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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

RISE-N-SHINE, LLC, a limited liability
company, and

CATHY BEGGAN, individually and as an officer
of Rise-N-Shine, LLC,

Defendants.

Docket No.

**COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER
EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), for its Complaint
alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the labeling, advertising, marketing, distribution, and sale of the Go Away Gray dietary supplement, shampoo, and conditioner products (together, “the Go Away Gray products”) that purportedly reverse or prevent the formation of gray hair.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 15 U.S.C. §§ 45(a) and 53(b), and 28 U.S.C. §§ 1331, 1337(a), and 1345.

3. Venue is proper in this district under 28 U.S.C. § 1391(b), (c), and (d), and 15 U.S.C. § 53(b).

PLAINTIFF

4. Plaintiff FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce.

5. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), authorizes the FTC to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-

gotten monies.

DEFENDANTS

6. Defendant Rise-N-Shine, LLC (“Rise-N-Shine”) is a New Jersey limited liability company with its principal place of business at 17 Woodport Road, Suite 1e, Sparta, NJ, 07871. Rise-N-Shine transacts or has transacted business in this district and throughout the United States. At least since 2009, Rise-N-Shine has labeled, advertised, marketed, distributed or sold the Go Away Gray products to consumers throughout the United States.

7. Defendant Cathy Beggan (“Beggan”) is the President, Chief Executive Officer, member, and owner of Defendant Rise-N-Shine. Beggan manages or managed day-to-day operations and advertising and marketing activities for Defendant Rise-N-Shine. Beggan participates or participated in the creation and review of advertising and promotional materials for Go Away Gray products. She also appears in advertisements for the products, including commercials and promotional interviews. At times material to this Complaint, acting alone or in concert with others, she has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Beggan resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

COMMERCE

8. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS' BUSINESS ACTIVITIES

9. Defendants have labeled, advertised, marketed, distributed, and sold Go Away Gray All Natural Hair Color Restoration, a dietary supplement, as well as Go Away Gray Daily Anti-Gray shampoo and Go Away Gray Daily Anti-Gray conditioner. According to the product label, the Go Away Gray dietary supplement contains a blend of vitamins and minerals, as well as catalase, an enzyme used by cells to rapidly catalyze the decomposition of hydrogen peroxide into less-reactive gaseous oxygen and water molecules. Both the Go Away Gray shampoo and conditioner also purport to contain catalase. The Go Away Gray products are promoted as effective in reversing or preventing the formation of gray hair.

10. Consumers can purchase the Go Away Gray products directly from Defendants, including through their Internet sites www.goawaygray.com, www.wakeupontime.com, and www.rise-n-shine.com, and via Defendants' customer service telephone number. Defendants sell the Go Away Gray dietary supplement for \$29.99 per bottle; they also offer consumers the option of purchasing two bottles of the dietary supplement for \$59.98 and receiving a third bottle free. Consumers who enroll in Defendants' "auto-ship program" receive three bottles of the Go Away Gray dietary supplement every three months. One bottle of the Go Away Gray dietary supplement contains 60 capsules and provides a 30-day supply if taken according to the product label (two capsules daily). The Go Away Gray shampoo and conditioner sell for \$19.99 per bottle, or for \$39.98 when purchased together, and are marketed to be used in connection with the Go Away Gray dietary supplement.

11. Defendants have advertised the Go Away Gray products through their websites, online ads (including online video postings), television interviews, press releases, on the product label, and through other advertising and promotional materials.

