

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**DR. CLARK RESEARCH ASSOCIATION,
a corporation,**

**DR. CLARK BEHANDLUNGSZENTRUM GMBH,
d/b/a DR. CLARK ZENTRUM, a corporation, and**

**DAVID P. AMREIN, individually and
as an officer of both corporations,**

Defendants.

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)
)
) **Civ. No. 1:03CV0054**

) **JRA**

)
)
) **STIPULATED FINAL**
) **JUDGMENT AND ORDER**
) **FOR PERMANENT**
) **INJUNCTION AND OTHER**
) **EQUITABLE RELIEF**
)
)
)

Plaintiff, the Federal Trade Commission ("Commission" or "FTC"), commenced this action on January 8, 2003, by filing its Complaint for Injunctive and Other Equitable Relief ("Complaint") pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), charging Defendants Dr. Clark Research Association, Dr. Clark Behandlungszentrum GmbH d/b/a Dr. Clark Zentrum, and David Amrein with violating Sections 5(a), 12 and 15 of the FTC Act, 15 U.S.C. §§ 45(a), 52 and 55. On July 30, 2004, the

Commission filed an Amended Complaint correcting the spelling of the name of corporate defendant Dr. Clark Behandlungszentrum GmbH.

The Commission, by and through its counsel, and Defendants Dr. Clark Research Association, Dr. Clark Behandlungszentrum GmbH d/b/a Dr. Clark Zentrum, and David Amrein ("Defendants"), by and through their counsel, have agreed to the entry of this Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief ("Final Judgment") by this Court in order to resolve all matters arising out of the facts alleged in the Complaint and in dispute in this action. The Commission and Defendants have consented to entry of this Final Judgment without trial or adjudication of any issue of law or fact herein, and without Defendants admitting liability or wrongdoing for the offenses alleged in the Complaint.

NOW THEREFORE, the Commission and Defendants having requested this Court to enter this Final Judgment, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

FINDINGS

1. This is an action instituted by the Commission under Sections 5(a), 12, and 15 of the FTC Act, 15 U.S.C. §§ 45(a), 52, and 55, and the Commission has the authority to seek the relief it requested.
2. This Court has jurisdiction over the subject matter of this case and jurisdiction over all parties, and venue in this district is proper.

3. The Commission's Complaint states claims upon which relief may be granted against Defendants under Sections 5(a), 12 and 15 of the FTC Act, 15 U.S.C. §§ 45(a), 52 and 55.
4. The activities of Defendants, as alleged in the Complaint, are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. Defendants waive all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by Pub. L. 104-121, 110 Stat 847, 863-64 (1996)*.
6. Defendants also waive all rights to seek judicial review or otherwise challenge or contest the validity of this Final Judgment. Defendants further waive and release any claim they may have against the Commission, its employees, agents, or representatives.
7. Entry of this Final Judgment is in the public interest.
8. This Final Judgment does not constitute and shall not be interpreted to constitute either an admission by Defendants or a finding by the Court that Defendants have engaged in violations of the FTC Act or any other law.
9. This Final Judgment resolves claims only against the named Defendants and does not preclude the Commission from initiating further action or seeking any remedy against any other persons or entities, including without limitation persons or entities who may be subject to portions of this Final Judgment by virtue of actions taken in concert or participation with Defendants, and persons or entities in any type of indemnification or contractual relationship with Defendants.

DEFINITIONS

For the purposes of this Final Judgment, the following definitions shall apply:

1. **“Advertising”** means any written or verbal statement, illustration, or depiction that is designed to effect a sale or create interest in the purchasing of goods or services, whether it appears in a brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, free standing insert, newsletter, catalogue, poster, chart, billboard, public transit card, point of purchase display, packaging, package insert, label, film, slide, radio, television or cable television, audio program transmitted over a telephone system, program-length commercial (“infomercial”), Internet website (including metatags), or in any other medium.
2. **“Defendants”** means:
 - a. David P. Amrein individually and in his capacity as an officer of Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH, and
 - b. Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH, corporations, and their respective subsidiaries, divisions, affiliates, successors, and assigns;and each of the above, and any entity through which any of the above does business.
3. **“Covered product”** means any food, drug, or device as defined in Section 15 of the FTC Act, 45 U.S.C. § 55, or any dietary supplement, or any ingredient or aspect of any such food, drug, device, or dietary supplement, including but not limited to the Super-Zapper Deluxe, the Syncrometer, the 21 Day Program for Advanced Cancers and the Complete

