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2	General Counsel		
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7	Attorneys for Plaintiff Federal Trade Commission		
8	IN THE UNITED STAT		
9	FOR THE DISTRI	CT OF ARIZONA	
10		) Case No.	
11	Federal Trade Commission,	) )	
12	Plaintiff,		
13		) COMPLAINT FOR PERMANENT	
14	V.	)INJUNCTION AND OTHER )EQUITABLE RELIEF	
15	TriVita, Inc., an Arizona corporation;	)	
16	Ellison Media Company, an Arizona corporation; Michael R. Ellison,	) )	
17	individually and as an officer of TriVita,		
18	Inc.; and Susan R. Ellison, individually and as an officer of TriVita, Inc.;		
19	Defendants	) )	
20	Defendants.	) )	
21			
22	Plaintiff, the Federal Trade Commission	on ("FTC"), for its Complaint alleges:	
23	1. The FTC brings this action under Sect	ion 13(b) of the Federal Trade Commission	
24	Act ("FTC Act"), 15 U.S.C. § 53(b), to obtain	n permanent injunctive relief, rescission or	
25	reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten		
26	monies, and other equitable relief for Defend	ants' acts or practices in violation of	
27	Sections 5(a) and 12 of the FTC Act, 15 U.S.	C. §§ 45(a) and 52, in connection with the	
28	advertising, marketing, and sale of Nopalea,	which purports to relieve pain, improve	

breathing, and treat a variety of health conditions.

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### **JURISIDICTION AND VENUE**

- 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).
- 3. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).

### **PLAINTIFF**

- 8 4. The FTC is an independent agency of the United States Government created by
- 9 statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C.
- 10  $\| \S 45(a)$ , which prohibits unfair or deceptive acts or practices in or affecting commerce.
- 11 | The FTC also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false
- 12 advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce.
- 13 | 5. The FTC is authorized to initiate federal district court proceedings, by its own
- 14 attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may
- 15 be appropriate in each case, including rescission or reformation of contracts, restitution,
- 16 the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. § 53(b).

## **DEFENDANTS**

- 18 6. Defendant TriVita, Inc. ("TriVita") is an Arizona corporation with its principal
- 19 place of business at 16100 North Greenway Hayden Loop, #950, Scottsdale, AZ 85260.
- 20 TriVita transacts or has transacted business in this district and throughout the United
- 21 States. At all times material to this Complaint, acting alone or in concert with others,
- 22 TriVita has advertised, marketed, distributed, or sold Nopalea to consumers throughout
- 23 | the United States.
- 24 | 7. Defendant Ellison Media Company ("Ellison Media") is an Arizona corporation
- 25 | with its principal place of business at 14804 North Cave Creek Road, Phoenix, AZ
- 26 | 85032. Ellison Media transacts or has transacted business in this district and throughout
- 27 | the United States. At all times material to this Complaint, acting alone or in concert with
- 28 others, Ellison Media has created, prepared, developed, disseminated, or caused to be

- disseminated advertisements for the product at issue in this Complaint.
- 2 \ 8. Defendant Michael R. Ellison ("Michael Ellison") is founder, owner, and the
- 3 President and Chairman of the Board of TriVita. Michael Ellison is also founder,
- 4 President, Chief Executive Officer, and a director of Ellison Media. At all times material
- 5 | to this Complaint, acting alone or in concert with others, Michael Ellison has formulated,
- 6 directed, controlled, had the authority to control, or participated in the acts and practices
- 7 set forth in this Complaint. Michael Ellison resides in this district and, in connection
- 8 with the matters alleged herein, transacts or has transacted business in this district and
- 9 | throughout the United States. Michael Ellison personally appears in the infomercial at
- 10 | issue in this Complaint, asserting his first-hand knowledge of Nopalea's benefits.
- 11 | 9. Defendant Susan R. Ellison ("Susan Ellison") is co-founder, owner, and an officer
- 12 of TriVita. Susan Ellison is also Secretary, Vice-President of Public Relations, and a
- 13 director of Ellison Media. At all times material to this Complaint, acting alone or in
- 14 concert with others, Susan Ellison has formulated, directed, controlled, had the authority
- 15 to control, or participated in the acts and practices set forth in this Complaint. Susan
- 16 | Ellison resides in this district and, in connection with the matters alleged herein, transacts
- 17 | or has transacted business in this district and throughout the United States. Susan Ellison
- 18 personally appears in the infomercial at issue in this Complaint, asserting her first-hand
- 19 | knowledge of Nopalea's benefits.

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### **COMMERCE**

10. 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.

### **<u>DEFENDANTS' BUSINESS ACTIVI</u>TIES**

- 11. Since at least 2009, Defendants have advertised, marketed, labeled, manufactured, distributed, offered for sale, or sold the product "Nopalea."
- 27 | 12. Defendants have promoted Nopalea as an "anti-inflammatory wellness drink."
- 28 | Defendants claim that Nopalea reduces or eliminates the effects of inflammation on the

body, relieves pain, relieves swelling, improves respiration, and provides skin health
benefits.

shipping and handling.

- 13. According to Defendant TriVita, Nopalea contains Nopal cactus, or prickly pear extract, agave nectar, pineapple syrup, and a proprietary blend of ingredients known as "purple haze," which includes grape seed, beet juice powder, and orange juice concentrate. The cost to consumers for one 32-ounce bottle of Nopalea is \$39.99, plus
  - 14. To induce consumers to purchase Nopalea, Defendants have created, prepared, disseminated, or caused to be disseminated, infomercials, advertisements, websites, and other marketing materials, in English and Spanish, including, but not limited to, the attached Exhibits A-I.
  - 15. Since at least December 2009, Defendants have advertised through several versions of an infomercial (the "Nopalea infomercial") that aired on national cable networks such as ABC Family, the Discovery Channel, and Lifetime, and on local stations throughout the United States. The Nopalea infomercial presents product testimonials, images with voiceover, and depictions purporting to explain the "science" of Nopalea, including the images of areas and conditions that Nopalea is purported to treat. Michael and Susan Ellison (collectively, "Individual Defendants") appear in the infomercial and endorse the product. The Nopalea infomercial has at times been one of the top ten most frequently broadcasted infomercials in the United States.
  - 16. Since at least October 2010, Defendants have also advertised Nopalea through print advertisements appearing in nationally-distributed newspapers and other publications, such as USA Today.
- 17. Since at least 2011, Defendants have also advertised and sold Nopalea directly to consumers on the Internet through websites owned and controlled by TriVita, including, but not limited to: www.nopalea.com, www.fightthepainnow.com and www.reduceyourinflammation.com.
- 18. In the Nopalea infomercial, print advertisements, and websites, Defendants

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,			
	display a toll-free telephone number for consumers to purchase Nopalea directly from		
	TriVita. When consumers call the toll-free number, TriVita sales representatives		
	represent that Nopalea relieves pain and provides other health benefits. In numerous		
	instances, TriVita sales representatives claim to consumers that drinking Nopalea will		
	make consumers "pain-free."		
	19. The infomercial, print advertisements, and websites discussed above contain,		
	among other things, the following or similar statements and depictions:		
	a. FEMALE: I had pain and inflammation in my elbow, my wrist, and		
	my arm. And within three weeks of taking Nopalea, I noticed that		
	the pain had disappeared.		
	[On screen in small, opaque text]: TriVita Member. Individual		
	results will vary.		
	MALE: Since I've been taking Nopalea, I do not have any		
	inflammation. My pain has ceased.		
	[On screen in small, opaque text]: TriVita Member.		
	••••		
	ANNOUNCER: The people you just saw all suffered from some		
	sort of pain and discomfort caused by chronic inflammation in the		
	body. Could a natural wellness drink really help people with painful		
	symptoms like –		
	[On screen with depiction of human skeleton highlighting pain		
	areas]: neck pain - back pain - swollen joints - muscle		
	aches - sinus infections - skin disorders - respiratory		
	problems and more?		
	KIMBERLY J.: The tumor was in the pelvis, hip and spine. After		
	the surgery, I had a lot of nerve pain and phantom pain. But then I		

discovered Nopalea.

[Briefly on screen in small, opaque text]: Individual results will vary.

KIMBERLY J: The pain in my hip that would go down my leg is gone. The pain in my spine is gone. And my phantom pain has been significantly reduced.

(Infomercial, Ex. A., p. 4:21-6:22)

b. MICHAEL R. ELLISON: Sitting around a campfire one evening with seven natives, they begin to share with me about the people who have lived in the desert for hundreds of years. They had no modern conveniences like air conditioning, refrigeration or running water. And they lived without modern medicine and drugs. Yet, they not only survived, they thrived without obesity and diabetes and other inflammatory diseases that so many people suffer from today. [On screen]: Michael R. Ellison, Founder, TriVita

When we discovered the healing properties and the science behind the Nopal cactus, I knew we had to make it TriVita's top priority and bring this product to market. We had to get this superfruit, used by the desert natives for hundreds of years, to the many people who are suffering today from symptoms caused by inflammation.

SUSAN ELLISON: I was diagnosed with inflammatory arthritis in my feet and I couldn't walk without excruciating pain.... I started on Nopalea during the product's trial period without much hope, but after just six weeks on Nopalea, I was almost pain-free, and after eight weeks, the redness and swelling was completely gone.

1	[On screen]: Susan Ellison, Co-founder, TriVita
2	
3	(Infomercial, Ex. A, p. 10:5-11:23)
4	
5	c. JOHN W.: I have experienced chronic pain, chronic inflammation
6	due to a condition called ankylosing spondylitis. And as a spin-off
7	of this, I've developed fibromyalgia, as well as facet arthritis. And
8	I've spent the better part of 20 years off and on prescription
9	medication. For me, Nopalea has been a life-changing product
10	[Briefly on screen in small, opaque text]: Individual results will
11	vary.
12	JOHN W.: I've gained back my mobility, I've gained back my
13	flexibility, and more important than that, I've gained back my
14	outlook on life.
15	
16	(Infomercial, Ex. A, p. 21:15-22:2)
17	
18	d. CHERYL TIEGS: A few short months ago, I suffered with
19	inflammation, just like so many of you. The worst was in my hip.
20	Things like stairs and getting out of the car were hard for meThe
21	I heard about NopaleaIn about a month, the pain had diminished
22	dramatically. If you've suffered from inflammation or chronic pain
23	for years, there's something that can help.
24	
25	(Infomercial, Ex. B, p. 8:6-25)
26	
27	e. MELISSA M.: I suffered from acute psoriasis for about ten years of
28	my life, and it's affected every day of my lifeBut then I
	II

discovered Nopalea and I'm so excited about what it's been doing to 1 2 me.... [On screen in small, opaque text]: Individual results will vary. 3 MELISSA M.: I've only been taking it for about two to three 4 months continuously and it's changed my whole body. It changed 5 my skin. My psoriasis is getting so much better. 6 [On screen in small, opaque text]: This product is not intended to 7 treat, diagnose, cure or prevent any disease. 8 MELISSA M.: My scalp is almost all cleared up. And I'm so excited 9 to see it gone....I'm so excited to be free of psoriasis finally after ten 10 11 years. 12 (Infomercial, Ex. A, p. 22:17-23:11) 13 14 f. MALE ANNOUNCER: Dozens of recent scientific studies indicate 15 that the fruit of the Nopal cactus found in the Sonoran Desert can 16 help the body reduce inflammation and gain relief from the painful 17 symptoms caused by it. 18 19 (Infomercial, Ex. A, p. 24:9-13; Ex. B, 20 p. 21-25:). 21 22 23 [On screen]: Brazos Minshew, Chief Science Officer, TriVita g. BRAZOS MINSHEW: Inflammation is the number one problem we 24 face in North America. Interestingly, everything from allergies and 25 Alzheimer's disease to heart disease and diabetes are related to 26 inflammation. We need nutrients every day to help wash away all 27 the toxins that create inflammation. Over 200 articles published and 28

1	archived at the National Institutes of Health demonstrate one thing:
2	the Nopal cactus will reduce inflammation.
3	[Briefly on screen in small, opaque text]: These statements have not
4	been verified by the FDA.
5	
6	(Infomercial, Ex. A, p. 32:15-25)
7	
8	h. "Nopalea helps me
9	beat my pain
10	<b>before</b> it beats me."
11	
12	Each sip is brimming with proven <b>health benefits</b> that help your
13	body:
14	
15	Reduce muscle pain and stiffness
16	Relieve swelling in muscles
17	
18	Get <b>relief</b> today
19	Help <b>protect</b> against health conditions tomorrow.
20	
21	This product is not intended to diagnose, treat, cure or prevent any diseaseYou should not stop taking any medication without first consulting with your healthcare provider.
22	
23	(Newspaper advertisement, Ex. C)
24	
25	i. INFLAMMATION RELIEF
26	WITHOUT A PRESCRIPTION
27	
28	Nopalea – the wellness drink that helps the body:

1	Relieve pain
2	<ul> <li>Reduce swelling in joints and muscles</li> </ul>
3	Improve breathing
4	
5	Daily use helps your body:
6	Reduce inflammation
7	Scientifically PROVEN!
8	
9	(Third-party package insert, Ex. D)
10	
11	j. <b>Can this fruit drink</b>
12	save
13	
14	your life?
15	life?
16	
17	How a new wellness drink helps fight the 'secret
18	killer'
19	The secret killer - revealed!
20	Scientists believe that inflammation the lifesaver that helps
21	you fight off germs, bacteria and viruses is the secret killer. Left
22	alone, it can ravage your arteries, chew up nerve cells in your brain,
23	and lead to all kinds of age-related ailments.
24	Now, researchers at the University of Arizona have confirmed
25	that the healing properties of the Nopal cactus found only in the
26	Sonoran Desert in the southwest - can help fight off harmful
27	inflammation and restore cellular health.
28	The key is a rare and potent class of antioxidants called

4	"hotaloine" found incide the Nonel fruit. For contuning hotaloing and
1	"betalains" found inside the Nopal fruit. For centuries, betalains are
2	believed to be perhaps the best natural anti-inflammatory agents on
3	the planet.
4	The power of Nopalea
5	For the first time, you can harness the proven health benefits
6	of this powerful antioxidant in a delicious, natural fruit drink.
7	Nopalea stands with you in your daily battle for good health.
8	
9	Fights inflammation
10	<ul> <li>Helps relieve muscle, joint &amp; bone discomfort</li> </ul>
11	• Supports heart health
12	Improves breathing
13	
14	From 'complete agony' to a glorious pain-free life!*
15	Melody C, TriVita Member - Denver, CO
16	"I had surgery for three collapsed vertebrae which caused
17	severe inflammation. I tried Nopalea and the results were dramatic.
18	I'm no longer in pain. You won't see me walking with a limp."
19	
20	"my breathing problems were significantly
21	reduced."*
22	Robyne T., TriVita Member - Surrey, BC
23	"I have suffered from chronic breathing problems for most of
24	my life. A friend introduced me to Nopalea. My breathing problems
25	were significantly reduced. Nopalea has helped me live a fuller life.'
26	
27	*Results not typical. Your results may vary.
28	(USA Today advertisement, Ex. E)

1	k.	[Depiction of female in white lab coat]
2		
3		For years, I suffered from unbearable stiffness in my hands
4		
5		"How I BEAT The Pain That
6		Almost Ended My Career"
7		····
8		For nine long years, I lived in sheer agony. I suffered from inflammation and horrible stiffness in my hands.
9		
10		So naturally, I tried out about every pain remedy and
11		topical cream on the market. Nothing worked. The pain was
12		getting worse and worse.  So for all these years, I got by on a steady regimen of over-
13		the-counter pills. The pain in my hands got so bad that I started
14		taking pain relievers 2-3 times a day.
15		I kept taking 3 ounces of <b>Nopalea twice a day and after about</b>
16		several days, I could perform my duties 95% pain free! Even the
17		doctors I worked with were amazed at my improvement.
18		*Affiliate Members may receive commission on the sale of TriVita products.
19		This product is not intended to diagnose, treat, cure or prevent any diseasesYou should not stop taking any medications without first consulting with your healthcare provider.
20		nedications without first consulting with your nearthcare provider.
21		(Newspaper advertisement, Ex. F)
22		. 1
23	1.	more movement. less pain.
24		
25		(www.nopalea.com, landing webpage
26		[Nov. 4, 2013], Ex. G)
27		
28	m.	"My doctor found evidence of scarring on my lungs so I took
-		

1		NopaleaI realized I was breathing deeply. It felt great!" -Barbara
2		B.
3		(www.trivita.com, Nopalea purchase
4		webpage [April 28, 2011], Ex. H)
5		
6	n.	Do you suffer from inflammation and its related health
7		problems?
8		Muscles, joint and body inflammation – <i>causing joint</i> , <i>muscle and body pain</i>
9		Respiratory inflammation – <i>causing allergies and breathing</i>
10		difficulties
11 12		Arterial inflammation – causing heart health problems
13		Disastive treat inflammation and the time and and
14		Digestive tract inflammation – <i>causing bloating</i> , <i>cramps and burning</i>
15		Widespread body cell inflammation – <i>causing overall fatigue</i>
16		
17		Discover Nopalea –
18		a natural solution to inflammation
19		Nutrients in Nopalea help your
20		body neutralize its inner toxins and reduce its inflammation.
21		and reduce its inflammation.
22		••••
23		These statements have not been diagnosed by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any diseasesYou should not stop taking any medications without first
24		consulting with your healthcare provider.
25		(www.minopalea.com, landing webpage
26		[Sept. 23, 2013], translated from
27		Spanish, Ex. I)
28		

#### **VIOLATIONS OF THE FTC ACT** 1 2 20. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce." 3 21. Misrepresentations or deceptive omissions of material fact constitute deceptive 4 acts or practices prohibited by Section 5(a) of the FTC Act. 5 22. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any 6 false advertisement in or affecting commerce for the purpose of inducing, or which is 7 likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the 8 purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, Nopalea is either a "food" or 9 "drug" as defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b), (c). 10 **COUNT I** 11 **Unsubstantiated Health Claims** 12 23. Through the means described in Paragraphs 11-19, Defendants have represented, 13 directly or indirectly, expressly or by implication, that: 14 Drinking Nopalea significantly reduces or eliminates the effects of 15 a. 16 inflammation on the body; b. Drinking Nopalea provides significant relief from pain, including, but not 17 limited to, chronic pain, joint pain, back pain, nerve pain, phantom pain, 18 and pain from inflammation, arthritis, fibromyalgia, surgical procedures, 19 and other conditions; 20 Drinking Nopalea significantly reduces or relieves swelling of joints and 21 c. 22 muscles; d. Drinking Nopalea significantly improves breathing and/or provides 23 24 significant relief from respiratory conditions, including, but not limited to, 25 sinus infections; and Drinking Nopalea provides significant relief from skin conditions, e. 26 including, but not limited to, psoriasis. 27

The representations set forth in Paragraph 23 were not substantiated at the time

24.