12. To induce consumers to purchase the Go Away Gray products, Defendants have disseminated, or caused to be disseminated, ads for Go Away Gray, including, but not limited to, the attached Exhibits A through N. These ads contain the following statements and depictions, among others:

A. Exhibit A, Go Away Gray Product Labels

i. Dietary Supplement

NEW & IMPROVED
Now with 50% More Catalase

**Go Away
Gray**

All Natural Hair Color Restoration
For ALL Hair Types

Helps PREVENT & REVERSE Gray Hair
PROMOTES Thick, Healthy Hair

ii. Shampoo

NEW & IMPROVED

Made with Catalase
The Ingredient That Helps Prevent Gray Hair

**Go Away
Gray**

Daily Anti-Gray Shampoo
All Natural Hair Color Restoration
For ALL Hair Types

Helps PREVENT & REVERSE Gray Hair
PROMOTES Thick, Healthy Hair

iii. **Conditioner**

NEW!

Made with Catalase
The Ingredient That Helps Prevent Gray Hair

All Natural **Go Away**
Hair Color **Gray**
Restoration
No Dye
Formula **Daily Anti-Gray**
Conditioner

Helps restore your natural hair color
PREVENT &
REVERSE Gray Hair
PROMOTES Thicker,
Healthier Hair

B. Excerpts from <http://www.goawaygray.com>

i. Exhibit B, Go Away Gray.com "About Us" page

ABOUT US

About Rise-N-Shine, LLC And Go Away Gray

Go Away Gray, Rise-N-Shine's best-selling, all-natural cure for graying hair now makes reversing and preventing gray hair as easy as swallowing a pill. And for millions stubbornly resisting the trend of going gray gracefully, this formidable hair supplement is attracting much deserved attention.

Formulated to combat gray hair at the root, this innovative supplement is specially designed with the potent antioxidant enzyme catalase, vitamins, and essential amino acids. According to several scientific studies, the absence of catalase in your body is thought to initiate a chemical chain reaction resulting in gray hair. As we age and our hair cells produce less catalase, less hydrogen peroxide gets broken down. As our catalase levels decrease and our hydrogen peroxide levels increase, the hair slowly turns gray and then gives way to white.

Go Away Gray stops the formation of new gray hairs in as little as 4-8 weeks, helping bring back your natural hair color while promoting thicker, fuller, healthier hair. Results are now accelerated with our new Go Away Gray Shampoo and Conditioner, also containing all-natural, anti-graying ingredients. Get ready to erase years off your looks

with this gray fighting combo! The results from Go Away Gray have been amazing, with customers giving excellent feedback regarding its incredible hair color restoring power.

* * *

About The Founder

The idea for Rise-N-Shine was derived from Cathy Beggan, who took a basic complaint and turned it into a fully functioning supplement. . . . Rise-n-Shine's exciting line of all natural products includes the best-selling Go Away Gray. Used to combat and get rid of gray hair, it's a pill taken twice per day, and within 6-8 weeks your natural color begins to gradually grow back, replacing the grays! Results are now accelerated with our new Go Away Gray Shampoo and Conditioner, which also contain the magical anti gray ingredients. Get ready to erase years off your looks with this gray fighting combo!

The results from Go Away Gray have been astounding, since being added to the product line in late 2009. Customers are giving excellent feedback in regards to the supplement, and the best part is it's 100% all NATURAL!

Customers LOVE: Go Away Gray for its amazing hair color restoring power, and Wake Up On Time for its abilities to turn you into a morning person overnight!

ii. **Exhibit C, Go Away Gray "Capsules" page**

CAPSULES

[Home > Capsules](#)

Our Go Away Gray hair pill is an all-natural vitamin supplement specially formulated with proprietary ingredients to prevent & reverse gray hair! Based on scientific studies, this anti-gray formula replenishes the enzyme Catalase, which slowly depletes as we age. Hydrogen Peroxide is naturally produced by the body and Catalase breaks it down. If you do not produce enough Catalase, the hydrogen peroxide takes over and bleaches your hair from the inside out, causing you to get gray hair.