Herbal Parasite Program (also known as the Herbal Parasite Cleanse), however formulated, that is sold or offered for sale anywhere in the United States.

4. **"Distributor"** means any purchaser or other transferee of any covered product who acquires such product from any Defendant for resale and is entitled to or has received any commission or bonus in connection with the sale or distribution of any covered product.
5. **"Endorsement"** means as defined in 16 C.F.R. § 255.0(b).
6. **"Competent and reliable scientific evidence"** means tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
7. The terms **"and"** and **"or"** in this Final Judgment shall be construed conjunctively or disjunctively as necessary, to make the applicable sentence or phrase inclusive rather than exclusive.

I. PROHIBITED REPRESENTATIONS

IT IS HEREBY ORDERED that Defendants and their officers, directors, agents, servants, employees, salespersons, distributors, corporations, subsidiaries, affiliates, successors, assigns, and those persons or entities in active concert or participation with them who receive actual notice of this Final Judgment by personal service, facsimile, or otherwise are hereby enjoined from making or assisting others in making any representation, in any manner, expressly or by implication, including through the use of endorsements, about the health benefits, efficacy,

or safety of any covered product, or the performance of the product as it relates to health benefits, efficacy, or safety, including but not limited to representations that:

- A. Use of the *Super-Zapper Deluxe* is effective to kill bacteria, viruses and parasites in the human body;
- B. Use of the *Super-Zapper Deluxe* is effective against chronic infections, cancer and Acquired Immunodeficiency Syndrome (AIDS);
- C. The *Super-Zapper Deluxe* and the *Complete Herbal Parasite Program* are effective to cure all forms of cancer in humans;
- D. *Dr. Clark's New 21 Day Program for Advanced Cancers* is effective to cure all forms of cancer in humans;
- E. *Dr. Clark's New 21 Day Program for Advanced Cancers* has cured numerous people with advanced cases of cancer;
- F. The *Syncrometer* device is more accurate than the best testing methods at diagnosing all forms of disease;
- G. The *Syncrometer* device can detect the presence of any substance at specific points in the human body;
- H. The *Super-Zapper Deluxe*, used together with the *Complete Herbal Parasite Program*, is effective to cure AIDS;
- I. The *Super-Zapper Deluxe*, used together with the *complete Herbal Parasite Program* and avoidance of pollutants, is effective to cure diabetes, multiple sclerosis, Alzheimer's, endometriosis, asthma, and many other diseases;

- J. *Dr. Clark's New 21 Day Program for Advanced Cancers and Super-Zapper Deluxe*, when used by persons with cancer, make surgery and chemotherapy unnecessary;

unless, at the time of making the representation, Defendants possess and rely upon competent and reliable scientific evidence that substantiates the representation. **Provided, however, that nothing in this Final Judgment shall prohibit Defendants from making (1) any representation for any drug that is permitted in labeling for any such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration, or (2) any representation that is specifically permitted in labeling for any product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.**

II. CONSUMER REDRESS

IT IS FURTHER ORDERED that Defendants shall:

- A. Within seven (7) days after service of this order upon defendants, deliver to the Commission, in the form of a sworn affidavit and a computer file in a format approved by counsel for the Commission, a list of all persons in the United States who purchased the *Super-Zapper Deluxe*, *Syncrometer*, *Dr. Clark's New 21 Day Program for Advanced Cancers*, and *Complete Herbal Parasite Program*. (also known as the *Herbal Parasite Cleanse*) before October 31, 2003 listed in defendants' records. Such list shall include each purchaser's name and address, and, if available, the telephone number and e-mail address, and the full purchase

price, including shipping, handling, and taxes, of the product(s) purchased from any of the defendants.

