“Auto/Mate”), Robert Eustace, Elsa Eustace, G. Larry Colson, Jr., Michael Esposito, and Glen Eustace had executed a Stock Purchase Agreement (“Agreement”) – pursuant to which CDK proposed to acquire 100% of the shares of Auto/Mate – in violation of Section 5 of the FTC Act, as amended, 15 U.S.C. § 45, and that if the acquisition covered by the Agreement were

Final Order

consummated, it would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act. Complaint Counsel and Respondents have now filed a Joint Motion to dismiss the Complaint, on the grounds that the Respondents have terminated their Stock Purchase Agreement and have withdrawn the Hart-Scott-Rodino Notification and Report Forms which they filed for the proposed acquisition.¹

The Commission has determined to dismiss the Complaint without prejudice, in light of Respondents' decision to abandon the proposed acquisition and their withdrawal of their respective Hart-Scott-Rodino Notification and Report Forms. Respondents would not be able to effectuate the proposed acquisition without filing new Hart-Scott-Rodino Notification and Report Forms, and the most important elements of the relief set out in the Notice of Contemplated Relief in the Administrative Complaint therefore have been accomplished without the need for further administrative litigation.²

For the foregoing reasons, the Commission has determined that the public interest warrants dismissal of the Administrative Complaint in this matter. The Commission has determined to do so without prejudice, however, because it is not reaching a decision on the merits. Accordingly,

IT IS ORDERED THAT the Complaint in this matter be, and it hereby is, dismissed without prejudice.

¹ See Joint Motion To Dismiss Complaint (filed March 20, 2018).

² See, e.g., *In the Matter of The J.M. Smucker Company and Conagra Brands, Inc.*, Docket No. 9381, [Order Dismissing Complaint](#) (March 8, 2018); *In the Matter of DraftKings, Inc. and FanDuel Limited*, Docket No. 9375, [Order Dismissing Complaint](#) (July 14, 2017); *In the Matter of Advocate Health Care Network, Advocate Health and Hospitals Corporation, and NorthShore University HealthSystem*, Docket No. 9369, [Order Dismissing Complaint](#) (Mar. 20, 2017); *In the Matter of The Penn State Hershey Medical Center and PinnacleHealth System*, Docket No. 9368, [Order Dismissing Complaint](#) (Oct. 23, 2016); *In the Matter of Superior Plus Corp. and Canexus Corporation*, Docket No. 9371, [Order Dismissing Complaint](#) (Aug. 2, 2016); *In the Matter of Staples Inc. and Office Depot, Inc.*, Docket No. 9367, [Order Dismissing Complaint](#) (May 18, 2016).

Final Order

By the Commission.

Complaint

IN THE MATTER OF

**BOLLMAN HAT COMPANY
AND
SAVEANAMERICANJOB, LLC
JOINTLY D/B/A
AMERICAN MADE MATTERS**

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

*Docket No. C-4643; File No. 172 3197
Complaint, April 12, 2018 – Decision, April 12, 2018*

This consent order addresses Bollman Hat Company’s marketing, sale, and distribution of hats with claims that the products are of U.S.-origin, and memberships in their “American Made Matters” (“AMM”) program to companies wishing to make U.S.-origin claims for their products. The complaint alleges that respondents represented that their products are “Made in USA” when, in fact, many of the respondents’ hats are wholly imported, and others contain significant imported content. The complaint further alleges that the AMM seal represents by implication that respondents’ products have been endorsed or certified by an independent third party, but AMM is a fictitious name for respondents, who created the AMM seal and use it in connection with the sale of their own products. The consent order prohibits respondents from making U.S.-origin claims for their products unless either: (1) the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing.

Participants

For the *Commission*: *Julia Solomon Ensor*.

For the *Respondents*: *Ken Vorrasi, Drinker Biddle & Reath, LLP*.

COMPLAINT

The Federal Trade Commission, having reason to believe that Bollman Hat Company, a company, and SaveAnAmericanJob,

Complaint

LLC, a limited liability company, jointly d/b/a American Made Matters (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 Bollman Hat Company is a Pennsylvania company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501.

2. Respondent SaveAnAmericanJob, LLC is a Pennsylvania limited liability company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501. SaveAnAmericanJob, LLC is a wholly owned subsidiary of Bollman Hat Company, and Bollman Hat Company is SaveAnAmericanJob, LLC’s sole member.

3. Bollman Hat Company and SaveAnAmericanJob, LLC jointly do business as American Made Matters, a Pennsylvania fictitious name. Respondents have operated as a common enterprise while engaging in the unlawful acts and practices alleged below. Because Respondents have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below.

4. Respondents have advertised, labeled, offered for sale, sold, and distributed products to consumers, including, but not limited to, hats sold under the Bollman, Bailey Western, Betmar, Country Gentleman, Eddy Bros., Helen Kaminski, Jacaru, Kaminski XY, Kangol, Karen Kane, Pantropic, and private label brand names. Respondents advertise these products online, including, but not limited to, on their website, hats.com, and in stores. Respondents offer for sale, sell, and distribute their products throughout the United States.

5. Respondents have advertised, offered for sale, sold, and distributed memberships in their “American Made Matters” program to companies wishing to make U.S.-origin claims for their products. Respondents primarily advertise their “American Made Matters” program to businesses online including, but not limited to, on their website americanmadematters.com, and

Complaint

through their social media accounts. Respondents primarily advertise their “American Made Matters” program members’ products to consumers online, including, but not limited to, through their website and social media accounts.

6. 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.

“Made in USA” Claims for Bollman Hats

7. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for their products, including, but not necessarily limited to, the attached Exhibits A-E. These materials contain the following statements, among others:

- a. “American Made Matters”; “Choose American” (Exhibit A, product tag);
- b. “Buy American! American Made Matters Choose American” (Exhibit B, Bollman website);
- c. “American Made Matters”; “Choose American” (Exhibit C, Bollman website);
- d. “Made-in-USA since 1868”; “Made in the USA for 100 Years or More”; ““Made in USA’ hats for 147 years and counting” (Exhibit D, Bollman Twitter page);
- e. “#americanmadematters #madeintheusa
#buyamerican” (Exhibit E, Bollman Facebook page).

8. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-E, Respondents have represented, expressly or by implication, that all of their products, including, but not limited to, hats, are all or virtually all made in the United States.

Complaint

9. In fact, more than 70% of the hat styles Respondents sell are wholly imported as finished products. Of the remaining styles, many contain significant imported content.

10. Therefore, Respondents' express or implied representations that all of their products are made in the United States are false.

American Made Matters Program

11. In 2010, Respondents introduced a U.S.-origin seal for marketers to use to boost the credibility of "Made in USA" claims. The seal, depicted below, is associated with "American Made Matters," which is a fictitious name registered to Respondents ("AMM"):



12. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits A-E, Respondents have prominently displayed the American Made Matters seal in their promotional materials. This seal represents by implication that Respondents' hats have been endorsed or certified by an independent third party.

13. In fact, AMM is a fictitious name owned by Respondents, and Respondents' hats have not been endorsed or certified by an independent third party.

14. In addition to featuring the seal in their own marketing materials, Respondents license use of the seal to other companies wishing to make "Made in USA" claims for their products.

15. Companies that wish to use the AMM seal must apply for program membership through Respondents' website at www.americanmadematters.com. Respondents grant AMM membership to any company, product, or entity that self-certifies

Complaint

it meets Respondents' membership standard, pays the \$99 annual licensing fee, and self-identifies either a United States-based manufacturing factory, or at least one product with a U.S.-origin label.

16. AMM membership includes a license to use Respondents' seal on products and in marketing materials, a member page on Respondents' website, and Respondents' commitment to advertise the member's products as "Made in USA" through their websites and social media channels.

17. To meet Respondents' standard, AMM members must certify that at least 50% of the cost of at least one of their products was incurred in the United States, with final assembly or transformation in the United States. Respondents do not rely on an independent or objective evaluation to confirm that members meet their standard.

18. Respondents have disseminated, or have caused to be disseminated, advertisements and promotional materials for AMM, as well as materials for members to use to promote their products as made in the United States including, but not necessarily limited to, the attached Exhibits F-L. These materials contain the following statements, among others:

- a. With an American Made Matters Membership/Sponsorship, "You will increase sales to consumers and businesses who are actively looking to buy American Made Products" (Exhibit F, American Made Matters Website);
- b. "Does your business produce or sell #MadeinUSA products? Increase your reach with us." (Exhibit G, American Made Matters Twitter page);
- c. "American Made Matters® is an organization made of over 375 member and sponsor companies. Our members are manufacturers who represent various industries from apparel and toys to steel fabrication and cleaning supplies. Sponsors include American made retailers, patriotic organizations and local

Complaint

businesses who understand that American made truly matters.” (Exhibit H, American Made Matters website);

- d. “Shop as a consumer . . . for consumers looking to shop for American made products directly from our members and sponsors.” (Exhibit I, American Made Matters website);
- e. “American Made Directories” (Exhibit J, American Made Matters website);
- f. “#MadeinUSA”; “Buy American”; “Made in USA”; “Start your American Made product search with American Made Matters”; “Choose #AmericanMade whenever possible. Start your search for #madeinUSA products with us.” (Exhibit K, American Made Matters Facebook page);
- g. “Support the #AmericanDream. How? By buying #AmericanMade products! AmericanMadeMatters.com” (Exhibit L, American Made Matters Twitter page).

19. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits F-L, Respondents have represented by implication that entities and products using AMM marketing materials or featured on the AMM website have been independently and objectively evaluated for compliance with Respondents’ membership standard.

20. In fact, entities and products using Respondents’ AMM logo or marketing materials have not been independently and objectively evaluated for compliance with any standard.

21. In numerous instances, including, but not limited to, the promotional materials shown in Exhibits F-L, Respondents have represented that products sold by American Made Matters members are all or virtually all made in the United States. For example, Respondents promote a directory of members on their AMM website as a list of manufacturers selling U.S.-origin

Complaint

products, and regularly highlight members on their social media channels as selling U.S.-origin products.

22. In fact, Respondents do not possess a reasonable basis substantiating claims that products sold by American Made Matters members are all or virtually all made in the United States.

23. In numerous instances, including, but not limited, to the promotional materials shown in Exhibits G-L, Respondents have distributed promotional materials to third-party marketers for use in the marketing and sale of those third parties' products.

24. In so doing, Respondents have provided third-party marketers with the means and instrumentalities to deceive consumers. For example, several of Respondents' members have used Respondents' AMM logo or other materials to promote products that contain significant imported content.

COUNT I**(False or Unsubstantiated Representation – Respondents' Products)**

25. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of their products, Respondents have represented, directly or indirectly, expressly or by implication, that all of their products, including, but not limited to, all hats, are all or virtually all made in the United States.

26. In fact, in many instances, Respondents' products are wholly imported. In other instances, Respondents source significant inputs to their products from overseas. Therefore, the representation set forth in Paragraph 25 is false or misleading, or was not substantiated at the time the representation was made.

COUNT II**(False or Misleading Representation – Independence of AMM)**

27. In connection with the labeling, advertising, promotion, offering for sale, or sale of their hats, such as through the use of

Complaint

their American Made Matters seal, Respondents have represented, directly or indirectly, expressly or by implication, through the use of the American Made Matters seal that an independent organization has reviewed and endorsed their products as Made in the United States.

28. In truth and in fact, American Made Matters is not an independent organization reviewing and endorsing Respondents' products as Made in the United States. Respondents created the "American Made Matters" seal, and use it in connection with the labeling, advertising, promotion, offering for sale, and sale of their own products. Therefore, the representation set forth in Paragraph 27 is false or misleading.

COUNT III**(False or Misleading Representation – AMM)**

29. In connection with the advertising, promotion, offering for sale, or sale of membership to the American Made Matters program, Respondents have represented by implication, directly or indirectly, that each entity or product licensed to use their logos or marketing materials has been independently and objectively evaluated for compliance with Respondents' membership standard.

30. In fact, products and entities using Respondents' membership logo have not been independently and objectively evaluated for compliance with Respondents' membership standard. Therefore, the representation set forth in Paragraph 29 is false or misleading.

COUNT IV**(False or Unsubstantiated Representation – Third Party Products)**

31. Respondents have represented on their websites and social media, directly or indirectly, expressly or by implication, that all AMM members sell products that are all or virtually all made in the United States.

Complaint

32. In truth and in fact, in numerous instances, the representation in Paragraph 31 was false or misleading, or was not substantiated at the time the representation was made.

COUNT V
(Means and Instrumentalities)

33. Respondents have distributed the promotional materials described in Paragraph 18 to third-party marketers for use in the marketing and sale of those third parties' products. In so doing, Respondents have provided the means and instrumentalities to these third-party marketers for the commission of deceptive acts or practices.

VIOLATION OF SECTION 5

34. The acts and practices of Respondents, as alleged in this complaint, constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this twelfth day of April, 2018, has issued this Complaint against Respondents.

By the Commission.

Complaint

Exhibit A



Exhibit A

Complaint

Exhibit B

Bollman Hat Company - America's Oldest Hat Maker

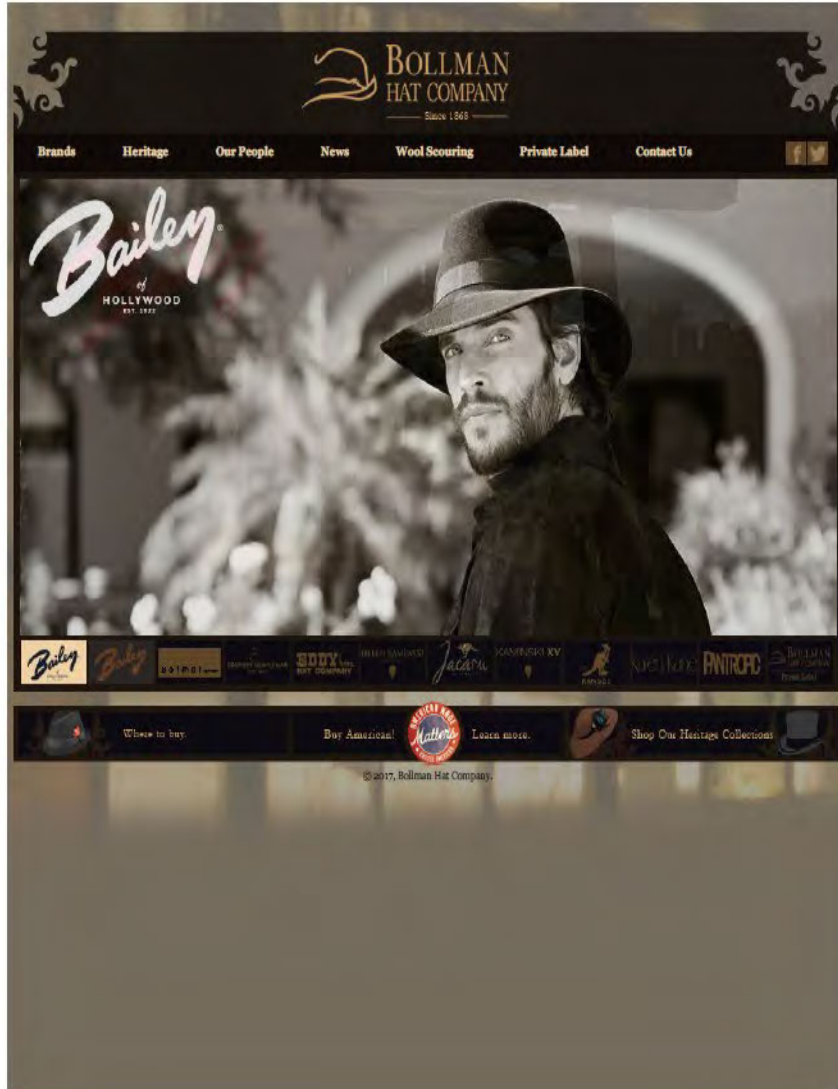


Exhibit B

<http://www.bollmanhats.com> [1/10/2017 12:50:27 PM]

Complaint

Exhibit C

Bollman Hat Company - America's Oldest Hat Maker

BOLLMAN HAT COMPANY
Since 1868

Brands Heritage Our People News Wool Scouring Private Label Contact Us

Our History **Our History**

From Our President

Our Mission

Our Values

Our Photo Galleries

Our Videos

Founded in 1868, The Bollman Hat Company is America's oldest hat maker. We are a world leading designer, manufacturer and distributor of men's, women's, and children's headwear and accessories. Today, Bollman has 300 employees located on four continents and distributes products in seventy seven countries. This long and proud heritage carries on today as a testimony to the vision, perseverance, and hard work of generations who dedicated themselves to our organization.

The Bollman Group provides the world with the headwear industry's top brands that include Bailey, Betmar, Borsalino, Country Gentleman, Eddy Bros., Helen Kaminski, Jacaru, KANGOL, Karen Kane, and PAN TROPIC headwear. We also provide private label products to leading retailers and apparel brands globally.

Our employee-owners manufacture wool felt, fur felt, and straw hats and caps in our factory located in Adamstown, Pennsylvania, USA. With world headquarters also in Adamstown, Bollman today maintains sales and design offices and showrooms in: Denver, Colorado; New York City; London, England; and Sydney, Australia. In San Angelo, Texas, we scour wool for the world's finest woolen mills.

Bollman products can be found worldwide in specialty stores, department stores, major and regional chain stores, and prominent catalog and e-commerce retailers. In addition, we are a primary supplier of private label headwear to the world's leading brands and retailers covering fashion, outdoor apparel, and uniform, formal wear, and sports markets. We have proudly provided headwear to the United States Olympic team for six Olympic games.

Our hats have covered many Hollywood actors from Humphrey Bogart to Fred Astaire and from Samuel L. Jackson to Nicole Kidman; musicians from Run DMC to Eminem and from Pete Townsend to Ne-Yo; athletes from Michael Jordan to Donovan McNabb and from Chi Chi Rodriguez to Jimmy Rollins.

The history of Bollman Hat Company is long and distinguished. Our people are proud to cover the world with unparalleled products that provide protection, comfort and style to millions throughout the world. We continue to support many fine local and international causes including youth programs, world hunger, and skin cancer prevention.

We look to the future purposefully and enthusiastically!

Brands Heritage Our People News Wool Scouring Private Label Contact Us

© 2017 Bollman Hat Company

Exhibit C

<http://www.bollmanhats.com/heritage/history.html>[1/10/2017 12:55:52 PM]

Complaint

Exhibit D

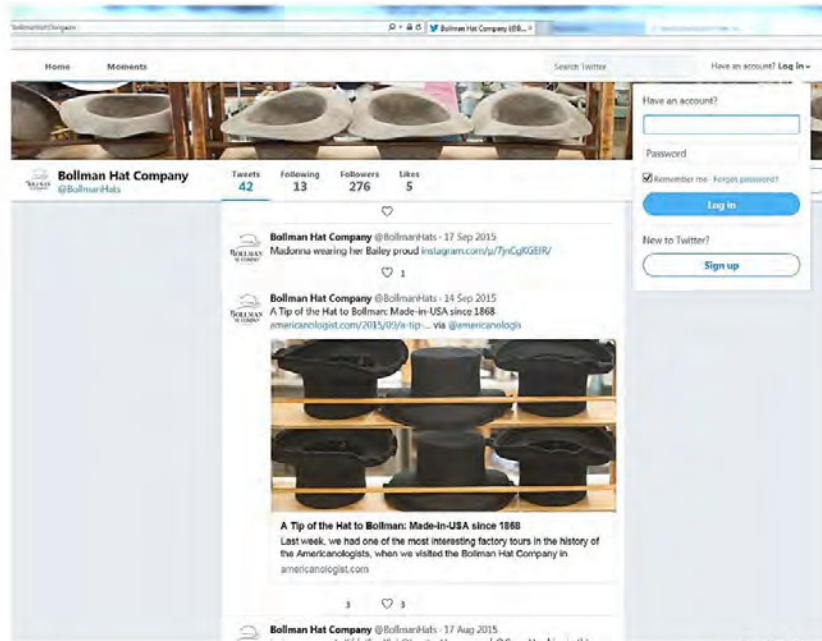


Exhibit D
p. 1 of 3

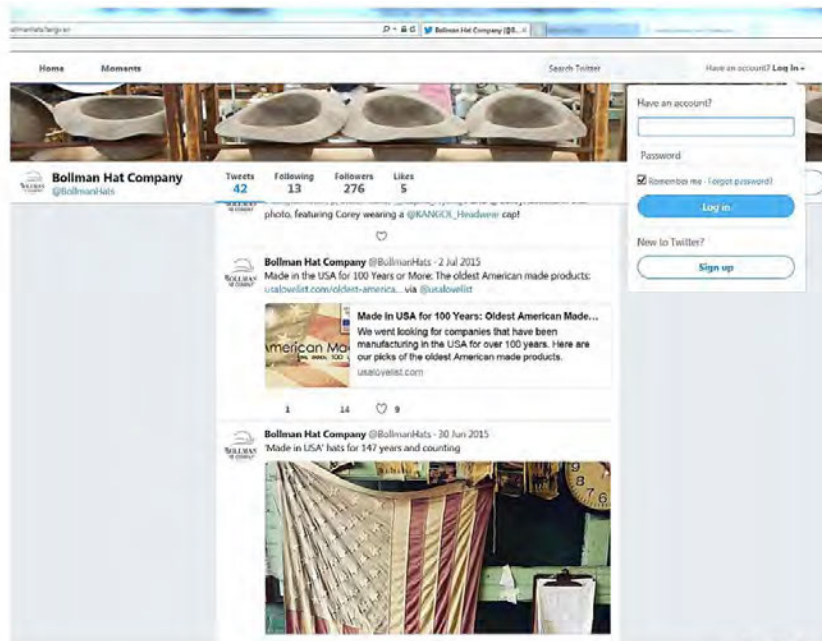


Exhibit D
p. 2 of 3

Complaint

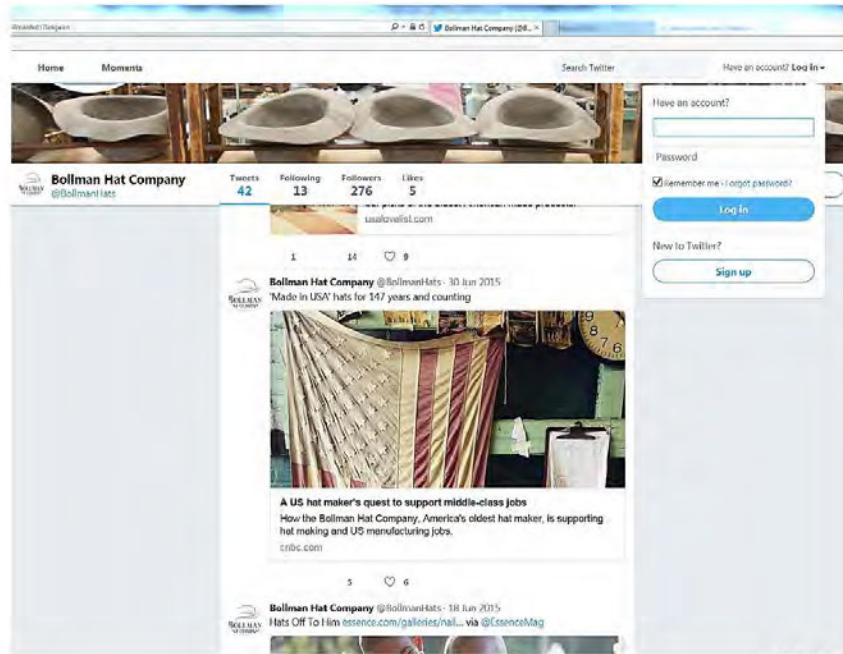


Exhibit D
p. 3 of 3

Complaint

Exhibit E

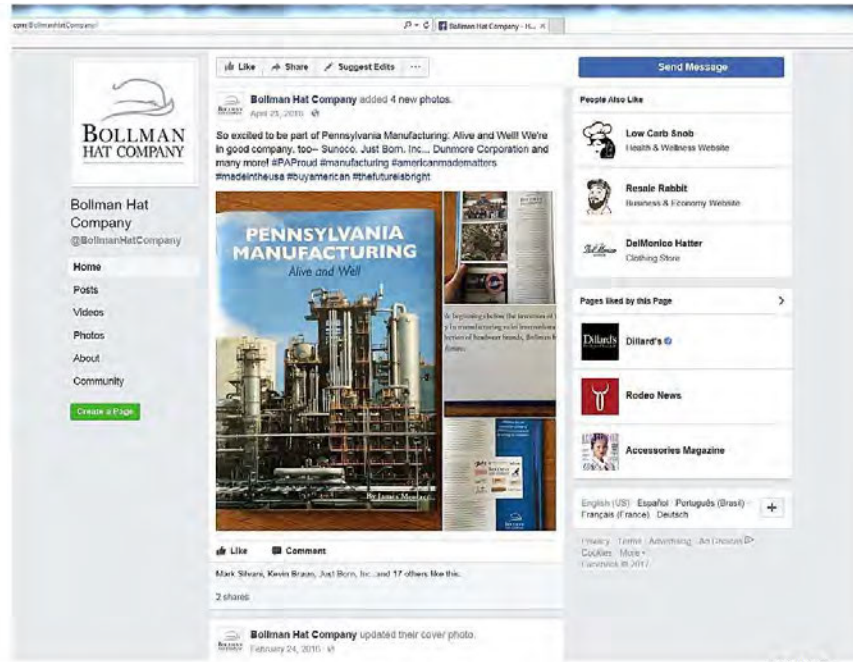


Exhibit E

Complaint

Exhibit F

The screenshot shows the American Made Matters website. At the top, there is a navigation bar with the logo and links for Home, View Listings, About, AMM Gear, Blog, Contact Us, and Join Us. Below the navigation bar is a section titled "JOIN AMERICAN MADE MATTERS | BUSINESS" with social media icons for Facebook, Twitter, and Google+. The main content is divided into two columns: "YOU ARE A MEMBER IF..." and "YOU ARE A SPONSOR IF...".

YOU ARE A MEMBER IF...
 You manufacture at least one product where at least 50% of the cost (labor, materials and overhead) is incurred in the United States and the final assembly or transformation takes place in the United States.

What You Will Receive:

- Your own customize member page on the American Made Matters website
- A license to use our approved logos, extended for the duration of your membership
- Ability to network with other members
- A welcome package of American Made Matters gear
- Your company is featured on our ever growing social media channels

Everything for one low price:
only \$99
 plus yearly.

YOU ARE A SPONSOR IF...
 You are a service business, retailer, patriotic organization or local business who understands that American made matters.

Registration is Easy:

1. Fill out the application below. The process takes between 15-30 minutes.
2. Applications are reviewed daily and you will hear back from an American Made Matters representative within two business days.
3. As soon as payment is received for your membership/sponsorship, we will build your page in the AMM Directory, which will take up to five business days.

Any questions? Email us anytime at contact@americanmatters.com

STEP ONE: AMERICAN MADE MATTERS APPLICATION

AMM Application

"Thank you for your commitment to US manufacturing. As a first step in getting your company to our attention we need to know more about you and your company."

"This application will collect information about you and your company. The information collected will also be used to instruct your company on all pages listed below to the status of American Made Matters website."

We receive applications daily and will be in contact with you within the next few days.

Memberships is limited to the job site. Failure to be selected through receipt of a CARD CARD for the program. They will choose your preferred method of payment for your application process.

The application process takes approximately 10-15 minutes. Please visit www.ammmatters.com

Next

FAQ'S ABOUT MEMBERSHIP/SPONSORSHIP

What about networking with other members?

Yes, American Made Matters® is a community of like-minded, passionate people and businesses who are all working together to strengthen the American dream. Everyone who joins our growing organization will have the ability to network with the other members and sponsors of the organization.

Exhibit F
p. 1 of 2

Complaint

1 Do I get a listing on the American Made Matters® website?

Yes. You will increase sales to consumers and businesses who are actively looking to buy American-made products. You will receive a listing on our website with your own individualized member or sponsor page which will contain your contact information, information about your company, social media links, video, picture, and featured products.

2 Do you have periodic promotions that can help my brand?

Yes. This will increase awareness of your US-made products through participation in promotions that will connect American-made businesses with consumers and other businesses seeking American-made products.

3 Does joining this organization help the USA?

Yes. Joining American Made Matters® will increase US-brand identity through the use of American Made Matters® logo on all products that meet American Made Matters® qualifications. The logo can also be used on related marketing materials and websites for the duration of membership. Additionally, joining our community helps you promote your US-made product(s) to consumers actively trying to buy American-made products. All members and sponsors who join American Made Matters® are helping to strengthen the mission of our organization, which is to educate consumers that buying US-made products strengthens the American dream.

4 Will joining American Made Matters® get my business more exposure?

Yes. Your business will be featured on our website. Additionally, joining American Made Matters® increases exposure to your business by getting your business featured in our ever-growing Social Media channels.

JOIN THE CONVERSATION

★ AMERICAN MADE MATTERS ★

America's Made Matters® is an independent, not-for-profit, 501(c)(3) organization dedicated to celebrating consumers on the countless opportunities of buying Made in USA products.

RECENT POSTS

- ▶ [10 Changes we Can't wait to see in 2018](#)
- ▶ [The Rise of "Made in USA" Products](#)
- ▶ [Supporting the American Flag](#)
- ▶ [HOW TO Buy "Made in USA" Products](#)

CONTACT US

We love hearing from you. Please reach out to us here. [Click here to contact us.](#)

1-800-888-1111

Custom Member and Sponsor Logos for [Member Sign-Up](#)

©2017 American Made Matters. All rights reserved. [Privacy Policy](#) | [Terms and Conditions](#) | [Contact](#)

Complaint

Exhibit G

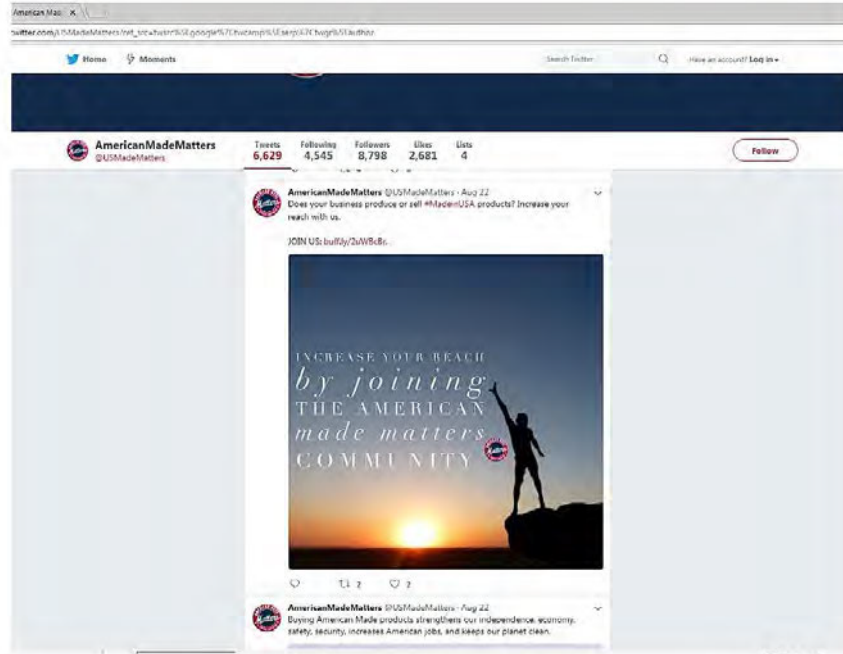


Exhibit G

Complaint

Exhibit H

SHOP OUR MEMBERS AND SPONSORS

ABOUT AMERICAN MADE MATTERS®

American Made Matters® is an organization made of over 375 member and sponsor companies. Our members are manufacturers who represent various industries from apparel and toys to steel fabrication and cleaning supplies. Sponsors include American made retailers, patriotic organizations and local businesses who understand that American made truly matters. Please join our growing community today.