Go Away Gray contains a high concentration of Catalase along with other special nutrients to help restore your natural hair color, stop the gray hair process, promote thicker, healthier hair and help you look and feel years younger. Start taking Go Away Gray twice a day and GET RID of your gray hair...Naturally!

iii. **Exhibit D, Go Away Gray.com "Shampoo" page**

SHAMPOO

[Home > Shampoo](#)

Our daily anti-gray shampoo is also made with Catalase, the ingredient that helps prevent gray hair. Go Away Gray Shampoo is an all-natural hair care formula specially designed to prevent & reverse gray hair! Go Away Gray contains no dyes and works on all hair colors and types. Based on scientific studies, this anti-gray formula replenishes the enzyme catalase which slowly depletes as we age. Hydrogen Peroxide is naturally

produced by the body and Catalase breaks it down. If you do not produce enough Catalase, the hydrogen peroxide takes over and bleaches your hair from the inside out, causing you to get grey hair. Go Away Gray contains a high concentration of Catalase along with other special nutrients to help restore your natural hair color, stop the gray hair process, promote thicker, healthier hair and help you look and feel years younger. Use Go Away Gray Shampoo in conjunction with the Go Away Gray pills for optimal results. Use all the products in the Go Away Gray family today and GET RID of your gray hair...Naturally!

iv. **Exhibit E, Go Away Gray.com “Conditioner” page**

CONDITIONER

[Home > Conditioner](#)

Our daily anti-gray conditioner is also made with Catalase, the ingredient that helps prevent gray hair. Go Away Gray conditioner is an all-natural hair care formula specially designed to prevent & reverse gray hair! Go Away Gray contains no dyes and works on all hair colors and types. Based on scientific studies, this anti-gray formula replenishes the enzyme catalase which slowly depletes as we age. Hydrogen Peroxide is naturally produced by the body and Catalase breaks it down. If you do not produce enough Catalase, the hydrogen peroxide takes over and bleaches your hair from the inside out, causing you to get grey hair. Go Away Gray contains a high concentration of Catalase along with other special nutrients to help restore your natural hair color, stop the gray hair process, promote thicker, healthier hair and help you look and feel years younger. Use Go Away Gray Conditioner after Go Away Gray Shampoo, and in conjunction with the Go Away Gray pills for optimal results. Use all the products in the Go Away Gray family today and GET RID of your gray hair...Naturally!

v. **Exhibit F, Go Away Gray.com “FAQ” page**

FAQ

WHEN TAKING GO AWAY GRAY, HOW SOON BEFORE YOU BEGIN SEEING RESULTS?

Depending on the individual, Go Away Gray takes between 6-8 weeks to begin noticing results. From then on, it is a gradual change.

HOW DOES GO AWAY GRAY WORK?

Go Away Gray is specially formulated to help reverse and prevent unwanted gray hair. Hydrogen Peroxide is naturally produced by the body, and so is the enzyme Catalase, which works to break down the Peroxide. When your body stops producing enough Catalase, the Hydrogen Peroxide takes over and can bleach the hair from the inside out, causing it to turn gray. Go Away Gray is made with natural ingredients, including Catalase, which helps to prevent and reverse gray hair, while restoring your natural hair color beginning at the roots!

DOES GO AWAY GRAY INTERACT WITH ANY OTHER MEDICATIONS?

We always recommend that you consult your Physician if you have any medical questions or concerns.

HOW DO YOU TAKE GO AWAY GRAY?

Take two (2) capsules/tablets daily with meals

HOW LONG WILL ONE BOTTLE OF GO AWAY GRAY LAST?

There are 60 capsules/tablets per bottle which provides a one month supply.

WHAT IS THE COST?