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	1		
1	the representations were made.		
2	25. Therefore, the making of the representations as set forth in Paragraph 23 of the		
3	Complaint constitutes a deceptive act or practice and the making of false advertisements,		
4	in or a	affectin	g commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C.
5	§§ 45	(a) and	52.
6			<u>COUNT II</u>
7			False Establishment Claims
8	26.	Throu	gh the means described in Paragraphs 11-19, Defendants have represented,
9	direct	ly or in	directly, expressly or by implication, that:
10		a.	Scientific studies prove that drinking Nopalea significantly reduces or
11			eliminates the effects of inflammation on the body;
12		b.	Scientific studies prove that drinking Nopalea provides significant relief
13			from pain, including, but not limited to, chronic pain, joint pain, back pain,
14			nerve pain, phantom pain, and pain from inflammation, arthritis,
15			fibromyalgia, surgical procedures, and other conditions; and
16		c.	Scientific studies prove that drinking Nopalea significantly reduces or
17			relieves swelling of joints and muscles.
18	27.	In fac	t:
19		a.	Scientific studies do not prove that drinking Nopalea significantly reduces
20			or eliminates the effects of inflammation on the body;
21		b.	Scientific studies do not prove that drinking Nopalea provides significant
22			relief from pain, including, but not limited to, chronic pain, joint pain, back
23			pain, nerve pain, phantom pain, and pain from inflammation, arthritis,
24			fibromyalgia, surgical procedures, and other conditions; and
25		c.	Scientific studies do not prove that drinking Nopalea significantly reduces
26			or relieves swelling of joints and muscles;
27	28.	There	fore, the making of the representations as set forth in Paragraph 26
28	consti	tutes 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 III**

## **Deceptive Representations Regarding Endorsers**

29. Through the means described in Paragraph 11-19, Defendants have presented testimonials for Nopalea by consumer endorsers who purportedly derived health benefits in the ordinary course of using the product. Defendants have failed to adequately disclose that the endorsers are "Independent TriVita Business Owners" who receive commission on the sale of Defendants' products. Therefore, the failure to disclose this fact, in light of the representation made, constitutes a deceptive 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**

30. 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.

## THE COURT'S POWER TO GRANT RELIEF

31. 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**

32. Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. §

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	II .		
1	53(b), and the Cour	t's own equitable j	powers, requests that the Court:
2	a.	Enter a permaner	at injunction to prevent future violations of the FTC
3		Act by Defendan	ts;
4	b.	Award such relie	f as the Court finds necessary to redress injury to
5		consumers result	ting from Defendants' violations of the FTC Act,
6		including, but not	t limited to, rescission or reformation of contracts,
7		restitution, the re-	fund of monies paid, and the disgorgement of ill-
8		gotten monies; an	nd
9	c.	Award Plaintiff th	he costs of bringing this action, as well as such
10		other and addition	nal relief as the Court may determine to be just and
11	*	proper.	
12			Respectfully submitted,
13			Jonathan E. Nuechterlein
14			General Counsel
15		10 0	10 - 0 10
16	Dated:	10,2014	Nicholas M. May (DC Bar 979734)
17			Federal Trade Commission 10877 Wilshire Blvd., Suite 700
18			Los Angeles, CA 90024 Facsimile: (310) 824-4380
19			E-mail: nmay@ftc.gov Telephone: (310) 824-4343
20			
21			Attorneys for Plaintiff Federal Trade Commission
22			
23			
24			
25 26			
27			
28			

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1		OFFICIAL TRANSCRIPT PROCEEDING
2		FEDERAL TRADE COMMISSION
3		
4	MATTER NO.	1223185
5	TITLE	TRIVITA, INC.
6	DATE	RECORDED: DATE UNKNOWN
		TRANSCRIBED: SEPTEMBER 6, 2013
7		
	PAGES	1THROUGH 48
8		
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		NOPALEA VIDEO
11		NOPALEA V1-015709
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24		For The Record, Inc.
25	(301) 870-	8025 - www.ftrinc.net - (800) 921-5555

1	FEDERAL TRADE COMMISSION	
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1	FEDERAL TRADE COMMISSION
2	
3	In the Matter of: )
4	) Matter No. 1223185
5	TriVita, Inc.
6	)
7	Date Unknown
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12	The following transcript was produced from a
13	CD-Rom provided to For The Record, Inc. on August 22,
14	2013.
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1	PROCEEDINGS
2	
3	NOPALEA VIDEO - NOPALEA V1-015709
4	ON SCREEN: The following is a paid
5	presentation for Nopalea
6	the anti-inflammatory wellness drink from
7	TriVita.
8	The following statements have not been
9	evaluated by the Food and Drug Administration. This
10	product is not intended to treat, diagnose, cure or
11	prevent disease.
12	MALE ANNOUNCER: The following program is
13	brought to you by Nopalea, the anti-inflammatory wellness
14	drink by TriVita.
15	ON SCREEN: learn how you can receive 1
16	32oz. bottle FREE!
17	MALE ANNOUNCER: Stay tuned to learn how you
18	can receive a 32-ounce bottle of Nopalea free.
19	ON SCREEN: TriVita Member
20	Individual results will vary.
21	UNIDENTIFIED FEMALE: I had pain and
22	inflammation in my elbow, my wrist and my arm. And
23	within three weeks of taking Nopalea, I noticed that the
24	pain had disappeared.
25	ON SCREEN: TriVita Member

1	Individual results will vary.
2	UNIDENTIFIED MALE: I love the product, I love
3	how it tastes, how it makes me feel.
4	ON SCREEN: TriVita Member
5	UNIDENTIFIED FEMALE: There's just no way you
6	can taste Nopalea and not love it.
7	ON SCREEN: TriVita Member
8	UNIDENTIFIED MALE: Since I've been taking
9	Nopalea, I do not have any inflammation. My pain has
10	ceased.
11	ON SCREEN: TriVita Member
12	UNIDENTIFIED FEMALE: Once I started taking
13	this for four or five days, it was great. I'm back doing
14	my yoga, back walking the dog every day and taking the
15	Pilates.
16	MALE ANNOUNCER: The people you just saw all
17	suffered from some sort of pain and discomfort caused by
18	chronic inflammation in the body. Could a natural
19	wellness drink really help people with painful symptoms
20	like
21	ON SCREEN neck pain
22	back pain
23	swollen joints
24	muscle aches
25	sinus infections

1	skin disorders
2	respiratory problems
3	and more
4	MALE ANNOUNCER: chronic neck and back pain,
5	swollen joints and muscle aches, or how about even sinus
6	infections, skin disorders, respiratory problems and
7	more?
8	Well, stay tuned to discover a new and natural
9	anti-inflammatory wellness drink that's changing people's
10	lives.
11	ON SCREEN: Kimberly J.
12	Mesa, AZ
13	KIMBERLY J.: The tumor was in the pelvis, hip
14	and spine. After the surgery, I had a lot of nerve pain
15	and phantom pain. But then I discovered Nopalea.
16	ON SCREEN: Individual results will vary.
17	KIMBERLY J.: A man from church gave me a
18	bottle and I began taking it in the morning and at night,
19	and within four weeks, I've noticed a dramatic change in
20	my pain. The pain in my hip that would go down my leg is
21	gone. The pain in my spine is gone. And my phantom pain
22	has been significantly reduced.
23	MALE ANNOUNCER: The real stories you are
24	hearing all have one thing in common
25	ON SCREEN: relief from chronic inflammation

1	in the body
2	MALE ANNOUNCER: relief from chronic
3	inflammation in the body.
4	Today, medical experts and scientists are
5	searching for solutions to help combat chronic
6	inflammation of the body like never before.
7	ON SCREEN: Time Magazine
8	Visit time.com and put "The Secret Killer" in
9	their search box on the home page to find and read the
10	archived article from 2004. See what they were saying 5
11	years ago about the surprising links between
12	inflammation and diseases. Plus, what you can do to
13	help fight it!
14	MALE ANNOUNCER: In fact, a recent major
15	publication covered the dangers of high levels of
16	inflammation in the body and how it's now being linked to
17	so many different illnesses and diseases.
18	However, now there is a natural alternative
19	that can help the body reduce chronic inflammation
20	without the worries of negative side effects.
21	ON SCREEN: nopalea
22	MALE ANNOUNCER: Nopalea, made directly from
23	the natural rich fruit of the Sonoran Desert's Nopal
24	cactus. This amazing cactus survives the extreme hot and
25	dry conditions of the Sonoran Desert, and its vital

1	nutrients can help you, too.
2	ON SCREEN: Brazos Minshew
3	Chief Science Officer, TriVita
4	BRAZOS MINSHEW: The Nopal cactus grown in the
5	Sonoran Desert, the harshest environment on the planet,
6	has to develop an extraordinary reserve of betalains in
7	order to survive.
8	ON SCREEN: These statements have not been
9	verified by the FDA.
10	BRAZOS MINSHEW: When people and animals eat
11	the fruit, they get these betalains that drive down the
12	inflammation in their bodies.
13	We need nutrient protection every day to help
14	our body wash away toxins and build our defenses.
15	ON SCREEN: Betalains
16	Unhealthy cells
17	BRAZOS MINSHEW: Betalains in Nopalea are
18	rushed to the cells where they help target unhealthy
19	cells. Betalains support your body as you heal. They
20	quench runaway inflammation and help the cells return to
21	vibrant health.
22	ON SCREEN: Healthy cells
23	Macrophage
24	MALE ANNOUNCER: Unless a cell is too toxic to
25	be saved, then macrophages scavenge the toxic cell and

1 takes it away. This leaves our cells and our body full 2 of energy. 3 MALE ANNOUNCER: Finally, a product that can 4 help your body reduce painful symptoms caused by 5 inflammation, and it comes in the form of a great-tasting 6 wellness drink. 7 ON SCREEN: TriVita Member 8 UNIDENTIFIED FEMALE: Nopalea is delicious. We 9 all absolutely love the taste of Nopalea. 10 ON SCREEN: TriVita Member 11 UNIDENTIFIED FEMALE: It's very sweet and fruity. My children love the taste as well. 12 13 ON SCREEN: TriVita Member 14 UNIDENTIFIED MALE: It's Nopalicious. 15 ON SCREEN: TriVita Member 16 UNIDENTIFIED FEMALE: I love the taste of 17 Nopalea. The first time I tried it, I was surprised. It 18 is exceptional. 19 ON SCREEN: Michael R. Ellison 20 Founder, TriVita MICHAEL R. ELLISON: Susan and I have lived 21 here in the Sonoran desert for nearly 30 years. We've 22 23 enjoyed the desert lifestyle and the amenities it offers,

but we have never thought of it as an oasis of wellness.

ON SCREEN: Michael and Susan Ellison founded

9

24

25

1 TriVita in 1999. 2 MICHAEL R. ELLISON: Then I made a trip into 3 the Sonoran Desert in Mexico where I made an amazing 4 discovery. 5 Sitting around a campfire one evening with seven natives, they begin to share with me about the 6 7 people who have lived in the desert for hundreds of 8 years. They had no modern conveniences like air 9 conditioning, refrigeration or running water. And they lived without modern medicine and drugs. Yet, they not 10 11 only survived, they thrived without obesity and diabetes 12 and other inflammatory diseases that so many people 13 suffer from today. They told me the secret to their wellness was the healing plants of the Sonoran Desert. 14 ON SCREEN: Dave Morris 15 16 Ethnobotanist DAVE MORRIS: For centuries, the Native 17 American people have been using the plants of the Sonoran 18 19 Desert for food, medicine, spiritual needs. Prickly pear 20 cactus or the Nopal is a good example of that. The 21 flowers are edible, the fruit a great protein source, vitamin C source, and has those nice betalains in there 22 23 that help chase down those free radicals in the body, help to stop inflammation in the body. 24 25 The aridity of this area, a harsh desert

1 environment, is actually what made the plants adapt and 2 gives them a lot of their wonderful healing properties 3 here in the Sonoran Desert. 4 MICHAEL R. ELLISON: When we discovered the 5 healing properties and the science behind the Nopal 6 cactus, I knew we had to make it TriVita's top priority 7 and bring this product to market. We had to get this 8 superfruit, used by the desert natives for hundreds of 9 years, to the many people who are suffering today from 10 symptoms caused by inflammation. 11 ON SCREEN: Susan Ellison Co-founder, TriVita 12 SUSAN ELLISON: I was diagnosed with 13 inflammatory arthritis in my feet and I couldn't walk 14 without excruciating pain. Being physically fit has 15 16 always been very important to me, but I had to give up my 17 treadmill workouts. I was facing surgery and I needed to use a crutch more and more often. I even had to switch 18 19 to comfort shoes. 20 I started on Nopalea during the product's trial period without much hope, but after just six weeks on 21 22 Nopalea, I was almost pain-free, and after eight weeks, 23 the redness and swelling was completely gone. Today, I am back in the gym on my treadmill pain-free and power 24 25 shopping wearing stylish shoes and loving it.

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1	I know that pain can rob you of quality of
2	life. If you have inflammatory pain issues, I would
3	encourage you to give Nopalea a chance.
4	ON SCREEN: Call NOW for YOUR FREE 32oz.
5	bottle!
6	TriVita
7	experience wellness
8	Call Now!
9	FREE 32oz. bottle! (Just Pay S&H)
10	MALE ANNOUNCER: Call now and ask how you can
11	try Nopalea absolutely free. Nopalea is a natural anti-
12	inflammatory drink that helps the body put out the fire
13	on inflammation. Every day, millions of people suffer
14	from painful and uncomfortable symptoms caused by
15	elevated inflammation levels.
16	ON SCREEN: pain in the back neck hands
17	legs & feet
18	pain caused by fatigue
19	respiratory and breathing difficulties
20	sinus flare ups skin conditions
21	nerve damage
22	TriVita
23	experience wellness
24	Call Now!
25	FREE 32oz. bottle! (Just Pay S&H)

1	MALE ANNOUNCER: Symptoms including pain in the
2	back, neck, hands, legs and feet. Pain that is caused by
3	fatigue, respiratory and breathing difficulties, sinus
4	flare-ups, skin conditions, nerve damage and more.
5	ON SCREEN:
6	TriVita
7	experience wellness
8	Call Now!
9	FREE 32oz. bottle! (Just Pay S&H)
10	MALE ANNOUNCER: Now, there is an all-natural
11	product that can help the body reduce chronic
12	inflammation with no negative side effects.
13	ON SCREEN: nopalea
14	TriVita
15	experience wellness
16	Call Now!
17	FREE 32oz. bottle! (Just Pay S&H)
18	MALE ANNOUNCER: Nopalea is made directly from
19	the natural, rich fruit of the Sonoran Desert's Nopal
20	cactus. This amazing cactus survives the extreme hot and
21	dry conditions of the Sonoran Desert, and it can help
22	you, too.
23	ON SCREEN: try it free!
24	TriVita
25	experience wellness

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4	try Nopalea absolutely free.
5	ON SCREEN:
6	TriVita
7	experience wellness
8	Call Now!
9	FREE 32oz. bottle! (Just Pay S&H)
10	UNIDENTIFIED FEMALE: A man from church gave me
11	a bottle and I began taking it in the morning and at
12	night, and within four weeks, I've noticed a dramatic
13	change in my pain.
14	UNIDENTIFIED MALE: For me, Nopalea has been a
15	life-changing product that I just can't say enough
16	positive things about it, and I would encourage any
17	person to simply give Nopalea a try.
18	UNIDENTIFIED FEMALE: I've only been taking it
19	for about two to three months continuously, and it's
20	changed my whole body. It changed my skin. My psoriasis
21	is getting so much better. My scalp is almost all
22	cleared up.
23	MALE ANNOUNCER: Scientists and medical experts
24	now say these pain-related symptoms
25	ON SCREEN: neck pain back pain muscle

1	aches
2	nerve damage joint pain sinus flare ups
3	skin conditions foot pain fatigue
4	respiratory problems
5	INFLAMMATION
6	TriVita
7	experience wellness
8	Call Now!
9	FREE 32oz. bottle! (Just Pay S&H)
10	MALE ANNOUNCER: can all be linked to one
11	common factor, chronic inflammation. In fact, a leading
12	publication referred to chronic inflammation as the
13	secret killer, revealing inflammation is on the increase,
14	causing pain, discomfort and a host of dangerous
15	diseases.
16	ON SCREEN:
17	TriVita
18	experience wellness
19	Call Now!
20	FREE 32oz. bottle! (Just Pay S&H)
21	MALE ANNOUNCER: Nopalea is a natural anti-
22	inflammatory drink that helps the body put out the fire
23	on inflammation. If you're suffering from any type of
24	pain or discomfort or maybe you have another type of
25	symptom that you think might be caused by inflammation

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1	ON SCREEN: the nopalea WELLNESS CHALLENGE
2	TriVita
3	experience wellness
4	Call Now!
5	FREE 32oz. bottle! (Just Pay S&H)
6	MALE ANNOUNCER: we invite you to take the
7	Nopalea wellness challenge today.
8	ON SCREEN:
9	TriVita
10	experience wellness
11	Call Now!
12	FREE 32oz. bottle! (Just Pay S&H)
13	MALE ANNOUNCER: People everywhere are taking
14	the Nopalea wellness challenge and experiencing
15	remarkable results. And, now, you can, too.
16	ON SCREEN: nopalea
17	TriVita
18	experience wellness
19	Call Now!
20	FREE 32oz. bottle! (Just Pay S&H)
21	MALE ANNOUNCER: In fact, we're so confident
22	that Nopalea can help relieve your symptoms
23	ON SCREEN: the nopalea WELLNESS CHALLENGE
24	FREE!
25	TriVita

1	experience wellness
2	Call Now!
3	FREE 32oz. bottle! (Just Pay S&H)
4	MALE ANNOUNCER: we want you to take the
5	Nopalea wellness challenge free. Call now and ask to
6	take the challenge
7	ON SCREEN: 1 FREE! 32 oz. Bottle
8	TriVita
9	experience wellness
10	Call Now!
11	FREE 32oz. bottle! (Just Pay S&H)
12	MALE ANNOUNCER: and receive one 32-ounce
13	bottle of Nopalea absolutely free.
14	ON SCREEN: the nopalea WELLNESS CHALLENGE
15	THE SECRET KILLER
16	TriVita
17	experience wellness
18	Call Now!
19	FREE 32oz. bottle! (Just Pay S&H)
20	MALE ANNOUNCER: Plus, we'll send you the
21	Secret Killer special report that explains the dangers of
22	inflammation and how you can get relief from its painful
23	symptoms. You'll also receive an audio CD that explains
24	the science behind the betalains found in the Nopal
25	superfruit.

