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18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,) Case No.
21)
22 Plaintiff,)
23 v.) COMPLAINT FOR CIVIL PENALTIES,
CHRISTOPHER ANDREW) PERMANENT INJUNCTION AND
24 STERLING, individually, and d/b/a) OTHER EQUITABLE RELIEF
sterlingvisa.com, rebatedataprocessor.com,
25 and creditcardworker.com,)
26 Defendants.)

27 Plaintiff, the United States of
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1 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 56(a)(1), for its complaint alleges:

2 1. Plaintiff brings this action under Sections 5(a), 5(m)(1)(A), 13(b), and 16(a), of the FTC
3 Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), and 56(a), to obtain monetary civil penalties, a permanent
4 injunction and other equitable relief such as temporary and preliminary injunctive relief, rescission or
5 reformation of contracts, restitution

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1 transacted business in this District and throughout the United States.

2 **COMMERCE**

3 6. At all times relevant to this complaint, the Defendant has maintained a substantial course
4 of trade in the offering for sale and sale of business opportunities in or affecting commerce, as
5 “commerce” is defined in Section 4 of the FTC Ac

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1 website claims that potential purchasers can “MAKE \$200 - \$1000+ A DAY,” “well over \$500+ per
 2 day,” includes a “Weekly Sales Snapshot” showing weekly earnings of \$1,401.51 to \$3,230.97 for
 3 January 2009, and a “Daily Sales Snapshot” showing daily earnings during that period of \$133.08 to
 4 \$1,291.87, and a claim that “you too can get a [sic] \$15,526 in 29 days.” The website also includes the
 5 following table under the heading “How much money can I make?”:

6	3 a day @\$15 each - \$315 per week or \$1260 month or \$15,120 a year.
7	8 a day @\$15 each - \$840 per week or \$3360 month or \$40,320 a year.
8	15 a day @\$15 each - \$1575 per week or \$6300 month or \$75,600 a year.

9 Defendant’s sterlingvisa.com and creditcardworker.com websites both tell potential purchasers that
 10 “YOU CAN MAKE \$300 - \$1000+ A DAY,” and include a “Weekly Sales Snapshot” and “Daily Sales
 11 Snapshot” that are identical to those on the rebatedataprocessor.com website.

12 10. Consumers who buy one of Defendant’s business opportunities receive nothing more than
 13 information about how to become an affiliate marketer, not how to process rebates or credit card
 14 applications for accounts the Defendant has provided. The rebate and credit card application data
 15 processing work Defendant has promised is illusory or incidental at best, because purchasers can only
 16 process rebates or credit card applications that they themselves advertise, and only after successfully
 17 converting “clicks” on their Internet ads to the purchase of the products they offer.

18 11. Few, if any, purchasers of Defendant’s work-at-home opportunities are likely to make
 19 the income Defendant claims because Defendant misrepresents the nature of the business opportunity
 20 offered, because affiliate marketing is a complicated and highly competitive business, and because
 21 Defendant sometimes fails to provide any information whatsoever in return for a purchase.

22 ***Failure to Provide Required Disclosures***

23 12. Defendant has failed to give the written disclosure ^{any} document the Business Opportunity
 24 Rule requires a seller to give potential purchasers prior to their purchase of his business opportunities.
 25 The disclosure document is designed to provide potential purchasers with basic information about the
 26 seller, litigation involving the seller, the seller’s cancellation and refund policies, information supporting
 27 any earnings claims the ~~Refund information~~ OW@

1 13. Defendant also has failed to disclose information required by the Business Opportunity
2 Rule in immediate conjunction with earnings claims in the general media. Defendant makes earnings
3 claims on its websites about potential profits that fail to include the required disclosure of the number
4 and percentage of prior purchasers known by Defendant to have achieved the same or better results.

5 14. Defendant has engaged in the foregoing business practices since at least March 1, 2012,
6 the date the amended Business Opportunity Rule became effective, and has engaged in the same or
7 similar business practices related to the sale of business opportunities since at least 2007.

8 **VIOLATIONS OF SECTION 5 OF THE FTC ACT**

9 15. Section 5(a) of the FTC Act, 15 U.S.C. 45(a), prohibits “unfair or
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1 prospective purchasers in conjunction with the disclosure document, containing, among other things,
2 information regarding the time frame captured by the earnings claim, the characteristics of the
3 purchasers, and the number and percentage of all persons who purchased the business opportunity within
4 the time frame who achieved at least the stated level of earnings; and (4) makes written substantiation
5 of the earnings claim available to any prospective purchaser who requests it. 16 C.F.R. § 437.4(a).

6 25. Defendant has made earnings claims in connection with the sale of his business
7 opportunities in the general media, as defined by the Business Opportunity Rule. 16 C.F.R. § 437.1(h).
8 Under the Business Opportunity Rule, “general media” means “any instrumentality through which a
9 person may communicate with the public, including, but not limited to, television, radio, print, Internet,
10 billboard, Web site, commercial bulk email, and mobile communications.” 16 C.F.R. § 437.1(h).

11 26. The Business Opportunity Rule prohibits sellers from making earnings claims in the
12 general media unless the seller has a reasonable basis for and written substantiation of any earnings
13 claims and states in immediate conjunction with those claims the beginning and ending dates when the
14 represented earnings were achieved, and the number and percentage of all persons who purchased
15 Defendant’s business opportunity prior to that ending date who achieved at least the stated level of
16 earnings. 16 C.F.R. § 437.4(b).

17 27. Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the
18 Business Opportunity Rule constitutes an unfair or deceptive act or practice in or affecting commerce
19 in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

20 **COUNT TWO**

21 **Disclosure Document Violations**

22 28. In numerous instances in connection with the offer for sale, sale, or promotion of business
23 opportunities, Defendant has failed to furnish prospective purchasers with a disclosure document and
24 any required attachments within the time period prescribed by the Business Opportunity Rule.

25 29. Defendant’s acts and practices, as described in paragraph 28 above, violate the Business
26 Opportunity Rule, 16 C.F.R. §§ 437.2 and 437.3(a), and Section 5(a) of the FTC Act. 15 U.S.C. § 45(a).

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1 (4) Enter a permanent injunction to prevent future violations of the FTC Act and the Business
2 Opportunity Rule by the Defendant; and

3 (5) Award Plaintiff the costs of bringing this action, as well as such other and additional relief
4 as the Court may determine to be just and proper.

5 Dated: November 9, 2012

Respectfully submitted,

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