Go Away Gray is available for \$29.99 per bottle. We do have a Buy Two Get One Free promotion going on now for \$59.98.

vi. **Exhibit G, Go Away Gray.com "Testimonials" page**

It does work! i have been using this product for approximately six month now and i have seen results. Before starting the product my hair was almost completely white and after six plus month of use my hair is salt and pepper areas of new black hairs replacing the white hair. My mustache and eyebrows are about a 50/50 mix and before a product they were completely white. The product has worked for me and i have recommended it to others. Thank you! (JP Melbourne, FL)

Go away gray!! I saw this product in morning show and i tries it for a while now. Now I can really tell a difference. I haven't dyed my hairs since i used the product. The best thing is that now my hair are much fuller and these are less gray hairs. Now a couple of my friend are using this product and they are really satisfied with the product. I absolutely recommend this product to others. (Helen Lam Newton , MA)

* * *

I have been taking Go Away Gray for almost two weeks, and I am starting to notice a difference in my hair. It is coming in fuller, and the roots are darker with color!!!! I hope that I will continue to see results! So far, I am very impressed!! Thank you again!! (Frances C., Newark, DE)

* * *

I had been taking Go Away Gray for a little over a month, when my barber had told me he noticed my natural hair color coming through at the roots! It was a welcomed shock! (James T., Boston, MA)

* * *

I was referred to you by a news story on Go Away Gray in my area. At first, I was skeptical, but in as little as 3 weeks, I noticed changes to my natural hair color! (Joslyn)

* * *

I heard about Go Away Gray on Channell [sic] 11 News, so I bought a bottle for my mom. She took it and could tell a difference within the first two weeks, so I ordered more last week! (K.Wood)

* * *

After hearing and seeing this product on the national news, I thought I would give it a try. I am 60 years old, and about 75% gray. After 2 weeks, I started to notice my hair restoring to its natural color. I am now on my 4th week, and about 60% of my natural color has been restored, and it has been done in a subtle way. (J. Falco)

* * *

I'm delighted to say that 6-7 weeks into Go Away Gray, it seems to be working! I am 59 years old and most of my hair usually grows through 100% bright, shiny silver, without a trace of my old color. But now I can say that, within the 3 weeks since my last trip to the salon for the root color, there must be at least 15-20% growing back with full color. I expect that's just going to get better as the weeks go by. It really is amazing, and there seem to be no side effects whatsoever, except that even my skin doesn't seem quite as pale and frail-looking. (Sarah H./ME)

* * *

I always liked the effect of my blond hi-lites on my light brown hair - but lately my roots were looking more gray and my hair was dry looking. I heard about GO AWAY GRAY on the news and bought some at my local health food store. In a few months my roots started growing out brown again and my hair got healthier and thicker. I will continue using GO AWAY GRAY. (Rosemary A., Shingle Springs, CA)

I started to notice a difference after 12 days, which only got better. I have been getting gray hair on my sides for the past 8 years. The sides are very hard to dye. This product takes away that expense, and it's natural, so I don't have to worry about polluting my body, and the environment with chemicals. I have never written a review before. This product really, really works! (John, Queens,NY)

C. Excerpts from <http://www.wakeupontime.com>

i. Exhibit H, Wake Up On Time.com "Go Away Gray" page

Go Away Gray

Home > Products

New & Improved! Now With 50% More Catalase

"After 3 months of Go Away Gray, I can see white roots coming in darker. I'm very impressed!" D. Heindl

Go Away Gray™ is an all natural supplement specially formulated to prevent & reverse gray hair! Based on scientific studies, this anti-gray formula is a unique gray hair treatment that replenishes the enzyme Catalase, which slowly depletes as we age. Hydrogen peroxide is naturally produced by the body and Catalase breaks it down. If you do not produce enough Catalase, the hydrogen peroxide takes over and bleaches your hair from the inside out, causing it to gray. Go Away Gray contains a high concentration of Catalase, along with other special gray hair vitamins and nutrients created to stop gray hair and to help bring back your natural hair color, while also promoting thicker, healthier hair.