1	ON SCREEN: the nopalea WELLNESS CHALLENGE
2	TriVita
3	experience wellness
4	Call Now!
5	FREE 32oz. bottle! (Just Pay S&H)
6	MALE ANNOUNCER: To take the Nopalea wellness
7	challenge, all you need to do is
8	ON SCREEN: drink 3 to 6 oz. Each day
9	TriVita
10	experience wellness
11	Call Now!
12	FREE 32oz. bottle! (Just Pay S&H)
13	MALE ANNOUNCER: drink three to six ounces
14	of Nopalea each day until your bottle is empty
15	ON SCREEN: track your progress
16	TriVita
17	experience wellness
18	Call Now!
19	FREE 32oz. bottle! (Just Pay S&H)
20	MALE ANNOUNCER: track your progress on a
21	simple form, cover a small fee for shipping and handling.
22	ON SCREEN: It's that simple,
23	so call NOW!
24	TriVita
25	experience wellness

1	Call Now!
2	FREE 32oz. bottle! (Just Pay S&H)
3	MALE ANNOUNCER: It's that simple. So, call
4	now and take the challenge.
5	ON SCREEN:
6	TriVita
7	experience wellness
8	Call Now!
9	FREE 32oz. bottle! (Just Pay S&H)
10	MALE ANNOUNCER: You've heard from people who
11	have experienced incredible results from Nopalea. Don't
12	suffer another day, take the Nopalea wellness challenge
13	right now by calling the number on your screen.
14	Nopalea is helping people improve their quality
15	of life by helping the body reduce chronic inflammation.
16	Here's another amazing story of how Nopalea helped a
17	woman overcome daily intense pain from a disabling car
18	accident and back to enjoying her passion for horse
19	riding.
20	ON SCREEN: Melody C.
21	Denver, NC
22	MELODY C.: In 2002, I had three vertebras to
23	collapse in my neck and had to have surgery for that.
24	And I was down for a year and a half. And the things I
25	really miss about that is being able to go to the barn

1 and saddle up and really groom the horses and do things 2 with Caleb and actually ride and go on the long trail 3 rides. Then I found Nopalea. A good friend of mine 5 I've known for 17 years introduced me to the product. I 6 was very skeptical at first because I tried a lot of 7 products. Within three weeks, I could notice a 8 difference. I was moving better. Within five weeks, I 9 was pain-free on the product. 10 ON SCREEN: Individual results will vary. 11 MELODY C.: Thanks to Nopalea, I have a better quality of life. I don't have inflammation in my body. 12 13 I'm mountain biking, I'm exercising. I'm feeling better. My sugar levels are better, my diabetes is better. 14 15 ON SCREEN: This product is not intended to 16 treat, diagnose, cure or prevent any disease. 17 MELODY C.: I just have a better quality of life all around. 18 19 Actually, my husband gets kind of aggravated 20 that I don't get all the things done around the house 21 because me and my son are out riding and stuff, because I feel so much better that it's like, well, that will be 22

there tomorrow, I'd rather go out riding with my son and

doing things with my son instead of being around the

house and doing the housework.

23

24

25

1	ON SCREEN: Melody C.
2	Denver, NC
3	MELODY C.: I just feel so much better on
4	Nopalea, that can wait. Let's go ride horses.
5	ON SCREEN: Robin S. RN
6	Denver, NC
7	ROBIN S.: As a registered nurse, Melody came
8	to me and asked me my opinion about the Nopalea. I did
9	research, went to an event on it, was very impressed.
10	Since that time, I have been taking the Nopalea. Its
11	anti-inflammatory agents are fabulous.
12	ON SCREEN: nopalea
13	ON SCREEN: John W.
14	Spokane, WA
15	JOHN W.: I have experienced chronic pain,
16	chronic inflammation due to a condition called ankylosing
17	spondylitis. And as a spin-off of this, I've developed
18	fibromyalgia, as well as facet arthritis. And I spent
19	the better part of 20 years off and on prescription
20	medications.
21	For me, Nopalea has been a life-changing
22	product that I just can't say enough positive things
23	about it.
24	ON SCREEN: Individual results will vary.
25	JOHN W.: I've gained back my mobility, I've

- gained back my flexibility, and more important than that,
- 2 I've gained back my outlook on life. And I would
- 3 encourage any person to simply give Nopalea a try. It's
- 4 the best thing I think that you could do for yourself.
- 5 It's helped me. It's helped people I've shared it with.
- 6 And you just can't go wrong giving such a wonderful
- 7 product a shot.
- 8 MALE ANNOUNCER: Nopalea is made directly from
- 9 the natural rich superfruit of the Sonoran Desert's Nopal
- 10 cactus. This cactus survives one of the world's harshest
- 11 desert regions, and its key nutrients can help you, too.
- 12 Nopalea is dramatically helping people find relief from
- painful symptoms caused by chronic inflammation of the
- 14 body.
- ON SCREEN: Melissa M.
- 16 Prescott, AZ
- 17 MELISSA M.: I suffered from acute psoriasis
- 18 for about ten years of my life, and it's affected every
- day of my life, from people coming up to me and just
- asking what's wrong, people that don't even know me, just
- 21 wanting to know why my skin looks the way it does.
- 22 But then I discovered Nopalea and I'm so
- excited about what it's been doing to me.
- 24 ON SCREEN: Individual results will vary.
- 25 MELISSA M.: I've only been taking it for about

- two to three months continuously and it's changed my 1 2 whole body. It changed my skin. My psoriasis is getting 3 so much better. 4 ON SCREEN: This product is not intended to 5 treat, diagnose, cure or prevent any disease. 6 MELISSA M.: My scalp is almost all cleared up. 7 And I'm so excited to see it gone. I can't wait until my 8 skin's clear and I don't have lesions all over my body, I 9 don't have this disease-looking thing all over my body. I'm so excited to be free of psoriasis finally after ten 10 11 years. 12 I haven't -- there was no hope for me any more 13 because I tried everything and it didn't work. And then Nopalea came around and I was like, all right, you know, 14 15 I'll try it, I'll try anything. And it is, it's working, 16 it's working great. And it makes -- it gives me more energy during the days, it makes me sleep better at 17 nights, and it's the only thing I can find that doesn't 18 19 have side effects. 20 I would highly recommend Nopalea to anyone who has inflammation. It's worked for me, it's worked for 21
  - avoid and reduce chronic inflammation --

experts today are discovering the need to help the body

MALE ANNOUNCER: Many scientists and medical

others, and it can work for you, too.

22

23

24

25

1	ON SCREEN: Time Magazine
2	Visit time.com and put "The Secret Killer" in
3	their search box on the home page to find and read the
4	archived article from 2004. See what they were saying 5
5	years ago about the surprising links between
6	inflammation and diseases. Plus, what you can do to
7	help fight it!
8	MALE ANNOUNCER: that can lead to painful
9	symptoms and even disease. Dozens of recent scientific
10	studies indicate that the fruit of the Nopal cactus found
11	in the Sonoran Desert can help the body reduce
12	inflammation and gain relief from the painful symptoms
13	caused by it.
14	ON SCREEN: Brazos Minshew
15	Chief Science Officer, TriVita
16	BRAZOS MINSHEW: When we have sick people, we
17	always ask the same question. What makes sick people
18	sick? And we look at inflammation as being the thing
19	that ties together so many of these disorders.
20	ON SCREEN: These statements have not been
21	verified by the FDA.
22	BRAZOS MINSHEW: But a very insightful study
23	asked a different question. What keeps healthy people
24	well and how can we be like them?
25	What we discovered is the healthier a person

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1	was, the lower their level of inflammation. And that
2	when we consume the Nopal cactus superfruit, we can drive
3	down that inflammation and achieve the biomarkers of
4	wellness.
5	ON SCREEN: Call NOW for YOUR FREE 32oz.
6	bottle!
7	TriVita
8	experience wellness
9	Call Now!
10	FREE 32oz. bottle! (Just Pay S&H)
11	MALE ANNOUNCER: Call now and ask how you can
12	try Nopalea absolutely free. Nopalea is a natural anti-
13	inflammatory drink that helps the body put out the fire
14	on inflammation. Every day, millions of people suffer
15	from painful and uncomfortable symptoms caused by
16	elevated inflammation levels.
17	ON SCREEN: pain in the back neck hands
18	legs & feet
19	pain caused by fatigue
20	respiratory and breathing difficulties
21	sinus flare ups skin conditions
22	nerve damage
23	TriVita
24	experience wellness
25	Call Now!

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24	ON SCREEN: try it free!
25	TriVita

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20	for about two to three months continuously, and it's
21	changed my whole body. It changed my skin. My psoriasis
22	is getting so much better. My scalp is almost all
23	cleared up.
24	MALE ANNOUNCER: Scientists and medical experts
25	now say these pain-related symptoms

## 

1	ON SCREEN: neck pain back pain muscle
2	aches
3	nerve damage joint pain sinus flare ups
4	skin conditions foot pain fatigue
5	respiratory problems
6	INFLAMMATION
7	TriVita
8	experience wellness
9	Call Now!
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11	MALE ANNOUNCER: can all be linked to one
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14	secret killer, revealing inflammation is on the increase
15	causing pain, discomfort and a host of dangerous
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17	ON SCREEN:
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24	on inflammation. If you're suffering from any type of
25	pain or discomfort or maybe you have another type of

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3	TriVita
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15	the Nopalea wellness challenge and experiencing
16	remarkable results. And, now, you can, too.
17	ON SCREEN: nopalea
18	TriVita
19	experience wellness
20	Call Now!
21	FREE 32oz. bottle! (Just Pay S&H)
22	MALE ANNOUNCER: In fact, we're so confident
23	that Nopalea can help relieve your symptoms
24	ON SCREEN: the nopalea WELLNESS CHALLENGE
25	FREE!

1	TriVita
2	experience wellness
3	Call Now!
4	FREE 32oz. bottle! (Just Pay S&H)
5	MALE ANNOUNCER: we want you to take the
6	Nopalea wellness challenge free. Call now and ask to
7	take the challenge
8	ON SCREEN: 1 FREE! 32 oz. Bottle
9	TriVita
10	experience wellness
11	Call Now!
12	FREE 32oz. bottle! (Just Pay S&H)
13	MALE ANNOUNCER: and receive one 32-ounce
14	bottle of Nopalea absolutely free.
15	ON SCREEN: the nopalea WELLNESS CHALLENGE
16	THE SECRET KILLER
17	TriVita
18	experience wellness
19	Call Now!
20	FREE 32oz. bottle! (Just Pay S&H)
21	MALE ANNOUNCER: Plus, we'll send you the
22	Secret Killer special report that explains the dangers of
23	inflammation and how you can get relief from its painful
24	symptoms. You'll also receive an audio CD that explains
25	the science behind the betalains found in the Nopal

1	superfruit.
2	ON SCREEN: the nopalea WELLNESS CHALLENGE
3	TriVita
4	experience wellness
5	Call Now!
6	FREE 32oz. bottle! (Just Pay S&H)
7	MALE ANNOUNCER: To take the Nopalea wellness
8	challenge, all you need to do is
9	ON SCREEN: drink 3 to 6 oz. Each day
10	TriVita
11	experience wellness
12	Call Now!
13	FREE 32oz. bottle! (Just Pay S&H)
14	MALE ANNOUNCER: drink three to six ounces
15	of Nopalea each day until your bottle is empty
16	ON SCREEN: track your progress
17	TriVita
18	experience wellness
19	Call Now!
20	FREE 32oz. bottle! (Just Pay S&H)
21	MALE ANNOUNCER: track your progress on a
22	simple form, cover a small fee for shipping and handling.
23	ON SCREEN: It's that simple,
24	so call NOW!
25	TriVita

1	experience wellness
2	Call Now!
3	FREE 32oz. bottle! (Just Pay S&H)
4	MALE ANNOUNCER: It's that simple. So, call
5	now and take the challenge.
6	ON SCREEN:
7	TriVita
8	experience wellness
9	Call Now!
10	FREE 32oz. bottle! (Just Pay S&H)
11	MALE ANNOUNCER: You've heard from people who
12	have experienced incredible results from Nopalea. Don't
13	suffer another day, take the Nopalea wellness challenge
14	right now by calling the number on your screen.
15	ON SCREEN: Brazos Minshew
16	Chief Science Officer, TriVita
17	BRAZOS MINSHEW: Inflammation is the number one
18	problem we face in North America. Interestingly,
19	everything from allergies and Alzheimer's disease to
20	heart disease and diabetes are related to inflammation.
21	We need nutrients every day to help wash away all the
22	toxins that create inflammation. Over 200 articles
23	published and archived at the National Institutes of
24	Health demonstrate one thing, the Nopal cactus superfruit
25	will reduce inflammation.

1	ON SCREEN: Joe M.
2	TriVita Member
3	JOE M.: Five weeks ago, my wife, Pam,
4	introduced me to Nopalea. And it's amazing.
5	ON SCREEN: Individual results will vary.
6	JOE M.: The inflammation is gone, the pain has
7	ceased, and I have flexibility in my ankle. Pretty
8	pretty neat. I would recommend Nopalea to anyone that
9	has problems with inflammation or pain. I can tell you,
10	I'm just a true believer.
11	ON SCREEN: Mark G.
12	TriVita Member
13	MARK G.: I watched my wife's wellness
14	experience with Nopalea and I was amazed. So, I said,
15	you know, one of the most important things as a cyclist
16	is your recovery. And so, I took this product to see if
17	it can help me recover faster, and it did. I recovered
18	faster. I was able to come back from my workouts
19	quicker, stronger, with more intensity. And, now, I've
20	been able to take this product and share it with my
21	cycling team.
22	ON SCREEN: Patti W.
23	TriVita Member
24	PATTI W.: Well, I've had continuous daily pain
25	in my left arm. And when I would drive my vehicle, I

1	could barely hold on to the steering wheel it was getting
2	that bad. I couldn't sleep at night on my left side.
3	ON SCREEN: Individual results will vary.
4	PATTI W.: And after a week a week, a week
5	and a half on Nopalea consistently, I can now lay on my
6	left side when I sleep, I can use my steering wheel with
7	all the muscle that I need to use it for. And so, for
8	me, personally, I've been healed of pain. The pain's
9	gone.
10	MALE ANNOUNCER: Nopalea is delicious tasting
11	and naturally sweetened with pure agave syrup and has
12	only 12 calories per serving.
13	ON SCREEN: only 12 calories per serving
14	MALE ANNOUNCER: And because Nopalea is bottled
15	in a state-of-the-art aseptic facility
16	ON SCREEN: no artificial colors
17	no artificial flavors
18	no artificial preservatives
19	MALE ANNOUNCER: it contains no artificial
20	colors, flavors or preservatives, just fresh, pure Nopal
21	cactus juice in a ready-to-drink liquid concentrate.
22	ON SCREEN: Michael R. Ellison
23	Founder, TriVita
24	MICHAEL R. ELLISON: The wellness benefits and
25	demand for Nopalea have already gone far beyond anything

