

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

EFFEN ADS, LLC, et al.,

Defendants.

STIPULATED ORDER FOR  
PERMANENT INJUNCTION AND

2:19-cv-945-RJS

Chief District Judge Robert J. Shelby





K. **Work-At-Home Program** means any product or service, including any program or plan, that is represented, expressly or by implication, to assist a consumer in any manner to earn money while working from home.

**ORDER**

**I.**

**BAN ON MARKETING WORK-AT-HOME PROGRAMS**

IT IS ORDERED that Stipulating Defendant is permanently restrained and enjoined from:

A. Advertising, marketing, promoting, or offering for sale, or assisting in the advertising, marketing, promoting, or offering for sale of any Work-At-Home Program; and

A. Providing or making available to any Affiliate Marketer any advertisement, including any advertisement supplied or produced by any Client, misrepresenting:

1. that any product, service, or program is or has been used, endorsed, or approved by specifically identified celebrities;
2. that any website or other publication is an objective news report;
3. that any advertisement for a product, service, or program is an objective source of information, such as an unaffiliated news report or magazine article;
4. that objective news reporters have performed independent tests of any product, service, or program.

B. Providing or making available to any Affiliate Marketer for use in connection with any Commercial Electronic Mail Message a "from" line (the line identifying or purporting to identify the person Initiating the message) any Client, that does not accurately identify any person who Initiated the message or that fails to identify accurately a Protected Computer used to Initiate the message by misrepresenting:

1. that any product, service, or program is or has been used, endorsed, or approved by specifically identified celebrities;
2. that any website or other publication is an objective news report;
3. that any advertisement for a product, service, or program is an objective source of information, such as an unaffiliated news report or magazine article;
4. that objective news reporters have performed independent tests of any product, service, or program.

C. Providing or making available to any Affiliate Marketer for use in connection



ups,

any assets.

**V.**

**COOPERATION**

IT IS FURTHER ORDERED that Stipulating Defendant must fully cooperate with representatives of the Commission in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Stipulating Defendant must provide truthful and complete information, evidence, and testimony. Stipulating Defendant must appear for interviews, discovery, hearings, trials, and any other proceedings that a Commission representative may reasonably request upon 5 days written notice, or other reasonable notice, at such places and times as a Commission representative may designate, without the service of a subpoena.

**VI.**

**ORDER ACKNOWLEDGMENTS**

IT IS FURTHER ORDERED that Stipulating Defendant obtain acknowledgments of receipt of this Order:

- A. Stipulating Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For 5 years after entry of this Order, Stipulating Defendant for any business that Stipulating Defendant is the majority owner or controls directly or indirectly must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all 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

Section titled Compliance Reporting. Delivery must occur within 7 days of entry 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 Stipulating Defendant delivered a copy of this Order, Stipulating Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

## VII.

### COMPLIANCE REPORTING

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

A. One year after entry of this Order, Stipulating Defendant must submit a compliance report, sworn under penalty of perjury:

1. Stipulating Defendant 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 Stipulating Defendant; (b) identify all of Stipulating Defendant al, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, and the means of advertising, marketing, and sales; (d) describe in detail whether and how Stipulating Defendant is in compliance with each Section of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

2. Additionally, Stipulating Defendant must: (a) identify all telephone

numbers and all physical, postal, email and Internet addresses, including all residences; (b) identify all business activities, including any business for which Stipulating Defendant performs services whether as an employee or otherwise and any entity in which Stipulating Defendant has any ownership interest; and (c) describe in detail Stipulating Defendant



D. A copy of each unique advertisement or other marketing material referenced in Section II above.

**IX.**

**COMPLIANCE MONITORING**

IT IS FURTHER ORDERED that, for the purpose of monitoring Stipulating Defendant s compliance with this Order, including any failure to transfer any assets as required by this Order:

A. Within 14 days of receipt of a written request from a representative of the Commission, Stipulating Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Commission is authorized to communicate directly with Stipulating Defendant. Stipulating Defendant must permit representatives of the Commission to interview any employee or other person affiliated with Stipulating Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including 3 EMC P M C In M T J E T Q . 0 0 0 0 0 9 1 2

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 Stipulating Defendant, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

**X.**

**RETENTION OF JURISDICTION**

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of the 6/02 T01 12 Tf98 0.71997 27.6 ref@MC P & CII

A handwritten signature, possibly 'TAL', is written in black ink over a horizontal signature strip consisting of multiple parallel lines.