- B. Within thirty (30) days after service of this order upon defendants, send by first class mail, with postage prepaid, an exact copy of the notice attached hereto as Attachment A, showing the date of mailing, to the last known address of each person who purchased a *Super-Zapper Deluxe, Syncrometer, Dr. Clark's New 21 Day Program for Advanced Cancers, or Complete Herbal Parasite Program* (also known as the *Herbal Parasite Cleanse*) before October 31, 2003. This mailing shall not include any other document.
- C. Defendants shall refund the full purchase price of the *Super-Zapper Deluxe, Syncrometer, Dr. Clark's New 21 Day Program for Advanced Cancers, or Complete Herbal Parasite Program* (also known as the *Herbal Parasite Cleanse*) including shipping and handling and applicable taxes, to each purchaser whom it notifies pursuant to Paragraph II. B., above, whose initial request for a refund is received by defendants within ninety (90) days after the date the notice required by Paragraph II. B. of this order is mailed to purchasers, and to any other purchaser whose request for refund is received by defendants within one hundred eighty (180) days after the notice required by Paragraph II.B. under the following terms and conditions:
1. If defendants have no documents that would cause a reasonable person to question either the fact or amount of the purchaser's request or if the purchaser provides proof of purchase, including but not limited to any of

the following: return of goods or packaging, canceled check[s], credit card invoice[s], or receipt[s], the refund shall be paid within thirty (30) days of defendants' receipt of the refund request.

2. If defendants have documents that would cause a reasonable person to question either the fact or amount of the purchaser's request and the purchaser does not provide proof of purchase, defendants shall notify the purchaser, within thirty (30) days of receipt of the request for refund, that defendants question the request and shall provide the purchaser with all information, including copies of all documents and a written explanation of any nondocumentary evidence, causing defendants to question the request. The notice shall also state that the purchaser has thirty (30) days from receipt of the notice to provide defendants with any additional information, including but not limited to documents or a written statement of nondocumentary evidence, in support of the purchaser's request.

a. Within thirty (30) days of the receipt of additional information from a purchaser, defendants shall pay the purchaser the amount of the request unless the information, taken as a whole and interpreted in the light most favorable to the purchaser, shows clearly and convincingly that a different amount (which may be no amount) should be refunded, in which event defendants shall pay the different amount. If a different amount is paid, defendants

shall, at the same time as offering the payment, provide a written statement giving the reasons for paying the different amount.

- b. If within 45 days of notifying the purchaser that defendants question the request for refund the defendants have not received additional information, defendants shall pay to the purchaser the amount indicated by the information available to them.
3. Nothing in this Paragraph shall be interpreted to prevent defendants from paying an amount greater than that amount requested by the purchaser if the greater amount is at least equal to what defendants' records show the purchaser paid for the *Super-Zapper Deluxe, Syncrometer, Dr. Clark's New 21 Day Program for Advanced Cancers, or Complete Herbal Parasite Program* (also known as the *Herbal Parasite Cleanse*) including shipping and handling and applicable taxes.

D. Defendants shall, no later than one hundred and eighty (180) days after the date of service of this order, deliver to the Commission a monitoring report, in the form of a sworn affidavit. This report shall specify the steps defendants have taken to comply with the terms of this Paragraph II, and shall state, without limitation:

1. The name and address of each purchaser to whom defendants sent the notice attached hereto as Attachment A as required under Paragraph II, B, and shall state, as to each such purchaser:
 - a. Whether the purchaser requested a refund;

- b. The date defendants received the purchaser's request and the amount of the refund requested;
 - c. Either the amount of the refund provided by defendants to the purchaser or the status of any disputed refund request; and
2. The total amount of refunds paid by defendants to all purchasers.
- E. For purposes of this Paragraph II, a reference to "purchaser" or "person" shall include the purchaser's or person's spouse, guardian, conservator, executor, administrator, or other representative. The spouse of a deceased or incapacitated purchaser shall be presumed to be the appropriate representative of that purchaser.

III. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that each Defendant, within fifteen (15) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

IV. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order, Defendants shall deliver copies of the Order as directed below:

- A. **Corporate Defendants:** Defendants Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH shall deliver a copy of this Order to all principals, officers, directors, and managers. These corporate defendants also shall deliver copies of this Order to all of their employees, agents, representatives,

consultants, independent contractors, or other persons who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within fifteen (15) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.

B. Individual Defendant as Control Person: For any business that Defendant David P. Amrein controls, directly or indirectly, or in which such defendant has a majority ownership interest, the defendant shall deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant David P. Amrein shall also deliver copies of this Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter of this Order. For current personnel, delivery shall be within fifteen (15) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.

C. Individual Defendant as Employee or Non-Control Person: For any business where Defendant David P. Amrein is not a controlling person of the business but otherwise engages in conduct related to the subject matter of this Order, such defendant shall deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.

D. Acknowledgment of Receipt: Defendants shall use their best efforts to secure a signed and dated statement acknowledging receipt of the Order, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this section. In the event that a person receiving a copy of this Order fails or refuses to

acknowledge receipt, then the defendants shall notify the Commission of the name and address of such person.

V. COMPLIANCE REPORTING BY DEFENDANTS

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

- A. For a period of five (5) years from the date of entry of this Order,
 1. Defendant David P. Amrein shall notify the Commission of the following:
 - a. Any changes in his residence, mailing addresses, or telephone numbers within ten (10) days of the date of such change;
 - b. Any changes in his employment status (including self-employment) and any change in his ownership of any business entity, within ten (10) days of such change. Such notice shall include the name and address of each business that he is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of his duties and responsibilities in connection with the business or employment; and
 - c. Any changes in his name or use of any aliases or fictitious names; and
 2. Individual Defendant David P. Amrein and Corporate Defendants Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH

shall notify the Commission of any changes in the corporate structure of either of the Corporate Defendants or any business entity that the Individual Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided that*, with respect to any proposed change in the corporation about which the defendant(s) learns less than thirty (30) days prior to the date such action is to take place, the defendant(s) shall notify the Commission as soon as is practicable after obtaining such knowledge; and,

3. Notices under this subsection may be given by telefax.

B. One hundred eighty (180) days after the date of entry of this Order, Defendants David P. Amrein, Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH each shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order. This report shall include, but not be limited to:

1. For the Individual Defendant:

- a. His then-current residence addresses, mailing addresses, and telephone numbers;
- b. His then-current employment and business addresses and telephone numbers; a description of the business activities of each such employer or business, and the title and responsibilities of the Individual Defendant, for each such employer or business; and
- c. Any other changes required to be reported under Subparagraph A of this Section.

2. For all Defendants:

- a. A copy of each acknowledgment of receipt of this Order obtained pursuant to Paragraph IV above and the name and address of each person or entity to whom a copy of this Order was provided but that refused to provide an acknowledgment of receipt of this Order;
- b. A statement describing the manner in which Defendant has complied and is complying with Paragraphs I and II above; and
- c. Any other changes required to be reported under Subparagraph A of this Section.

- C. For the purposes of this Order, Defendants shall, unless otherwise directed by the Commission's authorized representatives, mail or telefax all written notifications to the Commission to:

Regional Director
Federal Trade Commission
East Central Region

1111 E. Superior Ave., Suite 200
Cleveland, Ohio 44114
FAX: (216) 263-3426

Attn: FTC v. Dr. Clark Research Association (N.D. Ohio)
Civil Action No. 1:03-cv-0054-JRA

- D. For purposes of this order, the Commission shall, unless otherwise notified by a Defendant, mail or telefax all communications to Defendants to the address or telefax number listed below.