1 we could have imagined. And with it comes an incredible 2 opportunity for you, not just to feel better, but to 3 increase your income, find financial security and live with purpose, simply by sharing Nopalea and its amazing 5 wellness story with other people. 6 ON SCREEN: TriVita member 7 UNIDENTIFIED MALE: When you have a product 8 like Nopalea that delivers such amazing results in a very 9 quick period of time, the demand for that product is 10 going to create an enormous business opportunity. And 11 that's what we have with Nopalea. When you have people experience relief from pain, when they have arthritic 12 13 pain or a joint pain of any kind that goes away after 14 taking this product, the business opportunity becomes 15 almost self evident. 16 ON SCREEN: TriVita Member 17 UNIDENTIFIED MALE: With the Nopalea product, 18 they pay us on a weekly basis, and it's one of the 19 highest payouts in the industry. We've seen a big boost 20 in our income and our business since the release of this 21 product. 22 ON SCREEN: TriVita Member 23 UNIDENTIFIED FEMALE: I chose TriVita initially because I saw it had been in business for ten years and 24

had some great nutritional products. Then I had the

25

1 pleasure of meeting the Ellison Family and all of the 2 staff at TriVita and saw the tremendous integrity 3 involved here, and I am thrilled to be a TriVita 4 affiliate. 5 ON SCREEN: TriVita Member 6 UNIDENTIFIED FEMALE: I think TriVita is a 7 wonderful company. They've got a very, very good plan. 8 They've got a wonderful support system at the head 9 office. I have to say they're very patient people, they're very friendly people. I love their compensation 10 11 plan, I love their products. 12 ON SCREEN: TriVita Member 13 UNIDENTIFIED FEMALE: I feel very confident 14 aligning myself with a company like TriVita. I met 15 Michael Ellison a couple of months ago and I was very 16 impressed with his feelings about what he wants to do for others, his passion for wellness, his desire to bring 17 18 wellness into everyone's life, and I felt like this was 19 something I could do, but better than that, it's 20 something anyone can do. 21 ON SCREEN: TriVita Member UNIDENTIFIED MALE: What I like best about 22 23 TriVita is that I can do it from anywhere. You just simply need an Internet connection and a cell phone. 24

whether I'm at home or if I'm traveling, my business

25

continues to grow. All I do is log on to my online 1 2 business center, I see all the members joining on a daily 3 basis and the customers in my business. These are real customers ordering real products from TriVita. And they 5 continue to order because of the quality of the products. 6 I have never found another business that 7 offered all of this. I've seen other businesses, I've 8 tried other businesses. Nothing compares to TriVita. 9 ON SCREEN: TriVita Member UNIDENTIFIED MALE: What I love about TriVita 10 11 is that you don't have all of the traditional hassles and 12 headaches that you would have with a more traditional 13 business. With TriVita, there's no stocking product, there's no shipping product. In fact, the company does a 14 15 lot of that stuff for us. They actually direct mail to 16 our customers on the back end. They take care of a lot 17 of the day-to-day details that you would expect to find if you're going into business. 18 19 Also, it doesn't take special skill sets and 20 education to build this business. Anybody can do it. 21 You just simply plug into TriVita's system and the system will work. 22 23 ON SCREEN: TriVita Member UNIDENTIFIED FEMALE: One thing about Nopalea 24 25 is when people try it, it works for them, they reorder,

1 and then that drives my business. 2 ON SCREEN: TriVita Member 3 UNIDENTIFIED MALE: TriVita offers world class 4 support. Any time I have a question or need anything, I 5 simply pick up the phone, they're there, they help me, 6 they answer the question. There's no hidden charges. 7 There's no monthly fee to be involved no matter how many 8 times I call them. 9 ON SCREEN: TriVita Member UNIDENTIFIED FEMALE: Anybody can do this 10 business. It's the easiest business model I've ever 11 worked, and I've worked lots of businesses. 12 13 ON SCREEN: TriVita 14 experience wellness 15 MALE ANNOUNCER: TriVita, the makers of 16 Nopalea, offers an affiliate member program that rewards its members for referring Nopalea with others. 17 18 ON SCREEN: no cost to join 19 no obligations to refer or sell 20 MALE ANNOUNCER: This special program is no cost to join and there are no obligations to refer or 21 sell Nopalea to others. However, because Nopalea is such 22 23 an effective product that gets results, many people like you like to share it with friends and family. 24 25 As a TriVita affiliate member, we will pay you

1 when you refer Nopalea to someone in the form of a 2 TriVita Visa prepaid debit card. Simply refer Nopalea to 3 someone, and when they purchase, we will deposit a 4 generous referral commission into your TriVita Visa 5 prepaid debit card. 6 ON SCREEN: Cards are issued by Citibank, N.A. 7 pursuant to a license from Visa U.S.A. Inc. and managed 8 by Citi Prepaid Services. This card can be used 9 everywhere Visa debit cards are accepted. 10 MALE ANNOUNCER: This debit card works like any 11 other debit card and can be used anywhere the Visa card 12 is accepted. 13 Again, there are no fees or costs to join and referring Nopalea is totally optional. 14 15 ON SCREEN: Marcus Ellison 16 Senior Vice President, TriVita 17 MARCUS ELLISON: We're looking for people who 18 want to experience wellness and share their experience 19 with others while enjoying generous financial rewards. 20 Because Nopalea delivers a wellness experience, the 21 demand creates an incredible income opportunity. 22 Discover all the exciting details by calling now and see 23 how our affiliate program can create steady income and open up a world of possibilities for you and your family. 24 ON SCREEN: Call NOW for YOUR FREE 32oz. 25

1	bottle!	
2	TriVita	
3	experience wellness	
4	Call Now!	
5	FREE 32oz. bottle! (Just Pay S&H)	
6	MALE ANNOUNCER: Call now and ask how you can	
7	try Nopalea absolutely free. Nopalea is a natural anti-	
8	inflammatory drink that helps the body put out the fire	
9	on inflammation. Every day, millions of people suffer	
10	from painful and uncomfortable symptoms caused by	
11	elevated inflammation levels.	
12	ON SCREEN: pain in the back neck hands	
13	legs & feet	
14	pain caused by fatigue	
15	respiratory and breathing difficulties	
16	sinus flare ups skin conditions	
17	nerve damage	
18	TriVita	
19	experience wellness	
20	Call Now!	
21	FREE 32oz. bottle! (Just Pay S&H)	
22	MALE ANNOUNCER: Symptoms including pain in the	
23	back, neck, hands, legs and feet. Pain that is caused by	
24	fatigue, respiratory and breathing difficulties, sinus	
25	flare-ups, skin conditions, nerve damage and more.	

1	ON SCREEN:
2	TriVita
3	experience wellness
4	Call Now!
5	FREE 32oz. bottle! (Just Pay S&H)
6	MALE ANNOUNCER: Now, there is an all-natural
7	product that can help the body reduce chronic
8	inflammation with no negative side effects.
9	ON SCREEN: nopalea
LO	TriVita
L1	experience wellness
L2	Call Now!
L3	FREE 32oz. bottle! (Just Pay S&H)
L4	MALE ANNOUNCER: Nopalea is made directly from
L5	the natural, rich fruit of the Sonoran Desert's Nopal
L6	cactus. This amazing cactus survives the extreme hot and
L7	dry conditions of the Sonoran Desert, and it can help
L8	you, too.
L9	ON SCREEN: try it free!
20	TriVita
21	experience wellness
22	Call Now!
23	FREE 32oz. bottle! (Just Pay S&H)
24	MALE ANNOUNCER: Call now and ask how you can
25	try Nonalea absolutely free

1	ON SCREEN:
2	TriVita
3	experience wellness
4	Call Now!
5	FREE 32oz. bottle! (Just Pay S&H)
6	UNIDENTIFIED FEMALE: A man from church gave me
7	a bottle and I began taking it in the morning and at
8	night, and within four weeks, I've noticed a dramatic
9	change in my pain.
10	UNIDENTIFIED MALE: For me, Nopalea has been a
11	life-changing product that I just can't say enough
12	positive things about it, and I would encourage any
13	person to simply give Nopalea a try.
14	UNIDENTIFIED FEMALE: I've only been taking it
15	for about two to three months continuously, and it's
16	changed my whole body. It's changed my skin. My
17	psoriasis is getting so much better. My scalp is almost
18	all cleared up.
19	MALE ANNOUNCER: Scientists and medical experts
20	now say these pain-related symptoms
21	ON SCREEN: neck pain back pain muscle
22	aches
23	nerve damage joint pain sinus flare ups
24	skin conditions foot pain fatigue
25	respiratory problems

1	INFLAMMATION
2	TriVita
3	experience wellness
4	Call Now!
5	FREE 32oz. bottle! (Just Pay S&H)
6	MALE ANNOUNCER: can all be linked to one
7	common factor, chronic inflammation. In fact, a leading
8	publication referred to chronic inflammation as the
9	secret killer, revealing inflammation is on the increase,
10	causing pain, discomfort and a host of dangerous
11	diseases.
12	ON SCREEN:
13	TriVita
14	experience wellness
15	Call Now!
16	FREE 32oz. bottle! (Just Pay S&H)
17	MALE ANNOUNCER: Nopalea is a natural anti-
18	inflammatory drink that helps the body put out the fire
19	on inflammation. If you're suffering from any type of
20	pain or discomfort or maybe you have another type of
21	symptom that you think might be caused by inflammation
22	ON SCREEN: the nopalea WELLNESS CHALLENGE
23	TriVita
24	experience wellness
25	Call Now!

1	FREE 32oz. bottle! (Just Pay S&H)
2	MALE ANNOUNCER: we invite you to take the
3	Nopalea wellness challenge today.
4	ON SCREEN:
5	TriVita
6	experience wellness
7	Call Now!
8	FREE 32oz. bottle! (Just Pay S&H)
9	MALE ANNOUNCER: People everywhere are taking
10	the Nopalea wellness challenge and experiencing
11	remarkable results. And, now, you can, too.
12	ON SCREEN: nopalea
13	TriVita
14	experience wellness
15	Call Now!
16	FREE 32oz. bottle! (Just Pay S&H)
17	MALE ANNOUNCER: In fact, we're so confident
18	that Nopalea can help relieve your symptoms
19	ON SCREEN: the nopalea WELLNESS CHALLENGE
20	FREE!
21	TriVita
22	experience wellness
23	Call Now!
24	FREE 32oz. bottle! (Just Pay S&H)
25	MALE ANNOUNCER: we want you to take the

1	Nopalea wellness challenge free. Call now and ask to
2	take the challenge
3	ON SCREEN: 1 FREE! 32 oz. Bottle
4	TriVita
5	experience wellness
6	Call Now!
7	FREE 32oz. bottle! (Just Pay S&H)
8	MALE ANNOUNCER: and receive one 32-ounce
9	bottle of Nopalea absolutely free.
10	ON SCREEN: the nopalea WELLNESS CHALLENGE
11	THE SECRET KILLER
12	TriVita
13	experience wellness
14	Call Now!
15	FREE 32oz. bottle! (Just Pay S&H)
16	MALE ANNOUNCER: Plus, we'll send you the
17	Secret Killer special report that explains the dangers of
18	inflammation and how you can get relief from its painful
19	symptoms. You'll also receive an audio CD that explains
20	the science behind the betalains found in the Nopal
21	superfruit.
22	ON SCREEN: the nopalea WELLNESS CHALLENGE
23	TriVita
24	experience wellness
25	Call Now!

1	FREE 32oz. bottle! (Just Pay S&H)
2	MALE ANNOUNCER: To take the Nopalea wellness
3	challenge, all you need to do is
4	ON SCREEN: drink 3 to 6 oz. Each day
5	TriVita
6	experience wellness
7	Call Now!
8	FREE 32oz. bottle! (Just Pay S&H)
9	MALE ANNOUNCER: drink three to six ounces
10	of Nopalea each day until your bottle is empty
11	ON SCREEN: track your progress
12	TriVita
13	experience wellness
14	Call Now!
15	FREE 32oz. bottle! (Just Pay S&H)
16	MALE ANNOUNCER: track your progress on a
17	simple form, cover a small fee for shipping and handling.
18	ON SCREEN: It's that simple,
19	so call NOW!
20	TriVita
21	experience wellness
22	Call Now!
23	FREE 32oz. bottle! (Just Pay S&H)
24	MALE ANNOUNCER: It's that simple. So, call
25	now and take the challenge.

1	ON SCREEN:		
2	TriVita		
3	experience wellness		
4	Call Now!		
5	FREE 32oz. bottle! (Just Pay S&H)		
6	MALE ANNOUNCER: You've heard from people who		
7	have experienced incredible results from Nopalea. Don't		
8	suffer another day, take the Nopalea wellness challenge		
9	right now by calling the number on your screen.		
10	ON SCREEN: The preceding was a paid		
11	presentation for nopalea		
12	the anti-inflammatory wellness drink from		
13	TriVita.		
14	The statements you heard in this program have		
15	not been evaluated by the Food and Drug Administration.		
16	This product is not intended to treat, diagnose, cure or		
17	prevent any disease.		
18	MALE ANNOUNCER: The preceding has been a paid		
19	presentation for Nopalea, the anti-inflammatory wellness		
20	drink from TriVita.		
21	(The recording was concluded.)		
22			
23			
24			
25			

1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 1223185
4	CASE TITLE: TRIVITA, INC.
5	TAPING DATE: DATE UNKNOWN
6	TRANSCRIPTION DATE: SEPTEMBER 6, 2013
7	
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: SEPTEMBER 6, 2013
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
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

1		
2		
3		OFFICIAL TRANSCRIPT PROCEEDING
4		FEDERAL TRADE COMMISSION
5		
6	MATTER NO.	1223185
7	TITLE	TRIVITA, INC.
8	DATE	RECORDED: MAY 8, 2012
		TRANSCRIBED: SEPTEMBER 6, 2013
9		
	PAGES	1THROUGH 49
LO		
L1		
L2		
		NOPALEA VIDEO
L3		NOPALEA V3-015721
L4		
L5		
L6		
L7		
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20		
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25		
26		For The Record. Inc.

1 (301) 870-8025 - www.ftrinc.net - (800) 921-5555

Exhibit B

2

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1	FEDERAL TRADE COMMISSION	
2	I N D E X	
3		
4	RECORDING:	PAGE:
5	Nopalea Video - Nopalea V3-015721	3
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1	FEDERAL TRADE COMMISSION	
2		
3	In the Matter of: )	
4	) Matter No. 1223185	
5	TriVita, Inc.	
6	)	
7	May 8, 2012	
8		
9		
10		
11		
12	The following transcript was produced from	a
13	CD-Rom provided to For The Record, Inc. on August 22,	
14	2013.	
15		
16		
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1	PROCEEDINGS
2	
3	NOPALEA VIDEO - NOPALEA V3-015721
4	ON SCREEN: GDF Media Productions
5	CLIENT: TriVita
6	PRODUCT: NOPALEA
7	TITLE: NOPALEA TIEGS v3
8	ISCI CODE:
9	KEY NUMBER:
10	CAD NUMBER:
11	DURATION: 28:30
12	ASPECT RATIO: 4:3
13	DATE: 05/08/12
14	GDP MEDIA PRODUCTIONS 14801 N. Cave Creek Road
15	Phoenix, Arizona 85032 602.404.4000
16	ON SCREEN: The following is a paid
17	presentation for Nopalea
18	the anti-inflammatory wellness drink from
19	TriVita.
20	The following statements have not been
21	evaluated by the Food and Drug Administration. This
22	product is not intended to treat, diagnose, cure or
23	prevent disease.
24	MALE ANNOUNCER: The following program is
25	brought to you by Nopalea, the anti-inflammatory wellness

1	drink by TriVita.
2	ON SCREEN: learn how you can receive 1
3	32oz. bottle FREE!
4	MALE ANNOUNCER: Stayed turned to learn how you
5	can receive a 32-ounce bottle of Nopalea free.
6	ON SCREEN: Cheryl Tiegs
7	Supermodel/Entrepreneur
8	CHERYL TIEGS: A few months ago, I had a hard
9	time walking this hill. But, today, I'm doing it pain-
10	free. Do I have a secret? You bet. And that's why I'm
11	here today to share that secret with you.
12	MALE ANNOUNCER: Could a natural wellness drink
13	really help people with painful symptoms like
14	ON SCREEN neck pain
15	back pain
16	swollen joints
17	muscle aches
18	sinus infections
19	skin disorders
20	respiratory problems
21	and more
22	MALE ANNOUNCER:chronic neck and back pain,
23	swollen joints and muscle aches, or how about even sinus
24	infections, skin disorders, respiratory problems and
25	more?