Why cover your gray hairs when you can reverse and prevent them altogether? Take Go Away Gray today and watch YOUR GRAY go away.... Naturally!*

[Page includes three Before and After Shots with the tagline “Go Away Gray”]

- ii. **Exhibit I, Wake Up On Time.com “Go Away Gray Shampoo” page**

Go Away Gray Shampoo

Home > Products

New & Improved! Now With 50% More Catalase

“This shampoo is great! I’m in my 30’s and have been slowly graying for a few years. I tried this shampoo based on reviews and I’m happy that I did. Awesome prevention shampoo! Thanks!” C. Diaz, La Herradura, Mexico

Go Away Gray™ shampoo is an all natural hair care formula specially designed to prevent & reverse gray hair! Based on scientific studies, this anti-gray formula replenishes the enzyme Catalase, which slowly depletes as we age. Hydrogen peroxide is naturally produced by the body and Catalase breaks it down. If you do not produce enough Catalase, the hydrogen peroxide takes over and bleaches your hair from the inside out, causing it to go gray. Go Away Gray contains a high concentration of Catalase, along with other special nutrients to help bring back your natural hair color, while also promoting thicker, healthier hair. Use Go Away Gray today and watch YOUR GRAY go away... Naturally!

- iii. **Exhibit J, Wake Up On Time.com “Go Away Gray Conditioner” page**

Go Away Gray Conditioner

Home > Products

New & Improved! Now With 50% More Catalase

“Go Away Gray Conditioner has made my hair look beautiful again, smooth, silky,

and no frizz. Finally my nice hair is back! Love it!” Rachel S., Sydney, Australia
Go Away Gray™ conditioner is an all natural hair care formula specially designed to prevent & reverse gray hair! Based on scientific studies, this anti-gray formula replenishes the enzyme Catalase, which slowly depletes as we age. Hydrogen peroxide is naturally produced by the body and Catalase breaks it down. If you do not produce enough Catalase, the hydrogen peroxide takes over and bleaches your hair from the inside out, causing it to go gray. Go Away Gray contains a high concentration of Catalase, along with other special nutrients to help bring back your natural hair color, while also promoting thicker, healthier hair. Use Go Away Gray today and watch YOUR GRAY go away... Naturally!

iv. **Exhibit K, Wake Up On Time.com “Testimonials” page**

* * *

“I notice the gray is coming in lighter and seems to be helping my hair...also I notice my health is quite better than it was!”

C. Newton

* * *

“After only taking Go Away Gray for a short time, I have noticed not only a change in my hair color, but my skin as well! I get questions all the time on what I'm doing to bring about this change. It's my secret beauty weapon!”

Patricia W./ New York, NY

“I saw your product Go Away Gray on channel 3 Health Alert and made a purchase of 3 bottles for \$59.90 and I must say WOW! This product truly works! Just recently a friend asked what I had done to my hair, and I had to share my secret! I just wanted to say “thank you”. I have 1 bottle left and I will be making another purchase very soon!”

Tina/Perkasie, PA

* * *

“I saw Go Away Gray on the local news. The Consumer Reports News anchor was giving a review and gave good feedback....so I gave it a try. I am seeing less gray than normal - even my wife is asking what is going on (she's the one with the tweezers plucking). I must admit, I missed a few days, but with this order I won't!”

Darryl S./Tracy CA

“A friend and I started using Go Away Gray on March 11, 2010 (four weeks ago). We had seen a story on it on the local CBS LA news. Unbelievably, it works! This is our second order.”

Elaine S./San Clemente, CA

D. **Excerpts from Go Away Gray YouTube Promotional Video
(Full video and transcript attached as Exhibits L.1 and L.2)**

CATHY BEGGAN: Hi, my name is Cathy Beggan, founder and president of Rise-N-Shine. Do you have a full head of gray hair or is your hair just starting to turn gray? We can help. Go Away Gray is an all-natural supplement designed to reverse gray hair from the root. Simply take two capsules per day and watch the gray go away.

In just eight to ten weeks, your hair will start to grow its natural color right from the root. Sound too good to be true? Well, the way it works is quite simple. Our bodies produce hydrogen peroxide which draws the pigment out of our hair, turning it gray. We also produce an enzyme called catalase that counteracts this. In time, we stop producing enough catalase and the peroxide takes over.