JOIN TODAY

Exhibit H

Complaint

Exhibit I

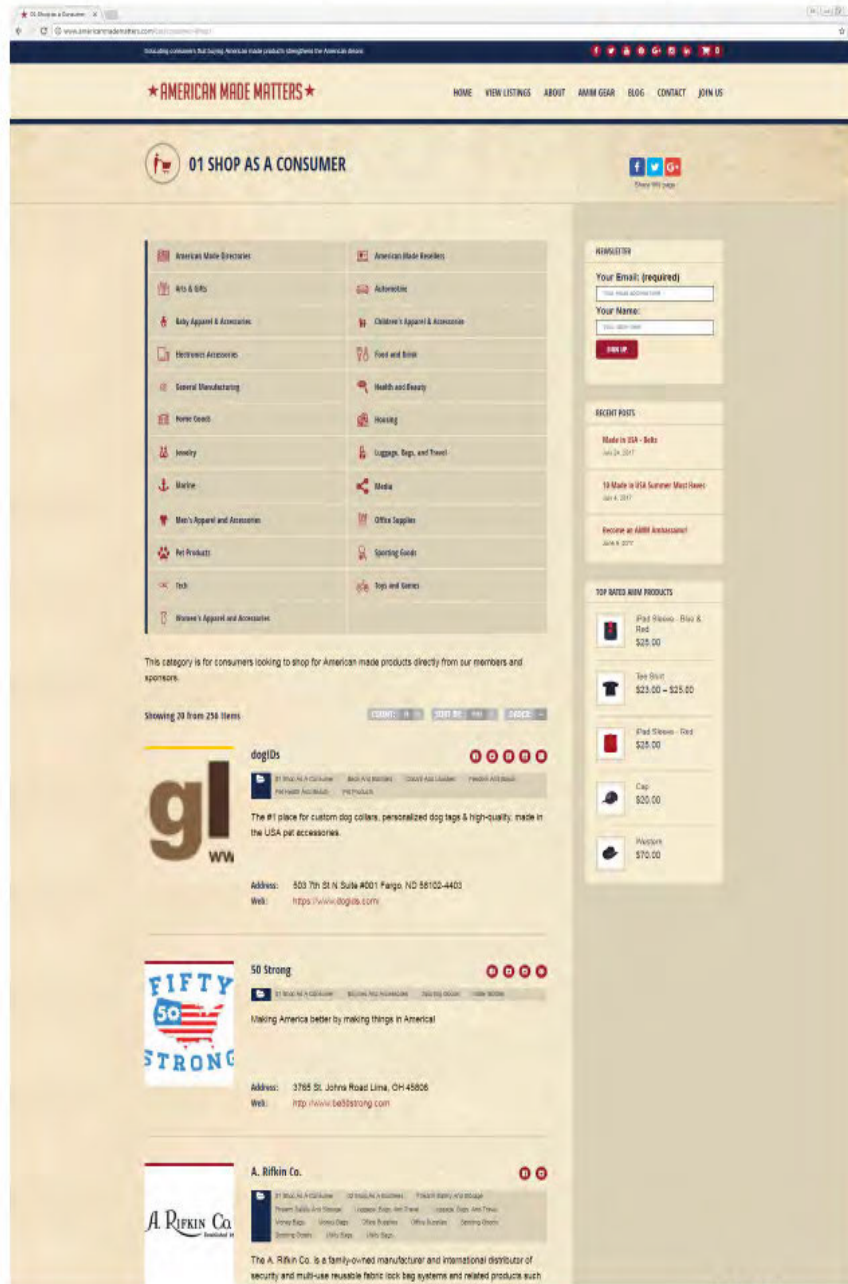


Exhibit I
p. 1 of 5

Complaint

as locking night deposit bags, courier bags, cash / money bags as well as other...

Address: 1402 Sans Souci Parkway (Hixson-Barne, PA 15708)
Web: <http://www.biffyn.com/>

Adam's Premium Car Care



Adam's Polishing & Shrinkwrap will keep your boat, truck, plane, or automobile looking like new!

Address: 887 South Taylor Ave Louisville CO 80027
Web: <http://adamspolish.com/home.php>

Adea



Every woman needs a good wardrobe foundation as the building blocks for her own unique style

Address: 197 Prospect St Shrewsbury, MA 01545
Web: <http://www.myadea.com/>

At's Attire



Hand-made Men's and Women's clothing, shoes, hats, and accessories. Based in the heart of San Francisco's North Beach district.

Address: 1300 Grant Ave San Francisco, CA 94133
Web: <http://atstire.com/>

All American Clothing



Our mission is to support USA families and jobs by producing high-quality clothing in the USA at an affordable price.

Address: 1 Pop Rite Dr Arcanum, OH 43004
Web: <http://www.allamericanclothing.com/>

All USA Clothing




All USA Clothing has been committed to American-Made products and manufacturing for over 42 years. Based in Michigan, we know first-hand the powerful impact that buying (or not buying) American can have on the US economy.

Exhibit I
p. 2 of 5

Complaint


Address: 3303 Bloomfield Dr. West Bloomfield, MI 48323
Web: <http://www.afusaeclothing.com/>

Alltham ● ● ● ●

 Alltham
Quality American gear and gifts. Our suppliers certify that each product has its principal assembly in the United States from more than 50% U.S. content.


Address: 175 Stratford Ave Suite 1 Wayne, PA, 19387
Web: <http://www.alltham.com/>

American Adorn ● ● ● ● ●

 American Adorn
American made children's clothing, sizes 0 to Six.


Web: <http://www.americanadorn.com/>

American Bench Craft ● ● ● ● ● ● ●

 American Bench Craft
Two Brothers. One Team. An American-Made Lifestyle Brand.


Address: 2 Linden Street Reading, MA 01867
Web: <http://AmericanBenchCraft.com>

American Crush ● ●

 American Crush
American Crush is an online media marketplace that provides rich content, inspiring photographs of beautiful products that are designed, developed and manufactured in the USA.


Web: <http://AmericanCrush.co/>

American Distinction ● ●

 American Distinction
Something for everyone, made in the U.S.A.

Web: <http://www.americandistinction.com>

American Field ● ● ● ● ● ●

 American Field
American Field is a pop-up market and exhibition featuring the best in U.S. Made clothing, accessories, goods, furniture, and the people who make them.

Address: 144-B Newbury St Boston, MA 02116
Web: <http://americanfield.us/>

Complaint

American Gentleman Coutour

American Gentleman Coutour (AGC) founded in 2014 by Linda Gordon and Mary Arnold is the first pet fashion design house of its kind. Our company is women, minority and veteran, owned focusing on producing the very best in sophisticated designs for...

Address: Upper Merion, MD, 20772
 Web: <http://www.americangentlemancoutour.com>

American Made Everything

We are an interconnect data base of American made products and service. We list only American made products and service.

Address: 3101 Carlebad Circle Los Alamitos, CA 90720
 Web: <http://www.americansmadeeverything.com/>

American Manufacturing Hall of Fame

The American Manufacturing Hall of Fame is the sole Manufacturing Hall of Fame in the United States which celebrates the manufacturing process, the manufacturer as an innovator and the manufacturer as a force for positive change in the community...

Address: 900 Lafayette Blvd., Bridgeport, CT 06604
 Web: <https://www.facebook.com/AmericanManufacturingHall-of-Fame-317748885081991/>

American Trench

American Trench was founded in early 2010 - we couldn't find a US made trench coat, so we made one. Our intention is to create a world class brand known for goods of enduring value and style, with a focus on pragmatic and usable design, sourced...

Address: 141 E Spring Hill Andross, PA
 Web: <http://americantrench.com>

AmericansWorking.com

Americansworking.com was created to provide consumers with an easy to use and highly accessible means of finding products made in America.

Web: <http://AmericansWorking.com>

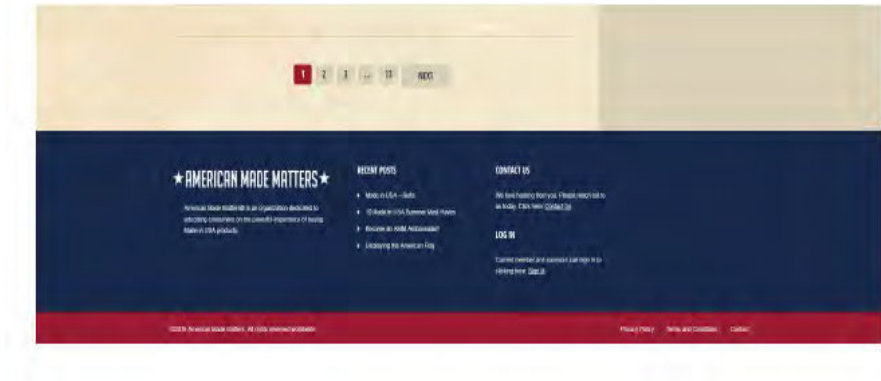
Andrew David Design

Andrew David Design Studio was established in June, 2004 by Andrew Moore.

Address: 1917 Claron Drive Mandeville, LA 70448
 Web: <http://www.shopandrewdavid.com/>

Exhibit I
p. 4 of 5

Complaint



Complaint

Exhibit J

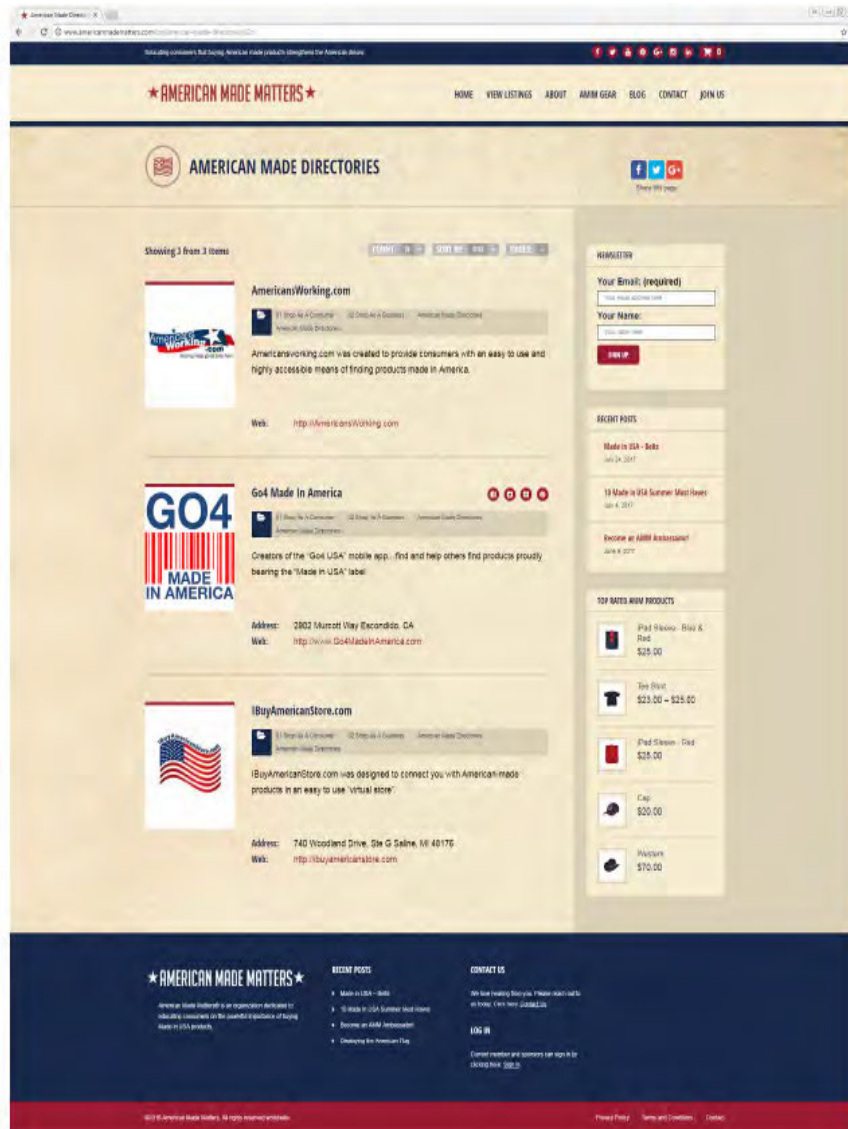


Exhibit J

Complaint

Exhibit K

American Made Matters - Home | Facebook

The screenshot shows the Facebook profile for American Made Matters. At the top, there are login fields for 'Email or Phone' and 'Password', along with 'Sign Up' and 'Log In' buttons. The profile picture is a circular logo with 'AMERICAN MADE Matters' and 'BOOZE AMERICAN'. The cover photo features the same logo and the text 'A MOVEMENT TO STRENGTHEN THE AMERICAN DREAM ONE PURCHASE AT A TIME'. Below the cover photo are 'Like' and 'Share' buttons, and a 'Sign Up' button. The main content area shows a post from American Made Matters, 12 hours old, asking 'Are you willing to pay more for #MadeInUSA products?' with a link to a survey. The post includes a large graphic with the text '60% OF CONSUMERS ARE WILLING TO PAY 10% MORE FOR AN AMERICAN MADE PRODUCT.' Below the post are 'Like' and 'Comment' buttons, and a list of users who liked it. The right sidebar shows the organization's location in Adamstown, Pennsylvania, with 34,716 likes and 33,487 followers. There are also sections for 'Community Organization in Adamstown, Pennsylvania', 'About', and 'People'.

<https://www.facebook.com/AmericanMadeMatters/>

8/29/2017
Exhibit K
p. 1 of 6

Complaint

American Made Matters - Home | Facebook

USING ONLY A GIF IN THE COMMENTS, TELL US HOW YOU FEEL WHEN YOU FIND A #MADEINUSA PRODUCT.

Like Comment **The Made in America store** Shoppers & Retail

Sheryl Delp, Joy Nohelfer Kaufmann, Yorna Ochoa and 3 others · Top Comments · Like this

View all 5 comments **Clothing Store**

Markets in Adamstown, Pennsylvania

Videos **Pages liked by this Page**

American Made Matters - Pa **Ratio Clothing**

PA State Rep. Kate Hargen

Kayla Michele

Places **Adamstown, Pennsylvania** Community Organization **American Made Matters**

See All

Posts

American Made Matters
August 27 at 5:06pm

We are proud to have KNEK as a member of our #MadeInUSA community!
LEARN MORE: <http://bit.ly/2uKX8G4>

<https://www.facebook.com/AmericanMadeMatters/>

8/29/2017
Exhibit K
p. 2 of 6

Complaint

American Made Matters - Home | Facebook

The screenshot displays three Facebook posts from the page 'American Made Matters'.
1. The top post features a photograph of a person's legs wearing dark pants, with a large, colorful, multi-colored K'NEX structure attached to the back. The K'NEX logo is visible in the bottom left corner of the image. Below the image, it shows '808 Views', 'Like Comment Share' buttons, and a list of users who liked the post: 'RodenGroup RQ, Lisa Ward Esters, Sheryl Delp and 34 others like this.' There are '2 shares' and a comment from 'Joe Poritz Tyler Givens' dated '1 · August 27 at 8:17pm'.
2. The middle post is a text-based announcement from 'American Made Matters' dated 'August 27 at 8:46am'. It says 'Join our American Made movement!' and includes social media icons for Facebook, Twitter, and LinkedIn, along with the website 'AmericanMadeMatters.com'. Below the text is a large graphic with a dark blue background. At the top of the graphic is a circular logo with 'AMERICAN MADE' around the top edge, 'Matters' in a script font in the center, and 'ENOUGH AMERICA' around the bottom edge. Below the logo, the text 'JOIN THE MOVEMENT!' is written in white, all-caps font.
3. The bottom post is another text-based announcement from 'American Made Matters' dated 'August 26 at 8:31pm'. It says 'Keep our jobs here. Choose to buy #madeinUSA. Discover #AmericanMade products with us' and includes social media icons and the website 'AmericanMadeMatters.com'.

<https://www.facebook.com/AmericanMadeMatters/>

8/29/2017
Exhibit K
p. 3 of 6

Complaint

American Made Matters - Home | Facebook

The screenshot shows three posts from the 'American Made Matters' Facebook page. The top post features a background image of shipping containers with the text: 'Jobs shipped abroad almost never return. Buy American'. Below the image are 'Like' and 'Comment' buttons, and a notification that 'Jeff Kubiak, Jonathan Dennis, Corey Jones and 33 others like this.' and '30 shares'. The middle post is from 'American Made Matters' dated 'August 25 at 8:45am'. The text reads: 'Looking for #MadsinUSA toys and games? DISCOVER now: <http://bit.ly/2wlcDB5>'. The image shows a smiling child with a red 'Made in USA Toys & Games' sign. Below the image are 'Like' and 'Comment' buttons, and a notification that 'Al Waters, Yorne Ochiai, Difier Japen and 4 others like this.' and '3 shares'. The bottom post is also from 'American Made Matters' dated 'August 25 at 8:45am' with the text: 'Go on! Treat yourself to a #MadsinUSA gift. You deserve it.' Below this text is a large empty rectangular box.

<https://www.facebook.com/AmericanMadeMatters/>

8/29/2017
Exhibit K
p. 4 of 6

Complaint

American Made Matters - Home | Facebook

Made in USA - Belts - American Made Matters
 Discover the perfect, quality, made in USA belt from our American Made Matters members. Shop American. Buy American. Keep America strong.
 AMERICANMADEMATTERS.COM

Like Comment Share

Al Waters, Yoma Ochiai, Difter Japan and 5 others like this.

American Made Matters
 August 24 at 8:31pm

Looking for #MadeinUSA? Start your search with #AmericanMadeMatters!
<http://bit.ly/2z4q38n>



Like Comment

Sheryl Delp, Lori Hainey, Wayne Whitford and 5 others like this.

Share

American Made Matters
 August 26 at 8:46am

Head back to school with these #madeinUSA must haves.



10 Back to School Made in USA Must Haves - American Made Matters

<https://www.facebook.com/AmericanMadeMatters/>

8/29/2017
Exhibit K
p. 5 of 6

Complaint

American Made Matters - Home | Facebook


Head back to school made in USA style. Shop our 10 made in USA back to school picks now and be the envy of all the seniors.

Like Comment Share

Leslie Hodelin and Isabelle Benoit like this

American Made Matters
August 23 at 8:31pm

Choose #AmericanMade whenever possible. Start your search for #MadeInUSA products with [uk bit.ly/2w6sRUJ](http://bit.ly/2w6sRUJ).



Why Buying American Strengthens our Independence
American Made Matters

Do not hesitate to ask whether a product is American Made. Try not to show caring on price, as local product earnings return back to our economy.

AMERICANMADEMATTERS.COM


Like Comment Share

Brad Seale, Linda Weidenschmidt Tolan, Glenn Farmer and 19 others like this.

3 shares

American Made Matters
August 23 at 8:46am

Spend 5% more on #MadeInUSA products and we can create 1,000,000 jobs! #ChecktheTas #AmericanJobs



Like Comment

<https://www.facebook.com/AmericanMadeMatters/>

8/29/2017
Exhibit K
p. 6 of 6

Decision and Order

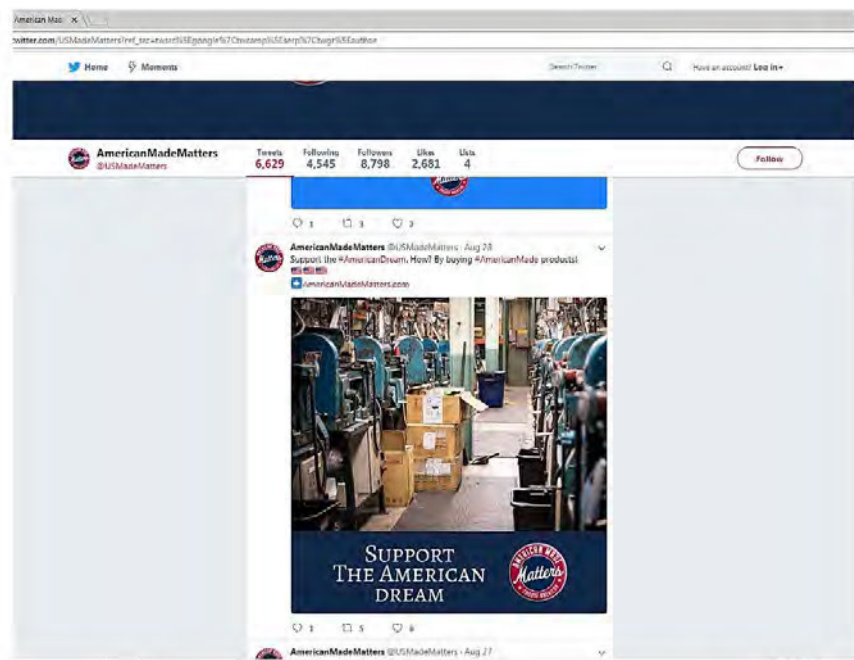
Exhibit L

Exhibit L

DECISION

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondents named in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) prepared and furnished to Respondents a draft Complaint. BCP proposed to present the draft Complaint to the Commission for its consideration. If issued by the Commission, the draft Complaint would charge the Respondents with violation of the Federal Trade Commission Act.

Respondents and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) a statement by Respondents that they neither admit nor deny any of the allegations in the Complaint,

Decision and Order

except as specifically stated in this Decision and Order, and that only for purposes of this action, they admit the facts necessary to establish jurisdiction; and 2) waivers and other provisions as required by the Commission's Rules.

The Commission considered the matter and determined that it had reason to believe that Respondents have violated the Federal Trade Commission Act, and that a Complaint should issue stating its charges in that respect. The Commission accepted the executed Consent Agreement and placed it on the public record for a period of 30 days for the receipt and consideration of public comments. The Commission duly considered any comments received from interested persons pursuant to Section 2.34 of its Rules, 16 C.F.R. § 2.34. Now, in further conformity with the procedure prescribed in Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

Findings

1. The Respondents are:
 - a. Respondent Bollman Hat Company is a Pennsylvania company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501.
 - b. Respondent SaveAnAmericanJob, LLC is a Pennsylvania limited liability company with its principal office or place of business at 110 East Main Street, Adamstown, Pennsylvania 19501. SaveAnAmericanJob, LLC is a wholly owned subsidiary of Bollman Hat Company.
 - c. Bollman Hat Company and SaveAnAmericanJob, LLC jointly do business as American Made Matters, a Pennsylvania fictitious name.
2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondents, and the proceeding is in the public interest.

Decision and Order

ORDER**Definitions**

For purposes of this Order, the following definitions apply:

- A. “Certification Standard” means any independently-developed and objectively-applied criteria Respondents set for products or services to meet in order to use Respondents’ Certification or other marketing or promotional material, including Respondents’ “American Made Matters” materials, which substantiate the claim being made.
- B. “Certification” means any seal, logo, emblem, shield, or other insignia that expresses or implies approval or endorsement of any product, package, service, practice, or program, or any attribute thereof.
- C. “Clear(ly) and conspicuous(ly)” means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
 - 1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure (“triggering representation”) is made through only one means.
 - 2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

Decision and Order

3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 5. On a product label, the disclosure must be presented on the principal display panel.
 6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the triggering representation appears.
 7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
 9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.
- D. “Made in the United States” means any representation, express or implied, that a product or service, or a component thereof, is of U.S.-origin, including, but not limited to, a representation that such product or service is “made,” “manufactured,” “built,” or “produced” in the United States, or any other U.S.-origin claim.
- E. “Material Connection” shall mean any relationship that materially affects the weight or credibility of Respondents’ Certification, and that would not be

Decision and Order

reasonably expected by consumers, provided that a reasonable certification fee shall not constitute a Material Connection.

- F. “Respondents” means Bollman Hat Company, also d/b/a American Made Matters, SaveAnAmericanJob, LLC, also d/b/a American Made Matters, and their successors and assigns, individually, collectively, or in any combination.

Provisions**I.****PROHIBITED MISREPRESENTATIONS REGARDING
U.S. ORIGIN CLAIMS**

IT IS ORDERED that Respondents, and Respondents’ 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, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any hat, or any other product or service, must not make any representation, expressly or by implication, that a product or service is Made in the United States unless:

- A. The final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or
- B. A Clear and Conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing.

Decision and Order

II.
DISCLOSURE OF MATERIAL CONNECTION

IT IS FURTHER ORDERED that Respondents and Respondents' 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, whether acting directly or indirectly, in connection with the labeling, advertising, promotion, offering for sale, or sale of any product, package, certification, service, practice, or program, must not make any representation, in any manner, expressly or by implication, about any user or endorser of such product, package, Certification, service, practice, or program unless Respondents disclose, Clearly and Conspicuously, and in close proximity to the representation, any Material Connection, when one exists, between such user or endorser and (1) Respondents or (2) any other individual or entity affiliated with the product or service.

III.
**PROHIBITED MISREPRESENTATIONS REGARDING
CERTIFICATIONS**

IT IS FURTHER ORDERED that Respondents, Respondents' officers, agents, servants, employees, and attorneys, 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 marketing, promoting, offering for sale, or selling any product, good, or service, are permanently restrained and enjoined from representing, expressly or by implication, that a product or service meets Respondents' Certification Standard, unless:

- A. An entity with no Material Connection to Respondents or any company, group, or other association that Respondents authorize to use any "American Made Matters" Certification or other marketing or promotional material has conducted an independent and objective evaluation, audit, or verification check to confirm that the product or service meets the Certification Standard; or

Decision and Order

- B. Respondents' Certification or any other promotional materials clearly and prominently disclose(s) that products or services may meet Respondents' Certification Standard through self-certification.

**IV.
SUBSTANTIATION**

IT IS FURTHER ORDERED that Respondents, Respondents' officers, agents, servants, employees, and attorneys, 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 promoting or offering for sale any product or service, shall not make any representation, in any manner, expressly or by implication, regarding the country of origin of any product or service unless:

- A. The representation is true, not misleading, and at the time it is made, Respondents possess and rely upon a reasonable basis for the representation; or
- B. For representations made through use of Respondents' Certification or other "American Made Matters" materials, the Certification and related promotional materials clearly and prominently disclose that products or services may meet Respondents' Certification Standard through self-certification, and Respondents neither know nor should know that the self-certification is misleading.

**V.
MEANS AND INSTRUMENTALITIES**

IT IS FURTHER ORDERED that Respondents, Respondents' officers, agents, servants, employees, and attorneys, 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 promoting or offering for sale any product, good, or service, shall not provide to others the means and instrumentalities with which to make any representation prohibited by Parts I, III, or IV above. For the

Decision and Order

purposes of this Part, “means and instrumentalities” means any information, including, but not necessarily limited to, any Certification, advertising, labeling, promotional, sales training, or purported substantiation materials, for use by trade customers in their marketing of any product or service.

VI.**ACKNOWLEDGMENTS OF THE ORDER**

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, each Respondent must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Provision titled Compliance Reports and Notices. 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.

VII.**COMPLIANCE REPORT AND NOTICES**

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

Decision and Order

- A. One year after the issuance date of this Order, each Respondent must submit a compliance report, sworn under penalty of perjury, in which 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; (d) describe in detail whether and how that Respondent is in compliance with each Provision 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.
- B. Each Respondent must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following: (a) any designated point of contact; or (b) the structure of any 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.
- 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,

Decision and Order

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 Bollman Hat Company, Docket No. C-4643.

**VIII.
RECORDKEEPING**

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, each Respondent must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- 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 concerning the subject matter of the Order, whether received directly or indirectly, such as through a third party, and any response;

Decision and Order

- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission;
- E. A copy of each unique advertisement or other marketing material making a representation subject to this Order; and
- 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 evidence in Respondent's 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.

IX.
COMPLIANCE MONITORING

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 records for inspection and copying.
- 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

Decision and Order

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.

X.
ORDER EFFECTIVE DATES

IT IS FURTHER ORDERED that this Order is final and effective upon the date of its publication on the Commission's website (ftc.gov) as a final order. This Order will terminate on April 12, 2038, 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

Analysis to Aid Public Comment

is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

**ANALYSIS OF CONSENT ORDER TO AID PUBLIC
COMMENT**

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from Bollman Hat Company and SaveAnAmericanJob, LLC, jointly d/b/a American Made Matters (“respondents”).

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves respondents’ marketing, sale, and distribution of hats with claims that the products are of U.S.-origin, and respondents’ marketing, sale, and distribution of memberships in their “American Made Matters” (“AMM”) program to companies wishing to make U.S.-origin claims for their products.

According to the FTC’s complaint, respondents represented that their products are “Made in USA.” In fact, many of the respondents’ hats are wholly imported, and others contain significant imported content. Therefore, this representation was false or misleading.

Analysis to Aid Public Comment

The complaint further alleges that the AMM seal represents by implication that respondents' products have been endorsed or certified by an independent third party. AMM, however, is a fictitious name for respondents, who created the AMM seal and use it in connection with the sale of their own products. Therefore, these representations were false or misleading.

The complaint next alleges that respondents made implied claims that products and entities using their AMM seal were independently and objectively evaluated for compliance with respondents' certification standard. These claims were false or misleading.

Finally, the complaint alleges that respondents claimed that all AMM members sell products that are all or virtually all made in the United States. Because respondents awarded the AMM certification to any company that self-certified that at least 50% of the cost of one of their products was incurred in the United States, with final assembly or transformation in the United States, this claim was false or misleading, or unsubstantiated at the time it was made.

Based on the foregoing, the complaint alleges that respondents engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains provisions designed to prevent respondents from engaging in similar acts and practices in the future. Consistent with the FTC's Enforcement Policy Statement on U.S. Origin Claims, Part I prohibits respondents from making U.S.-origin claims for their products unless either: (1) the final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; or (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing.

Analysis to Aid Public Comment

Part II prohibits respondents from making any representation about any user or endorser of any product, package, certification, service, practice, or program, unless respondents disclose clearly and conspicuously any material connection between a user or endorser and (1) respondents or (2) any other individual or entity affiliated with the product or service.

Part III prohibits respondents from representing, expressly or by implication, that a product or service meets respondents' certification standard, unless: (1) an entity with no material connection to that covered entity conducted an independent and objective evaluation to confirm that the certification standard was met; or (2) respondents' certification and marketing materials disclose clearly and conspicuously that the certification standard may be met through self-certification.