1	On today's show, the new and natural anti-
2	inflammatory wellness drink that's changing people's
3	lives. Then, travel to Los Angeles, California, for an
4	intimate interview with legendary supermodel and
5	entrepreneur, Cheryl Tiegs, as she reveals her own
6	painful battle with chronic inflammation.
7	CHERYL TIEGS: The truth is my hip got so bad,
8	I stopped hiking. I would wake up in the morning and I
9	wanted to do that exercise, but I thought, my hip is
10	going to hurt at the end of the night and I wouldn't be
11	able to sleep, so I stopped hiking.
12	MALE ANNOUNCER: And how the natural, anti-
13	inflammation drink made from Nopal cactus in the Sonoran
14	Desert helped her get back to the life she loves.
15	CHERYL TIEGS: But, now, I can do everything I
16	love.
17	ON SCREEN: Individual results will vary.
18	CHERYL TIEGS: I can do yoga, I can hike, I can
19	walk, I can do the stadium steps totally without pain.
20	MALE ANNOUNCER: Since her first cover at the
21	age of 17, Cheryl Tiegs' fresh-faced look and iconic
22	smile have made her the all-American beauty. She became
23	the world's very first supermodel, then went on to create
24	a multi-million dollar beauty and fashion empire.
25	Today, this enduring beauty is in high demand

as a spokesperson for underprivileged children and the 1 2 environment. 3 ON SCREEN: Cheryl Tiegs 4 Supermodel/Entrepreneur 5 CHERYL TIEGS: Hi, I'm so glad you could join 6 me because I have an exciting story for you. A few short 7 months ago, I suffered with inflammation, just like so 8 many of you. The worst was in my hip. Things like 9 stairs and getting out of the car were hard for me. 10 Hiking is a passion for me. I've hiked all 11 over the world. I've spent time in Africa and hiked the 12 Cooper Canyon, been to the arctic, even the Inca trail. 13 But my hip got so bad, I couldn't do a basic hike any 14 more. I tried a lot of things, but nothing seemed to 15 work. 16 ON SCREEN: nopalea 17 CHERYL TIEGS: Then I heard about Nopalea. I'd 18 love to tell you that I tried it right then and there, 19 but I'm skeptical. So, it sat on my kitchen counter 20 until I thought, I have to try it. In about a month, the pain had diminished dramatically. Eventually, I was able 21 to plan my next hiking trip. My only regret is that I 22 waited so long to try it. 23 If you've suffered with inflammation or chronic 24 25 pain for years, there is something that can help. That's

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1	why I'm here, to share Nopalea and more remarkable
2	success stories with you.
3	ON SCREEN: Brazos Minshew
4	Chief Science Officer, TriVita
5	BRAZOS MINSHEW: The Nopal cactus is grown in
6	the Sonoran Desert, the most extreme desert environment
7	on the planet. The fruit has to develop an extraordinary
8	reserve of bioflavonoids in order to survive.
9	ON SCREEN: These statements have not been
10	verified by the FDA.
11	BRAZOS MINSHEW: When people and animals eat
12	the fruit, they get these bioflavonoids. Bioflavonoids
13	have free radical scavenging and anti-inflammatory
14	properties.
15	In numerous scientific studies, bioflavonoids
16	demonstrate their benefits in protecting against free
17	radical-induced inflammation. We need nutrient
18	protection every day to help our body wash away toxins.
19	ON SCREEN: Bioflavoids
20	Unhealthy Cells
21	BRAZOS MINSHEW: Bioflavonoids support our
22	body. These nutrients help our cells maintain vibrant
23	health, unless the cell is too toxic to be saved.
24	ON SCREEN: Healthy Cells
25	Macrophage

1	BRAZOS MINSHEW: Then, bioflavonoids support
2	macrophages to scavenge that toxic cell and can help take
3	it away. This leaves our cells healthy.
4	MALE ANNOUNCER: Finally, a product that can
5	help your body reduce painful symptoms caused by
6	inflammation, and it comes in the form of a great-tasting
7	wellness drink, Nopalea
8	ON SCREEN: Nopalea
9	MALE ANNOUNCER: made directly from the
10	natural rich fruit of the Sonoran Desert's Nopal cactus.
11	This amazing cactus survives the extreme hot and dry
12	conditions of the Sonoran Desert, and its vital nutrients
13	can help you, too.
14	CHERYL TIEGS: Inflammation has been a concern
15	of mine for years. So, I did a huge amount of research,
16	which is how I found Michael Ellison. Michael is the
17	founder and CEO of TriVita
18	ON SCREEN: TriVita
19	experience wellness
20	CHERYL TIEGS: one of the country's best
21	known health and wellness companies. And it was his love
22	of the Sonoran Desert and its people that led to the
23	creation of Nopalea.
24	ON SCREEN: Michael R. Ellison
25	Founder, TriVita

1	MICHAEL ELLISON: Susan and I have lived here
2	in the desert for nearly 30 years. We've enjoyed the
3	desert lifestyle and the amenities it offers, but we have
4	never thought of it as an oasis of wellness. Then I made
5	a trip into the Sonoran Desert in Mexico where I made an
6	amazing discovery.
7	Sitting around a campfire one evening with
8	seven natives, they begin to share with me about the
9	people who have lived in the desert for hundreds of
10	years. They had no modern conveniences like air
11	conditioning, refrigeration or running water. And they
12	lived without modern medicine and drugs. Yet, they not
13	only survived, they thrived without obesity and diabetes
14	and other inflammatory diseases that so many people
15	suffer from today. They told me the secret to their
16	wellness was the healing plants of the Sonoran Desert.
17	ON SCREEN: Dave Morris
18	Enthnobotanist
19	DAVE MORRIS: For centuries, the Native
20	American people have been using the plants of the Sonoran
21	Desert for food, medicine, spiritual needs. Prickly pear
22	cactus or the Nopal is a good example of that. The
23	flowers are edible, the fruit is a great source of
24	protein and vitamin C, helps to reduce inflammation in
25	the body, and it tastes good.

1	The aridity of this area, a harsh desert
2	environment, is actually what made the plants adapt and
3	gives them a lot of their wonderful healing properties
4	here in the Sonoran Desert.
5	MICHAEL R. ELLISON: When we discovered the
6	healing properties and the science behind the Nopal
7	cactus, I knew we had to make it TriVita's top priority
8	and bring this product to market. We had to get this
9	superfruit, used by the desert natives for hundreds of
10	years, to the many people who are suffering today from
11	symptoms caused by inflammation.
12	SUSAN ELLISON: I couldn't walk without
13	excruciating pain. Being physically fit has always been
14	very important to me, but I had to give up my treadmill
15	workouts. I even had to switch to comfort shoes.
16	ON SCREEN: Susan Ellison
17	Co-Founder, TriVita
18	SUSAN ELLISON: I started on Nopalea during the
19	product's trial period without much hope, but after just
20	six weeks on Nopalea, I was almost pain-free, and after
21	eight weeks, the redness and swelling was completely
22	gone. Today, I am back in the gym on my treadmill pain-
23	free and power shopping, wearing stylish shoes and loving
24	it.
25	I know that pain can rob you of quality of

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1 life. If you have inflammatory pain issues, I would 2 encourage you to give Nopalea a chance. 3 CHERYL TIEGS: It's incredible that something 4 as yummy and natural as Nopalea got me on my feet again. 5 Now, my energy is back, I sleep more soundly, and so, 6 really I just feel better. You only have one life, make 7 it count. With all the goodness and all the desert 8 nutrients that go into Nopalea, why don't you try it for 9 yourself. 10 The best way, take Nopalea's wellness 11 challenge. I did, and you can, too. 12 ON SCREEN: Call NOW for YOUR FREE 32oz. 13 bottle! 14 (plus S&H) 15 TriVita 16 In Canada and U.S. CALL NOW! FREE 32oz. bottle! Pay only \$9.95 S&H 17 18 MALE ANNOUNCER: Call now and ask how you can 19 try Nopalea absolutely free. Nopalea is a natural anti-20 inflammatory drink that helps the body put out the fire on inflammation. 21 22 ON SCREEN: TriVita 23 New customers only, please. In Canada and U.S. CALL NOW! 24 FREE 32oz. bottle! Pay only \$9.95 S&H 25

## Case 2:14-cv-01557-DLR Document 1 Filed 07/10/14 Page 79 of 130

1	MALE ANNOUNCER: Every day, millions of people
2	suffer from painful and uncomfortable conditions caused
3	by elevated inflammation levels.
4	ON SCREEN: pain in the back neck hands
5	legs & feet
6	pain caused by fatigue
7	respiratory and breathing difficulties
8	sinus flare ups skin conditions
9	nerve damage
LO	TriVita
L1	New customers only, please.
L2	In Canada and U.S. CALL NOW!
L3	FREE 32oz. bottle! Pay only \$9.95 S&H
L <b>4</b>	MALE ANNOUNCER: Conditions including pain in
L5	the back, neck, hands, legs and feet. Pain that is
L6	caused by fatigue, sinus flare-ups, skin conditions,
L7	nerve damage and more.
L8	ON SCREEN: TriVita
L9	New customers only, please.
20	In Canada and U.S. CALL NOW!
21	FREE 32oz. bottle! Pay only \$9.95 S&H
22	MALE ANNOUNCER: Now, there is an all-natural
23	product that can help the body reduce chronic
24	inflammation with no negative side effects.
25	ON SCREEN: Nopalea

1	TriVita
2	New customers only, please.
3	In Canada and U.S. CALL NOW!
4	FREE 32oz. bottle! Pay only \$9.95 S&H
5	MALE ANNOUNCER: Nopalea is made directly from
6	the natural, rich fruit of the Sonoran Desert's Nopal
7	cactus. This amazing cactus survives the extreme hot and
8	dry conditions of the Sonoran Desert, and it can help
9	you, too.
LO	ON SCREEN: Try it FREE! (plus shipping and
L1	handling)
L2	TriVita
L3	New customers only, please.
L4	In Canada and U.S. CALL NOW!
L5	FREE 32oz. bottle! Pay only \$9.95 S&H
L6	MALE ANNOUNCER: Call now and ask how you can
L7	try Nopalea absolutely free.
L8	ON SCREEN: TriVita Member
L9	TriVita
20	New customers only, please.
21	In Canada and U.S. CALL NOW!
22	FREE 32oz. bottle! Pay only \$9.95 S&H
23	UNIDENTIFIED MALE: At the end of the first
24	bottle, I noticed that the pain has subsided and I could
25	lift my arm about this high.

1	ON SCREEN: Individual results will vary.
2	UNIDENTIFIED MALE: And at the end of the 30-
3	day loading phase, I could just lift my arm upright.
4	ON SCREEN: TriVita Member
5	TriVita
6	New customers only, please.
7	In Canada and U.S. CALL NOW!
8	FREE 32oz. bottle! Pay only \$9.95 S&H
9	UNIDENTIFIED FEMALE: I can get through the day
10	now, and while I'm healing, I'm
11	ON SCREEN: Individual results will vary.
12	UNIDENTIFIED FEMALE: Nopalea's helping me
13	to lead or have a better quality of life.
14	ON SCREEN: TriVita Member
15	TriVita
16	New customers only, please.
17	In Canada and U.S. CALL NOW!
18	FREE 32oz. bottle! Pay only \$9.95 S&H
19	UNIDENTIFIED MALE: I cracked open the fourth
20	bottle. Literally, three days into that fourth bottle
21	and I actually woke up out of bed a different person.
22	ON SCREEN: Individual results will vary.
23	UNIDENTIFIED MALE: Nopalea's a product I can't
24	live without. It's something that has become a daily
25	lifestyle for me.

1	ON SCREEN: neck pain back pain
2	muscles aches hangovers joint pain
3	foot pain sinus flare ups fatigue
4	shoulder pain skin conditions
5	INFLAMMATION
6	TriVita
7	New customers only, please.
8	In Canada and U.S. CALL NOW!
9	FREE 32oz. bottle! Pay only \$9.95 S&H
10	MALE ANNOUNCER: Scientists and medical experts
11	now say these pain-related symptoms can all be linked to
12	one common factor, chronic inflammation.
13	ON SCREEN: Time Magazine
14	Visit time.com and put "The Secret Killer" in
15	their search box on the home page to find and read the
16	archived article from 2004. See what they were saying 5
17	years ago about the surprising links between
18	inflammation and diseases. Plus, what you can do to
19	help fight it!
20	TriVita
21	New customers only, please.
22	In Canada and U.S. CALL NOW!
23	FREE 32oz. bottle! Pay only \$9.95 S&H
24	MALE ANNOUNCER: In fact, a leading publication
25	referred to chronic inflammation as the secret killer,

1	revealing inflammation is on the increase, causing pain
2	and discomfort.
3	ON SCREEN: TriVita
4	New customers only, please.
5	In Canada and U.S. CALL NOW!
6	FREE 32oz. bottle! Pay only \$9.95 S&H
7	MALE ANNOUNCER: Nopalea is a natural anti-
8	inflammatory drink that helps the body put out the fire
9	on inflammation. Nopalea is delicious tasting and
10	naturally sweetened with pure agave syrup
11	ON SCREEN: less than 20 calories per serving
12	MALE ANNOUNCER: with less than 20 calories
13	per serving. And because Nopalea is bottled in a state-
14	of-the-art aseptic facility
15	ON SCREEN: no artificial preservatives
16	no artificial flavors
17	no artificial colors
18	TriVita
19	New customers only, please.
20	In Canada and U.S. CALL NOW!
21	FREE 32oz. bottle! Pay only \$9.95 S&H
22	MALE ANNOUNCER: it contains no artificial
23	colors, flavors or preservatives, just fresh, pure Nopal
24	cactus juice in a ready-to-drink liquid concentrate.
25	If needed, your doctor can find Nopalea in the

1	trusted Physicians Desk Reference, listing anti-
2	inflammatory benefits and full label information.
3	ON SCREEN: TriVita
4	New customers only, please.
5	In Canada and U.S. CALL NOW!
6	FREE 32oz. bottle! Pay only \$9.95 S&H
7	MALE ANNOUNCER: If you're suffering from any
8	type of pain or discomfort or maybe you have another type
9	of condition that you think might be caused by
LO	inflammation
L1	ON SCREEN: the nopalea WELLNESS CHALLENGE
L2	TriVita
L3	New customers only, please.
L <b>4</b>	In Canada and U.S. CALL NOW!
L5	FREE 32oz. bottle! Pay only \$9.95 S&H
L6	MALE ANNOUNCER: we invite you to take the
L7	Nopalea wellness challenge today. People everywhere are
L8	taking the Nopalea wellness challenge and experiencing
L9	remarkable results.
20	ON SCREEN: YOU CAN TOO!
21	TriVita
22	New customers only, please.
23	In Canada and U.S. CALL NOW!
24	FREE 32oz. bottle! Pay only \$9.95 S&H
25	MALE ANNOUNCER: And, now, you can, too.

1	
2	ON SCREEN: nopalea
3	the nopalea WELLNESS CHALLENGE FREE!
4	TriVita
5	New customers only, please.
6	In Canada and U.S. CALL NOW!
7	FREE 32oz. bottle! Pay only \$9.95 S&H
8	MALE ANNOUNCER: In fact, we're so confident
9	that Nopalea can help relieve your conditions, we want
10	you to take the Nopalea wellness challenge free.
11	ON SCREEN: the nopalea WELLNESS CHALLENGE
12	1 FREE! 32 oz. Bottle (plus S&H)
13	TriVita
14	New customers only, please.
15	In Canada and U.S. CALL NOW!
16	FREE 32oz. bottle! Pay only \$9.95 S&H
17	MALE ANNOUNCER: Call now and ask to take the
18	Nopalea challenge and receive one 32-ounce bottle of
19	Nopalea absolutely free. Plus, we'll send you the Secret
20	Killer special report that explains the dangers of
21	inflammation and how you can get relief from its painful
22	conditions. You'll also receive an audio CD that
23	explains the science behind the Nopal superfruit.
24	ON SCREEN: drink 3 to 6 oz. each day
25	TriVita

1	New customers only, please.
2	In Canada and U.S. CALL NOW!
3	FREE 32oz. bottle! Pay only \$9.95 S&H
4	MALE ANNOUNCER: To take the Nopalea wellness
5	challenge, all you need to do is drink three to six
6	ounces of Nopalea each day until you find relief.
7	ON SCREEN: track your progress
8	TriVita
9	New customers only, please.
10	In Canada and U.S. CALL NOW!
11	FREE 32oz. bottle! Pay only \$9.95 S&H
12	MALE ANNOUNCER: Track your progress on a
13	simple form, cover a small fee for shipping and handling.
14	ON SCREEN: It's that simple, so call NOW!
15	TriVita
16	New customers only, please.
17	In Canada and U.S. CALL NOW!
18	FREE 32oz. bottle! Pay only \$9.95 S&H
19	MALE ANNOUNCER: It's that simple. So, call
20	now and take the challenge.
21	You've heard from people who have experienced
22	incredible results from Nopalea. Don't suffer another
23	day.
24	ON SCREEN: the nopalea WELLNESS CHALLENGE
25	BPA FREE

1	TriVita	
2	New customers only, please.	
3	In Canada and U.S. CALL NOW!	
4	FREE 32oz. bottle! Pay only \$9.95 S&H	
5	MALE ANNOUNCER: Take the Nopalea wellness	
6	challenge right now by calling the number on your screen.	
7	ON SCREEN: Cheryl Tiegs	
8	Supermodel/Entrepreneur	
9	CHERYL TIEGS: Nopalea can help people improve	
10	their quality of life by working with the body to reduce	
11	painful chronic inflammation.	
12	ON SCREEN: nopalea	
13	MALE ANNOUNCER: Here's another amazing story	
14	of how Nopalea helped a woman overcome daily intense pair	
15	from a disabling car accident.	
16	ON SCREEN: Melody C.	
17	Denver, NC	
18	MELODY C.: In 2002, I had three vertebras to	
19	collapse in my neck and I was down for a year and a half.	
20	And the things I really miss about that is being able to	
21	go to the barn and saddle up and really groom the horses	
22	and do things with Caleb.	
23	ON SCREEN: TriVita Member	
24	MELODY C.: Then I found Nopalea. A good	
25	friend of mine I've known for 17 years introduced me to	

- 1 the product. I was very skeptical at first because I
- 2 tried a lot of products. Within three weeks, I could
- 3 notice a difference. I was moving better.
- 4 ON SCREEN: Individual results will vary.
- 5 MELODY C.: Within five weeks, I was pain-free
- 6 on the product.
- 7 Thanks to Nopalea, I have a better quality of
- 8 life. I don't have inflammation in my body. I'm
- 9 mountain biking, I'm exercising.
- 10 ON SCREEN: This product is not intended to
- 11 treat, diagnose, cure or prevent any disease.
- 12 MELODY C.: I just have a better quality of
- 13 life all around. I just feel so much better on Nopalea,
- 14 let's go ride horses.
- 15 ON SCREEN: Robin S. RN
- 16 Denver, NC
- 17 ROBIN S.: As a registered nurse, Melody came
- 18 to me and asked me my opinion about the Nopalea. I did
- 19 research, went to an event on it, was very impressed.
- 20 Since that time, I have been taking the Nopalea. Its
- 21 anti-inflammatory agents are fabulous.
- 22 ON SCREEN: nopalea
- ON SCREEN: John W.
- 24 Scottsdale, AZ
- 25 JOHN W.: Well, I started having chronic pain

- and inflammation as a teenager. I have extreme spinal
- 2 stiffness, spinal pain, pain that, you know, goes into
- different areas of my joints and where my ribs and my
- 4 tissue connects to my spine.
- 5 ON SCREEN: TriVita Member
- JOHN W.: I actually heard about Nopalea
- 7 through a TriVita publication and I knew that with my
- 8 particular condition --
- 9 ON SCREEN: This product is not intended to
- 10 treat, diagnose, cure or prevent any disease.
- 11 JOHN W.: -- suffering for 20 years, I knew
- 12 that, you know, I was going to need to try this for a
- 13 little while. I cracked open the fourth bottle.
- 14 Literally, three days into that fourth bottle, and I
- 15 actually woke up out of bed a different person.
- 16 That was then and this is now. Since taking
- 17 the Nopalea wellness challenge, I have a new lease on
- 18 life. I feel terrific. There's a new me. I feel like I
- 19 was maybe 20 years ago.
- ON SCREEN: Individual results will vary.
- JOHN W.: I'm actually out, I'm active, I'm
- 22 riding a bike, I'm playing with my family, I'm jogging.
- 23 I'm even able to go to the pool. I'm able to hit the
- 24 weight room. And just feel good.
- 25 Nopalea has helped me to manage my inflammation

1 in a way I never thought possible. Do what I did. Take 2 the Nopalea wellness challenge. Six ounces a day, that 3 is exactly what I did. Three in the morning, three in 4 the evening. And it all started to come together. 5 ON SCREEN: nopalea ON SCREEN: Sandy D. 6 7 Carmel Valley, CA 8 SANDY D.: I actually got bit by a deer tick on 9 this hike. A few weeks later, I started realizing that I was feeling very flu-ish and didn't have the energy. I 10 11 mean, it was even getting to a point where I was having a 12 very difficult time to even get out of bed in the 13 morning. 14 Having Nopalea come into my life was -- and the 15 timing was a miracle. 16 ON SCREEN: Individual results will vary. SANDY D.: Oh, it's -- it's given me my life 17 18 back. I can get through the day now, and while I'm 19 healing, Nopalea's helping me to have a better quality of 20 life. 21 MALE ANNOUNCER: Nopalea is made directly from

the natural rich superfruit of the Sonoran Desert's Nopal

cactus. This cactus survives one of the world's harshest

desert regions, and its key nutrients can help you, too.