Go Away Gray puts the catalase back into your body and begins to break down the peroxide and brings your natural hair color back.

Go Away Gray is 100 percent natural and has other benefits as well. It contains vitamins and herbs that also promote thicker, healthier hair. Customers all over the world are amazed with the results.

* * *

CATHY BEGGAN: Try Go Away Gray today and watch your gray go away.

E. Excerpts from Rise-N-Shine LLC Press Releases

i. Exhibit M, Rise-N-Shine Releases Go Away Gray™ In New and Improved Formula (Jan. 30, 2014)

Go Away Gray™ is now available in its new formula that provides 50% more Catalase than the previous formula making it the leading anti-gray formula on the market. Before, the largest amount of Catalase available was 5000IU now Go Away Gray™ offers 7,500IU.

Go Away Gray™ is the most effective way to eliminate gray hair, naturally. It contains an active form of Catalase which works to replenish the amount of the enzyme in your body which in turn reverses the growth of gray hair. Regularly taking one pill, twice daily, will put enough Catalase back into your body to keep the hydrogen peroxide from turning your hair gray.

In just one month of the new product being available, customers are seeing more rapid results. "I started to notice a difference after 12 days, which only got better. I have been getting gray hair on my sides for the past 8 years. The sides are very hard to dye. This product takes away that expense, and it's natural, so I don't have to worry about polluting my body, and the environment with chemicals. I have never written a review before. This product really, really works!" - John, Queens, NY

"After taking Go Away Gray for two months the hair on my head that was completely white, has about 50% dark hair coming in now."

ii. **Exhibit N, Rise-N-Shine LLC Announces 96% Success Rate of Go Away Gray™ (Apr. 8, 2014)**

Rise-N-Shine LLC has found an increased success rate of their natural revolutionary product Go Away Gray™, to 96% among consumers.

* * *

After careful review of product use among consumers, Rise-N-Shine LLC is proud to announce a 96% success rate of its revolutionary product Go Away Gray™.

Go Away Gray™ has been clinically proven to eliminate gray hair by getting to the root of the cause. Hair dye only temporarily covers the gray hair, while Go Away Gray™ works to replenish the amount of Catalase your body produces, which then breaks down the hydrogen peroxide in your body that is responsible for turning hair gray.

Go Away Gray™ was the first of its kind to penetrate the market over five years ago. Today, Go Away Gray is still the leading anti-gray hair regimen offering 7500 IUs of Catalase, which is the highest amount on the market.

VIOLATIONS OF THE FTC ACT

13. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce.

14. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

15. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics.

16. For the purposes of Section 12 of the FTC Act, the Go Away Gray dietary supplement is either a “food” or “drug,” and the Go Away Gray shampoo and conditioner are either “drugs” or “cosmetics,” as defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b), (c).

COUNT I

FALSE OR UNSUBSTANTIATED EFFICACY CLAIMS

17. Through the means described in Paragraph 12, Defendants have represented, directly or indirectly, expressly or by implication, that the Go Away Gray products reverse or prevent the formation of gray hair.

18. The representation set forth in Paragraph 17 is false or was not substantiated at the time the representation was made.

19. Therefore, the making of the representation set forth in Paragraph 17 constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT II

FALSE PROOF CLAIMS

20. Through the means described in Paragraphs 12, Defendants have represented, directly or indirectly, expressly or by implication, that the Go Away Gray products are scientifically proven to reverse or prevent the formation of gray hair.

21. The representation set forth in Paragraph 20 is false.

22. Therefore, the making of the representation set forth in Paragraph 20 constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

CONSUMER INJURY

23. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

24. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. §§ 53(b), and the Court's own equitable powers, requests that the Court:

A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including, but not limited to, a preliminary injunction;

B. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including but not limited to, rescission or

reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

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

Respectfully submitted,

JONATHAN NUECHTERLEIN
General Counsel

Dated: May 13, 2015

/s/Phyllis H. Marcus

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