Part IV prohibits respondents from making any country-of-origin claim about a product or service unless the claim is true, not misleading, and respondents have a reasonable basis substantiating the representation. In the alternative, for country-of-origin representations made through AMM marketing materials, respondents may make such claims if (1) they neither know or have reason to know that the self-certification is misleading, and (2) disclose clearly and prominently that products or services meet the certification standard through self-certification.

Part V prohibits respondents from providing third parties with the means and instrumentalities to make the claims prohibited in Parts I, III, or IV.

Parts VI through IX are reporting and compliance provisions. Part VI requires respondents to acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors, and employees, and to obtain an acknowledgement from each such person that they have received a copy of the order. Part VII requires the filing of compliance reports within one year after the order becomes final and within 14 days of any change that would affect compliance with the order. Part VIII requires respondents to maintain certain records, including records necessary to demonstrate compliance with the

Analysis to Aid Public Comment

order. Part IX requires respondents to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview respondents' personnel.

Finally, Part X is a "sunset" provision, terminating the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

Complaint

IN THE MATTER OF

**TELOMERASE ACTIVATION SCIENCES, INC.
AND
NOEL THOMAS PATTON**CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4644; File No. 142 3101
Complaint, April 18, 2018 – Decision, April 18, 2018*

This consent order addresses Telomerase Activation Sciences, Inc.'s advertising for TA-65MD, a product that comes in capsule and powder forms, and TA-65 for Skin, a topical cream product. The complaint alleges that respondents violated Sections 5(a) and 12 of the FTC Act by making false or unsubstantiated health or performance claims regarding TA-65MD and TA-65 for Skin. The complaint further alleges that respondents represented that a 2012 paid-for segment on *The Suzanne Show* featuring TA-65MD was independent, educational programming and not paid commercial advertising and that consumers appearing in advertisements were independent users of TA-65MD, expressing their impartial views of satisfaction. The consent order prohibits any representation that a covered product reverses human aging; prevents or repairs DNA damage; restores aging immune systems; increases bone density; reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision; decreases recovery time of the skin after medical procedures; prevents or reduces the risk of cancer; or cures, mitigates, or treats any disease unless the representation is non-misleading and respondents possess and rely upon competent and reliable scientific evidence that substantiates that the representation is true.

Participants

For the *Commission*: Devin W. Domond, David P. Frankel, Mary Johnson, and Andrew Wone.

For the *Respondents*: Leonard L. Gordon, Michelle C. Jackson, Kristen Klesh, Claudia A. Lewis, and Brian M. Likins, Venable, LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Telomerase Activation Sciences, Inc. ("TAS"), a corporation, and Noel Thomas Patton, individually and as an officer of TAS

Complaint

(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 Telomerase Activation Sciences, Inc. is a Delaware corporation with its principal place of business at 420 Lexington Avenue, Suite 2900, New York, NY 10170.

2. Respondent Noel Thomas Patton (“Patton”) is the founder, Chairman, CEO, and majority owner of TAS. Individually or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices alleged in this complaint. His principal office or place of business is the same as that of TAS.

3. Respondents have manufactured, advertised, labeled, offered for sale, sold, and distributed products to consumers, including TA-65MD and TA-65 for Skin (“TA-65 Skin”) (collectively “the TA-65 products”). TA-65MD is either a food and/or drug within the meaning of Sections 12 and 15 of the Federal Trade Commission Act. TA-65 Skin is either a drug and/or cosmetic within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

4. 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.

Respondents’ Business Activities

5. TA-65MD is a product that comes in both capsule and powder form. Respondents have manufactured, advertised, labeled, offered for sale, distributed, and sold TA-65MD since 2007.

6. TA-65 Skin is a topical cream product. Respondents have manufactured, advertised, labeled, offered for sale, distributed, and sold TA-65 Skin since 2013.

7. The active ingredient in the TA-65 products is a proprietary extract derived from the roots of the *Astragalus*

Complaint

membranacious plant. The extract is chemically known as cycloastragenol.

8. Respondents claim that the active ingredient in the TA-65 products activates an enzyme known as telomerase, which is dormant in most human cells. According to Respondents, activating telomerase lengthens telomeres. Telomeres form the ends of human chromosomes in cells. Sometimes likened to the hard plastic tips at the end of shoelaces that prevent them from fraying, telomeres protect human cells during cell division. Each time a cell divides, its telomeres shorten. When telomeres reach a critically short level, a cell ceases to divide – known as cell senescence. Respondents claim that the TA-65 products activate telomerase, lengthen short telomeres, and, thereby, extend the cellular lifespan of normal cells.

9. Respondents have advertised and marketed TA-65MD through a television infomercial, a paid appearance on *The Suzanne Show*, magazine advertisements, health professional conferences and seminars, trade conferences and shows, TAS-hosted meetings and workshops, online advertisements and websites, email blasts, product packaging, and other promotional materials to consumers, including trade customers for use in other finished products marketed to consumers.

10. Respondents have represented that TA-65MD, among other things, is clinically proven to reverse aging, repair DNA damage, restore aging immune systems, and increase bone density.

11. Respondents have sold TA-65MD through licensees, infomercial call centers, and online retailers (including, but not limited to, Amazon.com, Vita-Stream.com, RevGenetics.com, ChosenMeds.com, and ebay.com).

12. Respondents also have sold TA-65MD powder to their trade customers directly.

13. According to the TAS website (www.tasciences.com), the retail price of one TA-65MD 90-capsule (250-unit dosage per capsule) bottle is \$600 and of one 30-capsule (100-unit dosage per

Complaint

capsule) bottle is \$100. According to earlier versions of the website, TA-65MD capsules retailed for the following approximate amounts: \$600 for a three-month supply at a low dose level (one 250-unit capsule daily); \$1,200 for a three-month supply at a mid-dose level (two 250-unit capsules daily); and \$2,200 for a three-month supply at a high-dose level (four 250-unit capsules daily).

14. Respondents have advertised and marketed TA-65 Skin through health professional conferences and seminars, trade conferences and shows, TAS-hosted meetings and workshops, online advertisements and websites, product packaging, and other promotional materials.

15. Respondents have represented that TA-65 Skin, among other things, reverses aging, including through improving skin elasticity, and decreases recovery time of the skin after medical procedures.

16. Respondents have sold TA-65 Skin through licensees and online retailers (including, but not limited to, Amazon.com, myHealthMarket.com, and ebay.com).

17. The retail cost for TA-65 Skin is approximately \$500 for a one fluid ounce bottle and \$1,000 for a four fluid ounce tube.

18. Respondent TAS grossed at least \$56 million in sales for the TA-65 products from 2010 to filing of this Complaint, and sales have been ongoing. TA-65MD accounts for most of these sales.

A. Respondents' Promotion and Sale of the TA-65 Products Through Licensed Persons

19. Respondents have distributed the TA-65 products through persons that TAS licenses to sell and distribute the products ("TAS Licensee" or "TAS Licensees"). The majority of sales for TA-65MD capsules and TA-65 Skin are through TAS Licensees.

20. Most TAS Licensees are health professionals, including licensed medical doctors.

Complaint

21. Respondents sell and distribute the TA-65 products to TAS Licensees at a discount, to then be resold and redistributed to consumers. According to Respondents' advertisements for their licensee program, product discounts for TAS Licensees range from 25 to 45 percent off the retail price.

22. TAS Licensees market, promote, offer for sale, and sell the TA-65 products to consumers through their own online websites and other online websites, including Amazon.com storefronts and ebay.com, and physical storefronts or offices.

23. For example, TAS Licensee Age Reverse, LLC (a New York limited liability company described by Respondents as one of their "biggest USA distributors"), markets and sells TA-65MD capsules and TA-65 Skin to consumers through its websites www.ta65doctor.com and www.ta-65direct.com; through its Amazon storefronts ta65doctor, ta-65direct, and TA65DIRECT; and through www.ebay.com.

24. Respondents promote the TA-65 products to prospective and actual TAS Licensees at health professional conferences and trade shows, through practitioner-oriented publications, and through other promotional materials. Respondents also have hosted meetings and workshops for health professionals, whose practices often involve aging or general health, to promote the TA-65 products and the TAS Licensee program as a source of ancillary revenue.

25. Respondents also have furnished prospective and actual TAS Licensees copies of their advertising and marketing materials for the TA-65 products and materials purporting to substantiate the products' efficacy.

B. Respondents' Marketing and Promotion of the TA-65 Products to the General Public

26. In 2012, Respondents paid \$89,900, in addition to in-kind compensation of approximately twelve TA-65MD 90-capsule bottles, for celebrity Suzanne Somers to promote TA-65MD on *The Suzanne Show*, which aired on Lifetime Television. Ms. Somers was the show's host and one of the show's producers.

Complaint

27. Ms. Somers introduced the paid-for segment on *The Suzanne Show* featuring TA-65MD as an “ask the experts” segment, which was styled as an educational interview of Respondent Patton and Dr. Edward Park, a purported medical expert, who was also a TAS Licensee. During the interview, Respondent Patton and Dr. Park discussed purported health benefits of TA-65MD and directed consumers to the TAS website (www.tasciences.com). There was no indication to viewers that this segment was a paid advertisement.

28. Respondents also provided free TA-65MD 90-capsule bottles, on a quarterly basis, to another producer of *The Suzanne Show* from 2012 until, at least, the end of 2013. The total value of monetary and in-kind compensation that Respondents paid the show’s producers until January 2014 was approximately \$113,900. Respondents also provided discounted TA-65 products to producers of *The Suzanne Show*.

29. In addition to the paid-for segment on *The Suzanne Show* promoting TA-65MD, TA-65MD was featured in website advertisements and other promotional materials promoting *The Suzanne Show* segment.

30. Respondents also marketed the TA-65 products in an infomercial, released in 2014, for TA-65MD (“TAS infomercial”).

31. The TAS infomercial included consumer endorsers discussing health benefits they purportedly experienced due to their use of TA-65MD. Video clips of and quoted language from these consumer endorsements have appeared on Respondents’ website. Respondents provided thousands of dollars of free TA-65MD products to the consumer endorsers appearing in the TAS infomercial and other promotional materials. For example, Respondents provided eight TA-65MD 90-capsule bottles, valued at approximately \$4,000 total, to each consumer endorser featured in the TAS infomercial.

32. Respondents did not disclose, or did not disclose adequately, in advertisements or other promotional materials featuring consumer endorsers, including the 2014 TAS

Complaint

infomercial, that they provided thousands of dollars of TA-65MD to consumer endorsers at no cost.

33. The TAS infomercial featured endorsements by medical professionals or “experts” discussing health benefits purportedly experienced by TA-65MD users, such as the medical professionals’ patients and themselves. Video clips of and quoted language from the TAS infomercial also appeared on Respondents’ website.

**C. Respondents’ Promotion and Sale of TA-65MD
Powder to Trade Customers for Use in Other Finished
Products**

34. Respondents market, promote, and offer for sale TA-65MD powder to trade customers for use in the trade customers’ finished products.

35. Respondents have furnished prospective trade customers copies of their advertising and marketing materials for TA-65MD and materials purporting to substantiate TA-65MD’s efficacy, including materials targeting prospective TAS Licensees. One or more of Respondents’ trade customers have used these materials to market TA-65MD powder to consumers nationwide and abroad.

36. For example, Respondents’ trade customer Jeunesse, LLC (a Florida limited liability, multi-level marketing company) has used Respondents’ materials to produce promotional materials for its product Finiti™, a product sold in capsule form that contains TA-65MD powder as a purported active ingredient. Online advertising and product packaging for Finiti contains the mathematical symbol for infinity (∞) and the tag line “Aging Ends Here.”

37. Respondents also have provided other services to their trade customers to assist in marketing TA-65MD powder to consumers nationwide and abroad. For example, Respondents have provided technical, clinical, and marketing support to their trade customers, including making Respondent Patton or other TAS representatives available to speak at trade customers’ events.

Complaint

In addition, Respondents have reviewed the formulation of and advertisements for their trade customers' products prior to dissemination to consumers.

D. Individual Respondent

38. Among other things, Respondent Patton has created, reviewed, edited, and approved advertisements, packaging, and promotional materials for the TA-65 products. He has been involved actively in developing and reviewing advertising claims for the TA-65 products, including the advertising claims set forth in this Complaint. In addition, Respondent Patton has marketed the TA-65 products at conferences and seminars, making presentations about the products' purported benefits. As part of a paid-for segment on *The Suzanne Show* promoting TA-65MD, Ms. Somers interviewed Respondent Patton. Respondent Patton also appeared in the TAS infomercial.

39. Respondent Patton has reviewed and approved advertisements, packaging, and promotional materials for products manufactured by Respondents' trade customers containing TA-65MD powder. Respondent Patton has promoted TA-65MD powder when marketing products manufactured by Respondents' trade customers at trade customers' events. Moreover, Respondent Patton has been responsible for reviewing the scientific materials that purportedly substantiate claims for the TA-65 products.

E. Examples of Advertisements, Packaging, and Other Promotional Materials

40. To induce prospective and actual TAS Licensees to purchase the TA-65 products for distribution, Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for the TA-65 products and Respondents' Licensee program, including, but not necessarily limited to, those attached as Exhibits A through D. These advertisements contain the following statements and depictions:

Complaint

a. **TA-65MD Health Professional's Brochure FTC-TAS0053507-18 (Exhibit A)****To Meet the Challenges of Aging****OUR MISSION IS YOUR MISSION:**

Our mission is to minimize the decline associated with aging and maximize the potential for health and longevity through Telomerase Activation

TA⁶⁵®

- **Safe and efficacious with over 5 years of testing**
- **Only available through physicians trained and licensed by T.A. Sciences.**

Short Telomeres are associated with unhealthy aging and a shorter lifespan

...

Short Telomeres have been associated with maladies in these tissues:

- Immune cells – memory and naïve
- Heart – cardiomyocytes
- Hematopoietic stem cells
- Lung alveolar cells
- Skin – dermis, epidermis, vasculature
- Vascular intima (endothelium)
- Osteoblasts, MSCs
- Liver – hepatocytes
- Retinal pigmented tissue of eye
- Chondrocytes
- Skeletal muscle
- Kidney – cortex
- Neurons

...

People currently taking TA-65 have seen the following results:*

...

Complaint

- **Improved Immune system:** In particular, the % and absolute number of senescent CD8+/28- cells has significantly decreased. This is a reversal of what normally happens with age.
- **Improved bone density**
- **Improved cardiovascular and hormonal biomarkers** that normally show decline with age.
- There are also anecdotal results, such as **improved energy and athletic performance**, but these effects are not universal and vary among individuals.

**Human trial results substantiating these claims to be published soon in a peer-reviewed scientific journal*

...

How to become a T.A. Sciences licensee?

1. The physician must sign the Licensee Agreement.
2. There is a one time \$1,000 Administrative Fee that covers licensee set up, marketing support and operations support.
3. The physician must study the Doctor's Manual and pass the Telomere, Telomerase and **TA⁶⁵** basic knowledge exam.
 - Your practice will then have the ability to purchase the products – **TA⁶⁵** and Support Packs, along with Telomere Length and Specialized Immunology tests at licensee discount rates.
 - **TA⁶⁵** profit for the doctor is \$2000 per client per year.
 - Cash Flow positive for the licensee: No investment in **TA⁶⁵** inventory is required. Patients pay for **TA⁶⁵** before you have to pay TA Sciences.

Complaint

- Set your practice apart by offering the only scientifically proven Telomerase Activator in the world to your patients, TA⁶⁵

b. **Health Practitioner Magazine Advertisement FTC-TAS0043860 (Exhibit B)**



Add Nobel Prize Technology

to your Practice

TA⁶⁵_{MD}

Cell Rejuvenation

Through Telomerase Activation

...

- Repairs DNA Damage
- Rejuvenates Aging Immune Systems
- Increases Bone Density
- Improves Biomarkers that Decline With Age

c. **TAS Licensee Program Advertisement FTC-TAS0065578 (Exhibit C)**

T.A. SCIENCES

**CELL REJUVENATION THROUGH
TELOMERASE ACTIVATION**

Right now is the best time to start providing the world's most unique anti-aging supplement.

It is now FREE and EASY to sign up and become a TA-65^{MD} Licensee.

TA-65^{MD} is the world's only proven telomerase activator with in vivo studies to show efficacy and safety.

Complaint

Telomerase activation is the most effective way to lengthen short telomeres and to combat age related dysfunctions.

In addition, TA-65[®]MD has proven to rejuvenate the immune system and increase bone density.

As a Licensee, you will receive discounts for each bottle. The savings range between 25% to almost 45%. Our Licensees value TA-65[®]MD not only for the health benefits to their patients, but for the significant increase of revenue for their practice.

Customers have reported several amazing **anecdotal benefits which include:**

- **increased energy and endurance**
- **better joint movements**
- **improved sleep**
- **more youthful skin** (age spots going away, dry patches disappearing, wrinkles smoothening)
- **improved strength and flexibility**
- **sharper memory**
- **sexual enhancement**

When you sign up to **become a Licensee**, you will receive the TA-65[®]MD Manual and Test to learn more about the product. To help with sales, you receive free marketing material to share with your staff and patients, a dedicated website for online orders and of course a discount on every bottle you order!

Call us today to learn how you can become a TA-65[®]MD Licensee and start generating more revenue for your practice!

Request a TA-65[®]MD Licensee Agreement by phone or email:

212-588-8805 or sales@tasciences.com.

Complaint

d. **TA-65MD and TA-65 Skin physician conference
flier FTC-TAS0059953 (Exhibit D)****Cellular Aging Stops Here**

Inside every cell of your body, there is a powerful clock ticking away. It's telling your body to age, wrinkle, gray, and slow down.

That clock is your telomeres, the caps at the end of each strand of DNA that protect it, like the plastic tips at the end of shoelaces.

Telomeres shorten over time, leaving your DNA vulnerable to damage and causing your cells to age. But now, there is a groundbreaking new way to help slow down, or possibly even reverse, age and lifestyle related telomere shortening.

Based on Nobel Prize winning science, TA-65[®] – a proprietary, all natural plant-based compound – can help maintain or rebuild telomeres.

TA-65[®] is available from T.A. Sciences[®] as TA-65MD[®] nutritional supplements, or in a new skin cream formulation.

41. To induce consumers to purchase the TA-65 products, including trade customers and TAS Licensees who distribute the TA-65 products to consumers, Respondents have disseminated or have caused to be disseminated advertisements, packaging, and promotional materials for the TA-65 products, including, but not necessarily limited to, those attached as Exhibits E through O. These advertisements contain the following statements and depictions:

Complaint

- a. **Paid-for TA-65 segment on *The Suzanne Show*, DVD and transcript (Exhibits E and F, respectively)**

ON SCREEN: ask the experts

SUZANNE SOMERS: All right, I'm going to ask you a sensitive question. How old are you? Well, the fact is most of us don't really know because there are two answers. There's your calendar age - - that's the birthday you celebrate every year - and then there's the age of your body's individual cells. And your cells may be much younger or older than your actual years. The exciting new science of telomere biology is showing us how to not only determine our cellular age, but how to actually reverse - I say it again - reverse the aging process. My guests today are Noel Thomas Patton, founder of T.A. Sciences, and Dr. Ed Park, an expert in telomeres. Welcome, both of you.

NOEL PATTON: Glad to be here.

SUZANNE SOMERS: Well, you know, I know both of you very well because I interviewed you, Noel Patton, for my book, *Bombshell*, because I was so fascinated about telomeres. Is your product - it's a supplement called TA65 - is this the fountain of youth?

(4:4-24)

...

ON SCREEN: Dr. Ed Park, MD, MPH
Telomere and Telomerase
Expert

(6:10-11)

...

Complaint

SUZANNE SOMERS: Inside the cell, these Nobel Prize winners discovered that there's an enzyme called?

DR. ED PARK: Right, telomerase.

SUZANNE SOMERS: Telomerase.

DR. ED PARK: So, it literally is the oldest trick in the book. . . . All plants and animals on earth require it to keep their stem cells young. So, this is always on and the thing that TA65 does is it just gives it better gasoline so it operates at higher efficiency. Now, the good news is you can do telomerase activation naturally by meditating, by going to the gym, by eating well, sleeping, but if you don't have time or the disposition, now we have a supplement that can safely turn up that healing.

(7:15 – 8:5)

...

SUZANNE SOMERS: But, well, does TA65 strengthen the immune system?

NOEL PATTON: It absolutely does. That's one of the key things that we do. As we get older, our immune system is deteriorating and everybody knows it intuitively.

SUZANNE SOMERS: Right.

NOEL PATTON: But you can measure that. There's a test – a blood test done at UCLA's immunology laboratory that shows how your immune system is aging. . . . And we measure that with people that have – they do a blood test. The same thing, as you're getting older, you have more and more cancer cells. . . . See, we all have cancer

Complaint

cells, even when we're young. . . . But our immune system kills them. . . . So, if those two lines cross . . . we get cancer and we die, one third of us die. So, what we're doing is we rejuvenate the immune system, turn that curve -- that line down -- . . . -- put it back up hoping to keep it above the cancer line. And if it is kept above the cancer line, you won't -- you wouldn't get cancer, your immune system would kill the cancer cells before they kill you.

. . .

NOEL PATTON: Our website is tasciences.com.

ON SCREEN: www.tasciences.com

SUZANNE SOMERS: Very interesting stuff. Thank you, Dr. Park. Thank you, Noel, for coming. . . .

(9:6 – 11:13)

b. **TA-65 infomercial, DVD and transcript (Exhibits G and H, respectively)**

ON SCREEN: ACTUAL TA65 CUSTOMERS

BEFORE AND AFTER PHOTOS

MALE ANNOUNCER: Some studies have shown how this amazing discovery could help support immune health and even reverse measurable, obvious effects of cellular aging. Too good to be true? Watch and decide for yourself. . . .

(7:22 - 8:3; *see also* 35:14-18; 43:22 – 44:1)

. . .

Complaint

MALE ANNOUNCER: . . . Join investigative journalist and former CNN anchor . . . Kathleen Kennedy as she sits with the premier experts in anti-aging science and debunks the myths, discovers the truth and reveals the secrets you need to know. . . .

KATHLEEN KENNEDY: A growing new body of evidence is shattering long-held beliefs about aging and it's creating quite a controversy. Today we are going to talk to some of the world's leading edge scientists that work in the private sector developing the science that they say promises to change your life. . . .

ON SCREEN: Calvin B. Harley, Ph.D.
PRESIDENT & CSO,
TELOME HEALTH, INC.

KATHLEEN KENNEDY: My guests are Dr. Cal Harley, Ph.D. and expert on cellular regeneration and telomeres.

ON SCREEN: Dr. Joseph Raphaele [*sic*],
M.D.
CO-FOUNDER, PHYSIO-AGE
MEDICAL GROUP

KATHLEEN KENNEDY: Dr. Joseph Raphaele [*sic*], a Princeton graduate and internal medicine expert with a leading anti-age practice, Physio-Age, right here in Manhattan.

ON SCREEN: Noel Patton
CEO AND FOUNDER OF T.A.
SCIENCES®

KATHLEEN KENNEDY: Noel Patton, CEO of T.A. Sciences and producer of TA65, a natural telomerase activating supplement.

Complaint

ON SCREEN: Dr. Ed Park, MD, MPH
AUTHOR: “TELOMERE
TIMEBOMBS”

KATHLEEN KENNEDY: And longevity expert and private practicing anti-aging physician, Edward Park, from Orange County, California.

(8:3 – 10:3)

...

ON SCREEN: Bill Wismann, Age 58
Taking TA65 for 4 months
These results are atypical and other consumers may not achieve such results.

BILL WISMANN: I’ve noticed that not only am I healthier, but I’m not catching the cough that, you know, my wife or my son or others around me are getting. My condition is just a healthier one and I have more energy.

ON SCREEN: Carol Wayne, Age 74
Taking TA65 for 1 year
These results are atypical and other consumers may not achieve such results.

CAROL WAYNE: TA65 is such a great product. It makes your whole body healthier and stronger and more energetic.

(14:17 - 15:6)

...

MALE ANNOUNCER: But only TA65 has been shown to activate telomerase which starts life’s most important cellular anti-aging chain reaction. .

Complaint

. . . Some studies have shown how this amazing discovery could help support immune health and even reverse measurable obvious effects of cellular aging. Why wait one more minute when the clock is ticking?

(23:9-19)

...

ON SCREEN: Carol Wayne, Age 74
Taking TA65 for 1 year

CAROL WAYNE: At my age, at 74, I want to enjoy the time I have left, whatever that is. I want to have as much vitality and energy as I can possibly get. . . . And I find that with the TA65, I have the energy that I want and I need to do all the things I like to do. I like to travel. It helps with my quality of life.

(29:14-24)

...

NOEL PATTON: Well, I was looking for a solution to aging for myself and discovered TA65. We've been working on it for ten years. And it works for me, it's worked for my family, my friends, loved ones, and now for tens of thousands of people, and we've made it affordable and accessible to everyone, and I'm really proud to be at the beginning of this revolution in science.

(42:8-15)

c. **TA-65MD Product Packaging (30 capsules) FTC-TAS0007347 (Exhibit I)**

Front Panel:

Telomerase Activation works on

Complaint

targeted cells in your body and
can improve your quality of life!

TA65[®]MD
CELL
REJUVENATION
THROUGH
TELOMERASE
ACTIVATION[™]

...

- **Helps Prevent DNA Damage**
- **Rejuvenates Aging Immune Systems**



Nobel Prize Technology

Side Panel:

ROOT CAUSE OF AGING

- As we age our telomeres shorten
- Scientific studies have shown that short telomeres are associated with age related decline and dysfunction
- Evidence also clearly shows that people with long telomeres age healthier and live longer
- The only way to lengthen telomeres is through the activation of an enzyme called telomerase
- Currently the only way to activate telomerase is to take **TA-65[®]MD**

d. **TA-65 Patient Brochure FTC-TAS0043861-62 (Exhibit J)**

...

TA-65[®]MD is proven to:

...

Complaint

- ✓ **Restore an aging immune system**
- ✓ **Increase bone density**
- ✓ **Improve various biomarkers that usually decline with age**

Our clients report anecdotal benefits such as:

- ✓ **Increased energy**
- ✓ **Improved endurance**
- ✓ **Vision improvements**
- ✓ **Enhanced libido**
- ✓ **Better skin elasticity**
- ✓ **and more . . .**

e. **TA-65 Patient Poster FTC-TAS0005116
(Exhibit K)**

Can we age healthier and live longer?

What's the key to aging healthy and living longer?

Telomeres!

. . .

TA-65MD is proven to:

. . .

Restore an aging immune system

Increase bone density

Improve various biomarkers that usually decline with age.

Our clients report anecdotal benefits, such as:

Increased energy

Improved endurance

Vision improvements

Enhanced libido

Better skin elasticity

and more

Complaint

...

Ask your physician if you can benefit from anti-aging therapy with TA-65.

- f. **TA-65MD Coupon Advertisement FTC-TAS0053232 (Exhibit L)**



TA-65[®] Is the first product to emerge from Nobel Prize winning science, focused on improving your health and quality of life.

TA⁶⁵ is the world's only telomerase activator proven in published studies to safely lengthen critically short telomeres, prevent DNA damage, and restore an aging immune system. TA-65 has been shown to increase bone density and improve various biomarkers which usually decline with age.

...

Visit www.tasciences.com or call us at 212-588-8805

- g. **TAS website excerpts, January 24, 2014 (Exhibit M)**

TA-65 Dosing Guideline

The statistics showing TA-65's efficacy in the ground breaking scientific paper published Sept. 8, 2010 in the peer-reviewed scientific journal *Rejuvenation Research* allows [*sic*] us to offer different dosing options. . .

1. **250 units (1 capsule daily)** is efficacious for healthy adults in their 40's or 50's. . . . Clients who took this dose were shown to have increased short telomere length and significantly improved

Complaint

immune system function. There are also anecdotal reports of increased endurance and other benefits.

...

2. **500 units (2 capsules daily)** has been proven to lengthen short telomeres, restore the immune system, and improve other important bio markers [*sic*]. Anecdotal reports included increased energy, endurance, vision improvements, sexual enhancement, and more. . . .

3. **1000 units (4 capsules daily)**

...

It is expected that this dose will give an increased benefit over the lower doses (although not a proportional benefit). Study subjects experienced lengthened telomeres, restoration of weak immune systems, bone density improvements and other important bio marker [*sic*] improvements which usually decline with age. Anecdotal reports include energy increase, endurance, cognitive improvements, improved vision, sexual enhancement, and an overall feeling of well being [*sic*].

h. **TAS website excerpts, December 1, 2014
(Exhibit N)**

New Products

T.A. Sciences® is dedicated exclusively to creating research-based, clinically tested wellness products that help address cellular aging through the science of Telomerase Activation. Built upon a foundation strongly grounded in scientific evidence, T.A. Sciences® is widely recognized as the leader in the field of Telomere Biology.

Complaint

...

TA-65[®] for Skin

...

TA-65MD[®] nutritional supplements have been shown to improve skin elasticity and decrease the amount of time it takes skin to recover after a procedure. Due to the large number of requests from physicians and customers for a TA-65[®] product that can be applied directly to particular areas of the skin, the company added topical formulation development to its research plan. After conducting three-dimensional modeling, in-vitro, and in-vivo studies on a variety of formulations, T.A. Sciences[®] developed its first topical product, TA-65[®] for Skin.

TA-65[®] for Skin is available now. . . .

i. **TAS Facebook page excerpts, December 3, 2014 (Exhibit O)**

T.A. Sciences
September 22[, 2014]

Did you know that human skin is the largest organ in the body? There are about 19 million skin cells in every inch of the body! TA-65[®] for Skin may improve skin elasticity and recovery time post-procedure!

For more info, call 888-360-8886 or email info@tasciences.com today!

...

T.A. Sciences
March 4, 2013

Complaint

Another happy customer placed an order for TA-65 today. She said both her husband's and her hands have less wrinkles than they did when they started taking TA-65--only a month and a half ago!

...

T.A. Sciences
February 25, 2013

It doesn't really matter what time of day you take your TA-65. Here are a few things our customers have reported to us:

Taking TA-65 in the morning: Customers have reported having more energy throughout the day, being more productive, and having more endurance. . . .

...

T.A. Sciences
November 1, 2012

Your cells are on a timer - one that's running out. Learn how you can modify cells to literally reverse the aging process.

Count I
False or Unsubstantiated Efficacy Claims

42. Through the means described in Paragraphs 40 and 41, Respondents have represented, directly or indirectly, expressly or by implication, that:

- a. TA-65 products reverse aging;
- b. TA-65MD prevents and repairs DNA damage;
- c. TA-65MD restores aging immune systems;

Complaint

- d. TA-65MD increases bone density;
- e. TA-65MD reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision;
- f. TA-65MD prevents or reduces the risk of cancer;
- g. TA-65 Skin reverses the effects of aging, including improving skin elasticity; and
- h. TA-65 Skin decreases recovery time of the skin after medical procedures.