ON SCREEN: Melissa M.

22

23

24

25

1	Prescott, AZ
2	MELISSA M.: Nopalea came through for me. It
3	makes me feel better through the days and sleep better at
4	nights. And it's clearly up my skin.
5	ON SCREEN: Individual results will vary.
6	MELISSA M.: It's the only thing I could say
7	that's ever really helped that's and this much, too.
8	And it's changing my life and I have so much of a better
9	outlook for the future.
10	ON SCREEN: This product is not intended to
11	treat, diagnose, cure or prevent any disease.
12	MELISSA M.: It's not like anything else out
13	there that I've tried. It's actually working and it's
14	healthy for me. It's good for me.
15	I would highly recommend Nopalea to anyone who
16	has inflammation. It's worked for me, it's worked for
17	others, and it can work for you, too.
18	ON SCREEN: nopalea
19	MALE ANNOUNCER: Many scientists and medical
20	experts today are discovering the need to help the body
21	avoid and reduce chronic inflammation. Dozens of recent
22	scientific studies indicate that the fruit of the Nopal
23	cactus found in the Sonoran Desert can help the body
24	reduce inflammation and gain relief from the painful
25	conditions caused by it.

1	ON SCREEN: Brazos Minshew			
2	Chief Science Officer, TriVita			
3	BRAZOS MINSHEW: When we have sick people, we			
4	always ask the same question. What makes sick people			
5	sick? And we look at inflammation as being the thing			
6	that ties together so many of these disorders.			
7	ON SCREEN: These statements have not been			
8	verified by the FDA.			
9	BRAZOS MINSHEW: But a very insightful study			
10	asked a different question. What keeps healthy people			
11	well and how can we be like them?			
12	What we discovered is the healthier a person			
13	was, the lower their level of inflammation. And that			
14	when we consume the Nopal cactus superfruit, we can drive			
15	down that inflammation and achieve the biomarkers of			
16	wellness.			
17	CHERYL TIEGS: I've worked hard to stay healthy			
18	my whole life. I watch what I eat. I stay active and			
19	exercise. I do yoga and meditate. But that's no			
20	guarantee inflammation won't strike you. That's why when			
21	I discovered Nopalea, it made such a difference for me.			
22	I feel that I want to share it with as many as I can.			
23	Well, my mom, she's 87, she loves it. I recommend it to			
24	friends.			
25	Do yourself a favor, do someone you love a			

1	favor and give Nopalea a try.
2	
3	ON SCREEN: Call NOW for YOUR FREE 32oz.
4	bottle!
5	(plus S&H)
6	TriVita
7	In Canada and U.S. CALL NOW!
8	FREE 32oz. bottle! Pay only \$9.95 S&H
9	MALE ANNOUNCER: Call now and ask how you can
10	try Nopalea absolutely free. Nopalea is a natural anti-
11	inflammatory drink that helps the body put out the fire
12	on inflammation.
13	ON SCREEN: TriVita
14	New customers only, please.
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17	MALE ANNOUNCER: Every day, millions of people
18	suffer from painful and uncomfortable conditions caused
19	by elevated inflammation levels.
20	ON SCREEN: pain in the back neck hands
21	legs & feet
22	pain caused by fatigue
23	respiratory and breathing difficulties
24	sinus flare ups skin conditions
25	nerve damage

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6	the back, neck, hands, legs and feet. Pain that is
7	caused by fatigue, sinus flare-ups, skin conditions,
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24	dry conditions of the Sonoran Desert, and it can help
25	you, too.

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2	handling)
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6	FREE 32oz. bottle! Pay only \$9.95 S&H
7	MALE ANNOUNCER: Call now and ask how you can
8	try Nopalea absolutely free.
9	ON SCREEN: TriVita Member
10	TriVita
11	New customers only, please.
12	In Canada and U.S. CALL NOW!
13	FREE 32oz. bottle! Pay only \$9.95 S&H
14	UNIDENTIFIED MALE: At the end of the first
15	bottle, I noticed that the pain has subsided and I could
16	lift my arm about this high.
17	ON SCREEN: Individual results will vary.
18	UNIDENTIFIED MALE: And at the end of the 30-
19	day loading phase, I could just lift my arm upright.
20	ON SCREEN: TriVita Member
21	TriVita
22	New customers only, please.
23	In Canada and U.S. CALL NOW!
24	FREE 32oz. bottle! Pay only \$9.95 S&H
25	UNIDENTIFIED FEMALE: I can get through the day

1	now, and while I'm healing, I'm
2	ON SCREEN: Individual results will vary.
3	UNIDENTIFIED FEMALE: Nopalea's helping me
4	to lead or have a better quality of life.
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2	now say these pain-related symptoms can all be linked to
3	one common factor, chronic inflammation.
4	ON SCREEN: Time Magazine
5	Visit time.com and put "The Secret Killer" in
6	their search box on the home page to find and read the
7	archived article from 2004. See what they were saying 5
8	years ago about the surprising links between
9	inflammation and diseases. Plus, what you can do to
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1	naturally sweetened with pure agave syrup
2	ON SCREEN: less than 20 calories per serving
3	MALE ANNOUNCER: with less than 20 calories
4	per serving. And because Nopalea is bottled in a state-
5	of-the-art aseptic facility
6	ON SCREEN: no artificial preservatives
7	no artificial flavors
8	no artificial colors
9	TriVita
10	New customers only, please.
11	In Canada and U.S. CALL NOW!
12	FREE 32oz. bottle! Pay only \$9.95 S&H
13	MALE ANNOUNCER: it contains no artificial
14	colors, flavors or preservatives, just fresh, pure Nopal
15	cactus juice in a ready-to-drink liquid concentrate.
16	If needed, your doctor can find Nopalea in the
17	trusted Physicians Desk Reference, listing anti-
18	inflammatory benefits and full label information.
19	ON SCREEN: TriVita
20	New customers only, please.
21	In Canada and U.S. CALL NOW!
22	FREE 32oz. bottle! Pay only \$9.95 S&H
23	MALE ANNOUNCER: If you're suffering from any
24	type of pain or discomfort or maybe you have another type
25	of condition that you think might be caused by

1	inflammation
2	ON SCREEN: the nopalea WELLNESS CHALLENGE
3	TriVita
4	New customers only, please.
5	In Canada and U.S. CALL NOW!
6	FREE 32oz. bottle! Pay only \$9.95 S&H
7	MALE ANNOUNCER: we invite you to take the
8	Nopalea wellness challenge today. People everywhere are
9	taking the Nopalea wellness challenge and experiencing
10	remarkable results.
11	ON SCREEN: YOU CAN TOO!
12	TriVita
13	New customers only, please.
14	In Canada and U.S. CALL NOW!
15	FREE 32oz. bottle! Pay only \$9.95 S&H
16	MALE ANNOUNCER: And, now, you can, too.
17	ON SCREEN: nopalea
18	the nopalea WELLNESS CHALLENGE FREE!
19	TriVita
20	New customers only, please.
21	In Canada and U.S. CALL NOW!
22	FREE 32oz. bottle! Pay only \$9.95 S&H
23	MALE ANNOUNCER: In fact, we're so confident
24	that Nopalea can help relieve your conditions, we want
25	you to take the Nopalea wellness challenge free.

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1	ON SCREEN: the nopalea WELLNESS CHALLENGE
2	1 FREE! 32 oz. Bottle (plus S&H)
3	TriVita
4	New customers only, please.
5	In Canada and U.S. CALL NOW!
6	FREE 32oz. bottle! Pay only \$9.95 S&H
7	MALE ANNOUNCER: Call now and ask to take the
8	Nopalea challenge and receive one 32-ounce bottle of
9	Nopalea absolutely free. Plus, we'll send you the Secret
10	Killer special report that explains the dangers of
11	inflammation and how you can get relief from its painful
12	conditions. You'll also receive an audio CD that
13	explains the science behind the Nopal superfruit.
14	ON SCREEN: drink 3 to 6 oz. each day
15	TriVita
16	New customers only, please.
17	In Canada and U.S. CALL NOW!
18	FREE 32oz. bottle! Pay only \$9.95 S&H
19	MALE ANNOUNCER: To take the Nopalea wellness
20	challenge, all you need to do is drink three to six
21	ounces of Nopalea each day until you find relief.
22	ON SCREEN: track your progress
23	TriVita
24	New customers only, please.
25	In Canada and U.S. CALL NOW!

1		FREE 32oz. bottle! Pay only \$9.95 S&H
2		MALE ANNOUNCER: Track your progress on a
3	simple for	m, cover a small fee for shipping and handling.
4		ON SCREEN: It's that simple, so call NOW!
5		TriVita
6		New customers only, please.
7		In Canada and U.S. CALL NOW!
8		FREE 32oz. bottle! Pay only \$9.95 S&H
9		MALE ANNOUNCER: It's that simple. So, call
10	now and ta	ke the challenge.
11		You've heard from people who have experienced
12	incredible	results from Nopalea. Don't suffer another
13	day.	
14		ON SCREEN: the nopalea WELLNESS CHALLENGE
15		BPA FREE
16		TriVita
17		New customers only, please.
18		In Canada and U.S. CALL NOW!
19		FREE 32oz. bottle! Pay only \$9.95 S&H
20		MALE ANNOUNCER: Take the Nopalea wellness
21	challenge	right now by calling the number on your screen.
22		ON SCREEN: Cheryl Tiegs
23		Supermodel/Entrepreneur
24		CHERYL TIEGS: Have you called in to take
25	Nonalea's	wellness challenge? Well if not consider

1	this, many doctors and scientists agree there's a link
2	between inflammation and serious diseases. But the
3	nutrients in Nopalea can help. Here's how.
4	
5	ON SCREEN: Brazos Minshew
6	Chief Science Officer, TriVita
7	BRAZOS MINSHEW: Inflammation is the number one
8	problem we face in North America. Interestingly,
9	everything from allergies and Alzheimer's disease to
LO	heart disease and diabetes are related to inflammation.
L1	ON SCREEN: These statements have not been
L2	verified by the FDA.
L3	BRAZOS MINSHEW: We need nutrients every day to
L4	help wash away all the toxins that create inflammation.
L5	Over 200 articles published and archived at the National
L6	Institutes of Health demonstrate one thing, the Nopal
L7	cactus superfruit will reduce inflammation.
L8	ON SCREEN: Tony K.
L9	San Anselmo, CA
20	TONY K.: I was a professional fashion
21	photographer for over 25 years and always carrying a lot
22	of cameras. I ended up having a lot of inflammation and
23	chronic pain in my back.
24	ON SCREEN: TriVita Member
25	TONY K.: And the last five or ten years, every

1 morning I woke up I could feel this pain in my back. I 2 kind of stopped exercising, I put on a lot of weight. 3 ON SCREEN: Individual results will vary. 4 TONY K.: I started drinking Nopalea. I was 5 drinking, I would say, six to eight ounces a day on a 6 regular basis for maybe a month and a half, two months, 7 when all of a sudden I realized that I was waking up 8 without pain. I was able to exercise again. I started 9 losing weight. I got my life back. 10 ON SCREEN: nopalea 11 MALE ANNOUNCER: The real stories you are hearing all have one thing in common --12 13 ON SCREEN: relief from chronic inflammation 14 in the body 15 MALE ANNOUNCER: -- relief from chronic 16 inflammation in the body. Today, medical experts and 17 scientists are searching for solutions to help combat 18 chronic inflammation of the body like never before. 19 ON SCREEN: Scott Conard, ND 20 This opinion is intended for educational purposes only. It is not intended to diagnose or treat 21 disease. 22 23 SCOTT CONARD: All inflammation is not bad. fact, inflammation is part of healing. But when you go 24 from the inflammation -- acute inflammation and it 25

doesn't go back down to non-inflamed, but goes to 1 2 chronic, low-grade, ongoing inflammation that gets worse 3 and worse, eventually, you will destroy tissues, you get 4 diabetes, you get heart disease, you get strokes, you get 5 dementia, you get gut disease, you can have confusion, 6 you can have your whole life literally come apart because 7 you've got ongoing chronic inflammation that we didn't 8 address and treat. 9 Now, remember, it's easier to treat it early 10 than wait for it to get very severe. 11 MALE ANNOUNCER: Now, there is a natural 12 alternative that can help the body reduce chronic 13 inflammation without the worries of negative side 14 effects. Nopalea. 15 ON SCREEN: nopalea 16 MALE ANNOUNCER: Made directly from the natural rich fruit of the Sonoran Desert's Nopal cactus. This 17 18 amazing cactus survives the extreme hot and dry 19 conditions of the Sonoran Desert and its vital nutrients 20 can help you, too. 21 ON SCREEN: Joe M. 22 Monroe, NC JOE M.: Five weeks ago, my wife, Pam, 23 introduced me to Nopalea. And it's amazing. 24

ON SCREEN: Individual results will vary.

25

1 JOE M.: The inflammation is gone, the pain has 2 ceased, and I have flexibility in my ankle. Pretty --3 pretty neat. 4 ON SCREEN: TriVita Member 5 JOE M.: I would recommend Nopalea to anyone that has problems with inflammation or pain. I can tell 6 7 you, I'm just a true believer. 8 ON SCREEN: Mark G. 9 Charlotte, NC 10 MARK G.: I watched my wife's wellness 11 experience with Nopalea and I was amazed. So, I said, 12 you know, one of the most important things as a cyclist is your recovery. And so, I took this product to see if 13 14 it can help me recover faster, and it did. 15 ON SCREEN: Individual results will vary. 16 MARK G.: I recovered faster. I was able to 17 come back from my workouts quicker, stronger, with more 18 intensity. 19 ON SCREEN: TriVita Member 20 MARK G.: And, now, I've been able to take this 21 product and share it with my cycling team. 22 CHERYL TIEGS: We all have things in our lives we're passionate about. We want to be healthy and have 23 energy. For me, having adventures and conquering new 24

trails and being with family and friends was so

25

1 important. Nopalea has helped me sustain the active life 2 I've always had. You don't know how great you'll feel 3 until you take the Nopalea wellness challenge. It's risk-free. 4 5 See for yourself the difference it can make in your health, your energy and the quality of your life. 6 7 But you won't know how much better you can feel until you 8 take the first step. Here's your chance. 9 ON SCREEN: Call NOW for YOUR FREE 32oz. bottle! 10 11 (plus S&H) TriVita 12 13 In Canada and U.S. CALL NOW! 14 FREE 32oz. bottle! Pay only \$9.95 S&H 15 MALE ANNOUNCER: Call now and ask how you can 16 try Nopalea absolutely free. Nopalea is a natural anti-17 inflammatory drink that helps the body put out the fire on inflammation. 18 19 ON SCREEN: TriVita 20 New customers only, please. In Canada and U.S. CALL NOW! 21 FREE 32oz. bottle! Pay only \$9.95 S&H 22 23 MALE ANNOUNCER: Every day, millions of people suffer from painful and uncomfortable conditions caused 24

by elevated inflammation levels.

25

1	ON SCREEN: pain in the back neck hands
2	legs & feet
3	pain caused by fatigue
4	respiratory and breathing difficulties
5	sinus flare ups skin conditions
6	nerve damage
7	TriVita
8	New customers only, please.
9	In Canada and U.S. CALL NOW!
10	FREE 32oz. bottle! Pay only \$9.95 S&H
11	MALE ANNOUNCER: Conditions including pain in
12	the back, neck, hands, legs and feet. Pain that is
13	caused by fatigue, sinus flare-ups, skin conditions,
14	nerve damage and more.
15	ON SCREEN: TriVita
16	New customers only, please.
17	In Canada and U.S. CALL NOW!
18	FREE 32oz. bottle! Pay only \$9.95 S&H
19	MALE ANNOUNCER: Now, there is an all-natural
20	product that can help the body reduce chronic
21	inflammation with no negative side effects.
22	ON SCREEN: Nopalea
23	TriVita
24	New customers only, please.
25	In Canada and U.S. CALL NOW!

