

Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”

3. Defendant Jahner neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Defendant Jahner admits the facts necessary to establish jurisdiction only for purposes of this action.

4. Defendant Jahner waives any claim that he may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear(i)-1(ca)5(1)]TJ 0 /0 4((i3)2(r)5(is6(of)3TJ 0.002 Tc -0.002 Tw 12.4 -0.002 1p(1)-2(

text or other visual

4. "Defendant" means Ronald Jahner.
5. "Dietary supplement" means:
 - A. any product labeled as a dietary supplement or otherwise represented as a dietary supplement; or
 - B. any pill, tablet, capsule, powder, softgel, gelcap, liquid, or other similar form containing one or more ingredients that is a vitamin, mineral, herb or other botanical, amino acid, probiotic, or other dietary substance 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 diet.

6. "Drug" means: (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of humans or other animals; (4) articles intended for use as a component of any article specified in (1), (2), or (3); but does not include devices or their components, parts, or accessories.

7. "Essentially Equivalent Product" means a product that contains the identical ingredients, except for inactive ingredients (e.g., binders, colors, fillers, excipients), in the same form and dosage, and with the same route of administration (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 is unlikely to impede or inhibit the effectiveness of the ingredients in the Essentially Equivalent Product.

8. "Food" means: (1) any article used for food or drink for humans or other animals; (2) chewing gum; and (3) any article used for components of any such article.

9. "Including" means including but not limited to.

10. "Material Connection" means any relationship that materially affects the weight or credibility of any Endorsement and that would not reasonably be expected by consumers.

11. "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.

I.

PROHIBITED REPRESENTATIONS: PAIN RELIEF , CARTILAGE REBUILDING , COGNITIVE DECLINE, MEMORY IMPROVEMENT, AND DISEASE CLAIMS

IT IS HEREBY ORDERED that Defendant's 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 Covered Product, are hereby permanently restrained and enjoined from making, or assisting others in making, expressly or by implication, including through the use of a product name, Endorsement, depiction, or illustration, any representation, that humans, such Covered Product

- A. Reduces joint pain, inflammation, or stiffness, including in as little as two hours;
- B. Provides relief from back pain;
- C. Reduces the need for medication;

D.

II.

PROHIBITED REPRESENTATIONS: OTHER HEALTH -RELATED CLAIMS

IT IS FURTHER ORDERED that Defendant, Defendant's 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, promotion, offering for sale, sale, distribution of any Covered Product, other than a representation covered by Section I of this Order, are permanently restrained and enjoined from making, or assisting others in making, expressly or by implication, including through the use of a product or program name, endorsement, depiction, or illustration, any representation about the health benefits, safety, performance, or efficacy of any Covered Product, unless the representation is not misleading, and, at the time of making such representation, Defendant possesses and relies 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 considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

For purposes of this Section, competent and reliable scientific evidence means tests, analyses, research, or studies that (1) 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 as yielding 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 experts would generally require such human clinical testing to substantiate that the representation is true.

IV.

FDA-APPROVED CLAIMS

IT IS FURTHER ORDERED that nothing in this Order prohibits Defendant, Defendant's 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 any 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 3034 of the Food and Drug Administration Modernization Act of 1997.

V.

PROHIBITED REPRESENTATIONS AS AN EXPERT ENDORSER

IT IS FURTHER ORDERED that Defendant, Defendant's 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, promotion, offering for sale, sale, or distribution of any Covered Product are permanently restrained and enjoined from making, expressly or by implication, any representations as an expert endorser, including, but not limited to, the representations covered by Section 1 of this Order, entitled Prohibited Representations: Pain

Relief, Cartilage Rebuilding, Cognitive Decline, Memory Improvement, And Disease Claims
and Section 11 of this Order, entitled Prohibited Representations: Other Health

2. All employees, agents, and representatives who participate in the manufacturing labeling, advertising, marketing, distribution, or sale of any Covered Product or service; 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.

B. From each individual or entity to which Defendant delivered a copy of this Final Order, Defendant

other Defendant (which Defendant must describe if he knows or should know due to his own involvement); (d) describe in detail whether and how 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 Plaintiffs

2. Additionally, Defendant must: (a) identify all telephone numbers and all physical, postal, email and Internet addresses, including residences; (b) identify all business activities, including any business for which Defendant performs services whether as an employee or otherwise and any entity in which Defendant has any ownership interest; and (c) describe in detail Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 10 years after entry of this Order, Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Defendant must report any change in: (a) any designated point of contact; (b) the structure of any corporation or any entity that Defendant has any ownership interest in or control, directly or indirectly that may affect compliance obligations arising under this Order, including reorganization, 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, Defendant must report any change in: (a) names, including aliases or fictitious names or residence addresses; (b) titles or roles in any business activity, including any business for which Defendant

performs services whether as an employee or otherwise and any entity in which Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. For a period of 10 years, Defendant must submit to the Commission and

ME 04330. The subject line must begin: Order in re State of Maine v. XXL Impressions LLC et al. and must identify the Court and docket number of this Order as ordered by the Court.

X.

RECORDKEEPING

IT IS FURTHER ORDERED that in connection with the sale of a Covered Product Defendant must create certain records for 10 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant must, for any business that Defendant 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, all costs incurred in generating those revenues, and the resulting net profit or loss;
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name; address; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Complaints and full or partial refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission and the Maine AG;
- E. A copy of each unique advertisement or other marketing material.

XI.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendant

A. Within 14 days of receipt of a written request from a representative of the Commission or the Maine A, 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.

XII.

RETENTION OF JURISDICTION

IT IS SO STIPULATED this 14th day of August 2017.

JANET T. MILLS
Attorney General State of Maine

/s/ Brendan F.X. O'Neil
Brendan F.X. O'Neil
Linda J. Conti
Assistant Attorney General
Office of the Attorney General of Maine
6 State House Station
Augusta, Maine 04330006
Telephone 207-626-8842, 8591
Facsimile: 207-624-7730
Email: brendan.oneil@maine.gov

IT IS SO STIPULATED this 14th day of August 2017.

/s/ Ronald Jahner
Defendant Ronald Jahner pro se
480 Banyan Tree Lane
Buffalo Grove, Illinois 60089
Telephone: 773-294-9521