43. The representations set forth in Paragraph 42 are false or misleading, or were not substantiated at the time the representations were made.

Count II
False Establishment Claims

44. Through the means described in Paragraphs 40 and 41, Respondents have represented, directly or indirectly, expressly or by implication, that TA-65MD is clinically or scientifically proven to:

- a. Reverse aging;
- b. Prevent and repair DNA damage;
- c. Restore aging immune systems; and
- d. Increase bone density.

45. In fact, TA-65MD is not clinically or scientifically proven to reverse aging; prevent and repair DNA damage; restore aging immune systems; and increase bone density. Therefore, the representations set forth in Paragraph 44 are false or misleading.

Complaint

Count III
Deceptive Format

46. Through the means described in Paragraphs 26-29 and 41(a), Respondents have represented, directly or indirectly, expressly or by implication, that the 2012 paid-for segment on *The Suzanne Show* featuring TA-65MD was independent, educational programming and not paid commercial advertising.

47. In fact, the 2012 paid-for segment on *The Suzanne Show* featuring TA-65MD was not independent, educational programming and was paid commercial advertising. Therefore, the representation set forth in Paragraph 46 is false or misleading.

Count IV
**Deceptive Failure to Disclose Material Connections with
Consumer Endorsers**

48. Through the means described in Paragraphs 30-32 and 41, Respondents have represented, directly or indirectly, expressly or by implication, that consumers appearing in advertisements and promotional materials for TA-65MD, including the TAS infomercial, are satisfied users of TA-65MD expressing their views about the product.

49. In instances in which Respondents have made the representation set forth in Paragraph 48, Respondents have failed to disclose, or failed to disclose adequately, that certain of those individuals had material connections with Respondents. Respondents provided the consumer endorsers in-kind compensation, specifically, thousands of dollars of free TA-65MD. These facts would be material to consumers in their evaluation of the user reviews in connection with their purchase or use decisions regarding TA-65MD.

50. Respondents' failure to disclose, or disclose adequately, the material information described in Paragraph 49, in light of the representation described in Paragraph 48, is a deceptive act or practice.

Complaint

**Count V
False Independent Users Claims**

51. Through the means described in Paragraphs 30-32 and 41, Respondents have represented, directly or indirectly, expressly or by implication, that consumers appearing in advertisements and promotional materials for TA-65MD, including the TAS infomercial, are independent users of TA-65MD expressing their impartial views about the product.

52. In fact, customers appearing in advertisements and promotional materials for TA-65MD, including the TAS infomercial, are not independent users of TA-65MD expressing their impartial views about the product. Respondents provided the consumer endorsers in-kind compensation, specifically, thousands of dollars of free TA-65MD. Therefore, the representation set forth in Paragraph 51 is false or misleading.

**Count VI
Means and Instrumentalities to Trade Customers**

53. Respondents have provided to their trade customers advertising, promotional, and purported substantiation materials and support referred to in Paragraphs 35-37, 40, and 41, containing, among other things, false and unsubstantiated representations, as described in Paragraphs 42 through 45 above.

54. By providing to their trade customers the advertising, promotional, and substantiation materials referred to in Paragraphs 35-37, 40, and 41, Respondents have provided their trade customers the means and instrumentalities for the commission of deceptive acts and practices.

55. Therefore, Respondents' practice as described in Paragraph 53 is a deceptive act or practice.

Violations of Sections 5 and 12

56. 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

Complaint

violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this eighteenth day of April, 2018, has issued this Complaint against Respondents.

By the Commission.

Exhibit A

The advertisement features the following elements:

- TA⁶⁵** logo in green and red at the top center.
- The text *The world's only Telomerase Activator* in blue below the logo.
- A photograph of a man in a white lab coat with a stethoscope, smiling, in the center.
- A small inset image of a white jar of T.A. 65 product surrounded by green leaves and purple flowers in the bottom left.
- A small inset image of a glass of water with a green leaf and two white capsules in the top right.
- The **T.A. SCIENCES** logo at the bottom, with a blue stylized 'S' symbol. Below it, the text "CELL REJUVENATION • THROUGH TELOMERASE ACTIVATION" is displayed.

Complaint

To Meet the Challenges of Aging**OUR MISSION IS YOUR MISSION:**

Our mission is to minimize the decline associated with aging and maximize the potential for health and longevity through Telomerase Activation

TA⁶⁵

- The only scientifically-proven Telomerase Activator in the world available to the public
- A highly purified and naturally occurring single molecule from the astragalus plant
- It activates (transiently) the telomerase enzyme which can lengthen telomeres
- Safe and efficacious with over 5 years of testing
- Only available through physicians trained and licensed by T.A. Sciences

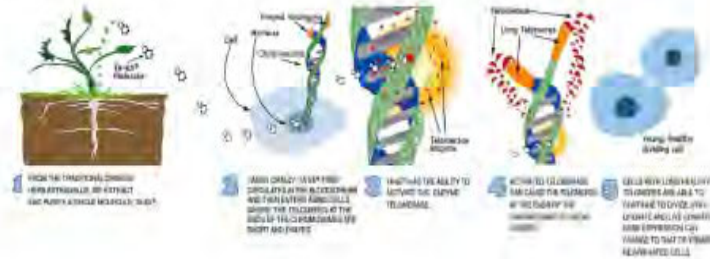
Complaint

***We are committed to the science and the promise of
Telomere Biology***

"...telomere shortening could be the reason for ageing, not only in the individual cells but also in the organism as a whole... These discoveries have added a new dimension to our understanding of the cell, shed light on disease mechanisms, and stimulated the development of potential new therapies."

(Nobel Prize Committee Press Release)

The first product to emerge from this new science is TA-65, a single small molecule that is derived from the root of the Astragalus plant. TA-65® is the only proven telomerase activator to rejuvenate telomeres in humans.

**Highly respected telomere biologist, Bill Andrews says:**

"Control of telomere length may be the most important step in eliminating the 125-year limit on our lifespan and taking the first crucial steps toward allowing us to live young, healthy lives."



The Nobel Prize in Physiology or Medicine 2009 was awarded jointly to Elizabeth H. Blackburn, Carol W. Greider and Jack W. Szostak, for the discovery of "how chromosomes are protected by telomeres and the enzyme telomerase". These three scientists have solved a major problem in biology: how the chromosomes can be copied in a complete way during cell divisions and how they are protected against degradation.

(Nobel Prize PRESS RELEASE 2009-10-05)

TA-65 has been shown to activate telomerase and increase telomere length in humans. This has led to improvements in immune cell function, bone density, and a number of other important age related bio-marker improvements.

TA⁶⁵

Complaint

Short Telomeres are associated with unhealthy aging
and a shorter lifespan

"Telomeres form the ends of human chromosomes. Telomeres shorten with each round of cell division and this mechanism limits proliferation of human cells to a finite number of cell divisions by inducing replicative senescence, differentiation, or apoptosis. Telomere shortening also limits stem cell function, regeneration, and organ maintenance during aging. Moreover, telomere shortening during aging and disease is associated with increasing cancer risk."

Telomere shortening and aging (2007)
 H. HONG, Z. LI, F. L. RUSSELL, Z. DAVENPORT, CHINESE 90.552-024



Short Telomeres have been associated with maladies in these tissues:

- Immune cells – memory and naïve
- Heart –cardiomyocytes
- Hematopoietic stem cells
- Lung alveolar cells
- Skin – dermis, epidermis, vasculature
- Vascular intima (endothelium)
- Osteoblasts, MSCs
- Liver – hepatocytes
- Retinal pigmented tissue of eye
- Chondrocytes
- Skeletal muscle
- Kidney – cortex
- Neurons

Data published by us and others have indicated that cellular aging caused by shortening telomeres, occurring in numerous tissues throughout the human body, causes or contributes to chronic degenerative diseases and conditions (including bone and marrow diseases, pulmonary fibrosis, HIV/AIDS, liver disease, macular degeneration, cardiovascular diseases and impaired wound healing). **Controlled activation of telomerase in normal cells can restore telomere length or slow the rate of loss, improve functional capacity and increase the proliferative lifespan of cells!** (Geron 10K Report 26 Feb -01)

TA⁶⁵


Complaint

The only way to lengthen telomeres is to:

Activate Telomerase

Telomerase Impacts Aging/Disease in Mice

Telomerase Null /short telomeres



Activated Telomerase/Long telomeres

Shortening telomeres

- Gray and Thinning Hair
- Weakened Immune System
- Intestinal Atrophy
- Reduced Spleen Size
- Decreased Wound Healing
- Decreased Lifespan
- Infertility

• Healthy and Thriving

These mice are the same age!


LONG TELOMERES ARE ASSOCIATED WITH HEALTHY AGING AND LONGEVITY

"As we suspected, humans of exceptional longevity are better able to maintain the length of their telomeres," said Youxin Suh, Ph.D., associate professor of medicine and of genetics at Einstein and senior author of the paper. "And we found that they owe their longevity, at least in part, to advantageous variants of genes involved in telomere maintenance."

Youxin Suh, Ph.D.
Genetic Variation in Human Telomerase is Associated with Telomere Length in Adiposity, Centenarians,¹

More specifically, the researchers found that participants who have lived to a very old age have inherited mutant genes that make their telomerase-making system extra active and able to maintain telomere length more effectively. For the most part, these people were spared age-related diseases such as cardiovascular disease and diabetes, which cause most deaths among elderly people.

Albert Einstein College of Medicine of Yeshiva University



Complaint

TA⁶⁵ Has Been Proven To Activate Telomerase

TA-65 Activates Telomerase in Human Neonatal Keratinocytes

Day	Telomerase Activity (U.C.TM)
0	~10
1	~25
2	~20
3	~22
4	~25
5	~28
6	~30
7	~32
8	~35
9	~38
10	~40
11	~38
12	~35
13	~32
14	~30

TRAP Assay Data by Terrell et al., Geron Corporation

TA-65 Accelerates Wound Healing in Mid-Passage Keratinocytes (HEKn-P, PD14)

CONTROL Day 1 Day 2 Day 3 Day 4

TA-65 10µM Day 1 Day 2 Day 3 Day 4

TA-65 Activates Telomerase in Fetal Lung Fibroblasts

TA-65 10µM 20µM 50µM 100µM 200µM

(From Andrews Lab, Sierra Sciences)

TA-65 has been proven by two independent research laboratories to activate telomerase.

At leading biotech company Geron, Chief Researcher Calvin Harley demonstrated that TA-65 induced Telomerase Activity transiently in neonatal keratinocytes.

Bill Andrews and his lab at Sierra Sciences showed telomerase transiently activated by TA-65 in fetal lung fibroblasts.

These findings confirm the claims that TA-65 transiently activates telomerase. It is widely accepted in the scientific community that the only way to lengthen telomeres is through the activation of telomerase. It is also widely accepted that individuals with long telomeres are healthier and live longer.

"Data from tissue culture studies showed that one such lead compound significantly activates telomerase and improves replicative capacity and function, including anti-viral activity in HIV-specific CD8+ T-cells from HIV/AIDS donors. The data were published in the Journal of Immunology in 2008."

(Geron 10k Report 26-Feb-10)

Complaint

What is TA⁶⁵?

TA⁶⁵ is a single small molecule derived from the Chinese herb astragalus. In laboratory studies using human cell lines including fibroblast cells which normally do not express any telomerase, TA-65 was shown to unequivocally lengthen telomeres. TA-65 is the first and only commercially available telomerase activator that is safe for human consumption.

Each batch of TA-65 starts with 3 tons of astragalus root grown in a specific region of Inner Mongolia. Through a closely guarded proprietary process, a single molecule (TA-65) is extracted from the astragalus root and purified to a very high degree. There are no other similar preparations available on the market.

The illustrations below show the above ground astragalus and the root. TA-65 is an ultra-purification of one of the 2000 bioactive compounds found in the astragalus root.

T.A. Sciences Educational Manual



Astragalus plant



Astragalus root

"Our findings suggest that telomere length and variants of telomerase genes combine to help people live very long lives, perhaps by protecting them from the diseases of old age," says Dr. Suh. "We're now trying to understand the mechanism by which these genetic variants of telomerase maintain telomere length in centenarians. Ultimately, it may be possible to develop drugs that mimic the telomerase that our centenarians have been blessed with."

Genetic Variation in Human Telomerase Is Associated with Telomere Length in Antioxidant Centenarians.

Quoted from a study at the Albert Einstein College of Medicine of Yeshiva University

TA⁶⁵

Complaint

Pivotal Human Trials of 2005

Immune System Improvement Summary

The Y-axis represents the mean change from baseline in CD4 lymphocytes (x10⁶/mm³) for lymphocyte proliferation, and change in number of CD3+ lymphocytes (x10⁶/mm³) for natural killer cells. Error bars show the standard error of the mean of the control and treatment groups. *Significance marked the end of treatment at 12 weeks.

FIGURE 1

Vision Improvement Summary

The Y-axis represents the mean change from baseline in vision (e.g. a change from 20/40 to 20/20 would be a +12 score). Error bars show the standard error of the mean of the control and treatment groups. *Significance marked the end of treatment at 12 weeks.

FIGURE 2

Skin Improvement Summary

The Y-axis represents the mean change from baseline in skin (e.g. reduction in wrinkles, dark spots, redness, etc.). Error bars show the standard error of the mean of the control and treatment groups. *Significance marked the end of treatment at 12 weeks.

FIGURE 3

Sex Improvement Summary

The Y-axis represents the mean change from baseline in sex (e.g. improved sexual function, increased desire, and erections, etc.). Error bars show the standard error of the mean of the control and treatment groups. *Significance marked the end of treatment at 12 weeks.

FIGURE 4

People currently taking TA-65 have seen the following results:*

- Lengthening of the **Shortest Telomeres**. (These are the ones that really matter; it only takes one short telomere out of the 92 in every cell to send a cell into crisis.)
- **Improved Immune system**. In particular, the % and absolute number of senescent CD8+/28- cells has significantly decreased. This is a reversal of what normally happens with age.
- **Improved bone density**
- **Improved cardiovascular and hormonal biomarkers** that normally show decline with age.
- There are also anecdotal results, such as **improved energy and athletic performance**, but these effects are not universal and vary among individuals.

*Human trial results substantiating these claims to be published soon in a peer-reviewed scientific journal

Complaint

Who takes **TA⁶⁵**?

- Knowledgeable professionals capable of determining risk/reward ratios
- About half of our clients are MD's or PHD's
- Several are well known Telomere Biologists

Who should take **TA⁶⁵**?

- Anyone over 40 who wants to intervene in age related decline
- Those who have measured their telomeres and have found them to be short

Is **TA⁶⁵** Safe?

- 5 years of development and safety testing before introducing **TA⁶⁵**
- There are currently hundreds of clients taking **TA⁶⁵**: Some for as long as 3 years
- **Not a single adverse reaction** reported by our licensed physicians
- **Not a single diagnosis of new cancer**
- **Not a single report of increased cancer load for clients who already had cancer**

TA⁶⁵

Complaint

The Patton Protocol

The Patton Protocol was named after Noel Thomas Patton in honor of his contributing to the science of staying young. Mr. Patton is the founder of T.A. Sciences and the first person on the planet to take purified TA-65[®] long term.

The Patton Protocol has gone through several iterations as a result of Mr. Patton's experience and the information garnered from testing and data from clients since T.A. Sciences[®] obtained the exclusive license from Geron in 2002.

Recommended daily dose for TA-65[®]: Generally people take half their daily dose in the morning and the other half in the evening. Out of personal preference, some clients take the entire dose in the morning and others take it all in the evening. We do not have evidence as to which routine is best, but we do recommend that people taking resveratrol, curcumin, or the other possible inhibitors, take the full dose in the morning/evening and the potential "inhibitors" 12 hours later.

What clients are saying

*After 9 months of taking TA-65, I am very pleased. Not one bad day and incredible feeling of well-being, darker and thicker hair, smoother and younger looking skin. I just feel younger and more energetic.
At 69 I am passing for 55 or below.* **Bob W. 69, Seattle, WA**

I'm more active physically than any time I can remember. At age 80 I feel like the "poster boy" for TA Sciences. **Ralph A. 80, Los Angeles, CA**

As a practicing MD, I am surprised at the improvement in my immune system after only 6 months. **Dr. Fred Vignani, 70, New York, NY**

My eye doctor says he's never seen the accumulative reverse increase in someone my age. It only goes down with time. **Bill Turon, 64, Berkeley Hts, NJ**

I was already a competitive athlete when I began the Patton Protocol. My regular 30-mile bike ride with a 4000 foot climb - took me 2 hours and 20 minutes. After 3 months on TA-65 it went down to 2 hours. **Shelby Blackburn, 45, Roswood City, CA**

For the first time in more than almost five years I can smell again. I can smell dinner cooking and I can tell whether it's chicken or fish. ... It probably doesn't mean much, but it sure pleases me!

Ralph A. 82, Calabasas, CA

"Going on TA-65 is the best 50th birthday gift I could have given myself. I just spent the weekend skiing and I did more than 20 runs in one day. A year ago that would have been unheard of. My knees didn't bother me and I had plenty of energy. I can't wait for my parents to get on the program..."

Steve P., 50, New York, NY

Complaint

Reasons why you should offer **TA⁶⁵** to your patients

1. There is a growing body of evidence associating most age-related maladies with short telomeres.
2. This same body of evidence also clearly establishes that people with long telomeres age healthier and look younger.
3. As we age our telomeres shorten.
4. Exercising and healthy habits over an extended period of time can slow the attrition of telomeres, but telomere length continually declines as we age.
5. People who have not led a healthy lifestyle have accelerated the decline of their telomere lengths, and most likely will suffer premature aging and associated maladies.
6. The only way to lengthen telomeres is through the activation of an enzyme called telomerase.
7. Currently the only commercially available way to activate telomerase is by taking **TA⁶⁵**.

How to become a T.A. Sciences licensee?

1. The physician must sign the Licensee Agreement.
2. There is a one time \$1,000 Administrative Fee that covers licensee set-up, marketing support and operations support.
3. The physician must study the Doctor's Manual and pass the Telomere, Telomerase and **TA⁶⁵** basic knowledge exam.
 - o Your practice will then have the ability to purchase the products - **TA⁶⁵** and Support Packs, along with Telomere Length and Specialized Immunology tests at licensee discount rates.
 - o **TA⁶⁵** profit for the doctor is \$2000 per client per year.
 - o Cash Flow positive for the licensee. No investment in **TA⁶⁵** inventory is required. Patients pay for **TA⁶⁵** before you have to pay TA Sciences.
 - o Set your practice apart by offering the only scientifically proven Telomerase Activator in the world to your patients, **TA⁶⁵**.

Want More Information?

Call Dean Miller at (631) 697-3241 or (212) 588-8805

Email- dean@tasciences.com

Complaint



What are some of the most important things you can do for your patients?

- Teach them the importance of diet, exercise, and stress reduction.
- Encourage them to take action before they have symptoms and be proactive about disease prevention.
- Recommend activating telomerase by taking:

TA⁶⁵

Telomerase Activation Sciences, Inc.
24 E. 64th Street, 5th Floor, New York, NY 10065
Toll-free: 888 360 8886 • office: 212 586 8805 • fax: 212 586 0058
www.tasciences.com

Complaint

Exhibit B

SUMMER 2011

HEALTHY AGING

Holistic Primary Care 7

Telomerase Activation, Inhibition of Cellular Aging Becomes a Clinical Reality

In 2000, Elizabeth Blackburn, Carol Greider, and Jack Szostak established a cornerstone principle of cell biology: cellular longevity is governed by the length of telomeres, the DNA caps on the ends of chromosomes. Telomerase length, in turn, is regulated by an enzyme called telomerase.

In short, when telomerase activity is high, so is telomere length, and this delays cellular senescence. Articulation of this principle earned Blackburn, Greider and Szostak a Nobel Prize for Physiology & Medicine, and opened up new therapeutic possibilities for preventing diseases of aging and promoting longevity.

But the ability to leverage telomerase science has been somewhat limited because, while researchers have found compounds that slow telomerase shortening—omega-3s, folate, vitamin D, ginseng, and useful cytotoxic anti-cancer drugs—until recently, nothing was available that could actually activate telomerase or augment telomere length.

This changed with discovery of an intracellular compound derived from *Astragalus membranaceus*, an herb used widely in traditional Chinese medicine. This proprietary extract, known as TA65, was originally developed by biotech giant Genentech and licensed for nutraceutical distribution by TA Sciences (www.tasciences.com).

Telomeres are repeating DNA sequences capping each chromosome, that function as biological time clocks, determining cellular lifespan. Human telomeres are between 10,000–15,000 base pairs in length at birth (depending on measurement methods). Each round of cell division shaves off 30–100 base pairs.

"By the time someone dies of old age, telomere length is down below 5,000 base pairs," explained William F. Andrews, PhD, a molecular biologist and president of stem sciences, a biotech firm focused on longevity promotion. While Director of Microbiology at Genentech in the late 1990s, Dr. Andrews led the discovery of the RNA and protein components that make up telomerase.

"Even as a little kid, I was interested in finding a cure for aging. I just wasn't convinced that it was all due to environmental factors, as if a person were like an old truck wearing out and rattling away in a field. I couldn't understand why people in the Arctic seemed to age less quickly the same way as people at the Equator despite the environmental differences," Dr. Andrews told Holistic Primary Care.

Leonard Hayflick's seminal work on the limits of cell cycling in the 1970s, and later, the discovery of telomeres, began to provide an answer: telomeres don't code for specific proteins, though they are linked to most of genetic pathways. They function in a strictly regulatory manner: telomere length sets the outer limit on cellular lifespan.

David Wojanowski, MD, a leading TA, internist specializing in longevity medicine is among a growing cadre of clinicians who believe modulating telomerase and restoring telomere length is a key to slowing aging and enabling people to age more healthfully.

"There are only two functionally immortal cell lines: embryonic stem cells, and the germ cell lines. What they have in common, and what distinguishes them from ordinary somatic cells, is that telomerase is active and restores telomere length in nearly all other tissues, the gene that triggers production of telomerase is inhibited. During cell cycling, telomere length decreases; if they are not repaired by telomerase. The shorter the telomeres, the greater the disease burden."

The emergence of TA65 is a major advance, said Dr. Wojanowski, who has worked as a consultant for TA Sciences. The compound is produced by the *Astragalus* root in very small amounts and must be purified and concentrated, a proprietary process. Genentech originally developed TA65 as an adjunctive therapy for HIV, though it was never released for this purpose. Animal and human studies show that it can increase telomerase activity and telomere length.

In practice, Dr. Wojanowski said, TA65 improves overall energy, improves skin quality and visual acuity, increases bone mineral density, reduces blood sugar and fasting insulin, reduces CRP and other markers of chronic inflammation, and improves sexual function. "It does this independent of any other changes in diet or lifestyle."

Because the plant only produces small amounts of this compound, *Astragalus* extracts available in retail stores will only have tiny

amounts, if any at all, in order to induce telomerase activity on a medically large dose of the purified compound. This means TA65, sold only through healthcare professionals, an expensive option.

A low dose protocol will cost roughly \$1,200 per 6-month period; the high dose protocol is \$4,000. TA Sciences estimates that approximately 2,000 people are now taking TA65. The company hopes to lower the price in the coming years.

Sara Scazzari, Dr. Andrews is among those taking—and benefiting from—TA65, though he said his company is "actively seeking for telomerase inducers that are safer and more potent."

"TA65 really does work. There's nothing else right now that a doctor can recommend or prescribe that can do what it does. But I would like to find things that work even better. If you turn

telomerase on enough you might not only slow the aging process, you could potentially reverse it. This has been demonstrated in mice but not yet in humans."

Genentech, Dr. Andrews' old employer, is continuing its search for telomerase activators. Early in 2010, the company published the first animal data on a proprietary compound called "TAT158," being developed as a drug for the treatment of pancreatic disease.

Telomerase induction is not the only key to a long, healthy life. Both Dr. Andrews and Dr. Wojanowski emphasized that stress reduction, exercise and a diet rich in antioxidants and anti-inflammatory plant compounds are essential. But they insist that the ability to modulate telomerase and increase telomere length takes the longevity game to a whole new level.

What's the ideal human telomere length? "The longer the better," said Dr. Andrews, noting that there are several ways to assess telomeres. The easiest way is to look at average length in blood cells—a relatively inexpensive test available from Spectracell (www.spectracell.com). But this will not tell you how short are the shortest telomeres.

Several labs, including Dr. Elizabeth Blackburn's Telomere Health (www.telomerehealth.com), Lifespan (www.lifespan.com) and Regen Diagnostics (www.regen-diagnostics.com), have developed more detailed telomere length assessments. Many experts believe that overall longevity and health is determined by someone's shortest telomeres. "You really want to lengthen the shortest ones,"



Add Nobel Prize Technology to your Practice



TA65^{MD}

Cell Rejuvenation

Through Telomerase Activation

- 100% Naturally Derived Molecule from the Astragalus Plant
- Lengthens Short Telomeres
- Repairs DNA Damage
- Rejuvenates Aging Immune Systems
- Increases Bone Density
- Improves Biomarkers that Decline With Age

Contact us to find out about our special \$500 discount offer for readers of *Holistic Primary Care*

TA-65 is the first clinically effective telomerase activator, only available through Healthcare Practitioners who are licensed by TA Sciences. Help your patients live a longer, healthier life. Contact Marissa today at **212-588-8805** or visit www.tasciences.com.

Complaint

Exhibit C

Right now is the best time to start providing the world's most unique anti-aging supplement.

It is now FREE and EASY to sign up and become a TA-65[®]MD Licensee.

TA-65[®]MD is the world's only proven telomerase activator with in vivo studies to show efficacy and safety.

Telomerase activation is the most effective way to lengthen short telomeres and to combat age related dysfunctions.

In addition, TA-65[®]MD has proven to rejuvenate the immune system and increase bone density.

As a Licensee, you will receive discounts for each bottle. The savings range between 25% to almost 45%. Our Licensees value TA-65[®]MD not only for the health benefits to their patients, but for the significant increase of revenue for their practice.



Customers have reported several amazing **anecdotal** benefits which include:

- **increased energy and endurance**
- **better joint movements**
- **improved sleep**
- **more youthful skin** (age spots going away, dry patches disappearing, wrinkles smoothing)
- **improved strength and flexibility**
- **sharper memory**
- **sexual enhancement**

When you sign up to **become a Licensee**, you will receive the TA-65[®]MD Manual and Test to learn more about the product. To help with sales, you receive free marketing material to share with your staff and patients, a dedicated website for online orders and of course a discount on every bottle you order!

Call us today to learn how you can become a TA-65[®]MD Licensee and start generating more revenue for your practice!

Request a TA-65[®]MD Licensee Agreement by phone or email: **212-588-8805** or **sales@tasciences.com**.

Visit us online at www.tasciences.com

Complaint

Exhibit D**Cellular Aging Stops Here**

Inside every cell of your body, there is a powerful clock ticking away. It's telling your body to age, wrinkle, gray, and slow down.

That clock is your telomeres, the caps at the end of each strand of DNA that protect it, like the plastic tips at the end of shoelaces.

Telomeres shorten over time, leaving your DNA vulnerable to damage and causing your cells to age. But now, there is a groundbreaking new way to help slow down, or possibly even reverse, age and lifestyle related telomere shortening.

Based on Nobel Prize winning science, TA-65® – a proprietary, all natural plant-based compound – can help maintain or rebuild telomeres.

TA-65® is available from T.A. Sciences® as TA-65MD® nutritional supplements, or in a new skin cream formulation.



For more information about Telomere Biology or TA-65® products, please visit the T.A. Sciences® display here at the Global Leadership Conference, or our website at

www.tasciences.com

T.A. SCIENCES®
CELL REJUVENATION • THROUGH TELOMERASE ACTIVATION

"Maintaining good health through the stresses and strains of touring and singing with The Who requires enormous stamina. I was recommended TA-65® by a good friend and decided to try it. After taking TA-65® for one year I noticed considerable improvement in energy levels, cold and winter infections have been a rarity. Recently I took a 6 week break from taking the product, and noticed significant energy drop off."

"Although to my knowledge the evidence of benefit to everyone is not proven, I have no doubt that this product works for me. I hope it does the same for you."

- Roger Daltrey
Lead singer, The Who



Complaint

Exhibit E

Video

**Ask the Experts
on The Suzanne Show**

Segment about TA-65

Complaint

Exhibit F

1 OFFICIAL TRANSCRIPT PROCEEDING
2 FEDERAL TRADE COMMISSION
3
4
5
6 MATTER NO. 1423103
7
8
9 TITLE TELOMERASE ACTIVATION SCIENCES, INC.
10
11
12 DATE RECORDED: DATE UNKNOWN
13
14 TRANSCRIBED: JANUARY 22, 2015
15 REVISED: JANUARY 28, 2015
16
17 PAGES 1 THROUGH 12
18
19
20
21
22
23 ASK THE EXPERTS SEGMENT WITH SUZANNE SOMERS
24 NOEL PATTON TA SCIENCES
25 LIFETIME

Complaint

2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FEDERAL TRADE COMMISSION

I N D E X

RECORDING:

PAGE:

Ask the Experts segment

4

Complaint

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FEDERAL TRADE COMMISSION

In the Matter of:)
Telomerase Activation) Matter No. 1423103
Sciences, Inc.)
-----)
Date Unknown

The following transcript was produced from a
digital file provided to For The Record, Inc. on January
15, 2015.

Complaint

4

1 P R O C E E D I N G S
2 - - - - -
3 A S K T H E E M P E R T S S E G M E N T
4 O N S C R E E N : a s k t h e e x p e r t s
5 S U Z A N N E S O M E R S : A l l r i g h t , I ' m g o i n g t o a s k
6 y o u a s e n s i t i v e q u e s t i o n . H o w o l d a r e y o u ? W e l l , t h e
7 f a c t i s m o s t o f u s d o n ' t r e a l l y k n o w b e c a u s e t h e r e a r e
8 t w o a n s w e r s . T h e r e ' s y o u r c a l e n d a r a g e -- t h a t ' s t h e
9 b i r t h d a y y o u c e l e b r a t e e v e r y y e a r -- a n d t h e n t h e r e ' s t h e
10 a g e o f y o u r b o d y ' s i n d i v i d u a l c e l l s . A n d y o u r c e l l s m a y
11 b e m u c h y o u n g e r o r o l d e r t h a n y o u r a c t u a l y e a r s .
12 T h e e x c i t i n g n e w s c i e n c e o f t e l o m e r e b i o l o g y i s
13 s h o w i n g u s h o w t o n o t o n l y d e t e r m i n e o u r c e l l u l a r a g e ,
14 b u t h o w t o a c t u a l l y r e v e r s e -- I s a y i t a g a i n -- r e v e r s e
15 t h e a g i n g p r o c e s s .
16 M y g u e s t s t o d a y a r e N o e l T h o m a s P a t t o n , f o u n d e r
17 o f T . A . S c i e n c e s , a n d D r . E d P a r k , a n e x p e r t i n
18 t e l o m e r e s . W e l c o m e , b o t h o f y o u .
19 N O E L P A T T O N : G l a d t o b e h e r e .
20 S U Z A N N E S O M E R S : W e l l , y o u k n o w , I k n o w b o t h o f
21 y o u v e r y w e l l b e c a u s e I i n t e r v i e w e d y o u , N o e l P a t t o n , f o r
22 m y b o o k , B o m b s h e l l , b e c a u s e I w a s s o f a s c i n a t e d a b o u t
23 t e l o m e r e s . I s y o u r p r o d u c t -- i t ' s a s u p p l e m e n t c a l l e d
24 T A 6 5 -- i s t h i s t h e f o u n t a i n o f y o u t h ?
25 N O E L P A T T O N : W e l l , I w i s h I c o u l d s a y y e s , b u t

Complaint

5

1 we're not quite there, yet.