1	FREE 32oz. bottle! Pay only \$9.95 S&H
2	MALE ANNOUNCER: Nopalea is made directly from
3	the natural, rich fruit of the Sonoran Desert's Nopal
4	cactus. This amazing cactus survives the extreme hot and
5	dry conditions of the Sonoran Desert, and it can help
6	you, too.
7	ON SCREEN: Try it FREE! (plus shipping and
8	handling)
9	TriVita
10	New customers only, please.
11	In Canada and U.S. CALL NOW!
12	FREE 32oz. bottle! Pay only \$9.95 S&H
13	MALE ANNOUNCER: Call now and ask how you can
14	try Nopalea absolutely free.
15	ON SCREEN: TriVita Member
16	TriVita
17	New customers only, please.
18	In Canada and U.S. CALL NOW!
19	FREE 32oz. bottle! Pay only \$9.95 S&H
20	UNIDENTIFIED MALE: At the end of the first
21	bottle, I noticed that the pain has subsided and I could
22	lift my arm about this high.
23	ON SCREEN: Individual results will vary.
24	UNIDENTIFIED MALE: And at the end of the 30-
25	day loading phase, I could just lift my arm upright.

1	ON SCREEN: TriVita Member
2	TriVita
3	New customers only, please.
4	In Canada and U.S. CALL NOW!
5	FREE 32oz. bottle! Pay only \$9.95 S&H
6	UNIDENTIFIED FEMALE: I can get through the day
7	now, and while I'm healing, I'm
8	ON SCREEN: Individual results will vary.
9	UNIDENTIFIED FEMALE: Nopalea's helping me
10	to lead or have a better quality of life.
11	ON SCREEN: TriVita Member
12	TriVita
13	New customers only, please.
14	In Canada and U.S. CALL NOW!
15	FREE 32oz. bottle! Pay only \$9.95 S&H
16	UNIDENTIFIED MALE: I cracked open the fourth
17	bottle. Literally, three days into that fourth bottle
18	and I actually woke up out of bed a different person.
19	ON SCREEN: Individual results will vary.
20	UNIDENTIFIED MALE: Nopalea's a product I can't
21	live without. It's something that has become a daily
22	lifestyle for me.
23	ON SCREEN: neck pain back pain
24	muscles aches hangovers joint pain
25	foot pain sinus flare ups fatigue

1	shoulder pain skin conditions
2	INFLAMMATION
3	TriVita
4	New customers only, please.
5	In Canada and U.S. CALL NOW!
6	FREE 32oz. bottle! Pay only \$9.95 S&H
7	MALE ANNOUNCER: Scientists and medical experts
8	now say these pain-related symptoms can all be linked to
9	one common factor, chronic inflammation.
10	ON SCREEN: Time Magazine
11	Visit time.com and put "The Secret Killer" in
12	their search box on the home page to find and read the
13	archived article from 2004. See what they were saying 5
14	years ago about the surprising links between
15	inflammation and diseases. Plus, what you can do to
16	help fight it!
17	TriVita
18	New customers only, please.
19	In Canada and U.S. CALL NOW!
20	FREE 32oz. bottle! Pay only \$9.95 S&H
21	MALE ANNOUNCER: In fact, a leading publication
22	referred to chronic inflammation as the secret killer,
23	revealing inflammation is on the increase, causing pain
24	and discomfort.
25	ON SCREEN: TriVita

1	New customers only, please.
2	In Canada and U.S. CALL NOW!
3	FREE 32oz. bottle! Pay only \$9.95 S&H
4	MALE ANNOUNCER: Nopalea is a natural anti-
5	inflammatory drink that helps the body put out the fire
6	on inflammation. Nopalea is delicious tasting and
7	naturally sweetened with pure agave syrup
8	ON SCREEN: less than 20 calories per serving
9	MALE ANNOUNCER: with less than 20 calories
10	per serving. And because Nopalea is bottled in a state-
11	of-the-art aseptic facility
12	ON SCREEN: no artificial preservatives
13	no artificial flavors
14	no artificial colors
15	TriVita
16	New customers only, please.
17	In Canada and U.S. CALL NOW!
18	FREE 32oz. bottle! Pay only \$9.95 S&H
19	MALE ANNOUNCER: it contains no artificial
20	colors, flavors or preservatives, just fresh, pure Nopal
21	cactus juice in a ready-to-drink liquid concentrate.
22	If needed, your doctor can find Nopalea in the
23	trusted Physicians Desk Reference, listing anti-
24	inflammatory benefits and full label information.
25	ON SCREEN: TriVita

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1	New customers only, please.
2	In Canada and U.S. CALL NOW!
3	FREE 32oz. bottle! Pay only \$9.95 S&H
4	MALE ANNOUNCER: If you're suffering from any
5	type of pain or discomfort or maybe you have another type
6	of condition that you think might be caused by
7	inflammation
8	ON SCREEN: the nopalea WELLNESS CHALLENGE
9	TriVita
10	New customers only, please.
11	In Canada and U.S. CALL NOW!
12	FREE 32oz. bottle! Pay only \$9.95 S&H
13	MALE ANNOUNCER: we invite you to take the
14	Nopalea wellness challenge today. People everywhere are
15	taking the Nopalea wellness challenge and experiencing
16	remarkable results.
17	ON SCREEN: YOU CAN TOO!
18	TriVita
19	New customers only, please.
20	In Canada and U.S. CALL NOW!
21	FREE 32oz. bottle! Pay only \$9.95 S&H
22	MALE ANNOUNCER: And, now, you can, too.
23	ON SCREEN: nopalea
24	the nopalea WELLNESS CHALLENGE FREE!
25	TriVita

1	New customers only, please.
2	In Canada and U.S. CALL NOW!
3	FREE 32oz. bottle! Pay only \$9.95 S&H
4	MALE ANNOUNCER: In fact, we're so confident
5	that Nopalea can help relieve your conditions, we want
6	you to take the Nopalea wellness challenge free.
7	ON SCREEN: the nopalea WELLNESS CHALLENGE
8	1 FREE! 32 oz. Bottle (plus S&H)
9	TriVita
10	New customers only, please.
11	In Canada and U.S. CALL NOW!
12	FREE 32oz. bottle! Pay only \$9.95 S&H
13	MALE ANNOUNCER: Call now and ask to take the
14	Nopalea challenge and receive one 32-ounce bottle of
15	Nopalea absolutely free. Plus, we'll send you the Secret
16	Killer special report that explains the dangers of
17	inflammation and how you can get relief from its painful
18	conditions. You'll also receive an audio CD that
19	explains the science behind the Nopal super fruit.
20	ON SCREEN: drink 3 to 6 oz. each day
21	TriVita
22	New customers only, please.
23	In Canada and U.S. CALL NOW!
24	FREE 32oz. bottle! Pay only \$9.95 S&H
25	MALE ANNOUNCER: To take the Nopalea wellness

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1	challenge, all you need to do is drink three to six
2	ounces of Nopalea each day until you find relief.
3	ON SCREEN: track your progress
4	TriVita
5	New customers only, please.
6	In Canada and U.S. CALL NOW!
7	FREE 32oz. bottle! Pay only \$9.95 S&H
8	MALE ANNOUNCER: Track your progress on a
9	simple form, cover a small fee for shipping and handling.
10	ON SCREEN: It's that simple, so call NOW!
11	TriVita
12	New customers only, please.
13	In Canada and U.S. CALL NOW!
14	FREE 32oz. bottle! Pay only \$9.95 S&H
15	MALE ANNOUNCER: It's that simple. So, call
16	now and take the challenge.
17	You've heard from people who have experienced
18	incredible results from Nopalea. Don't suffer another
19	day.
20	ON SCREEN: the nopalea WELLNESS CHALLENGE
21	BPA FREE
22	TriVita
23	New customers only, please.
24	In Canada and U.S. CALL NOW!
25	FREE 32oz. bottle! Pay only \$9.95 S&H

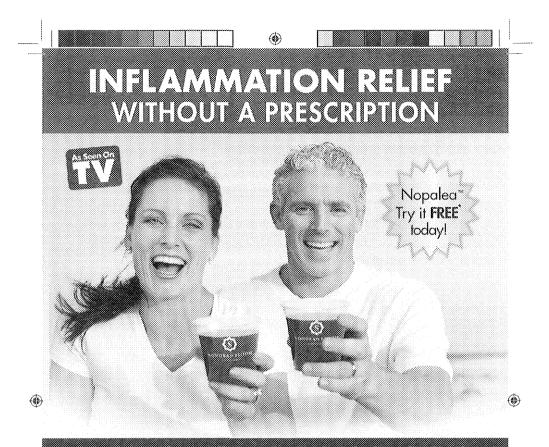
## Case 2:14-cv-01557-DLR Document 1 Filed 07/10/14 Page 115 of 130

1	MALE ANNOUNCER: Take the Nopalea wellness
2	challenge right now by calling the number on your screen
3	ON SCREEN: The preceding was a paid
4	presentation for nopalea
5	the anti-inflammatory wellness drink from
6	TriVita
7	These statements you heard in this program
8	have not been evaluated by the Food and Drug
9	Administration. This product is not intended to treat,
LO	diagnose, cure or prevent any disease.
L1	MALE ANNOUNCER: The preceding has been a paid
L2	presentation for Nopalea, the anti-inflammatory wellness
L3	drink from TriVita.
L <b>4</b>	ON SCREEN: produced by GDF Media Productions
L5	©2012 TriVita, Inc.
L6	distributed by Ellison Media Company
L7	(The recording was concluded.)
L8	
L9	
20	
21	
22	
23	
24	
25	

1	CERTIFICATION OF TYPIST
2	
3	MATTER NUMBER: 1223185
4	CASE TITLE: TRIVITA, INC.
5	TAPING DATE:
6	TRANSCRIPTION DATE: SEPTEMBER 4, 2013
7	
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: SEPTEMBER 4, 2013
14	
15	
16	ELIZABETH M. FARRELL
17	
18	CERTIFICATION OF PROOFREADER
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



CONFIDENTIAL



## Nopalea – the wellness drink that helps the body:

• Relieve pain

• Reduce swelling in joints and muscles

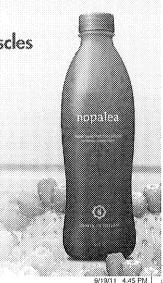
Improve breathing

Get your FREE\* 32-ounce bottle today!

(details inside)

\*Just Pay 5&H

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Napalea (Nō-pah lāy'uh) is a tasty wellness drink sourced from the fruit of the Nopal cactus (Opuntia Ficus Indica). Nopal cactus fruit contains a very rare and powerful class of antioxidants called Betalains (bāy ta linz). Betalains have been scientifically proven to help the body detoxify itself and reduce inflammation.

These healing properties of the Nopal cactus have been relied on for centuries by native peoples, and they're now available in Nopalea. Each 32-ounce bottle of Nopalea brims with the health benefits of the Nopal fruit.

Daily use of Nopalea helps your body:

- Reduce inflammation
- Detoxify
  - Achieve optimal cellular health





## Nopalea Users Are Saying...

"...I noticed that my range of motion was improving."

"I've had a very stiff neck, due to inflammation, that caused me a lot of pain and affected my range of motion. I began drinking Nopalea and within five days, I noticed that my range of motion was improving." Paige C., Affiliate Member - Belleair Bluffs, FL

"...the pain in my knees and ankles had disappeared."

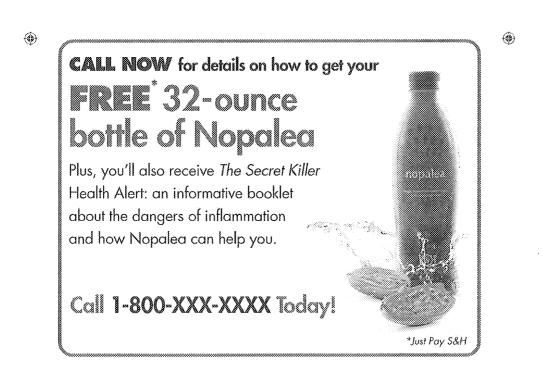
"I suffered from pain in my knees and ankles before I began taking Nopalea. After starting the Nopalea Loading Phase [3 to 6 oz per day] my pain was cut in half. By the time I was halfway through the second bottle, the pain in my knees and ankles had disappeared." Kimberly M., Member - Mechanicsville, PA

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## Nopalea Helps the Body Support Health & Vitality

- Soothes muscle, joint and bone discomfort
- Supports heart health
- Calms digestive problems
- Melps relieve all kinds of body aches
- Profests cellular health
- Energizes your life



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## Help Protect Against the Damaging Effects of Chronic Inflammation

Nopalea is the breakthrough wellness drink that people are talking about!

Full of Betalains, a class of rare and potent antioxidants,

Nopalea works in two ways.

It helps your body to:

Neutralize toxins
 Reduce inflammation

Nopalea helps give your body the great relief it needs today, while helping to protect it against tomorrow's health conditions.

## How Nopalea aids the body in healing



 Nopalea, full of Betalains, is swallowed.



\$. The body then can turn an unhealthy cell into a healthy one.





The Betalains in Nopalea permeate the body.



 A macrophage (a special immune system cell) seeks any leftover dead





 A close-up of Betalains, surrounded by cells.



7. The macrophage engulfs the dead cells.



4. The Betalains approach an unhealthy cell and drain out the toxic waste.

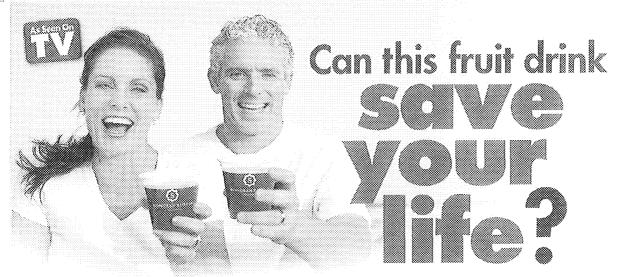


Betalains continue to surround your cells and protect against daily assaults.

# Get a FREE' 32-ounce bottle of Nopalea Call 1-800-XXX-XXXX Today!

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CONFIDENTIAL



## How a new wellness drink helps fight the 'secret killer'...

#### The secret killer - revealed!

Scientists believe that inflammation - the lifesaver that helps you fight off germs, bacteria and viruses — is the secret killer. Left alone, it can ravage your arteries, chew up nerve cells in your brain, and lead to all kinds of age-related

Now, researchers at the University of Arizona have confirmed that the healing properties of the Nopal cactus — found only in the Sonoran desert in the southwest — can help fight off harmful inflammation and restore cellular health.

The key is a rare and potent class of antioxidants called "betalains" found inside the Nopal fruit. For centuries, betalains are believed to be perhaps the best natural anti-inflammatory agents on the planet.

#### The power of Nopalea

For the first time, you can harness theproven health benefits of this powerful antioxidant in a delicious, natural fruit drink. Nopolea stands with you in your daily battle for good health.

#### Helps restore damaged cells

Nopalea draws off excess fluid in your cells, strengthens the cellular wall and protects it from "popping," or dying prematurely. The unhealthy cell returns to a normal, healthy state. And you feel great again!

#### Delighted customers

"I had surgery for collapsed vertebrae which caused severe inflammation. I tried Nopalea and I'm no longer in pain.'

"I love the way it tastes. I will never stop drinking Nopalea."\*

Melody C., TriVita Member Denver, CO

"I have suffered from chronic breathing problems for most of my life. A friend introduced (me) to Nopalea, My breathing problems were significantly reduced. Napalea has helped me live a fuller life."

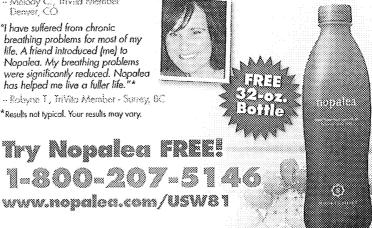
-- Bobyne T., TriVito Member - Surrey, BC

\*Results not typical. Your results may vary.

#### Drink it and thrive

- \* Helps relieve muscle, joint & bone discomfort
- Supports heart health
- Improves breathing
- Soothes digestive problems
- Protects cellular health





## Nopalea Supports Good Health & Vitality

- Fights inflammation
- Helps relieve muscle, joint & bone discomfort
- Supports heart health
- Improves breathing
- Soothes digestive problems
- Protects cellular health



### From 'complete agony' to a glorious pain-free life!\*

Melody C., TriVita Member - Denver, CO

"I had surgery for three collapsed vertebrae which caused severe inflammation. I tried Nopalea and the results were dramatic. I'm no longer in pain, You won't see me walking with a limp."

"I love the way it tastes. I will never stop drinking Nopalea."\*

## "...my breathing problems were significantly reduced."\*

Robyno I., InVita Member - Surrey, BC

"I have suffered from chronic breathing problems for most of my life. A friend of my husband and I introduced us to Napalea."

"I quickly noticed that my breathing problems were significantly reduced. Nopalea has helped me to live a fuller life."\*







iry Nobeled FREE! 1-800-206-0506

\* Result not typical. Your results may vary.

8.375"

"For years, I suffered from unbearable stiffness and swelling in my hands"

# "How I BEAT The Pain That Almost Ended My Career!"

By Jaudon Sunde Medical Cosmetic Technician

For nine long years, I lived in sheer agony. I suffered from inflammation and horrible stiffness in my hands. Unless you've experienced it for yourself, you can't imagine how bad the pain really is. It nearly crippled me and almost ended my career.

As a Medical Micropigmentation Specialist in Cleveland, Ohio, I need my hands for applying medical tattooing and permanent makeup for cancer patients, burn victims, and for people who need facial reconstruction.

I was proud that in 2010, FOX 8 TV news viewers voted me the "Best Permanent Cosmetic Technician" in the area and I have consistently ranked in the top 2% nationally.

But suddenly, my career was in danger. I was told that the intense precision of my work combined with the brutal cold winters in Ohio contributed to major stiffness and inflammation.

So naturally, I tried just about every pain remedy and topical cream on the market. Nothing worked. The pain was getting worse and worse.

So for all these years, I got by on a steady regimen of over-the-counter pills. The pain in my hands got so bad that I started taking pain relievers 2-3 times a day. And still my agony persisted.

I was faced with a dreadful choice: Either have the painful surgery on my hands and be laid up for months...or cut my workload in half. I was between a rock and a hard place.

I couldn't afford to do either. I had to find a better way to get real relief.

Then one day at dinner a friend of mine told me that inflammation is worse than I thought. "It's called the 'secret killer,' and for good reason,' he said. "Left alone, it can ravage your arteries, chew up nerve cells in your brain, and lead to all kinds of age-related ailments.

"The good news is that researchers at the

University of Arizona have now confirmed that the Nopal cactus — found in the Sonoran Desert in the southwest U.S. — has tremendous power. It can help fight off harmful inflammation without risky drugs. And it can help reduce the pain caused by inflammation.

"It turns out that the fruit of this plant is loaded with a special concentration of something called a 'bioflavonoid.' It's a super-powerful antioxidant that scientists believe to be perhaps the best natural anti-inflammatory agent on the planet. And it's proven to reduce inflammation and detoxify your body naturally."

He then spoke the words that would change my life. "I think all you need to do is try a fruit drink." I was shocked! How is an ordinary fruit drink going to end my misery? "Well, it's not an ordinary fruit drink. It's called Nopalea, a breakthrough wellness drink that contains these incredible bioflavonoids I told you about. Drink it and you'll be amazed how great you're going to feel."

I was skeptical, but I was also desperate. He brought me a bottle and I took a sip. I was shocked that it actually tasted fruity and delicious. I really enjoyed drinking it,

In just 5-6 days, an amazing thing happened. I started to feel much better. My stiffness loosened up and I moved around better than I had in years with no pain.

I was overjoyed! The inflammation in my hands showed dramatic improvement. I kept taking 3 ounces of Nopalea twice a day and after about 30 days, I could perform my duties 95% pain free!

Even the doctors I work with were amazed at my amazing improvement, I no longer need surgery. I am busier than ever before and I love it!

I also found out that the bioflavonoid in Nopalea aid my body in healing by surrounding unhealthy cells and draining them of toxic waste.

ADVERTISEMENT



Jaudon Sunde, Micropigmentation Specialist, says that "Nopalea has been a life-saver in every sense of the word."\*

But don't believe me. You must try this drink for yourself. If you're suffering with the same inflammation and pain that I did, you owe it to yourself to get real relief. Once you try Nopalea, I know you'll agree that it's the best thing that's happened to you in a long, long time.

#### TRY A FREE BOTTLE!

In fact, the manufacturers of Nopalea are so confident that they've agreed to give the readers of this newspaper a special introductory offer. Call now and they'll ship you a 32-ounce bottle for FREE! Just pay a small shipping and handling fee.\*

There's no risk. No obligation. But hurry - they only have a limited number of FREE bottles to give away. And when they're gone, they're gone forever.

So do yourself a favor and give your body the great relief it needs. Call today and you'll be like me — a true believer!

Call Now, Toll-Free **1-800-354-9761** 

\*Just pay \$9.95 for shipping and handling

\*Affiliate Members may receive commission on the sale of TriVita products.

This product is not intended to diagnose, treat, cure or prevent any diseases. Children, women who are pregnant or nursing , and all Individuals allergic to any loods or Ingredients should consult their healthcare provider before using this product. You should not stop taking any medications without first consulting with your healthcare provider. To report a serious adverse event or obtain product information, contact 1-800-991-7116.



TriVita: Experience Wellness

http://www.trivita.com/Web/US/content/products/product-detail.aspx...

#### Wellness Stories



"...after taking Nopalea, I feel so much better." "I am a certified personal trainer and fitness consultant. But then

one day, I injured my back while exercising and I experienced a constant nagging pain and muscle tightness that I could not seem

- Brian B., Affiliate Member - Odenton, MD

to get rid of. I knew I needed some help, And, now, after taking Nopalea, I feel so much better.



"I suffered excruciating pain every day ... now my pain is almost gone!"

"I was diagnosed with a condition where there is inflammation in the cartilage

inflammation in the cartilage that joins the upper ribs to the sternum. This condition causes sharp pains on my front chest wall which also radiates to my back and abdomen. I was suffering with excruciating pain every day, My doctor recommended ibuprofen, but it did absolutely nothing for the pain. I started thinking that I was going to have to live with this very painful condition for the rest of my life. Then I learned about Nopalea and decided to try it. I took the loading phase and now my pain is almost gonel Nopalea is an awesome product. "

- Carrie P., Member - Mount Horeb, WI



"... realized I was breathing deeply. It felt great!"
"I used to run merathons and walking is one of the things I love to do. Recently I'd developed breathing problems, especially when breathing deeply, which made walking difficult. My doctor found evidence of scarring on my lungs so I began taking Nopalea. One day while walking, I took a deep breath – a really deep breath – and realized I was breathing deeply. It felt great! Nopalea has helped me so much. It is a life-changing product. The taste is great, and it really makes me feel good."

- Barbara B., Affiliate Member – Los Angeles, CA

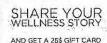


"...the pain has continued to steadily decrease"
"I have been taking Nopalea for about month and a half. After the first week, I noticed that I was having much less pain in my knees after my morning run.

At first I didn't know if it was the Nopalea, but I continued to drink about 2 ounces a day, and the pain has continued to steadily decrease. I've also noticed that I am more motivated to exercise regularly. The taste is so good that even my four-year-old daughter asks for her Nopalea by name every day - drinking it is part of our morning routine. "

- Mike N., Affiliate Member - Spring Lake, NC

- Mike N., Affiliate Member - Spring Lake, NC





"After taking Nopalea, my constant knee pain was gone."
"Before I started taking Nopalea I had pain and swelling in my knee due to all the running I was doing, my doctor told me to stop running and gave me an anti-inflammatory medication. It didn't work, But after taking Nopalea,

medication. It didn't work, but after taking Nopalea, my constant knee pain was gone. I decided to try running again. Much to my amazement, I've now been running pain-free, without swelling, for over five months. Plus, even my weekly migraines are gone. I feel better now than I ever have!"

- Tami S., Affiliate Member - Lincoln, NE



"Within five days . . . my range of motion was improving." "I'm in my 40s and had a few health

"I'm In my 40s and had a few health problems, Including a very stiff neck that caused a lot of pain and affected my range of motion. So I began drinking Nopalea (It tastes delicious) and within five days of starting the Nopalea Weliness Challenge, I noticed that my range of motion was improving. I noticed that Nopalea also helped me with my seasonal allergy symptoms that created puffiness around my eyes and face. People commented on how healthy my skin looked after just a short time on Nopalea. Best of all, Nopalea helped my body reduce inflammation as shown on my C-Reactive Protein test, Prior, the score was 1.3, but since Nopalea, it is down to just barely over zero – It decreased one full point. Nopalea is helping me out and I think it's worth it to Nopalea is helping me out and I think it's worth it to feel good and be healthy." - Paige C., Affiliate Member – Belleair Bluffs, FL



"Nopalea allowed me to compete in what I do best!"
"I'm a 49-year-old Pro Rodeo Champion from South Dakota and

compete nationally in Steer
Wrestling and Roping. Working in
the rodeo has especially impacted
my shoulders, causing me pain. But then I found out
about Nopalea from my mother who recommended that I try it because of my aches and pains

Just several days after starting Nopalea, I took a Just several days after starting Nopalea, I took a nasty fall and hurt my knee pretty bad in a competition. I was due to continue the competition over the next few days, but I feared the worst. I thought I would have to quit, because the last time I fell like this, I was out for almost a month.

Much to my surprise, the next day 1 didn't have the swelling and pain that I've experienced so many times before. I was not only feeling pretty good, I was able to compete the next two days and finish what I was there for

I also noticed that since taking the Nopalea, my sleep Pattern Is much better. I used to wake at the early hours of the morning and now, I find that I am sleeping better and longer without that interruption."

– J.B. Lord, Affiliate Member – Pledmont, SD

You should not stop taking any medication without first consulting your healthcare provider.

Products for Wellness Wellness Center

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cada día] el dolor se redujo a la mitad. Cuando ya iba por la mitad de la segunda botella, el dolor de mis rodillas y tobillos había desaparecido".

Kimberly M., Mechanicsville, PA

## "...pude mover mis manos mucho mejor".

"Sufría de rigidez, inflamación y dolor articular crónicos durante muchos años. Luego de tomar Nopalea durante poco tiempo, pude mover mis manos mucho mejor. Estoy tomando Nopalea desde hace más de un año y ha aliviado enormemente el dolor y la rigidez de las articulaciones".

Sherman J., Jr., Nelson Lagoon, AK

#### "Camino en el parque casi todos los días sin bastón y llevo una vida activa".

"Hace un año me torcí las rodillas y luego de meses de rehabilitación seguía teniendo dificultad para caminar, por lo que usé un bastón. Un amigo me recomendó Nopalea y decidí probarlo. Luego de dos semanas noté una mejoría. Ahora, tres meses después, camino en el parque casi todos los días sin bastón y llevo una vida activa. Si dejo de tomar Nopalea, los síntomas regresan. Ahora estoy comprometido con el producto y estoy feliz de compartirlo con las personas con las que hablo".

Mike M., Middle Village, NY

## "...estoy tan emocionada con los resultados".

"Mientras jugaba con una pelota en la piscina, me lesioné gravemente la rodilla derecha. A penas podía caminar, sentarme, dormir o realizar actividades comunes. Realicé un pedido de Nopalea y noté una clara mejoría luego de 3 semanas de tomar diariamente 6 onzas de Nopalea. Estoy tan emocionada con los resultados".

Orysia C., Larenceville, GA



El fruto del nopal de Nopalea contiene una clase muy rara y potente de antioxidantes llamados bioflavonoides. Se ha comprobado científicamente que estos bioflavonoides ayudan al organismo a destoxificarse y reducir la inflamación. ¡Vea lo que dice la comunidad de investigadores científicos acerca de estos increíbles nutrientes!

#### Nopalea



#### Actividad antitoxinas

- "Cactus (Opuntia Ficus-indica) protects against oxidative damage induced by the mycotoxin zearalenone in Balb/C mice." (El cactus (Opuntia ficus-indica) protege contra la oxidación inducida por la micotoxina zearalenona en ratones Balb/C) (Food Chem Toxicol. 2008 May;46 (5):1817-24.)
- "Opuntia ficus indica extract protects against chlorpyrifos-induced damage on mice liver," (El extracto de Opuntia ficus indica protege contra el daño inducido por ctorpirifós en el higado de ratones) (Food Chem Toxicol, 2008 Feb;46(2):797-802.)
- "Opuntia ficus indica (L.) Mill. fruit juice protects liver from carbon tetrachloride-induced injury." (El jugo del fruto Opuntia ficus indica (L.) Mill. protege el higado contra las lesione inducidas por tetracloruro de carbono) (Phytother Res. 2005 Sep;19(9):796-800.)

#### Antiinflamatorio

- "An anti-inflammatory principle from cactus." (Una fórmula antiinflamatoria proveniente del cactus) (Fitoterapia. 2001 Mar;72(3):288-90)
- "Antioxidant betatains from cactus pear (Opuntia ficus-indica) inhibit endothelial ICAM-1
  expression." (Los antioxidantes betatainicos de la tuna (Opuntia ficus-indica) inhiben la
  expression endotelial de la ICAM-1) (Gentile C, Tesoriere L, Altegra M, Livrea MA, D'Alessio P
  Ann N Y Acad Sci. 2004 Dec;1028:481-6.)
- "Effect of Opuntia ficus indica on symptoms of the alcohol hangover." (Efecto del Opuntia ficus indica sobre los sintomas de la resaca después de ingerir alcohol) (Wiese J, McPherson S, Odden MC, Shipak MG, Arch Intern Med. 2004 Jun 28;164(12):1334-40.

#### Fortalecimiento del sistema inmunológico

- "Betalains a betacyanin pigment purified from fruits of Opuntia ficus-indica induces apoptosis in human chronic myeloid leukemia Cell line-K562." (Las betalainas, un pigmento de la betacianina purificada de los frutos del Opuntia ficus-indica inducen apoptosis en la línea celular K562 procedente de la leucemia mieloide crónica en los humanos) (Phytomedicine.
- "Antioxidant betalains from cactus pear (Opuntia ficus-indica) inhibit endothetial ICAM-1 expression." (Los antioxidantes betalainicos de la tuna (Opuntia ficus-indica) inhiben la expresión endotetial de la ICAM-1) (Ann N Y Acad Sci. 2004 Dec;1028:481-6.)
- "Modulation of intracellular calcium concentrations and T cell activation by prickly pear polyphenols." (Modulaciones de las concentraciones de calcio intracellular y activación de la célula T por los polifenoles de la tuna) (Mol Cell Biochem. 2004 May;1260/1-2):103-10.)

#### Protección cerebral

- "Inhibition of nitric oxide synthase expression in activated microglia and peroxynitrite scavenging activity by Opuntia ficus indica var. saboten." (Inhibición de la expresión de la sintasa del óxido nítrico en microglia activada y necrofagia del peroxinitrito por Opuntia ficus indica var. saboten) (Phytother Res. 2006 Sep;20(9):742-7.)
- "Interventions for protecting against or treating alcohol hangover; systematic review of randomised controlled trials." (Intervenciones para protegerse contra la resaca del alcohol of para trataria: revisión sistemática de pruebas controladas aleatorias) BMJ. 2005 Dec 24;331 (7531):151-5-8.)
- "Opuntia ficus-indica attenuates neuronal injury in in-vitro and in vivo models of cerebral ischemia," (Opuntia ficus-indica atenua las tesiones neuronales en modelos de isquemia cerebral in-vitro y en vivo) (J Ethnopharmacol. 2006 Mar 8:104(1-2)257-62.)
- "Effect of Opuntia ficus indica on symptoms of the alcohol hangover." (Efecto de Opuntia ficus indica en los sintomas de la resaca del alcohol) (Arch Intern Med. 2004 Jun 28;164 (12):1334-40.)
- "Neuroprotective effects of antioxidative flavonoids, quercetin, (\*)-dihydroguercetin and quercetin 3-methyl ether, isolated from Opuntia ficus-indica var. saboten." (Efectos neuroprotectivos de los flavonoides antioxidantes, la quercetina, la (+)-dihidroquercetina y la quercetina 3-metlièter, aislados de Opuntia ficus-indica var. saboten) (Brain Res. 2003 Mar 7;965(1-2):130-6.)

Cómo ayuda Nopalea al organismo en la curación

OBTENGA UNA BOTELLA DE NOPALEA GRATIS\*!

La inflamación descontrolada y los radicales libres (moléculas inestables que son también dañinas para

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las células) son generalmente el resultado de la exposición del organismo a las toxinas, el traumatismo directo, las deficiencias de nutrientes y el estrés. Una célula demasiado agotada por la inflamación se puede dañar definitivamente y puede causar su muerte prematura. Las células dañadas y muertas deberán eliminarse del organismo o se convertirán en el foco de infecciones y enfermedades.

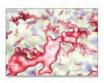
Los bioflavonoides contenidos en Nopalea pueden ayudar a protegerlo contra la toxicidad y a reducir la inflamación que puede conducir a padecimientos graves.



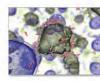
 Nopalea, repleto de bioflavonoides, se ingiere.



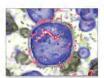
2. Los bioflavonoides contenidos en Nopalea se extienden por todo el organismo.



3. Un primer plano de los bioflavonoides, rodeados de células.



4. Los bioflavonoides se acercan a las células no saludables y drenan el líquido residual tóxico.



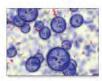
 El organismo puede convertir una célula no saludable en una sana.



 Un macrófago (una célula especial del sistema inmunológico) busca cualquier célula muerta que haya quedado.



El macrófago envuelve las células muertas.



 Los bioflavonoides continúan rodeando sus células, protegiéndolas contra los asaltos diarios.

#### Preguntas frecuentes

;OBTENGA UNA BOTELLA DE NOPALEA GRATIS\*!

## ¿Nopalea contiene azúcar, edulcorantes artificiales, saborizantes artificiales o colorantes añadidos?

No. Nopalea está endulzado con néctar de agave, una forma natural de azúcar.

¿Nopalea contiene conservantes?

No.

#### ¿Qué cantidad de Nopalea debo tomar?

Cuando tome Nopalea por primera vez, TriVita sugiere que beba diariamente entre 3 y 6 onzas, durante 30 días. Durante la etapa de mantenimiento, tome entre 1 y 3 onzas diariamente, dependiendo de las necesidades de su organismo de combatir la inflamación.

#### ¿Es seguro tomar Nopalea con medicación?

No existe ninguna contraindicación conocida entre Nopalea y los medicamentos. Sin embargo, Nopalea es un suplemento alimentario. Si está tomando medicamentos o padece un trastorno médico conocido, es mejor que consulte con un profesional de la salud antes de tomar Nopalea.

#### ¿Cómo puedo asegurar de que el producto mantenga su frescura?

Para mantener de mejor manera la frescura, el color y el sabor naturales del producto, refrigere la botella al recibirla; nunca beba directamente de ella y consuma el contenido de cada botella luego de 30 días de abrirla.

¡Participe en el Reto de bienestar de Nopalez hoy mismo con una botella GRATIS\*!

#### Cómo funciona el reto:

 Obtenga una botella de Nopalea de 32 onzas GRATIS\* y beba de 3 a 6 onzas de Nopalea frío todos los días hasta que se acabe.

#### Case 2:14-cv-01557-DLR Document 1 Filed 07/10/14 Page 130 of 130

- Llene el formulario del Reto de Nopalea (incluido en su envío) para hacer un seguimiento de su progreso.
- Lea la alerta de salud El asesino secreto (también incluida en su primer pedido): un folleto informativo breve acerca de los peligros de la inflamación y cómo Nopalea puede ayudar.



1-800-249-2173

\*Pague solo \$9.95 por envío y gestión.



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