2 ON SCREEN: Noel Thomas Patton

3 Founder and C.E.O., TA Sciences

4 SUZANNE SOMERS: Uh-huh.

5 NOEL PATTON: But this activating of

6 telomerase, this enzyme that our pill activates --

7 SUZANNE SOMERS: Mm-hmm.

8 NOEL PATTON: -- is a very important key

9 medical breakthrough. The Nobel Prize was awarded three

10 years ago for the discovery of this enzyme telomerase --

11 SUZANNE SOMERS: Mm-hmm.

12 NOEL PATTON: -- that our product, TA65, brings

13 forward. And the reason it got the Nobel Prize is

14 because the shortening of the telomeres, which is what's

15 affected by telomerase, is the root cause of aging.

16 SUZANNE SOMERS: Mm-hmm.

17 NOEL PATTON: And Dr. Park will explain this a

18 little bit better, but this is breakthrough, really

19 important science. It's not the usual snake oil stuff

20 that everybody seems to talk about.

21 SUZANNE SOMERS: Well, it is pretty exciting.

22 How does this all work, Dr. Park?

23 DR. ED PARK: Basically, in every cell -- if I

24 can use these props -- you have ends that are protective

25 caps.

Complaint

6

1 SUZANNE SOMERS: Right.

2 DR. ED PARK: So, every time a cell divides,

3 they get shorter.

4 SUZANNE SOMERS: Mm-hmm.

5 DR. ED PARK: If they get too short, then the

6 actual DNA is damaged and you have a problem. So,

7 telomerase is something that is involved with stem cells.

8 You've heard of stem cells?

9 SUZANNE SOMERS: Right.

10 ON SCREEN: Dr. Ed Park, MD, MPH

11 Telomere and Telomerase Expert

12 DR. ED PARK: Well, stem cells are not like

13 regular cells, they have telomerase. All the other cells

14 don't.

15 SUZANNE SOMERS: Mm-hmm.

16 DR. ED PARK: So, that's why they can go ahead

17 and create more length and that's why they can run copies

18 of themselves millions of times over.

19 SUZANNE SOMERS: Okay. So, my understanding is

20 human beings, approximately 50 trillion or so cells. I

21 don't know who counted.

22 DR. ED PARK: Yeah.

23 SUZANNE SOMERS: And on the end of each cell is

24 a little tail.

25 DR. ED PARK: Yeah.

Complaint

7

1 SUZANNE SOMERS: And that tail is what we call
2 the telomere, right? And every time that cell
3 replicates, which each cell replicates about 50 times, is
4 that right?

5 DR. ED PARK: That's right.

6 SUZANNE SOMERS: Approximately.

7 DR. ED PARK: Uh-huh, exactly.

8 SUZANNE SOMERS: It gets shorter. That's what
9 you were just describing, the tail gets shorter.

10 DR. ED PARK: Mm-hmm.

11 SUZANNE SOMERS: It replicates, the tail gets
12 shorter.

13 ON SCREEN: The "Balancing Act" will return
14 tomorrow.

15 SUZANNE SOMERS: Inside the cell, these Nobel
16 Prize winners discovered that there's an enzyme called?

17 DR. ED PARK: Right, telomerase.

18 SUZANNE SOMERS: Telomerase.

19 DR. ED PARK: So, it literally is the oldest
20 trick in the book.

21 SUZANNE SOMERS: Right.

22 DR. ED PARK: All plants and animals on earth
23 require it to keep their stem cells young. So, this is
24 always on and the thing that TA65 does is it just gives
25 it better gasoline so it operates at higher efficiency.

Complaint

8

1 Now, the good news is you can do telomerase activation
2 naturally by meditating, by going to the gym, by eating
3 well, sleeping, but if you don't have time or the
4 disposition, now we have a supplement that can safely
5 turn up that healing.

6 SUZANNE SOMERS: So, if I take your supplement,
7 TA65, this promotes the growth of the telomere at the end
8 of each cell, right?

9 NOEL PATTON: Yeah, the TA65 is a single
10 molecule. It's a natural molecule that comes from a
11 plant.

12 SUZANNE SOMERS: What's the name of that plant?

13 NOEL PATTON: The plant is the astragalus
14 plant.

15 SUZANNE SOMERS: Right.

16 NOEL PATTON: It comes from China. It's been
17 used for 2,000 years in traditional Chinese medicine.

18 SUZANNE SOMERS: Mm-hmm.

19 NOEL PATTON: But it's not a normal extract,
20 it's a single molecule. There's thousands of molecules
21 in the plant and we take out only one. It's quite a
22 burdensome technology to do so. And that single
23 molecule, when it gets inside of one of these 50 trillion
24 cells, it turns on a gene that's normally turned off.

25 SUZANNE SOMERS: Okay.

Complaint

9

1 NOEL PATTON: And that gene activates the
2 enzyme telomerase and it's the telomerase that makes the
3 telomeres and the ends of the chromosomes grow back long.

4 SUZANNE SOMERS: So --

5 NOEL PATTON: So, that's what our pill does.

6 SUZANNE SOMERS: But, well, does TR65
7 strengthen the immune system?

8 NOEL PATTON: It absolutely does. That's one
9 of the key things that we do. As we get older, our
10 immune system is deteriorating and everybody knows it
11 intuitively.

12 SUZANNE SOMERS: Right.

13 NOEL PATTON: But you can measure that.
14 There's a test -- a blood test done at UCLA's immunology
15 laboratory that shows how your immune system is aging.

16 SUZANNE SOMERS: Uh-huh.

17 NOEL PATTON: And we measure that with people
18 that have -- they do a blood test. The same thing, as
19 you're getting older, you have more and more cancer
20 cells.

21 SUZANNE SOMERS: Uh-huh.

22 NOEL PATTON: See, we all have cancer cells,
23 even when we're young.

24 SUZANNE SOMERS: Right.

25 NOEL PATTON: But our immune system kills them.

Complaint

10

1 SUZANNE SOMERS: Right.

2 NOEL PATTON: So, if those two lines cross --

3 SUZANNE SOMERS: Right.

4 NOEL PATTON: -- we get cancer and we die, one-

5 third of us die. So, what we're doing is we rejuvenate

6 the immune system, turn that curve -- that line down --

7 SUZANNE SOMERS: Right.

8 NOEL PATTON: -- put it back up hoping to keep

9 it above the cancer line. And if it is kept above the

10 cancer line, you won't -- you wouldn't get cancer, your

11 immune system would kill the cancer cells before they

12 kill you.

13 SUZANNE SOMERS: Can you measure your

14 telomeres? Is there a blood test?

15 NOEL PATTON: Yes.

16 SUZANNE SOMERS: Yeah?

17 NOEL PATTON: There are three companies --

18 SUZANNE SOMERS: Uh-huh.

19 NOEL PATTON: -- right now in the United States

20 that do telomere measurements.

21 SUZANNE SOMERS: Mm-hmm.

22 NOEL PATTON: And if you go to one of our

23 doctors, we have over 600 doctors that are licensed from

24 us who have to pass a test so that they know what --

25 about telomeres, telomerase --

Complaint

11

1 SUZANNE SOMERS: (Inaudible) test.

2 NOEL PATTON: -- and so on. Dr. Park is one of
3 our best doctors, but we have another 599.

4 SUZANNE SOMERS: Uh-huh.

5 NOEL PATTON: And you go on our website and you
6 can find a doctor near you. Go and have a blood test and
7 you can have it sent to one of these three companies to
8 measure your telomere level.

9 SUZANNE SOMERS: The website is TA --

10 NOEL PATTON: Our website is tasciences.com.

11 ON SCREEN: www.tasciences.com

12 SUZANNE SOMERS: Very interesting stuff. Thank
13 you, Dr. Park. Thank you, Noel, for coming. When we
14 come back, we'll tell you some more interesting things.

15 (The recording was concluded.)

16

17

18

19

20

21

22

23

24

25

Complaint

12

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

2

3 MATTER NUMBER: 1423103

4 CASE TITLE: TELOMERASE ACTIVATION SCIENCES, INC.

5 TAPING DATE: DATE UNKNOWN

6 TRANSCRIPTION DATE: JANUARY 22, 2015

7 REVISION DATE: JANUARY 28, 2015

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

12

13 DATED: JANUARY 28, 2015

14

15

16 ELIZABETH M. FARRELL

17

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

19

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

23

24

25 SARA J. VANCE

Exhibit F - Page 12

Exhibit G

TA-65 Infomercial Video

Complaint

Exhibit H

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OFFICIAL TRANSCRIPT PROCEEDING

FEDERAL TRADE COMMISSION

MATTER NO. 1423103

TITLE TELOMERASE ACTIVATION SCIENCES, INC.

DATE RECORDED: JANUARY 7, 2014
TRANSCRIBED: JUNE 9, 2014
REVISED: JANUARY 19, 2015

PAGES 1 THROUGH 46

TELOMERASE INFOMERCIAL

Complaint

2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FEDERAL TRADE COMMISSION

I N D E X

RECORDING:

PAGE:

Telomerase Infomercial

4

Complaint

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FEDERAL TRADE COMMISSION

In the Matter of:)
Telomerase Activation) Matter No. 1423103
Sciences, Inc.)
-----)

January 7, 2014

The following transcript was produced from a
digital file provided to For The Record, Inc. on May 21,
2014.

Complaint

4

1 P R O C E E D I N G S
2 - - - - -
3 T E L O M E R A S E I N F O M E R C I A L
4 ON SCREEN: CESARI DIRECT
5 ISCI CODE: TA02
6 TA65 Show #2
7 TRT: 28:30 min
8 Date: 01.07.2014
9 ON SCREEN: The following is a paid program for
10 TA65 MD
11 Sponsored by T.A. Sciences
12 CELL REJUVENATION THROUGH T E L O M E R A S E A C T I V A T I O N
13 ON SCREEN: These statements have not been
14 evaluated by the Food and Drug Administration. This
15 product is not intended to diagnose, treat, cure or
16 prevent any disease.
17 MALE ANNOUNCER: The following is a paid
18 program for TA65, sponsored by T.A. Sciences.
19 These statements have not been evaluated by the
20 Food and Drug Administration. This product is not
21 intended to diagnose, treat, cure or prevent any disease.
22 Right now, inside every cell of your body,
23 there's a powerful clock ticking away. It's telling your
24 body to age, to wrinkle, to gray, to slow down. But can
25 this cellular aging be slowed, stopped or even reversed.

Complaint

5

1 Sound like science fiction? Maybe not. Stay tuned.

2 ON SCREEN: BIOLOGICAL BREAKTHROUGHS

3 Breaking the Age Code

4 MALE ANNOUNCER: Today, on Biological

5 Breakthroughs, we're breaking the age code. You're going
6 to hear about an earth-shaking discovery your doctor may
7 not even know yet.

8 ON SCREEN: 2009 Nobel Prize Laureates

9 Nobel Prize in Physiology or Medicine

10 "...For the discovery of the enzyme telomerase"

11 MALE ANNOUNCER: You'll hear in detail about
12 the science around this discovery that was awarded the
13 Nobel Prize for medicine in 2009. You'll understand how
14 and why your very own DNA tells your cells it's time to
15 die. You'll learn about telomeres deep inside your
16 cells.

17 At the tips of all 23 pairs of your
18 chromosomes, there is a section of replicated DNA
19 sequencing that acts to protect your chromosome every
20 time it duplicates and allows your cells to replicate
21 perfectly. These are called telomeres. As long as they
22 maintain their length, they allow perfect cellular
23 replication. Unfortunately, nature uses telomere length
24 like a fuse. Every time your cells divide, the telomere
25 section shortens. When your telomeres get critically

Complaint

6

1 short, the cell processes shut down replication and
2 cellular death occurs. Old, dead and worn cells manifest
3 in what you see as cellular aging.

4 The good news is that a 2009 Nobel winning
5 discovery in medicine unveiled an enzyme called
6 telomerase. Naturally produced on the DNA chain itself,
7 it can extend and rebuild telomeres. It's a fact.
8 Longer telomeres mean healthier cells that can live
9 longer.

10 Listen for the next few minutes and you'll
11 learn about a natural way you can activate the production
12 of telomerase in your cells. 10,000 people, including
13 doctors, scientists and clients at elite anti-aging
14 clinics, are safely doing this right now and they are
15 getting results.

16 ON SCREEN: Letter written by Roger Daltrey on
17 the screen:

18 I have been interested in alternative medicine
19 since the early days of my career.

20 Maintaining good health through the stresses
21 and strains of touring and singing with The Who requires
22 enormous stamina. I was recommended TA65 by a good
23 friend and decided to try it.

24 After taking TA65 for one year I noticed
25 considerable improvement in energy levels. Colds and

Complaint

7

1 winter infections have been a rarity.
2 Recently I took a 6 week break from taking the
3 product, and noticed significant energy drop off.
4 Although to my knowledge the evidence of
5 benefit to everyone is not proven, I have no doubt that
6 this product works for me. I hope it does the same for
7 you.
8 Roger Daltrey
9 I was recommended T65...and decided to try it.
10 I noticed considerable improvement in energy
11 levels.
12 Colds..have been a rarity.
13 Roger Daltrey
14 Lead singer of "The Who"
15 ROGER DALTREY: I was recommended TA65 by a
16 good friend and decided to try it. After taking TA65 for
17 one year, I noticed considerable improvement in energy
18 levels. Colds and winter infections have been a rarity.
19 Although, to my knowledge, the evidence of benefit to
20 everyone is not proven, I have no doubt that this product
21 works for me. I hope it does the same for you.
22 ON SCREEN: ACTUAL TA65 CUSTOMERS
23 BEFORE AND AFTER PHOTOS
24 MALE ANNOUNCER: Some studies have shown how
25 this amazing discovery could help support immune health

Complaint

8

1 and even reverse measurable, obvious effects of cellular
2 aging. Too good to be true? Watch and decide for
3 yourself. Join investigative journalist and former CNN
4 anchor --

5 ON SCREEN: Kathleen Kennedy
6 INVESTIGATIVE JOURNALIST

7 MALE ANNOUNCER: -- Kathleen Kennedy as she
8 sits with the premier experts in anti-aging science and
9 debunks the myths, discovers the truth and reveals the
10 secrets you need to know.

11 This is Biological Breakthroughs: Breaking the
12 Age Code.

13 ON SCREEN: BIOLOGICAL BREAKTHROUGHS
14 Breaking the Age Code

15 KATHLEEN KENNEDY: Hi and welcome, I'm Kathleen
16 Kennedy. Today we're discussing probably the most
17 important topic in your life, telomeres. And in 2009, a
18 group of scientists were awarded the Nobel Prize in
19 medicine for the research that led to the discovery of
20 telomerase.

21 ON SCREEN: Kathleen Kennedy
22 INVESTIGATIVE JOURNALIST

23 KATHLEEN KENNEDY: A growing new body of
24 evidence is shattering long-held beliefs about aging and
25 it's creating quite a controversy.

Complaint

9

1 Today we are going to talk to some of the
2 world's leading edge scientists that work in the private
3 sector developing the science that they say promises to
4 change your life. Listen for the next few minutes as we
5 delve into the new science of anti-aging at the cellular
6 level and make up your own mind about what the
7 implications are for you.

8 ON SCREEN: Calvin B. Harley, Ph.D.
9 PRESIDENT & CSO, TELOME HEALTH, INC.

10 KATHLEEN KENNEDY: My guests are Dr. Cal
11 Harley, Ph.D. and expert on cellular regeneration and
12 telomeres.

13 ON SCREEN: Dr. Joseph Raphaelle, M.D.
14 CO-FOUNDER, PHYSIO-AGE MEDICAL GROUP

15 KATHLEEN KENNEDY: Dr. Joseph Raphaelle, a
16 Princeton graduate and internal medicine expert with a
17 leading anti-age practice, Physio-Age, right here in
18 Manhattan.

19 ON SCREEN: Noel Patton
20 CEO AND FOUNDER OF T.A. SCIENCES®

21 KATHLEEN KENNEDY: Noel Patton, CEO of T.A.
22 Sciences and producer of TA65, a natural telomerase
23 activating supplement.

24 ON SCREEN: Dr. Ed Park, MD, MPH
25 AUTHOR: "TELOMERE TIMEBOMBS"

Complaint

10

1 KATHLEEN KENNEDY: And longevity expert and
2 private practicing anti-aging physician, Edward Park,
3 from Orange County, California.

4 The topic is telomeres, and in 2009, a group of
5 scientists were awarded the Nobel Prize in medicine for
6 the research that led to the discovery of telomerase. I
7 want to start with you Dr. Cal Harley. You can tell us
8 the significance of this discovery.

9 ON SCREEN: Calvin B. Harley, Ph.D.
10 PRESIDENT & CSO, TELOME HEALTH, INC.

11 "THE DISCOVERY OF TELOMERASE WAS A BREAKTHROUGH
12 IN MEDICINE"

13 DR. CALVIN HARLEY: Right. The discovery of
14 telomerase and the role that telomeres play at the end of
15 chromosomes was a major breakthrough in medicine. It
16 allowed us to understand the mechanism of cellular aging
17 and what you can do about it. Aging, of course, is very
18 complex, but it's clear now that the tips of the
19 chromosomes provide a counting mechanism for cellular
20 aging. It was only about 40 or 50 years ago that people
21 thought our normal body cells were immortal. That's not
22 the case.

23 ON SCREEN: Calvin B. Harley, Ph.D.
24 PRESIDENT & CSO, TELOME HEALTH, INC.

25 "OUR BODY CELLS HAVE A TICKING CLOCK"

Complaint

11

1 "SHORT TELOMERES CAN LEAD TO CELL DEATH"

2 DR. CALVIN HARLEY: They have a clock that

3 ticks down. When the telomeres become short enough, that

4 triggers cellular senescence, loss of normal cell and

5 tissue function.

6 KATHLEEN KENNEDY: Ah, so short telomeres are

7 the culprit.

8 DR. CALVIN HARLEY: Right. This is a double

9 helix, it's a single chromosome.

10 ON SCREEN: Calvin B. Harley, Ph.D.

11 PRESIDENT & CSO, TELOME HEALTH, INC.

12 DR. CALVIN HARLEY: But these tips at the ends

13 of the chromosomes protect the chromosomes from

14 undergoing what's called genomic instability or the

15 inappropriate division of chromosomes between the two

16 daughter cells.

17 So, every time a cell divides because of

18 something called the end replication problem, we lose a

19 little bit of our telomeric DNA. And that's basically

20 the counting mechanism.

21 ON SCREEN: Calvin B. Harley, Ph.D.

22 PRESIDENT & CSO, TELOME HEALTH, INC.

23 "CRITICALLY SHORT TELOMERES CAN LEAD TO

24 CELLULAR AGING"

25 DR. CALVIN HARLEY: When the telomere gets

Complaint

12

1 critically short, that will trigger cellular aging --

2 KATHLEEN KENNEDY: So, if we could stop that or
3 slow the process, we can --

4 DR. CALVIN HARLEY: This is still very early
5 years in understanding this biology and what the clinical
6 outcomes might be.

7 ON SCREEN: Dr. Joseph Raphaele, M.D.

8 CO-FOUNDER, PHYSIO-AGE MEDICAL GROUP

9 "BAD DIET AND EXERCISE CAN LEAD TO SHORT
10 TELOMERES"

11 DR. JOSEPH RAPHAELLE: The thing that's really
12 fascinating to me is all that we've learned about over
13 the years and decades about diet, exercise, good
14 nutrition, supplements, all those things that we know are
15 good for us, telomere biology ties that all together,
16 because if you have bad diet and exercise habits, you
17 have shorter telomeres, all things being equal.

18 ON SCREEN: Dr. Joseph Raphaele, M.D.

19 CO-FOUNDER, PHYSIO-AGE MEDICAL GROUP

20 "WE MUST DO EVERYTHING WE CAN TO KEEP OUR
21 TELOMERES HEALTHY"

22 DR. JOSEPH RAPHAELLE: You want to do
23 everything you can to keep your telomeres healthy. That
24 includes having a healthy diet, exercising regularly.
25 And then, if that's not enough, after we've measured your

Complaint

13

1 telomeres, then it's time to intervene with something
2 more.

3 KATHLEEN KENNEDY: All right. I'd like to turn
4 to you now, Noel Patton, CEO of T.A. Sciences. Tell us
5 about the science that led to this. This is Nobel Prize
6 winning science.

7 ON SCREEN: Noel Patton
8 CEO AND FOUNDER OF T.A. SCIENCES
9 "THE DISCOVERY OF TELOMERASE WON THE NOBEL
10 PRIZE"

11 NOEL PATTON: Well, yes, the discovery of the
12 enzyme, telomerase, won the Nobel Prize three years ago.
13 But we understand now that telomeres are the ends of the
14 chromosomes, like the plastic tips at the end of a
15 shoelace, and they get shorter with age, and that's the
16 ticking clock in every cell.

17 ON SCREEN: Noel Patton
18 CEO AND FOUNDER OF T.A. SCIENCES
19 "TELOMERES ARE THE TICKING CLOCK IN EVERY CELL"

20 NOEL PATTON: Now, what is telomerase, because
21 our pill, TA65, is a telomerase activator. Telomerase is
22 a natural enzyme that's produced inside the cells and it
23 has the ability to add back --

24 ON SCREEN: Noel Patton
25 CEO AND FOUNDER OF T.A. SCIENCES

Complaint

14

1 "TELOMERASE CAN LENGTHEN SHORT TELOMERES"

2 NOEL PATTON: -- DNA at the ends of the
3 chromosomes, to add back length to the telomeres.

4 ON SCREEN: TA65 MD

5 ON SCREEN: Dr. Fredric Stern

6 The Stern Center for Aesthetic Surgery

7 DR. FREDRIC STERN: What TA65 does, which is

8 completely unique, is that it has a very purified
9 substance in it which helps to reactivate the enzyme
10 called telomerase, which helps to repair the telomeres
11 and lengthen the short telomeres in the body. There is
12 excellent clinical evidence in clinical studies that have
13 been done that are very well supported that demonstrate
14 that the active substance in TA65 does, in fact, simulate
15 the telomerase enzyme which then lengthens the shorter
16 telomeres in the cells.

17 ON SCREEN: Bill Wismann, Age 58

18 Taking TA65 for 4 months

19 These results are atypical and other consumers
20 may not achieve such results.

21 BILL WISMANN: I've noticed that not only am I
22 healthier, but I'm not catching the cough that, you know,
23 my wife or my son or others around me are getting. My
24 condition is just a healthier one and I have more energy.

25 ON SCREEN: Carol Wayne, Age 74

Complaint

15

1 Taking TA65 for 1 year

2 These results are atypical and other consumers

3 may not achieve such results.

4 CAROL WAYNE: TA65 is such a great product. It

5 makes your whole body healthier and stronger and more

6 energetic.

7 ON SCREEN: Keith Clearwater, Age 53

8 Taking TA65 for 2.5 years

9 KEITH CLEARWATER: I'm a golfer, I play on the

10 PGA Tour, now the Champions Tour. You know, I take TA65

11 every day only because it's working. It makes me feel

12 better.

13 ON SCREEN: These results are atypical and

14 other consumers may not achieve such results.

15 KEITH CLEARWATER: This thing's really doing

16 something and it's doing it at the cellular level. So,

17 you're changing your body. I mean, and it affects

18 everything.

19 KATHLEEN KENNEDY: Now, let's turn to you, Dr.

20 Ed Park. You have a very successful anti-aging business

21 in Orange County, California. This is a community that's

22 very attuned to the latest and greatest in anti-aging.

23 How did you first get involved with TA65?

24 ON SCREEN: Dr. Ed Park, MD, MPH

25 AUTHOR: "TELOMERE TIMEBOMBS"

Complaint

16

1 DR. ED PARK: When Noel's company came out in
2 2007 with a product that they claimed would lengthen the
3 telomeres, it's not hard to figure out that that would be
4 a good thing. So, I looked at all the safety data that
5 was published and got in contact with Dr. Raphaele and
6 Noel and it seemed legit. I looked at all the safety
7 efficacy and, so, I started trying it.

8 KATHLEEN KENNEDY: Now, this is remarkable.

9 DR. ED PARK: Yeah.

10 KATHLEEN KENNEDY: This is you how long ago?

11 DR. ED PARK: Well, this is me actually when I
12 was 32 and I'm 45 now.

13 ON SCREEN: These results are atypical and
14 other consumers may not achieve such results.

15 Dr. Ed Park, MD, MPH

16 AUTHOR: "TELOMERE TIMEBOMBS"

17 "THIS IS ME AT 32, I'M 45 NOW"

18 KATHLEEN KENNEDY: That really truly is
19 remarkable.

20 DR. ED PARK: I was practicing OB/GYN, so my
21 patients would come back for their annual exams and
22 they'd say, you literally look like a different person.

23 ON SCREEN: Dr. Ed Park, MD, MPH

24 AUTHOR: "TELOMERE TIMEBOMBS"

25 "I LOOK LIKE A DIFFERENT PERSON"

Complaint

17

1 DR. ED PARK: What happened, what are you
2 taking?

3 KATHLEEN KENNEDY: So, at what point did you
4 start prescribing it for your patients?

5 ON SCREEN: Dr. Ed Park, MD, MPH

6 AUTHOR: "TELOMERE TIMEBOMBS"
7 "THIS STUFF WORKS, MY PATIENTS WANT IT"

8 DR. ED PARK: About a year into it, I called
9 Noel. I was patient number 19, I think, somewhere around
10 there. I called Noel and I said, this stuff works, my
11 patients want it, what can we do. So, that was 2008.

12 KATHLEEN KENNEDY: What is it that you tell
13 your patients when recommending TA65?

14 ON SCREEN: Dr. Ed Park, MD, MPH

15 AUTHOR: "TELOMERE TIMEBOMBS"
16 "IT'S VERY SAFE AND I TAKE IT EVERY NIGHT"

17 DR. ED PARK: I explain to them that it really
18 is about maintaining your health and that this is
19 literally the oldest trick in your book. All of your
20 stem cells, as Dr. Raphaelle said, have this mechanism to
21 stay healthy. So, I tell them it's nothing unnatural,
22 it's very safe, and something that I take every night.
23 I've even given it to my family, so...

24 ON SCREEN: Kathleen Kennedy
25 INVESTIGATIVE JOURNALIST

Complaint

18

1 KATHLEEN KENNEDY: Through today's program, you
2 can find out how to learn more about TA65. You can call
3 or go online right now for more information.

4 ON SCREEN: This is a paid program for TA65
5 BuyTA65Direct.com

6 KATHLEEN KENNEDY: You can also find out if you
7 qualify to order TA65 directly. Plus, if you're a
8 physician interested in TA65 for yourself or maybe for
9 your patients, they can help you as well.

10 ON SCREEN: Consult your physician before
11 beginning any dietary supplement program, particularly if
12 you have special medical needs.

13 BuyTA65Direct.com

14 (Scrolling) CALL NOW FOR MORE INFORMATION -
15 CALL IF YOU ARE A PHYSICIAN INTERESTED IN DISTRIBUTING
16 TA65 - CALL TO SEE IF YOU ARE QUALIFIED TO PURCHASE TA65
17 DIRECTLY

18 KATHLEEN KENNEDY: Coming up next, you'll hear
19 from more doctors around the world that are utilizing
20 telomerase activation for their clients and we'll ask
21 some tougher questions. We'll ask our doctors about
22 which ones here take TA65 and why and how they know it
23 works. Stay tuned.

24 ON SCREEN: Letter written by Roger Daltrey on
25 the screen:

Complaint

19

1 I have been interested in alternative medicine
2 since the early days of my career.

3 Maintaining good health through the stresses
4 and strains of touring and singing with The Who requires
5 enormous stamina. I was recommended TA65 by a good
6 friend and decided to try it.

7 After taking TA65 for one year I noticed
8 considerable improvement in energy levels. Colds and
9 winter infections have been a rarity.

10 Recently I took a 6 week break from taking the
11 product, and noticed significant energy drop off.

12 Although to my knowledge the evidence of
13 benefit to everyone is not proven, I have no doubt that
14 this product works for me. I hope it does the same for
15 you.

16 Roger Daltrey

17 Maintaining good health...while touring and
18 singing with The Who...requires enormous stamina.

19 I was recommended TA65...and decided to try it.

20 I noticed considerable improvement in energy
21 levels.

22 Colds...have been a rarity.

23 Recently, I took a 6-week break from the
24 product, and noticed a significant energy drop-off.

25 Roger Daltrey

Complaint

20

1 Lead singer of "The Who"

2 ROGER DALTRY: Well, I've been interested in

3 alternative medicine since the early days of my career.

4 Maintaining good health through the stresses and strains

5 of touring and singing with The Who required enormous

6 stamina. I was recommended TA65 by a good friend and

7 decided to try it. After taking TA65 for one year, I

8 noticed considerable improvement in energy levels. Colds

9 and winter infections have been a rarity.

10 Recently, I took a six-week break from the

11 product and noticed significant energy drop-off.

12 Although, to my knowledge, the evidence of benefit to

13 everyone is not proven, I have no doubt that this product

14 works for me. I hope it does the same for you.

15 ON SCREEN: TA65 MD

16 MALE ANNOUNCER: It's no secret that your body

17 is silently aging daily.

18 ON SCREEN: Photos at age 19, age 37, age 56

19 MALE ANNOUNCER: Look at photos of yourself

20 five years, 10 years, 20 years apart. Can you see it?

21 Of course you can. Time takes its toll. You want to hit

22 the stop button, don't you? But can your cellular aging

23 be slowed, stopped or even reversed? Listen closely.

24 ON SCREEN: 2009 Nobel Prize Laureates

25 Nobel Prize in Physiology or Medicine

Complaint

21

1 "...for the discovery of the enzyme telomerase"

2 MALE ANNOUNCER: A profound discovery related
3 to this led to the Nobel Prize for medicine in 2009. It
4 unlocked potentially the most powerful anti-aging secret
5 science has ever discovered.

6 Sound like science fiction? It's not. It's
7 science fact and has become a reality for you in TA65.

8 ON SCREEN: CALL NOW

9 BuyTA65Direct.com

10 MALE ANNOUNCER: Deep inside of you, there is a
11 biological clock ticking away in every one of your three
12 trillion cells. In young people, cells divide easily,
13 replicating themselves. As we age, this process slows.
14 Deep inside the nucleus, the secret of aging is revealed.
15 In every cell, you have 23 pairs of chromosomes. At the
16 tips are a sequence of repeating DNA code called
17 telomeres. This section protects the DNA during
18 duplication, much the same way the plastic tip of a
19 shoelace protects it from fraying.

20 Unfortunately, every time division occurs, the
21 telomeres shorten. Eventually, they shorten so much,
22 they can no longer protect the replication process. The
23 cell can no longer divide. Its healthy replication over,
24 it becomes senescent or dies.

25 Some scientists today accept this as a root

Complaint

22

1 cause of cellular aging. This was the research behind
2 the awarding of the Nobel Prize.

3 ON SCREEN: EXTRACTED FROM NATURAL PLANT
4 MOLECULES

5 CALL NOW
6 BuyTA65Direct.com

7 MALE ANNOUNCER: T.A. Sciences has developed a
8 process for extracting a naturally-occurring plant
9 molecule and refining it in a capsule you can take to
10 signal your body that it's time to lengthen your
11 telomeres.

12 Here's how it works. TA65 enters the
13 bloodstream and travels throughout the body where it
14 passes through individual cells and activates the
15 production of an enzyme called telomerase. This enzyme
16 travels to the tips of the chromosome and attaches and
17 add lengths to the telomeres and restores them. This
18 effect allows healthy cells to live longer and
19 potentially replicate many more times. More healthy
20 identical cellular replication is what you want.

21 ON SCREEN: KEYS TO HEALTH:

- 22 - Quality Sleep
- 23 - Good Nutrition
- 24 - Regular Exercise

25 CALL NOW

Complaint

23

1 BuyTA65Direct.com

2 MALE ANNOUNCER: Call now and discover TA65 for

3 yourself. Yes, you need great quality sleep, healthy

4 eating and nutrition. Even exercise helps retain

5 cellular health.

6 ON SCREEN: PROVEN TELOMERASE ACTIVATION

7 CALL NOW

8 BuyTA65Direct.com

9 MALE ANNOUNCER: But only TA65 has been shown

10 to activate telomerase which starts life's most important

11 cellular anti-aging chain reaction.

12 ON SCREEN: SUPPORTS IMMUNITY

13 CALL NOW

14 BuyTA65Direct.com

15 MALE ANNOUNCER: Some studies have shown how

16 this amazing discovery could help support immune health

17 and even reverse measurable obvious effects of cellular

18 aging. Why wait one more minute when the clock is

19 ticking?

20 ON SCREEN: CALL NOW FOR MORE INFORMATION

21 CALL NOW

22 BuyTA65Direct.com

23 (Scrolling) TA65 IS A PATENTED PRODUCT ONLY

24 AVAILABLE FROM TA SCIENCES

25 MALE ANNOUNCER: Call now and find out more

Complaint

24

1 about TA65.

2 ON SCREEN: CALL NOW IF YOU ARE A PHYSICIAN

3 YOU MAY QUALIFY TO ORDER DIRECT

4 CALL NOW

5 BuyTA65Direct.com

6 MALE ANNOUNCER: If you're a doctor and want to

7 learn more, consultants are standing by. You can even

8 see if you qualify to purchase TA65 directly through a

9 special direct program, only available to viewers of this

10 program.

11 ON SCREEN: AFFORDABLE & EFFECTIVE

12 AVAILABLE AS A NUTRITIONAL SUPPLEMENT

13 CALL NOW

14 BuyTA65Direct.com

15 MALE ANNOUNCER: TA65 is affordable, it works,

16 and it's available direct to you as a nutritional

17 supplement.

18 ON SCREEN: CALL NOW FOR MORE INFORMATION

19 30 day money-back guarantee less s/h

20 CALL NOW

21 BuyTA65Direct.com

22 MALE ANNOUNCER: It's only available from one

23 company in the world, T.A. Sciences. Don't hesitate.

24 Call now.

25 ON SCREEN: BIOLOGICAL BREAKTHROUGHS

Complaint

25

1 Breaking the Age Code

2 KATHLEEN KENNEDY: Welcome back to Biological

3 Breakthroughs. Today we're talking to a team of

4 scientists and doctors around the world about an

5 explosive growth topic for baby boomers and younger.

6 ON SCREEN: Kathleen Kennedy

7 INVESTIGATIVE JOURNALIST

8 KATHLEEN KENNEDY: The topic is telomeres, and

9 in 2009, a group of scientists were awarded the Nobel

10 Prize in medicine for the research that led to the

11 discovery of telomerase.

12 ON SCREEN: Calvin B. Harley, Ph.D.

13 PRESIDENT & CSO, TELOME HEALTH, INC.

14 KATHLEEN KENNEDY: For those of you just

15 joining us, Dr. Cal Harley, since the beginning of time

16 we have thought that the wrinkles we get, the skin

17 becoming thinner, our bones becoming more brittle is all

18 part of just being old. But what we're learning now is

19 that this is simply a manifestation of something else, is

20 that correct?

21 ON SCREEN: Calvin B. Harley, Ph.D.

22 PRESIDENT & CSO, TELOME HEALTH, INC.

23 "THERE IS A CLOCKING MECHANISM FOR OUR DNA"

24 DR. CALVIN HARLEY: Yeah, that's correct,

25 Kathleen. Basically, what we see on the surface are a

Complaint

26

1 manifestation of what's going on inside the body in cells
2 and surrounding cells. So, it's quite clear now that
3 there is a clocking mechanism for aging within our DNA,
4 and it's very clear that telomerase can elongate
5 telomeres.

6 KATHLEEN KENNEDY: I think most people want to
7 know, where does it derive from?

8 ON SCREEN: Calvin B. Harley, Ph.D.
9 PRESIDENT & CSO, TELOME HEALTH, INC.

10 "TA65 IS DERIVED FROM A NATURAL PRODUCT"

11 DR. CALVIN HARLEY: So, TA65 is supplement.
12 It's not a drug, at least not at this point in time. But
13 what's important is that it's derived from a natural
14 product. So, aspirin, Digitoxin, the heart medicine,
15 penicillin, Taxol, these are all natural product derived
16 entities.

17 ON SCREEN: Calvin B. Harley, Ph.D.
18 PRESIDENT & CSO, TELOME HEALTH, INC.

19 "5000 DIFFERENT EXTRACTS WERE SCREENED TO
20 IDENTIFY THE COMPOUND IN TA65"

21 DR. CALVIN HARLEY: It turns out that this
22 particular molecule is derived from a plant that was
23 known to have health maintenance or longevity type
24 properties. We actually screened 5,000 different
25 extracts of natural products. We screened them for the

Complaint

27

1 ability to activate telomerase in normal human cells that
2 have telomerase capability or are able to activate
3 telomerase. And one compound stood out amongst all of
4 them and that's the product that went into TA65.

5 KATHLEEN KENNEDY: And Noel Patton, your
6 company, T.A. Sciences, has the exclusive global
7 distribution of TA65. I think most people want to know,
8 is this going to cost me a fortune?

9 ON SCREEN: Noel Patton

10 CEO AND FOUNDER OF T.A. SCIENCES

11 "TONS OF PLANT MATERIAL ARE REQUIRED TO PRODUCE
12 A SMALL AMOUNT OF TA65"

13 NOEL PATTON: As Dr. Harley said, this is a
14 very rare molecule in the plant. We literally start with
15 tons of plant material to end up with a small amount of
16 TA65. So, it started out very expensive. Most of our
17 clients were either really rich people or professional
18 athletes, movie stars, these kinds of people. But, now,
19 we have tens of thousands of people that are taking the
20 product and the costs have been able to come down.

21 KATHLEEN KENNEDY: So, it's not going to cost
22 me an arm and a leg?

23 ON SCREEN: Noel Patton

24 CEO AND FOUNDER OF T.A. SCIENCES

25 "IT'S AFFORDABLE FOR EVERYONE"

Complaint

28

1 NOEL PATTON: Not going to cost you an arm and
2 a leg. Now it's affordable for everyone.

3 ON SCREEN: Kathleen Kennedy

4 INVESTIGATIVE JOURNALIST

5 KATHLEEN KENNEDY: Good news, all right. Well,
6 Dr. Raphaelle, your practice offers independent testing
7 of telomeres. Tell me a little bit about the process.

8 ON SCREEN: Dr. Joseph Raphaelle, M.D.

9 CO-FOUNDER, PHYSIO-AGE MEDICAL GROUP

10 "IT'S MORE IMPORTANT TO KNOW YOUR TELOMERE
11 LENGTH THAN YOUR CHOLESTEROL"

12 DR. JOSEPH RAPHAELLE: Well, the process is
13 pretty simple. The patient comes in and we can get a
14 sample of blood or saliva and send it off to a lab and
15 we'll have the results in a couple of weeks. I like all
16 my patients to get their telomeres tested in my practice
17 now because I really think that it's probably more
18 important to know what your telomere length is than to
19 know what your cholesterol is. It gives you more
20 information about the health of your body, not just your
21 vascular system, about all the other organ systems that
22 we've been talking about.

23 ON SCREEN: TA65

24 DR. FREDRIC STERN: People coming to see me are
25 coming for various reasons, but what it comes down to is

Complaint

29

1 they're wanting to feel better, they're wanting to look
2 better, they're wanting to appear more refreshed and
3 youthful.

4 ON SCREEN: Dr. Fredric Stern

5 The Stern Center for Aesthetic Surgery

6 DR. FREDRIC STERN: And I can offer them
7 procedures, I can offer them laser procedures, I can
8 offer them cosmetic surgeries to improve these things.
9 But, now, I have something that I can offer them that
10 they can take that I can feel confident can also promote
11 their health and make them feel better internally and get
12 down to the very basic genetic nature of what causes
13 aging.

14 ON SCREEN: Carol Wayne, Age 74

15 Taking TA65 for 1 year

16 CAROL WAYNE: At my age, at 74, I want to enjoy
17 the time I have left, whatever that is. I want to have
18 as much vitality and energy as I can possibly get.

19 ON SCREEN: These results are atypical and
20 other consumers may not achieve such results.

21 CAROL WAYNE: And I find that with the TA65, I
22 have the energy that I want and I need to do all the
23 things I like to do. I like to travel. It helps with my
24 quality of life.

25 KARL GITTELMAN: I still play baseball. And

Complaint

30

1 one of the things I noticed was that when I went to throw
2 a ball -- normally, when you throw a ball, you reach back
3 like this and throw.

4 ON SCREEN: Karl Gittelman, Age 75
5 Taking TA65 for 2 years

6 KARL GITTELMAN: When I tried to do that, I
7 felt pain in this shoulder. And, so, I adapted to that
8 and I was able to throw from my ear, you know, and I was
9 able to throw pretty well.

10 ON SCREEN: These results are atypical and
11 other consumers may not achieve such results.

12 KARL GITTELMAN: Well, I started taking TA65,
13 as I said, in April, I'm out there throwing my short arm
14 one day, and all of a sudden, I reach back and throw, no
15 pain. Two years later, I am -- that's the way I throw
16 now. I have never had an inch of pain or any kind of
17 indication of pain. You can see where my arm's out here,
18 which I could never have done, you know, three years ago.
19 I mean, for 23 years, I couldn't do it and, all of a
20 sudden, bam, I started taking TA65, and six months later,
21 I could do it.

22 ON SCREEN: Keith Clearwater, Age 53
23 Taking TA65 for 2.5 years

24 KEITH CLEARWATER: I'm 53 years old. I don't
25 feel any different than when I was 20, and that's

Complaint

31

1 genuine. I do the same things. I'm very active with
2 kids, grandkids.

3 ON SCREEN: These results are atypical and
4 other consumers may not achieve such results.

5 KEITH CLEARWATER: And for me, I believe that
6 I'll be able to do these things late into my eighties and
7 nineties. My goal is to fight this thing forever and be
8 able to maintain, I don't know, the kind of lifestyle and
9 activity level that I've had my whole life.

10 KATHLEEN KENNEDY: What would you say, Dr.
11 Park, is the most surprising benefit you've seen for your
12 patients?

13 ON SCREEN: Dr. Ed Park, MD, MPH

14 AUTHOR: "TELOMERE TIMEBOMBS"

15 DR. ED PARK: Thanks to Dr. Raphaele and T.A.
16 Sciences, we have a whole way of measuring and that model
17 allows us to tell you, hey, this stuff is worth it, it's
18 working.

19 KATHLEEN KENNEDY: And let me just see a show
20 of hands right now. Who here is taking TA65?

21 ON SCREEN: Consult your physician before
22 beginning any dietary supplement program, particularly if
23 you have special medical needs.

24 KATHLEEN KENNEDY: Well, that speaks volumes to
25 me.

Complaint

32

1 All right. Well, the secret of aging silently
2 ticks away inside your cells.

3 ON SCREEN: Consult your physician before
4 beginning any dietary supplement program, particularly if
5 you have special medical needs.

6 BuyTA65Direct.com

7 KATHLEEN KENNEDY: That secret is revealed in
8 your telomeres. Your body seems to have the secret
9 itself to lengthening your telomeres with an enzyme
10 created in the DNA chain itself, telomerase.

11 ON SCREEN: This is a paid program for TA65

12 BuyTA65Direct.com

13 (Scrolling) CALL NOW FOR MORE INFORMATION --
14 CALL IF YOU ARE A PHYSICIAN INTERESTED IN DISTRIBUTING
15 TA65 - CALL TO SEE IF YOU ARE QUALIFIED TO PURCHASE TA65
16 DIRECTLY - CALL TO FIND OUT ABOUT TELOMERE TESTING

17 KATHLEEN KENNEDY: If you'd like to learn more
18 on how you can educate yourself further or try TA65, go
19 to the web address on your screen or call the number
20 below. There is no obligation. The call is absolutely
21 free. There are informed people just waiting to answer
22 your questions.

23 We'll be back after this short break.

24 ON SCREEN: TA65 MD

25 HOW WILL YOU LOOK?

Complaint

33

1 (PHOTOS)

2 AGE 70

3 AGE 80

4 AGE 90

5 MALE ANNOUNCER: Longevity experts have
6 identified key factors that define what your personal
7 cellular aging will look like, quality sleep, active
8 exercise, good nutrition, plus genetics are all
9 important.

10 ON SCREEN: LIVE HEALTHY LONGER

11 CALL NOW

12 BuyTA65Direct.com

13 MALE ANNOUNCER: If you're the kind of person
14 that wants a long healthy life, you probably make good
15 choices daily. But what can be done about your cellular
16 health?

17 Deep inside of you, there is a biological clock
18 ticking away in every one of your three trillion cells.
19 In young people, cells divide easily, replicating
20 themselves. As we age, this process slows. Deep inside
21 the nucleus, the secret of aging is revealed. In every
22 cell, you have 23 pairs of chromosomes. At the tips are
23 a sequence of repeating DNA code called telomeres. This
24 section protects the DNA during duplication, much the
25 same way the plastic tip of a shoelace protects it from

Complaint

34

1 fraying.

2 Unfortunately, every time division occurs, the
3 telomeres shorten. Eventually, they shorten so much,
4 they can no longer protect the replication process. The
5 cell can no longer divide. Its healthy replication over,
6 it becomes senescent or dies.

7 Some scientists today accept this as a root
8 cause of cellular aging. This was the research behind
9 the awarding of the Nobel Prize.

10 ON SCREEN: EXTRACTED FROM NATURAL PLANT
11 MOLECULES

12 CALL NOW

13 BuyTA65Direct.com

14 MALE ANNOUNCER: T.A. Sciences has developed a
15 process for extracting a naturally-occurring plant
16 molecule and refining it in a capsule you can take to
17 signal your body that it's time to lengthen your
18 telomeres.

19 Here's how it works. TA65 enters the
20 bloodstream and travels throughout the body where it
21 passes through individual cells and activates the
22 production of an enzyme called telomerase. This enzyme
23 travels to the tips of the chromosome and attaches and
24 add lengths to the telomeres and restores them. This
25 effect allows healthy cells to live longer and

Complaint

35

1 potentially replicate many more times. More healthy
2 identical cellular replication is what you want.
3 There's only one company in the world that
4 distributes patented TA65, T.A. Sciences.
5 ON SCREEN: PROVEN TELOMERASE ACTIVATION
6 CALL NOW
7 BuyTA65Direct.com
8 MALE ANNOUNCER: Call now. Discover TA65 for
9 yourself. TA65 could be a component to your cellular
10 health.
11 ON SCREEN: SUPPORTS IMMUNITY
12 CALL NOW
13 BuyTA65Direct.com
14 MALE ANNOUNCER: Some studies have shown how
15 this amazing discovery could help support immune health
16 and even reverse measurable obvious effects of cellular
17 aging. Why wait one more minute when the clock is
18 ticking?
19 ON SCREEN: CALL NOW FOR MORE INFORMATION
20 CALL NOW
21 BuyTA65Direct.com
22 (Scrolling) TA65 IS A PATENTED PRODUCT ONLY
23 AVAILABLE FROM TA SCIENCES
24 MALE ANNOUNCER: Call now to find out more
25 about TA65.

Complaint

36

1 ON SCREEN: CALL NOW IF YOU ARE A PHYSICIAN
2 YOU MAY QUALIFY TO ORDER DIRECT
3 CALL NOW
4 BuyTA65Direct.com
5 MALE ANNOUNCER: If you're a doctor and want to
6 learn more, we can help you as well. You may even
7 inquire to purchase TA65 directly through a special
8 direct program.
9 ON SCREEN: AFFORDABLE & EFFECTIVE
10 AVAILABLE AS A NUTRITIONAL SUPPLEMENT
11 CALL NOW
12 BuyTA65Direct.com
13 MALE ANNOUNCER: TA65 is affordable, it works,
14 and it's available direct to you as a nutritional
15 supplement.
16 ON SCREEN: CALL NOW FOR MORE INFORMATION
17 CALL NOW
18 BuyTA65Direct.com
19 MALE ANNOUNCER: There's even an available
20 testing protocol to demonstrate that you, in fact, are
21 lengthening your telomeres over time with TA65. Over
22 10,000 people are currently experiencing TA65.
23 ON SCREEN: CALL NOW FOR MORE INFORMATION
24 30 day money back guarantee less s/h
25 CALL NOW

Complaint

37

1 BuyTA65Direct.com

2 MALE ANNOUNCER: Now, it's your turn. Don't

3 hesitate. Call T.A. Sciences now.

4 ON SCREEN: TA65 MD

5 ON SCREEN: Letter written by Roger Daltrey on

6 the screen:

7 I have been interested in alternative medicine

8 since the early days of my career.

9 Maintaining good health through the stresses

10 and strains of touring and singing with The Who requires

11 enormous stamina. I was recommended TA65 by a good

12 friend and decided to try it.

13 After taking TA65 for one year I noticed

14 considerable improvement in energy levels. Colds and

15 winter infections have been a rarity.

16 Recently I took a 6 week break from taking the

17 product, and noticed significant energy drop off.

18 Although to my knowledge the evidence of

19 benefit to everyone is not proven, I have no doubt that

20 this product works for me. I hope it does the same for

21 you.

22 Roger Daltrey

23 Maintaining good health...while touring and

24 singing with The Who...requires enormous stamina.

25 I was recommended TA65...and decided to try it.

Complaint

38

1 I noticed considerable improvement in energy
2 levels.

3 Colds..have been a rarity.

4 Recently, I took a 6-week break from the
5 product, and noticed a significant energy drop-off.

6 Roger Daltrey

7 Lead singer of "The Who"

8 ROGER DALTREY: Well, I've been interested in
9 alternative medicine since the early days of my career.
10 Maintaining good health through the stresses and strains
11 of touring and singing with The Who required enormous
12 stamina. I was recommended TA65 by a good friend and
13 decided to try it. After taking TA65 for one year, I
14 noticed considerable improvement in energy levels. Colds
15 and winter infections have been a rarity.

16 Recently, I took a six-week break from the
17 product and noticed significant energy drop-off.
18 Although, to my knowledge, the evidence of benefit to
19 everyone is not proven, I have no doubt that this product
20 works for me. I hope it does the same for you.

21 ON SCREEN: TA65 MD

22 ON SCREEN: Greg Gerber, Age 61

23 Taking TA65 for 2 years

24 GREG GERBER: When I first started using TA, it
25 was to see what I could do with reentering competitive

Complaint

39

1 swimming. That has been the primary marker that I've
2 used is to watch my swimming times plummet.

3 ON SCREEN: These results are atypical and
4 other consumers may not achieve such results.

5 GREG GERBER: All of a sudden, you go from
6 being, yeah, he's 59 or 60 and kind of one of the guys in
7 the water. All of a sudden, you end up being one of the
8 guys in the water getting out first.

9 My recovery time for anything I do is
10 negligible.

11 ON SCREEN: Consult a physician before
12 beginning any dietary supplement program, particularly if
13 you have special medical needs.

14 GREG GERBER: If I do a four-hour race or a
15 four-hour swim or a four-mile race and two hours, I'm
16 able to go again within 90 minutes. And the other
17 fellows my age group just plain can't do that. They're
18 recovering, they're telling about their aches and pains
19 the day after, their shoulders ache, their muscles ache.
20 And I just sort of look at them and shrug and say, well,
21 see, isn't that interesting, guys, I don't have any of
22 that.

23 ON SCREEN: BIOLOGICAL BREAKTHROUGHS

24 Breaking the Age Code

25 KATHLEEN KENNEDY: Gentlemen, thank you all for

Complaint

40

1 being here today.

2 ON SCREEN: Kathleen Kennedy

3 INVESTIGATIVE JOURNALIST

4 KATHLEEN KENNEDY: I want to hear from all of
5 you if there was one thing that you could tell our
6 viewers today, that you could convey to them about
7 telomeres, telomerase, TA65, what would it be, Dr.
8 Harley?

9 ON SCREEN: Calvin B. Harley, Ph.D.

10 PRESIDENT & CSO, TELOME HEALTH, INC.

11 DR. CALVIN HARLEY: Kathleen, I think -- I've
12 been working in the area for over 30 years now and I'm
13 excited about the opportunity for anti-aging
14 interventions, using the knowledge that we have now,
15 understanding the basic mechanisms that we hope to
16 leverage in the future for mankind.

17 KATHLEEN KENNEDY: Dr. Raphaelle?

18 ON SCREEN: Dr. Joseph Raphaelle, M.D.

19 CO-FOUNDER, PHYSIO-AGE MEDICAL GROUP

20 DR. JOSEPH RAPHAELLE: I always tell my
21 patients the most important thing to know is where you
22 are in the aging process, because in some organ systems,
23 you're aging faster than in others.

24 ON SCREEN: Dr. Joseph Raphaelle, M.D.

25 CO-FOUNDER, PHYSIO-AGE MEDICAL GROUP

Complaint

41

1 "TELOMERE TESTING IS A GOOD WAY TO KNOW WHERE
2 YOU ARE IN THE AGING PROCESS"

3 DR. JOSEPH RAPHAELLE: Telomere measurements
4 are a good way to get an overall idea about where your
5 body is in the aging process so that you know when it's
6 time to intervene with something like TA65 or anything
7 else that can help you age as slowly as possible.

8 KATHLEEN KENNEDY: And, Dr. Park, what about
9 you?

10 ON SCREEN: Dr. Ed Park, MD, MPH

11 AUTHOR: "TELOMERE TIMEBOMBS"

12 "NOW WE HAVE A TOOL TO DO SOMETHING ABOUT
13 AGING"

14 DR. ED PARK: I agree. I think that there are
15 real objective ways to measure aging and now we have a
16 tool that can actually do something about it. Last time
17 I checked, there was 15,000 articles relating to
18 telomeres. So, I think it's just a matter of time before
19 the science catches up to what my patients are already
20 experiencing --

21 ON SCREEN: Dr. Ed Park, MD, MPH

22 AUTHOR: "TELOMERE TIMEBOMBS"

23 "MY PATIENTS EXPERIENCE BETTER HEALTH, BETTER
24 QUALITY OF LIFE"

25 DR. ED PARK: -- which is better health, just a

Complaint

42

1 better quality of life and something that is safe and
2 something that I have been taking for five years.

3 KATHLEEN KENNEDY: And, Noel, your message?

4 ON SCREEN: Noel Patton
5 CEO AND FOUNDER OF T.A. SCIENCES

6 "TA65 WORKS FOR ME, MY FAMILY, MY FRIENDS, MY
7 LOVED ONES"

8 NOEL PATTON: Well, I was looking for a
9 solution to aging for myself and discovered TA65. We've
10 been working on it for ten years. And it works for me,
11 it's worked for my family, my friends, loved ones, and
12 now for tens of thousands of people, and we've made it
13 affordable and accessible to everyone, and I'm really
14 proud to be at the beginning of this revolution in
15 science.

16 KATHLEEN KENNEDY: This truly is compelling
17 stuff.

18 ON SCREEN: (Scrolling) CALL NOW FOR MORE
19 INFORMATION - CALL IF YOU ARE A PHYSICIAN INTERESTED IN
20 DISTRIBUTING TA65 - CALL TO SEE IF YOU ARE QUALIFIED TO
21 PURCHASE TA65 DIRECTLY

22 This is a paid program for TA65
23 CALL NOW
24 BuyTA65Direct.com

25 KATHLEEN KENNEDY: That's all the time that we

Complaint

43

1 have today, but if you want to learn more about TA65 or
2 telomeres or your telomere length or how you can order
3 TA65 today, go to the web address on your screen or,
4 better yet, call. There's no obligation, no cost for the
5 call, just friendly, trained information consultants who
6 will answer your specific questions. They're trained to
7 get you the answers that you're looking for.

8 Thanks for watching. Bye now.

9 ON SCREEN: TA65 MD

10 ON SCREEN: CALL NOW

11 BuyTA65Direct.com

12 MALE ANNOUNCER: There's only one company in
13 the world that distributes patented TA65, T.A. Sciences.
14 Call now.

15 ON SCREEN: PROVEN TELOMERASE ACTIVATION

16 CALL NOW

17 BuyTA65Direct.com

18 MALE ANNOUNCER: Discover TA65 for yourself.

19 ON SCREEN: SUPPORTS IMMUNITY

20 CALL NOW

21 BuyTA65Direct.com

22 MALE ANNOUNCER: Some studies have shown how
23 this amazing discovery could help support immune health
24 and even reverse measurable obvious effects of cellular
25 aging. Why wait one more minute when the clock is

Complaint

44

1 ticking?

2 ON SCREEN: CALL NOW FOR MORE INFORMATION

3 CALL NOW

4 BuyTA65Direct.com

5 MALE ANNOUNCER: Call now to find out more

6 about TA65.

7 ON SCREEN: CALL NOW IF YOU ARE A PHYSICIAN

8 YOU MAY QUALIFY TO ORDER DIRECT

9 (Scrolling) TA65 IS A PATENTED PRODUCT ONLY

10 AVAILABLE FROM TA SCIENCES

11 CALL NOW

12 BuyTA65Direct.com

13 MALE ANNOUNCER: If you're a doctor and want to

14 learn more, we can help you as well. You may even

15 inquire to purchase TA65 directly through a special

16 direct program.

17 ON SCREEN: AFFORDABLE & EFFECTIVE

18 AVAILABLE AS A NUTRITIONAL SUPPLEMENT

19 CALL NOW

20 BuyTA65Direct.com

21 MALE ANNOUNCER: TA65 is affordable, it works,

22 and it's available direct to you as a nutritional

23 supplement.

24 ON SCREEN: CALL NOW FOR MORE INFORMATION

25 30 day money-back guarantee less s/h

Complaint

45

1 CALL NOW
2 BuyTA65Direct.com
3 MALE ANNOUNCER: Now, it's your turn. Don't
4 hesitate. Call T.A. Sciences now.
5 ON SCREEN: TA65 MD
6 ON SCREEN: The preceding was a paid program
7 for TA65 MD
8 Sponsored by T.A. Sciences
9 CELL REJUVENATION THROUGH TELOMERASE ACTIVATION
10 MALE ANNOUNCER: The preceding was a paid
11 program for TA65, sponsored by T.A. Sciences.
12 (The recording was concluded.)
13
14
15
16
17
18
19
20
21
22
23
24
25

Complaint

Exhibit I

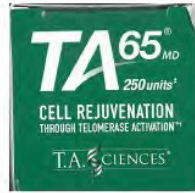


Front Panel

Side Panel

Rear Panel

Side Panel



Top Panel



Bottom Panel

Complaint

Exhibit J

Who Should Take TA-65^{MD}?

- *Anyone who had a telomere length test and has short telomeres
- *Anyone who's immune system is compromised and can benefit from its restoration
- *Everyone who is concerned about aging healthy and living longer



What people are saying:

As a practicing MD, I am surprised at the improvement in my immune system after only 6 months.

-Dr. Fred Vagnini, 70, New York, NY

I'm more active physically than any time I can remember. At age 80 I feel like the "prester boy" for TA Sciences.

-Ralph A. 80, Los Angeles, CA

To learn more about TA-65MD and how it can help you, consult one of our licensed healthcare practitioners or visit: www.ta65supps.com

Why should you consider taking TA-65^{MD}?

As we age, our Telomeres shorten. Regular exercise and healthy habits can slow the attrition of telomeres, but telomere length continually declines as we age. If you have not followed a healthy lifestyle, your telomeres are shorter than they should be. Many recent scientific studies have shown short telomeres are associated with age related decline and dysfunction. Evidence also clearly shows people with long telomeres age healthier and look younger. The only way to lengthen telomeres is through the activation of an enzyme called telomerase. The world's only commercially available way to activate telomerase is to take TA-65^{MD}.



T. A. Sciences, Inc.
 24E 64th Street, 5th Floor,
 New York, NY 10065
 Phone: 212-588-8805
 Fax: 212-588-0558
www.ta65supps.com



Complaint

What is the key to aging healthy and living longer?

Telomeres!!!

Telomeres: Strings of DNA located at the ends of chromosomes. They maintain the structure of the chromosome and protect the genes.



Every human cell contains 92 telomeres, or biological ticking clocks. Telomeres are responsible for maintaining the integrity of our DNA. Each and every time our cells divide, these telomeres (some call them burning fuses) get shorter. When one becomes critically short, the cell either stops functioning properly or dies. Telomere biology won the 2009 Nobel Prize in Medicine for good reason.

Birth marks the beginning of telomere erosion in most tissues throughout life. Telomere shortening inevitably proceeds as we grow older. It is further accentuated by environmental, physical, and emotional stress. Unless something can be done to keep telomeres from shortening, (even if every disease known to mankind is cured)....

We will all still die from telomere shortening!

What can be done to keep telomeres long?

Lead a healthy lifestyle
This will only help slow down the shortening of your telomeres

Activate Telomerase
In published studies, it has been proven to be the only way to lengthen short telomeres

What is Telomerase?
Telomerase is an enzyme that maintains the telomeres at the end of the chromosomes in order to prevent cell death. The gene producing the telomerase is usually turned off in most cells. When the telomerase gene is activated, it resembles a molecular motor and adds new DNA onto the ends of telomeres, thus lengthening short telomeres.



From circulating in the blood stream, TA-65™ enters aging cells

TA-65™ has the ability to activate the dormant **TELOMERASE** enzyme

Activated Telomerase causes telomeres at the end of the chromosome to grow longer

Cells with long healthy telomeres are able to continue to divide and proliferate

Is there a way to activate telomerase?

According to published studies, the only proven way available is:

TA-65™ MD

TA-65™ MD is a purified molecule originating from the Astragalus plant.

Astragalus is a well-respected Chinese medicinal plant which has been in use for over 2,000 years.

TA-65™ MD is proven to:

- ✓ Activate telomerase
- ✓ Lengthen short telomeres
- ✓ Restore an aging immune system
- ✓ Increase bone density
- ✓ Improve various biomarkers that usually decline with age

Our clients report anecdotal benefits such as:

- ✓ Increased energy
- ✓ Improved endurance
- ✓ Vision improvements
- ✓ Enhanced libido
- ✓ Better skin elasticity
- ✓ and more.....

Exhibit J - Page 2

Complaint

Exhibit K

Can we age healthier and live longer?

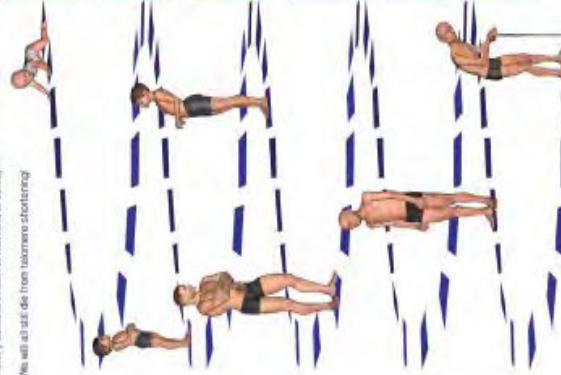
What's the key to aging healthy and living longer?

Telomeres: Strings of DNA located at the ends of the chromosomes. They maintain the structure of the chromosome and protect the genes.

Every human cell contains 50 of these biological ticking clocks. Telomeres are responsible for maintaining the integrity of our DNA. Each and every time our cells divide, these telomeres become a bit shorter, unless they are protected, until one of them becomes critically short and the cell either stops functioning properly or dies.

Each time the beginning of telomere erosion in most tissues throughout life. Telomere shortening proceeds naturally as we grow older and is further accelerated by environmental, physical, and emotional stress. Telomere biology won the Nobel Prize in 2019 and for good reason, unless something can be done to keep telomeres from shortening, then every disease known to mankind is caused.

We will all slide from telomere shortening



What can be done to keep telomeres long?

Lead a healthy lifestyle. This will only help to slow down shortening of your telomeres.

Activate Telomerase

In published studies it has been proven to be the only way to lengthen short telomeres

What is Telomerase?

Telomerase is an enzyme controlled by a specific gene (the telomerase gene) that is usually turned off in most cells. But when that gene is activated (turned on) it reinserts a molecular motor and adds new DNA onto the ends of telomeres thus lengthening telomeres.

Why Humans Age: When we are first conceived, five telomeres in each diploid cell embryos are approximately 15,000 nucleotides long. But by the time we are born, our telomeres have decreased in length to approximately 10,000 nucleotides.

At about age 1, the telomeres have shortened to approximately 9,000 nucleotides.

At about age 20, the telomeres have shortened to approximately 8,000 nucleotides.

At about age 30, the telomeres have shortened to approximately 7,000 nucleotides.

At about age 60, the telomeres have shortened to approximately 6,000 nucleotides.

By the age of 90, when the telomeres have decreased to an average of about 5,000 nucleotides, our cells cannot divide any further, and we are old age.

Is there a way to activate telomerase?

The only way, proven in published studies, available to you is



TA-65HD, is a purified molecule originating from the staghorn plant. Astragalus is well respected Chinese medicinal plant, which has been in use for over 2,000 years.

TA-65HD is proven to:

- Activate telomerase
- Lengthen short telomeres
- Activate an aging immune system
- Increase bone density
- Improve various biomarkers that usually decline with age

Our clients report anecdotal benefits, such as:

- Increased energy
- Improved endurance
- Vision improvements
- Enhanced libido
- Better skin elasticity
- Abnormal ...




Ask your physician if you can benefit from anti-aging therapy with TA-65.

Complaint

Exhibit L**Maximize Your Potential for Health and Longevity****Minimize Your Age Related Decline and Dysfunction**

"As a practicing MD, I am surprised at the improvement in my immune system after only 6 months."
Dr. Fred Vagnini, 70, New York, NY

 **TA-65[®]** is the first product to emerge from Nobel Prize winning science, focused on improving your health and quality of life.

TA⁶⁵ is the world's only telomerase activator proven in published studies to safely lengthen critically short telomeres, prevent DNA damage, and restore an aging immune system. TA-65 has been shown to increase bone density and improve various biomarkers which usually decline with age.

Hypoallergenic: Contains no yeast, dairy, eggs, gluten, corn, soy, wheat, sugar, starch, salt, preservatives, artificial color, flavor, or fragrances.

Visit www.tasciences.com or call us at 212-588-8805

Mention this ad and receive 5% off your purchase.
Offer expires: Sept. 30th 2011

Complaint

Exhibit M

Telomere Science

Page 1 of 3



TOLL-FREE: 888.360.8886 PHONE: 212.588.8805

ORDER TA-65 ONLINE Find a doctor Select...

- [Home](#)
- [About Us](#)
 - [Team](#)
 - [Events](#)
- [About TA-65®](#)
 - [Pricing](#)
 - [TA-65 Dosing Guideline](#)
 - [Quality Standards](#)
 - [Video](#)
 - [Testimonials](#)
 - [Partnerships](#)
- [Telomere Science](#)
- [Licensee](#)
- [FAQ](#)
- [Press](#)
- [Contact](#)
 - [Find a Doctor](#)

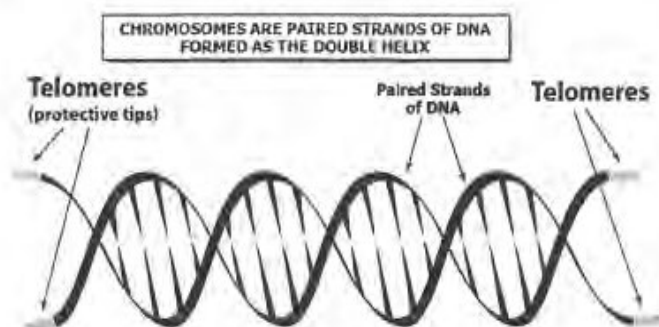
Telomere Science

There are trillions of cells in our body and at any given time a great number are dividing furiously to keep us alive and well. The process is directed by genes sitting on the 23 pairs of chromosomes found in the nucleus of each and every cell. The chromosomes are long sequences of DNA that contain all our genetic material. Each pair of chromosomes consists of one from your mother and one from your father and they are twisted around each other to form a structure called the double helix.

Complaint

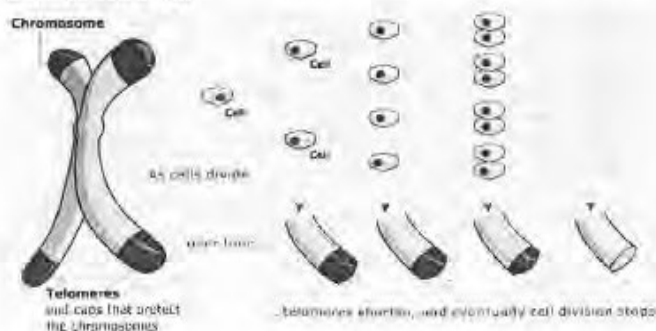
Telomere Science

Page 2 of 3



Of particular interest to the scientists at T.A. Sciences are the ends of each chromosome known as telomeres. Telomeres have no genetic function; they are simply stretches of DNA (repeats of base pairs) that protect the rest of the chromosome. These little bits of DNA are critical to healthy cell function and have been likened to the plastic tips on shoelaces because they prevent the chromosome from "fraying."

However, telomeres become progressively shorter each time the cell divides. When they get too short, cells reach replicative senescence and can no longer divide. The result can be the various conditions associated with old age.



Scientists have only recently begun to understand the critical importance of shortened telomeres. Research has shown that people over 60 who have long telomeres experience greater heart and immune system health than their age-matched counterparts with shorter telomeres. Thus, it is becoming well-understood that maintaining telomere length is preventing age-related decline.

The phenomenon of cellular aging was first noted by Professor Lenhard Hayflick in 1961. He discovered that cells cannot divide beyond a specific number of times. This is called the Hayflick Limit. Cells reaching this limit become old. Although Professor Hayflick discovered this important scientific principle, he had no idea what caused it.

Exhibit M - Page 2

<http://www.tasciences.com/introduction-to-telomere-science/>

1/24/2014

Complaint

Telomere Science

Page 3 of 1

It took almost 30 more years before the role telomeres play in cellular aging was finally understood. In 1990, Calvin Harley at McMaster University in Canada and Carol Greider at Cold Spring Harbor Laboratory in the USA discovered that telomere shortening goes hand-in-hand with the aging process and is the direct cause of cells reaching the Hayflick Limit.

Join our mailing list

Enter your e-mail:

DISCLAIMER: The information provided on this website is intended for educational purposes only. The educational material contained in this site is based on a careful analysis of the scientific literature and the experience of the T.A. Sciences team. Telomerase Activation is cutting edge science and knowledgeable scientists have differing views as to its benefits and safety. We urge each prospective client to become educated about TA and to consult their own experts prior to using any product that is a true telomerase activator.

This product is not intended to diagnose, treat, cure, or prevent any disease.

© 2010 - 2014 Telomerase Activation Sciences, Inc. All rights reserved.

[Home](#)

Complaint

TA-65 Dosing Guideline

Page 1 of 2



TOLL-FREE: 888.360.8886 PHONE: 212.588.8805

ORDER TA-65 ONLINE Find a doctor Select...

Go

- Home
- About Us
 - Team
 - Events
- About TA-65®
 - Pricing
 - TA-65 Dosing Guideline
 - Quality Standards
 - Video
 - Testimonials
 - Partnerships
- Telomere Science
- Licensee
- FAQ
- Press
- Contact
 - Find a Doctor

TA-65 Dosing Guideline

The statistics showing TA-65's efficacy in the ground breaking scientific paper published Sept. 8, 2010 in the peer-reviewed scientific journal *Rejuvenation Research* allows us to offer different dosing options. Below is the guideline for you to choose the appropriate dosage and price for your unique situation:

1. **250 units (1 capsule daily)** is efficacious for healthy adults in their 40's or 50's. Also 250 units can serve as a maintenance dose for older people who have been taking higher doses of TA-65 for several years and want to continue on a reduced cost program. Clients who took this dose were shown to have increased short telomere length and significantly improved immune system function. There are also anecdotal reports of increased endurance and other benefits. **Cost: US \$600.00 for each 3 month segment.**
2. **500 units (2 capsules daily)** has been proven to lengthen short telomeres, restore the immune system, and improve other important bio markers. Anecdotal reports included increased energy,

Exhibit M - Page 4

<http://www.tasciences.com/ta-65/ta-65-dosing-guideline/>

1/24/2014

Complaint

TA-65 Dosing Guideline

Page 2 of 7

endurance, vision improvements, sexual enhancement, and more. This medium strength dose is recommended for people who are generally in good health and want to be proactive in longevity and healthy aging. Many people in their 50's or 60's fall into this category. **Cost: US \$1,200.00 for each 3 month segment.**

3. **1000 units (4 capsules daily)** This is considered the HIGH DOSE and is recommended for clients who are:
1. Over 70 years of age, or
 2. Are of any age and have measured their telomeres and found them to be short, or
 3. Have reason to believe that strengthening their immune system would have particular benefit.

It is expected that this dose will give an increased benefit over the lower doses (although not a proportional benefit). Study subjects experienced lengthened telomeres, restoration of weak immune systems, bone density improvements and other important bio marker improvements which usually decline with age. Anecdotal reports include energy increase, endurance, cognitive improvements, improved vision, sexual enhancement, and an overall feeling of well being. **Cost: US \$2,200.00 for each 3 month segment.**

Join our mailing list

Enter your e-mail:

DISCLAIMER: The information provided on this website is intended for educational purposes only. The educational material contained in this site is based on a careful analysis of the scientific literature and the experience of the T.A. Sciences team. Telomerase Activation is cutting edge science and knowledgeable scientists have differing views as to its benefits and safety. We urge each prospective client to become educated about TA and to consult their own experts prior to using any product that is a true telomerase activator.

This product is not intended to diagnose, treat, cure, or prevent any disease.

© 2010 - 2014 Telomerase Activation Sciences, Inc. All rights reserved.

[Login](#)

Complaint

FAQ

Page 1 of 4



TOLL FREE: 888.360.8886 PHONE: 212.588.8805

ORDER TA-65 ONLINE! find a doctor Select...

Go

- Home
- About Us
 - Team
 - Events
- About TA-65®
 - Pricing
 - TA-65 Dosing Guideline
 - Quality Standards
 - Video
 - Testimonials
 - Partnerships
- Telomere Science
- Licensee
- FAQ
- Press
- Contact
 - Find a Doctor

FAQ

What are telomeres?

Telomeres (te-lo-mere-s) are buffers, protective pieces of DNA material at the ends of each and every chromosome in every cell in the body. Imagine a shoelace with the little plastic endpiece that keeps the strings of the lace bound together. This is what a telomere looks like and how it functions. Just as a shoelace unravels if the protective tip is missing, so the genetic material of the chromosomes degrades if not properly protected by telomeres of a certain length.

What is Telomerase Activation?

Telomerase (te-lo-mere-ase) is a naturally-occurring enzyme in the body and a vital factor in cell health. It helps maintain the protective telomeres located at the ends of all

Complaint

FAQ

Page 2 of 3

chromosomes. Scientific studies have shown that controlled activation of telomerase in normal cells can increase telomere length, improve functional capacity, and promote the proliferative lifespan of cells. The Telomerase-Activating potency of the molecule TA-65 has been independently proven in rigorous tests by 3rd party laboratories.

Have these products been tested?

T.A. Sciences™ follows stringent scientific procedures to back up the safety and efficacy of our products. For more than a decade, we have conducted a series of studies including, most importantly, a 2005 Anti-Aging Trial designed to directly measure the effect of TA-65 when taken internally. In this trial we saw a reduction in the signs of aging from the introduction of TA-65 into the bloodstream. A 125-person safety study showed no negative effects from daily use of TA-65. More exciting news on testing will be available as soon as on-going studies are completed.

Is there real science behind these products?

The presence of telomerase and the effects of telomere shortening are so basic to human aging and the maladies of old age that an entirely new branch of biology (Telomere Biology) has sprung up in the last two decades. The science of telomeres and telomerase activation is a new frontier, attracting some of the brightest scientific minds in both the academic and pharmaceutical worlds. To maintain its leadership role in Telomerase Activation, T.A. Sciences™ maintains unique relationships with leading edge biotech firms and opinion leaders in the field of Telomere Biology. Dr. Calvin Harley, who first discovered the link between Telomeres and aging, works closely with T.A. Sciences to integrate the latest scientific discoveries into T.A. Sciences' products. T.A. Sciences has also established working relationships with several other of the world's leading Telomere Biologists.

For more information on the science behind TA Activation [click here](#).

How does T.A. Sciences assure the quality of its products?

Quality and purity are assured through a series of analytical tests. Here is the process from the beginning to the end of the supply chain:

- T.A. Sciences harvests high-potency, naturally grown Astragalus. The raw plant material is refined into a base powder at our exclusive plant-extraction facility.
- This refined base material is then further extracted and purified through a proprietary process perfected over more than a decade of research and development to yield the single molecule TA-65 at over 98% purity. Using HPLC/ELSD/CAD, mass spectrometry, and gas chromatography, TA-65 is tested for purity, solvent residue, microbial, heavy metals, and pesticides.
- The Purified TA-65 is then sent to an FDA-certified facility for further processing utilizing advanced delivery technology to improve the bioavailability of the TA-65 molecule.
- The bioenhanced TA-65 is blended with USP (United States Pharmacopeia) grade GRAS (Generally Recognized As Safe) excipients and encapsulated and packaged at our subcontractor's state of the art GMP (Good Manufacturing Practices) certified facility. The final product must pass another series of tests including microbial and heavy metals before it can be released.
- Through these and other rigorous quality programs, T.A. Sciences can assure our clients that what we say on our label is 100% accurate.

What is the plant from which TA-65 is derived?

Exhibit M - Page 7

<http://www.tasciences.com/faq/>

1/24/2014

Complaint

FAQ

Page 3 of 4

TA-65 is a naturally occurring molecule found in an ancient Chinese medicinal herb. Well known to most of China's 1.3 billion people for over 1000 years, this medicinal root can be found in every traditional Chinese herbal shop. Major health benefits from this plant have long been recognized by practitioners in China, but never before has the TA-65 active ingredient been isolated and purified.

If TA-65 is a molecule coming from an ancient medicinal plant and extracts are available in any vitamin shop, why not just buy these inexpensive commercial products?

To answer this question, we purchased four commonly available extract products and had them tested to verify how much, if any, TA-65 is present. In all four cases, the testing lab could not detect any TA-65. Their assay is accurate to one part per million.

This is not surprising because not only is the TA-65 molecule rare, but extraction processes used by Chinese processing companies normally destroy it. T.A. Sciences uses a proprietary production process that took years of research and over several million dollars to develop. Several patents have been issued to T.A. Sciences over the years related to this technology.

Are there any allergens in the product I should be aware of?

TA-65 does not contain dairy, eggs, gluten, corn, soy, wheat, sugar, starch, salt, preservatives, artificial color, flavor, or fragrances.

Is TA-65 Scientifically Supported?

T.A. Sciences is the first and only company in the world to offer Telomerase-Activating products to combat the effects of cellular aging through leading-edge science. After more than 10 years of rigorous Research and Development, T.A. Sciences is proud to market the unique and potent TA-65 molecule available in TA-65MD®.

Is TA-65 a drug?

TA-65 is a nutritional supplement, not a drug. It activates telomerase and this helps keep cells functioning in a normal and healthy way as we age. TA-65 is not a drug and we make no claims that it prevents or treats any disease.

Is there a risk of unwanted cell proliferation?

TA-65 is a single molecule found in the Astragalus plant. Astragalus extracts have been safely consumed by humans for over a thousand years and are available in any vitamin shop. TA-65's method of action is to activate the enzyme telomerase which in turn affects the telomeres, which are located at the tips of every chromosome in every cell of the body. Telomeres are the cellular clock of aging, every time a cell divides, telomeres get shorter. When telomeres get too short, cells can no longer divide and proliferate, they become old cells. Maintaining telomere health and length allows cells to continue to divide and proliferate for a longer time; they simply live and function longer. However if cells live longer, there is a theoretical concern that they might over proliferate. Therefore, theoretically, TA-65 could stimulate unwanted growth and cell overpopulation. Of course what TA-65 aims to do is to keep healthy cells alive and functioning for as long as possible. But what about the possibility of allowing unhealthy cells to live longer?

Complaint

FAQ

Page 4 of 4

There is evidence that suggests that TA-65 boosts and strengthens the immune system, which we believe should address or suppress any cell overpopulation. Thus, we believe the overall effect of TA-65 regarding cell proliferation to be positive.

Furthermore, we believe that a number of physical changes associated with old age are due to the presence of short telomeres. TA-65 is specifically designed to promote overall cell health and longevity by increasing telomere length or slowing the rate of telomere shortening. When telomerase is activated, cell distress due to shortened telomeres is reduced.

In summary, considering the lack of evidence of TA-65 causing unwanted human cell proliferation, we believe the potential beneficial effects of activating telomerase and maintaining healthy tissue function outweigh any theoretical risk. And we practice what we preach; many T.A. Sciences employees are currently taking TA-65.

A doctor or professional health care provider who is familiar with Telomere Biology is in the best position to assess if TA-65 is right for you. Products that activate telomerase are on the frontiers of science and before you take TA-65, you should consult your physician or health care provider.

TA-65 sounds too good to be true. How do I know this is not just snake oil like other so-called anti-aging products?

TA-65 has been proven by outside, 3rd party laboratories to activate telomerase. Telomerase lengthens telomeres and longer telomeres allow cells to continue to divide and replicate longer.

In 2005 we did an Anti-Aging Trial that statistically shows in black and white what real people experienced from TA-65. This was a double-blind, placebo controlled study with data interpreted by Stanford University Ph.D., Dr. Jochen Kumm.

T.A. Sciences is solidly grounded in patented telomerase technology and validated by additional controlled studies.

Join our mailing list

Enter your e-mail:

DISCLAIMER: The information provided on this website is intended for educational purposes only. The educational material contained in this site is based on a careful analysis of the scientific literature and the experience of the T.A. Sciences team. Telomerase Activation is cutting edge science and knowledgeable scientists have differing views as to its benefits and safety. We urge each prospective client to become educated about TA and to consult their own experts prior to using any product that is a true telomerase activator.

This product is not intended to diagnose, treat, cure, or prevent any disease.

© 2010 - 2014 Telomerase Activation Sciences, Inc. All rights reserved.

Complaint

Exhibit N

www.tasciences.com/new-products/

T.A. SCIENCES
The Science of Cellular Health

About T.A. Sciences® Telomere Biology TA-65® Nutritional Supplements New Products Contact Us

New Products

T.A. Sciences® has invested over \$5 million in the acquisition of technologies and related patent rights that offer the potential to greatly expand the company's portfolio of product offerings.

T.A. Sciences® is dedicated exclusively to creating grass-roots based, clinically tested wellness products that help address cellular aging through the science of Telomerase Activation. Built upon a foundation strongly grounded in scientific evidence, T.A. Sciences® is widely recognized as the leader in the field of Telomere Biology.

In addition to spending over \$1 million last year for leading-edge, cutting-edge research on Telomere Biology, T.A. Sciences® invested another \$5 million on the acquisition of technologies and related patent rights that offer the potential to greatly expand the company's portfolio of product offerings.

TA-65® for Skin

Human skin is an amazing organ. It is not only the largest organ in the body, but it is also the fastest growing. There are about 19 million skin cells in every inch of the body, which are constantly being replaced as they age and die. In fact, 30,000 to 40,000 skin cells die every day.¹

TA-65® nutritional supplements have been shown to improve skin elasticity and decrease the amount of time it takes skin to recover after a procedure. Due to the large number of requests from physicians and customers for a TA-65® product that can be applied directly to particular areas of the skin, the company added topical formulation development to its research plan. After conducting three-dimensional modeling, in vitro and in vivo studies on a variety of formulations, T.A. Sciences® developed its first topical product, TA-65® for skin.

TA-65® for Skin is available now. Please [click here](#) to request more information.

Please check back here for updates on this and other exciting developments.

Complaint



- About T.A. Sciences®
- Telomere Biology
- TA-65® Nutritional Supplements
- New Products
- Contact Us



T.A. Sciences® has invested over \$5 million in the acquisition of technologies and related patent rights that offer the potential to greatly expand the company's portfolio of product offerings.

T.A. Sciences® is dedicated exclusively to creating research-based, clinically tested wellness products that help address cellular aging through the science of Telomerase Activation. Built upon a foundation strongly grounded in scientific evidence, T.A. Sciences® is widely recognized as the leader in the field of Telomere Biology.

In addition to spending over \$1 million per year for leading edge, scientific research on Telomere Biology, T.A. Sciences® invested another \$3 million on the acquisition of technologies and related patent rights that offer the potential to greatly expand the company's portfolio of product offerings.

TA-65® for Skin

Human skin is an amazing organ. It is not only the largest organ in the body, but it is also the fastest growing. There are about 19 million skin cells in every inch of the body, which are constantly being replaced as they age and die. In fact, 30,000 to 40,000 skin cells die every day.*

TA-65MD® nutritional supplements have been shown to improve skin elasticity and decrease the amount of time it takes skin to recover after a procedure. Due to the large number of requests from physicians and customers for a TA-65® product that can be applied directly to particular areas of the skin, the company added topical formulation development to its research plan. After conducting three-dimensional modeling, in vitro, and in-vivo studies on a variety of formulations, T.A. Sciences® developed its first topical product, TA-65® for Skin.

TA-65® for Skin is available now. Please click here to request more information.

Please check back here for updates on this and other exciting developments.



Canine Chews



Studies have shown that telomere length in dog breeds correlates to lifespan, a result consistent with findings in humans. However, unlike humans, dogs lose telomeric DNA 10 times as fast, making them relatively short-lived.

A 2012 study published in the journal Cell Reports® tested 13 breeds of dog and found that breeds like Beagles, Golden retrievers, Labrador retrievers, and Miniature poodles, which have long telomeres compared to others, also live longer.

Dog owners view their pets as another member of the family and they want to take steps to improve their health span too. Anecdotally, T.A. Sciences® has heard of owners giving their dogs TA-65® products, which is why the company decided to include canine testing in its research plan. 125 dogs of various breeds were studied to develop safe formulation and dosing of chew.

In 2014, T.A. Sciences® will introduce its first product developed specifically for pets: Canine Chews.


Exhibit N - Page 2

Complaint

Please check back here for updates on (a) and other exciting developments!


Equine Formulation

In addition to its forthcoming product for dogs, T.A. Sciences[®] is also in the process of creating a formulation of TA-65[®] for horses



Please check back here for updates on (a) and other exciting developments!

Therapeutic Drugs



Find out more about
Therapeutic Drugs

CLICK HERE

T.A. Sciences[®] is working to develop U.S. Food and Drug Administration (FDA) approved therapeutic drugs. While the company has focused on the nutritional supplement market since its founding in 2002, it has always operated at a higher standard than the norms for the industry. T.A. Sciences[®] conducts extensive safety and efficacy studies on both animals and humans that are far beyond the level found in most supplement companies. This commitment to a research based, clinically tested approach has made T.A. Sciences[®] a recognized leader in bringing Telomere Biology to the marketplace. Thus, it was only natural for the company to expand into developing therapeutic drugs for treating diseases associated with aging.


In 2012 T.A. Sciences[®] acquired the worldwide rights to a new patent-pending compound that has the potential to prevent or treat many diseases associated with aging.

[Click here to read more.](#)

References:

info@tasciences.com

Toll-Free: 888.360.8886



© T.A. SCIENCES
All Rights Reserved

Nutritional Supplements

- [Purchase TA-65MD[®]](#)
- [What is TA-65[®]?](#)
- [Testimonials](#)

Telomere Biology

- [What is a Telomere?](#)
- [Telomeres and Cellular Aging](#)
- [Telomerase Activation](#)

Contact Us

- [Find a Doctor](#)
- [Visit T.A. Sciences[®]](#)
- [Partner Inquiries](#)
- [FAQ:](#)

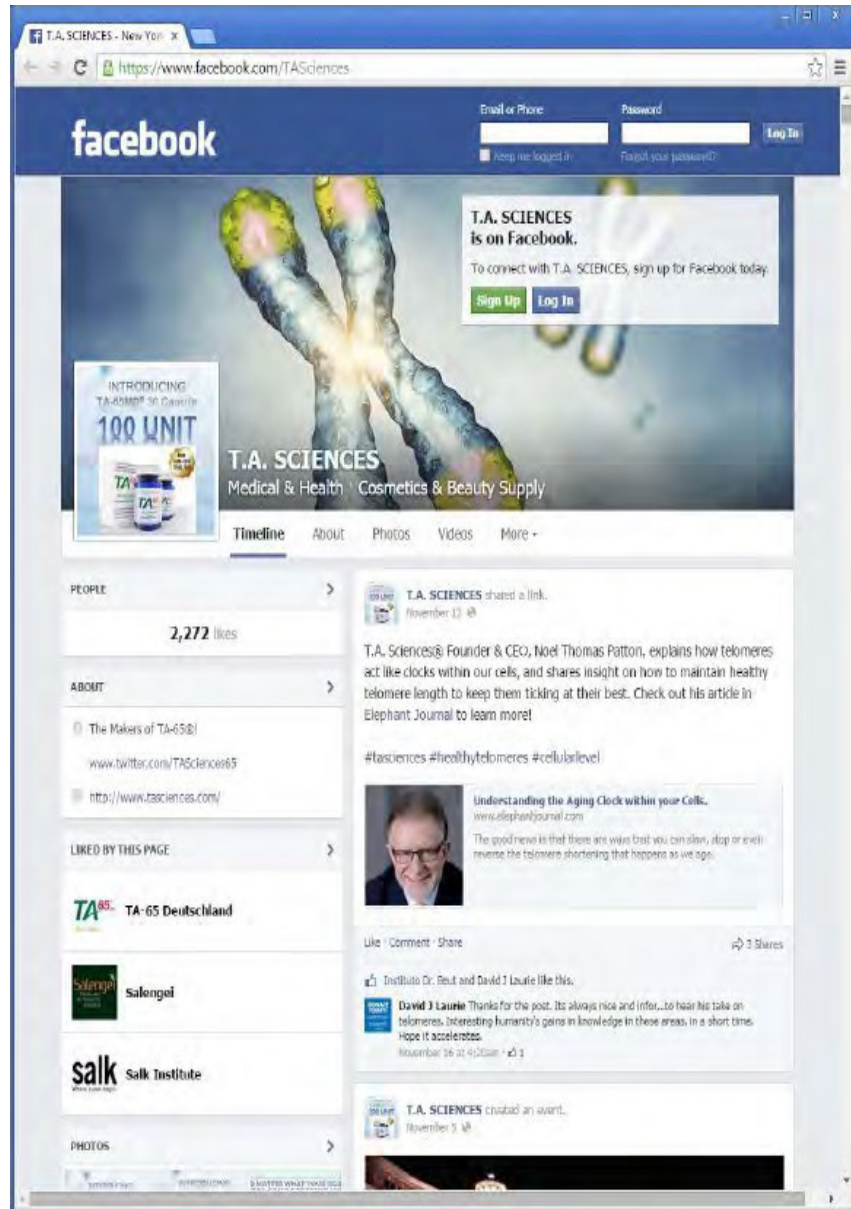
News

- [Press Releases](#)
- [Clinical Research](#)

[www.tasciences.com/web-products/](#)
[PRIVACY POLICY](#)
[TERMS OF USE](#)
[SITE MAP](#)

Complaint

Exhibit O



Complaint

Salk Institute
PHOTOS

T.A. SCIENCES shared a link.
September 22

T.A. Sciences@ has over 3,000 Certified Licensees spread throughout the globe. For those in Germany looking to discover the benefits of TA-65®, visit www.ta-65.de today!

#TA65 #healthyliving #cellularlevel

TA-65 Deutschland. Online-shop für TA-65® Produkte von T.A.Sciences USA. Deutschland, Schweiz,...
www.ta-65.de

Zellverjüngung durch Telomerase-Aktivierung. Das Original von TA-65 Deutschland GmbH mit allen Informationen über Telomere, Telomerase und Wirkweise. Lieferung für Deutschland und Europa.

Like · Comment · Share

Edgar Emmanuel Hinojosa Diaz
November 25 at 11:30am

I'd like to get this product, how much is it?

Like · Comment · Share

Maurice Dwayne Smith
September 2 at 9:03am

Hi I've met DR. Linda SalvinHillebrand!

Like · Comment · Share

Did you know that human skin is the largest organ in the body? There are about 19 million skin cells in every inch of the body! TA-65® for Skin may improve skin elasticity and recovery time post-procedure!

For more info, call 888-360-8886 or email info@tasciences.com today!

#TA65 #TelomeraseComplex #CellularLevel

Instagram

Complaint

Saik Institute

PHOTOS

100 UNIT
100 UNIT
100 UNIT

APPS

Google+

POSTS TO PAGE

Edgar Emmanuel Hinojosa Diaz
November 25 at 11:30am
I'd like to get this product. how much is it?

Maurice Dwayne Smith
September 2 at 3:55pm
Hi I've met DR. Linda SalvinHilibrand!

taking a very specific, very concentrated extract of one rare molecule in a very specific extract of one very specific kind of astragalus root.

T.A. SCIENCES
February 25, 2013
It doesn't really matter what time of day you take your TA-65. Here are a few things our customers have reported to us:
Taking TA-65 in the morning: Customers have reported having more energy throughout the day, being more productive, and having more endurance.
Taking TA-65 at night: Customers have reported having more vivid dreams, remembering their dreams better, sleeping more restfully, dreaming more vividly, and having a more regulated sleep cycle.

T.A. SCIENCES shared a link.
February 22, 2013
T.A. Sciences is proud to be exhibiting at three shows for healthcare professionals in the next couple of weeks:
-American Academy of Anti-Aging Medicine (Las Vegas)
-Integrative Healthcare Symposium (New York City)
-American Academy of Dermatology (Miami Beach)
If you're in attendance, come by and check us out!
(event details can be found on our website at <http://www.tasciences.com/about/events/>)

Events
www.tasciences.com
DISCLAIMER: The information provided on this website is intended for educational purposes only. The educational material contained in this site is based on a careful analysis of the scientific literature and the experience of the T.A. Sciences team. Telomerase Activation is cutting edge science and...

T.A. SCIENCES
February 15, 2013
Going to #LasVegas for #AHM ? So are we! Stop by our booth anytime between February 28th and March 2nd. We'd love to see you!

Complaint

Salk Institute
Like · Comment · Share

PHOTOS

100 UNIT
100 UNIT
KREATIV

APPS

Google+

POSTS TO PAGE

Edgar Emmanuel Hinojosa Diaz
November 25 at 11:30am
I'd like to get this product, how much is it?
Like · Comment · Share

Maurice Dwayne Smith
September 2 at 9:00am
Hi I've met DR. Linda SelvinHillebrand
Like · Comment · Share

T.A. SCIENCES shared a link.
November 2, 2012
For information on Telomere Science, click here:
<http://ow.ly/eVYfa>

Telomere Science
www.Telomeres.com
There are trillions of cells in our body and at any given time a great number are dividing furiously to keep us alive and well. The process is...

T.A. SCIENCES shared a link.
November 1, 2012
Your cells are on a timer - one that's running out. Learn how you can modify cells to literally reverse the aging process
<http://ow.ly/eTFZF>

http://ow.ly/eTFZF
www.bioinfoirect.com
Telomeres have been called the genetic keys to the fountain of youth...

T.A. SCIENCES shared a link.
October 31, 2012
October 31, 1969 - The Beatles' "Something" b/w "Come Together" (Apple R 5814) 45 single is released in the UK.

"Something" is a song by The Beatles, featured on their 1969 album Abbey Road. It was released that same year as a Double A-sided single with another track from the album, "Come Together". "Something" was the first Beatles song written by lead guitarist George Harrison to appear as an A-side, and the only song written by him to top the US charts while he was in the band. The single was also one of the first Beatles singles to contain tracks already available on an LP album.

John Lennon and Paul McCartney, the band's principal songwriters, both praised "Something" as one of the best songs Harrison had written, or that the group had to offer. As well as critical acclaim, the single achieved commercial success, topping the Billboard charts in the United States and making the top 10 in the United Kingdom. The song has been covered by over 200 artists.

Complaint

Salk Institute

PHOTOS

AgeMarker.com English Longitudinal Study of Ageing Links Happiness to...
www.agemarker.com
The English Longitudinal Study of Ageing shows that respondents with the highest level of positive affect are 33% less likely to die than those...

Like · Comment · Share · Share

T.A. SCIENCES
June 6, 2012 · 48

Looking for some TA-65 in the greater Seattle area? Contact Anna Manays @ Immune Matrix:

Immune Matrix, LLC
www.immunematrix.com
DISEASE, allergy elimination, (toxin) autism, hay fever, acupuncture, NET, massage, toxic loads, food allergies, food allergy, nutritional therapies...

Like · Comment · Share · Share

T.A. SCIENCES
June 7, 2012 · 48

TA-65md, a clinically-proven telomerase activator, is a naturally-occurring single molecule extracted from the root of an herb. TA-65md adds back base pairs of telomeric DNA that have been lost in the aging process. This lengthening of telomeres protects chromosomes from damage, essentially protecting the cells where telomerase is activated from age-related decline.

Like · Comment · 3 Shares

T.A. SCIENCES
June 7, 2012 · 48

T.A. Sciences is committed to ensuring the highest quality from end-to-end of the supply chain, i.e., from the sourcing of T.A. Sciences' starting raw ingredient in China to the formulation and manufacture of the finished product in the United States.

Like · Comment · 2

T.A. SCIENCES
June 7, 2012 · 48

Edgar Emmanuel Hinojosa Diaz
November 25 at 11:50am · 48
I'd like to get this product, how much is it?
Like · Comment · Share · 1 · 2

Maurice Dwayne Smith
September 2 at 3:55pm · 48
Hi I've met DR. Linda SelvinHelbrandt
Like · Comment · Share · 1 · 1

English (US) · Privacy · Terms · Cookies · Advertising · More · Facebook © 2014

Decision and Order

DECISION

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondents named in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) prepared and furnished to Respondents a draft Complaint. BCP proposed to present the draft Complaint to the Commission for its consideration. If issued by the Commission, the draft Complaint would charge the Respondents with violation of the Federal Trade Commission Act.

Respondents and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) statements by Respondents that they neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Decision and Order, and that only for purposes of this action, they admit the facts necessary to establish jurisdiction; and 2) waivers and other provisions as required by the Commission’s Rules.

The Commission considered the matter and determined that it had reason to believe that Respondents have violated the Federal Trade Commission Act, and that a Complaint should issue stating its charges in that respect. The Commission accepted the executed Consent Agreement and placed it on the public record for a period of 30 days for the receipt and consideration of public comments. The Commission duly considered the comment received from an interested person pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34. Now, in further conformity with the procedure prescribed in Commission Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

Findings

1. The Respondents are:
 - a. Respondent Telomerase Activation Sciences, Inc., is a Delaware corporation with its principal office or place of business at 420 Lexington Avenue, Suite 2900, New York, NY 10170.

Decision and Order

- b. Respondent Noel Thomas Patton is the founder, Chairman, CEO, and majority owner of the Corporate Respondent, Telomerase Activation Sciences, Inc. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of Telomerase Activation Sciences, Inc. His principal office or place of business is the same as that of Telomerase Activation Sciences, Inc.
2. The Commission has jurisdiction over the subject matter of this proceeding and over the Respondents, and the proceeding is in the public interest.

ORDER**Definitions**

For purposes of this Order, the following definitions apply:

- A. “Clearly and conspicuously” means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
 1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure (“triggering representation”) is made through only one means.
 2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any

Decision and Order

accompanying text or other visual elements so that it is easily noticed, read, and understood.

3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 5. On a product label, the disclosure must be presented on the same display panel as the representation that requires the disclosure appears.
 6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the triggering representation appears.
 7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
 9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.
- B. “Close proximity” means that the disclosure is very near the triggering representation. For example, a disclosure made through a hyperlink, pop-up, interstitial, or other similar technique is not in close proximity to the triggering representation.

Decision and Order

- C. “Cosmetic” means: (a) articles to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof intended for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (b) articles intended for use as a component of any such article; except that such term shall not include soap.
- D. “Covered product” means TA-65MD® and TA-65® for Skin or any other drug, food, dietary supplement, or cosmetic.
- E. “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.
- F. “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.

Decision and Order

- G. “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.
- H. “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.
- I. “Licensee” means any person licensed, or otherwise authorized, by Respondents to advertise, market, or sell any covered product.
- J. “Licensee-Patient Relationship” means the relationship between a licensee and an individual when the licensee affirmatively has provided a medical or healthcare service to that individual by examining, diagnosing, treating, or agreeing to examine, diagnose, or treat such individual.
- K. “Person” means a natural person, an organization, or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.
- L. “Respondents” means the Corporate Respondent and the Individual Respondent, individually, collectively, or in any combination.
1. “Corporate Respondent” means Telomerase Activation Sciences, Inc., , and its successors and assigns.

Decision and Order

2. "Individual Respondent" means Noel Thomas Patton.

Provisions**I. Prohibited Representations:
Disease and Other Specific Health Claims**

IT IS ORDERED that 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, promoting, offering for sale, sale, or distribution of any covered product, must not make any representation, expressly or by implication, that such product:

- A. Reverses human aging;
- B. Prevents or repairs DNA damage;
- C. Restores aging immune systems;
- D. Increases bone density;
- E. Reverses the effects of aging, including:
 1. Improves skin elasticity;
 2. Increases energy and endurance; or
 3. Improves vision;
- F. Decreases recovery time of the skin after medical procedures;
- G. Prevents or reduces the risk of cancer; or
- H. Cures, mitigates, or treats any disease,

unless the representation is non-misleading, including that, at the time such representation is made, Respondents possess and rely

Decision and Order

upon competent and reliable scientific evidence that substantiates that the representation is true. For purposes of this Provision, “competent and reliable scientific evidence” means human clinical testing of the covered product, or of an essentially equivalent product, 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. Such testing must (1) be randomized, double-blind, and placebo-controlled; and (2) be conducted by researchers qualified by training and experience to conduct such testing. In addition, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as described in the Provision entitled Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies must be available for inspection and production to the Commission. Respondents will have the burden of proving that a product satisfies the definition of an essentially equivalent product.

II. Prohibited Representations Other Health-Related Claims or Safety

IT IS FURTHER ORDERED that 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, promoting, offering for sale, sale, or distribution of any covered product, must not make any representation, other than representations covered under the Provision titled Prohibited Representations: Disease and Other Specific Health Claims, expressly or by implication, about the health benefits, performance, efficacy, safety, or side effects of such product, unless the representation is non-misleading, including that, at the time such representation is made, Respondents 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

Decision and Order

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 (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. 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 described in the Provision of this Order entitled Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies must be available for inspection and production to the Commission. Respondents will have the burden of proving that a product satisfies the definition of essentially equivalent product.

**III. Prohibited Misrepresentations:
Regarding Tests, Studies, or Other Research**

IT IS FURTHER ORDERED that 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, promoting, offering for sale, sale, or distribution of any product must not:

- A. Make any misrepresentation, expressly or by implication, that any covered product is:
 - 1. Clinically or scientifically proven to reverse human aging;
 - 2. Clinically or scientifically proven to prevent or repair DNA damage;

Decision and Order

3. Clinically or scientifically proven to restore aging immune systems; or
 4. Clinically or scientifically proven to increase bone density;
- B. Make any misrepresentation, expressly or by implication, that the performance or benefits of any product are scientifically or clinically proven or otherwise established; or
- C. Make any misrepresentation, expressly or by implication, about the existence, contents, validity, results, conclusions, or interpretations of any test, study, or other research.

IV.**FDA Approved Claims**

IT IS FURTHER ORDERED that nothing in this Order prohibits Respondents, Respondents' officers, agents, and employees, or all other persons in active concert or participation with any of them from:

- A. For any drug, making a representation that is approved in labeling for such drug under any tentative final or final monograph promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration; and
- B. For any product, making a representation that is specifically authorized for use in labeling for such product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990 or permitted under Sections 303-304 of the Food and Drug Administration Modernization Act of 1997.

Decision and Order

**V. Prohibited Misrepresentations:
Paid Commercial Advertising**

IT IS FURTHER ORDERED that 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 marketing, advertising, or promoting of any product, service, or program must not make any misrepresentation, expressly or by implication, that paid commercial advertising is independent programming, including independent, educational programming.

**VI. Required Disclosures:
Material Connections**

IT IS FURTHER ORDERED that 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, promoting, offering for sale, sale, or distribution of any covered product must not make any representation, expressly or by implication, about any user, consumer, or endorser of such product without disclosing, clearly and conspicuously, and in close proximity to that representation, any unexpected material connection between such endorser and (1) any Respondent; or (2) any other individual or entity affiliated with the product. For purposes of this Provision, "unexpected material connection" means any relationship that might materially affect the weight or credibility of the testimonial or endorsement and that would not reasonably be expected by consumers.

**VII. Prohibited Misrepresentations:
Endorsements**

IT IS FURTHER ORDERED that 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,

Decision and Order

advertising, promoting, offering for sale, sale, or distribution of any covered product, must not make any misrepresentation, expressly or by implication, about the status of any endorser or person providing a review of the product, including a misrepresentation that the endorser or reviewer is an independent or ordinary user of the product.

VIII. Means and Instrumentalities

IT IS FURTHER ORDERED that 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, promoting, offering for sale, sale, or distribution of any covered product, must not provide the means and instrumentalities with which to make, directly or indirectly, any false or misleading statement of material fact, including the prohibited representations covered by Provisions I, II, and III of this Order. For purposes of this Provision, "means and instrumentalities" mean any information, document, or article referring or relating to any covered product, including any advertising, labeling, promotional, or purported substantiation materials, for use by a licensee to market or sell any covered product.

**IX. Preservation of Records Relating to
Competent and Reliable Human Clinical Tests or Studies**

IT IS FURTHER ORDERED that, with regard to any human clinical test or study ("test") upon which Respondents rely to substantiate any claim covered by this Order, 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;

Decision and Order

- 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.

Decision and Order

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 Respondents' size and complexity, the nature and scope of Respondents' activities, and the sensitivity of the personal information collected from or about the participants.

X. Acknowledgments of the Order

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

- A. Each Respondent, within 7 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 8 years after the issuance date of this Order, each 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 Corporate Respondent, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Provision titled Compliance Report and Notices. Delivery must occur within 7 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.

Decision and Order

XI. Compliance Report and Notices

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

- A. Sixty days 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 he knows or should know due to his own involvement); (d) describe in detail whether and how that Respondent is in compliance with each Provision 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, 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

Decision and Order

activity, including title, role, responsibilities, participation, authority, control, and any ownership.

- B. For 10 years after the issuance date of this Order, 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 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, 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

Decision and Order

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 Telomerase Activation Sciences, Inc.

XII. Recordkeeping

IT IS FURTHER ORDERED that Respondents must create certain records for 10 years after the issuance date of the Order, and retain each such record for 5 years. Specifically, Corporate Respondent, in connection with the manufacturing, labeling, advertising, promoting, offering for sale, sale, or distribution of any covered product, and Individual Respondent for any business that such Respondent, individually or collectively with any other Respondent, 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;
- B. Personnel records showing, for each person providing services, 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;

Decision and Order

- 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.

XIII. Compliance Monitoring

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

- A. Within 30 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 records for inspection and copying.
- 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.
- D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Individual

Decision and Order

Respondent, pursuant to Section 604(2) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(2).

XIV. Notice and Monitoring of Licensees

IT IS FURTHER ORDERED that Respondents must:

- A. Send, within 30 days after the issuance date of this Order, by first class mail, postage prepaid and return receipt requested, or by courier service with signature proof of delivery, in one envelope, a copy of this Order and an exact copy of the notice and acknowledgment form attached hereto as Appendix A, showing the date of mailing, to each licensee. For any future licensees, delivery by first class mail, postage prepaid and return receipt requested, or by courier service with signature proof of delivery, in one envelope of a copy of this Order and an exact copy of the notice and acknowledgement form attached hereto as Appendix B, showing the date of the mailing, must occur within 10 days of becoming a licensee. Any mailing required by this Paragraph must not include any other documents or enclosures.
- B. Obtain from each licensee, within 20 days after receipt of the notice and acknowledgement form required by Paragraph A of this Provision, a signed and dated acknowledgment form that the licensee has received the notice and expressly agrees to comply with it.
- C. Establish, implement, and thereafter maintain a system to monitor and review the advertisements of each licensee, as specified below in Subparagraphs 1 and 2, to ensure compliance with Provisions I, II, and III of this Order. The system must be implemented as follows:
 1. No later than 30 days after the issuance date of this Order, and on an annual basis thereafter, Respondents must identify the licensees who ordered, purchased, or otherwise obtained the

Decision and Order

specified amount of covered product as scheduled below:

- a. In the first 5 years after the issuance date of this Order, \$20,000 or more of any covered product within the last 12 months;
 - b. After 5 years and until 10 years from the issuance date of this Order, \$30,000 or more of any covered product within the last 12 months;
 - c. After 10 years and until 15 years from the issuance date of this Order, \$40,000 or more of any covered product within the last 12 months; and
 - d. After 15 years from the issuance date of this Order and until this Order is terminated in accordance with Provision XVI of this Order, \$50,000 or more of any covered product within the last 12 months.
2. Respondents must monitor and review a representative sample of advertisements, including online advertising, social media postings, or brochures or pamphlets, of each licensee identified in accordance with Paragraph C(1) of this Provision.

Provided however, Respondents are not required to monitor and review any representations by a licensee about the potential safety, health benefits, performance, efficacy, or side effects of a covered product when, in connection with a licensee-patient Relationship, a licensee is consulting privately with one patient about such covered product.

Provided further, Respondents are not required to monitor and review any representations by a licensee about the potential safety, health benefits, performance, efficacy, or side effects of a covered

Decision and Order

product when: 1) the licensee has purchased a covered product solely for incorporation into the licensee's own product; and 2) Respondents are not involved in the advertising, marketing, promoting, or sale of that licensee's product.

- D. Suspend any licensee, regardless of time, within 10 days after any Respondent becomes aware that a licensee has made any representation prohibited by Provisions I, II, or III of this Order in connection with the advertising, promotion, or sale of any covered product after receipt of the notice required by Paragraph A of this Provision.

Respondents must provide a suspended licensee with a notice of noncompliance and may provide an opportunity to cure the noncompliance within 10 days after any Respondent becomes aware of the noncompliance. Respondents must inform any licensee to whom they have provided a notice of noncompliance that any continued or subsequent noncompliance will result in immediate termination. Respondents may reinstate a licensee who has cured the noncompliance. However, Respondents must terminate immediately any licensee who has received previously a notice of noncompliance under Paragraph D of this Provision and has any continued or subsequent noncompliance.

XV. Notice to Customers

IT IS FURTHER ORDERED that Respondents must send, within 30 days after the issuance date of this Order, all customers who purchased directly from them TA-65MD® or TA-65® for Skin: 1) within one year prior to the issuance of this Order; or 2) through a currently active enrollment in a continuity or autoship program, by first-class mail, postage paid, or by courier service with signature proof of delivery, an exact copy of the notice attached hereto as Appendix C, showing the date of mailing. This mailing must not include any other documents or enclosures.

Decision and Order

XVI. Order Effective Dates

IT IS FURTHER ORDERED that this Order is final and effective upon the date of its publication on the Commission's website (ftc.gov) as a final order. This Order will terminate on April 18, 2038, 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.

Decision and Order

Appendix A**APPENDIX A****[On Telomerase Activation Sciences, Inc. Letterhead]**

Date

[insert addressee name]
 [insert addressee address]

Dear [name of licensee]:

The Federal Trade Commission (FTC) has investigated and sued our company, Telomerase Activation Sciences (TAS) alleging that TAS made false and deceptive advertising claims for TA-65MD and TA-65 for Skin. Without admitting wrongdoing, TAS settled the case with the FTC and agreed to send this notification to our licensees.

According to the FTC, our claim that TA-65MD and TA-65 for Skin reverse aging was misleading. The FTC also says other specific claims about the products were misleading. The FTC says we claimed that TA-65MD:

- a. prevents and repairs DNA damage;
- b. restores aging immune systems;
- c. increases bone density;
- d. reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision;
- e. prevents or reduces the risk of cancer; and
- f. is clinically or scientifically proven to reverse aging, prevent and repair DNA damage, restore aging immune systems, and increase bone density.

According to the FTC, we also claimed that TA-65 for Skin reverses the effects of aging, including improving skin elasticity, and decreases recovery time of the skin after medical procedures. Although we disagree, the FTC says we do not have adequate scientific evidence that the above claims are true.

Under our settlement with the FTC, TAS has agreed not to make any claims about disease, health, or safety unless we have scientific evidence that supports them. You should review any advertising and marketing materials for TA-65 products and stop using any materials that make the above claims. In the future, TAS will monitor licensees' advertising and marketing of TA-65 products, including on websites and social media postings, and could terminate licensees for noncompliance. Please sign and date the enclosed acknowledgement form and return it to TAS at _____ within 20 days of receiving this notice.

Very truly yours,

Name, Title
 Telomerase Activation Sciences, Inc.

Enclosures

Decision and Order

ACKNOWLEDGMENT FORM

I have received the notice dated [insert date of notice], accompanied by [a Federal Trade Commission administrative/an United States federal court] order, from Telomerase Activation Sciences. I agree to comply with the notice.

Name

Signature

Date

Decision and Order

Appendix B

APPENDIX B

[On Telomerase Activation Sciences, Inc. Letterhead]

Date

[insert addressee name]
[insert addressee address]

Dear [name of future licensee]:

The Federal Trade Commission (FTC) previously settled a lawsuit with our company, Telomerase Activation Sciences (TAS) about allegedly false and deceptive advertising claims for TA-65MD and TA-65 for Skin. Without admitting wrongdoing, TAS settled the case with the FTC and agreed to send this notification to our licensees.

According to the FTC, our claim that TA-65MD and TA-65 for Skin reverse aging was misleading. The FTC also says other specific claims about the products were misleading. The FTC says we claimed that TA-65MD:

- a. prevents and repairs DNA damage;
- b. restores aging immune systems;
- c. increases bone density;
- d. reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision;
- e. prevents or reduces the risk of cancer; and
- f. is clinically or scientifically proven to reverse aging, prevent and repair DNA damage, restore aging immune systems, and increase bone density.

According to the FTC, we also claimed that TA-65 for Skin reverses the effects of aging, including improving skin elasticity, and decreases recovery time of the skin after medical procedures. Although we disagree, the FTC says we do not have adequate scientific evidence that the above claims are true.

Under our settlement with the FTC, TAS has agreed not to make any claims about disease, health, or safety unless we have scientific evidence that supports them. You should review any advertising and marketing materials for TA-65 products and stop using any materials that make the above claims. In the future, TAS will monitor licensees' advertising and marketing of TA-65 products, including on websites and social media postings, and could terminate licensees for noncompliance. Please sign and date the enclosed acknowledgement form and return it to TAS at _____ within 20 days of receiving this notice.

Very truly yours,

Name, Title
Telomerase Activation Sciences, Inc.

Enclosures

Decision and Order

ACKNOWLEDGMENT FORM

I have received the notice dated [insert date of notice], accompanied by [a Federal Trade Commission administrative/an United States federal court] order, from Telomerase Activation Sciences. I agree to comply with the notice.

Name

Signature

Date

Decision and Order

Appendix C

APPENDIX C

[On Telomerase Activation Sciences, Inc. Letterhead]

Date

[insert addressee name]
[insert addressee address]

Dear [name of customer]:

Our records show that you have bought TA-65MD and/or TA-65 for Skin from our company, Telomerase Activation Sciences (TAS). The Federal Trade Commission (FTC) has investigated and sued TAS alleging that TAS made false and deceptive advertising claims for TA-65MD and TA-65 for Skin. Without admitting wrongdoing, TAS settled the case with the FTC and agreed to send this notification to our customers.

According to the FTC, our claim that TA-65MD and TA-65 for Skin reverse aging was misleading. The FTC also says other specific claims about the products were misleading. The FTC says we claimed that TA-65MD:

- a. prevents and repairs DNA damage;
- b. restores aging immune systems;
- c. increases bone density;
- d. reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision;
- e. prevents or reduces the risk of cancer; and
- f. is clinically or scientifically proven to reverse aging, prevent and repair DNA damage, restore aging immune systems, and increase bone density.

According to the FTC, we also claimed that TA-65 for Skin reverses the effects of aging, including improving skin elasticity, and decreases recovery time of the skin after medical procedures. Although we disagree, the FTC says we do not have adequate scientific evidence that the above claims are true. TAS has agreed not to make any claims about disease, health, or safety unless we have scientific evidence that supports them.

If you have questions about TA-65MD and TA-65 for Skin, talk to your doctor or health care provider. If you currently purchase the products through our autoship or continuity program and would like to cancel or have any questions, please contact TAS at _____.

Very truly yours,

Name, Title
Telomerase Activation Sciences, Inc.

Analysis to Aid Public Comment

**ANALYSIS OF CONSENT ORDER TO AID PUBLIC
COMMENT**

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order as to Telomerase Activation Sciences, Inc. and Noel Thomas Patton (collectively “respondents”).

The proposed consent order (“order”) has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement’s order.

This matter involves respondents’ advertising for TA-65MD, a product that comes in capsule and powder forms, and TA-65 for Skin (“TA-65 Skin”), a topical cream product. The complaint alleges that respondents violated Sections 5(a) and 12 of the FTC Act by making false or unsubstantiated health or performance claims that: TA-65MD and TA-65 Skin reverse aging; TA-65MD prevents and repairs DNA damage; TA-65MD restores aging immune systems; TA-65MD increases bone density; TA-65MD reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision; TA-65MD prevents or reduces the risk of cancer; TA-65 Skin reverses the effects of aging, including improving skin elasticity; and TA-65 Skin decreases recovery time of the skin after medical procedures. The complaint also alleges that respondents claimed that some of the above performance claims were clinically or scientifically proven.

The complaint further alleges that respondents misrepresented that a 2012 paid-for segment on *The Suzanne Show* featuring TA-65MD was independent, educational programming and not paid commercial advertising. Additionally, the complaint alleges that respondents deceptively represented that consumers appearing in advertisements were independent users of TA-65MD, expressing their impartial views of satisfaction. According to the complaint, respondents failed to disclose that these consumer endorsers

Analysis to Aid Public Comment

received compensation, including free TA-65MD. Finally, the complaint alleges that by providing promotional materials that had false or unsubstantiated health or performance claims to marketers of other products containing TA-65MD, respondents provided these other marketers the means and instrumentalities to engage in deceptive acts and practices.

The order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. The order applies to marketing claims for any covered product, defined as TA-65MD and TA-65 Skin or any other drug, food, dietary supplement, or cosmetic. As additional fencing-in relief, the order requires respondents to provide a notice to all of its licensees authorized to advertise, market, or sell any covered product, monitor certain high-selling licensees, and follow appropriate recordkeeping, compliance reporting, and document preservation requirements.

Provision I prohibits any representation that a covered product reverses human aging; prevents or repairs DNA damage; restores aging immune systems; increases bone density; reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision; decreases recovery time of the skin after medical procedures; prevents or reduces the risk of cancer; or cures, mitigates, or treats any disease unless the representation is non-misleading and respondents possess and rely upon competent and reliable scientific evidence that substantiates that the representation is true. The definition of competent and reliable scientific evidence in Provision I specifies human clinical testing and requires that the testing be 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. Such testing must (1) be randomized, double-blind, and placebo-controlled; and (2) be conducted by researchers qualified by training and experience to conduct such testing. In addition, respondents must maintain all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing.

Analysis to Aid Public Comment

Provision II prohibits representations regarding the health benefits, performance, efficacy, safety, or side effects of any covered product unless the representation is non-misleading and respondents possess and rely upon competent and reliable scientific evidence to substantiate that the representation is true. Provision II defines competent and reliable scientific evidence as 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, when such experts would generally require such human clinical testing to substantiate that the representation is true. When such tests or studies are human clinical tests or studies, respondents must maintain all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing.

Provision III prohibits misrepresentations that any covered product is clinically or scientifically proven to reverse human aging, prevent or repair DNA damage, restore aging immune systems, or increase bone density. Provision III also prohibits any misrepresentation that the performance or benefits of any product are scientifically or clinically proven or about the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Provision IV is a provision for FDA-approved claims.

Provision V prohibits misrepresentations in connection with the marketing, advertising, or promoting of any product, service, or program that paid commercial advertising is independent programming.

Provision VI prohibits any representation about any user, consumer, or endorser of a covered product without disclosing, clearly and conspicuously, and in close proximity to that representation, any unexpected material connection between such endorser and (1) any respondent; or (2) any other individual or entity affiliated with the product. “Unexpected material

Analysis to Aid Public Comment

connection” means any relationship that might materially affect the weight or credibility of the testimonial or endorsement and that would not reasonably be expected by consumers.

Provision VII prohibits misrepresentations regarding the status of any endorser or person providing a review of a product, including a misrepresentation that the endorser or reviewer is an independent or ordinary user of the product.

Provision VIII prohibits respondents from providing the means and instrumentalities to make any false or misleading statement of material fact, including the representations prohibited by Provisions I to III. “Means and instrumentalities” mean any information, document, or article referring or relating to any covered product, including any advertising, labeling, promotional, or purported substantiation materials, for use by a licensee to market or sell any covered product.

Provision IX, triggered when the human clinical testing requirement in Provisions I or II applies, requires that respondents secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test’s researchers. There is an exception for a reliably reported test (defined as a test that is published in a peer-reviewed journal) that was not conducted, controlled, or sponsored by, with, or on behalf of any respondent or by any supplier or manufacturer of the product. Also, the published report must provide sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Provision X mandates that respondents acknowledge receipt of the order, distribute the order to principals, officers, and certain employees and agents, and obtain signed acknowledgments from them.

Provision XI requires that respondents submit compliance reports to the FTC 60 days after the order’s issuance and submit notifications when certain events occur for 10 years.

Analysis to Aid Public Comment

Provision XII requires that respondents create and retain certain records for 10 years.

Provision XIII provides for the FTC's continued compliance monitoring of respondents' activities during the order's effective dates.

Provision XIV requires that respondents notify their licensees, monitor their highest-selling licensees' advertising to ensure compliance with Provisions I through III, and suspend any licensee who makes any prohibited claims. Respondents must terminate any licensee who continues to make prohibited claims. There are two limited exceptions to the monitoring requirement: (1) representations during private consultations between a licensee and one of the licensee's patients about the potential safety, health benefits, performance, efficacy, or side effects of a covered product; and (2) representations about the potential safety, health benefits, performance, efficacy, or side effects of a covered product by a licensee who has purchased a covered product solely for incorporation into the licensee's own product and markets that product without any involvement by respondents.

Provision XV requires that respondents send a notice to all customers who purchased directly from them TA-65MD or TA-65 Skin within one year prior to the issuance of the order or through a currently active enrollment in a continuity or autoship program.

Provision XVI provides that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order's terms in any way.