Dr. Clark Zentrum
Bielstrasse 12, CH-3053
Munchenbuchsee, Switzerland
FAX: 01141-31-868 3132

With a copy to:

Carlos Negrete, Esq.
27422 Calle Arroyo
San Juan Capistrano, California 92675-2747
(949) 493-8115 x105
FAX: (949) 493-8170

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- E. Any party may change the address or telefax number to which communications required by this Stipulated Final Judgment and Order shall be sent by sending notice to the other party at the address or telefax number listed in this Paragraph.

VI. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order,

- A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendants shall each submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in such defendant's possession or direct or indirect control to inspect the business operation;
- B. In addition, the Commission is authorized to monitor compliance with this Order by all other lawful means, including but not limited to the following:
1. obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
and
 2. posing as consumers and suppliers to David P. Amrein, Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH without the necessity of identification or prior notice;
- C. Defendants David P. Amrein, Dr. Clark Research Association and Dr. Clark Behandlungszentrum GmbH shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

Provided, however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to

obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1).

VII. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, in connection with any business involved in the advertising, marketing, promotion, offer for sale, distribution, or sale of any covered product or service, operated by any Defendant, or where any Defendant is a majority owner of the business or directly or indirectly manages or controls such a business, Defendants and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- B. Personnel records accurately reflecting the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; the person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;
- C. Customer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services

purchased, to the extent such information is obtained in the ordinary course of business;

- D. Complaints and refund requests, written or oral, whether received directly or through any third party, including but not limited to reports of adverse incidents claimed to be associated with the use of a product or service, and any responses to those complaints or requests;
- E. Copies of all advertisements, promotional materials, sales scripts, training materials, Websites, or other marketing materials utilized in the advertising, marketing, promotion, offering for sale, distribution of sale of any covered product;
- F. All materials that were relied upon in making any representations contained in the materials identified in Subparagraph E of this Paragraph, including all documents evidencing or referring to the accuracy of any claim therein or to the efficacy of any covered product, including, but not limited to, all tests, reports, studies, demonstrations, or other evidence that confirm, contradict, qualify, or call into question the accuracy or efficacy of each such product;
- G. Records accurately reflecting the name, address, and telephone number of each manufacturer or laboratory engaged in the development or creation of any testing obtained for the purpose of manufacturing, labeling, advertising, marketing, promoting, offering for sale, selling, or distributing any covered product;
- H. Copies of all contracts concerning the manufacturing, labeling, advertising, marketing, promotion, offering for sale, sale, or distribution of any covered product; and

- I. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order and all reports submitted to the FTC pursuant to this Order.

VIII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IT IS SO ORDERED:

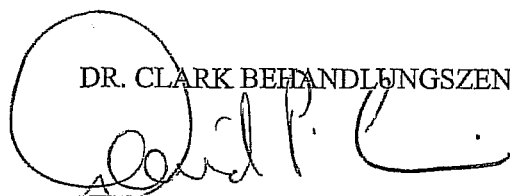
s/John R. Adams
UNITED STATES DISTRICT JUDGE

DATED: 11/22/04

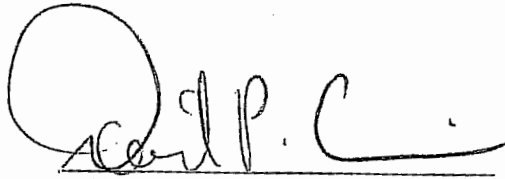
So Stipulated:


DR. CLARK RESEARCH ASSOCIATION

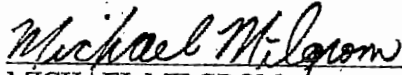
by: DAVID P. AMREIN
President


DR. CLARK BEHANDLUNGSZENTRUM GmbH

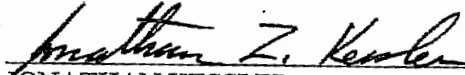
by: DAVID P. AMREIN
President



DAVID P. AMREIN, individually and
as an officer of the corporations



MICHAEL MILGROM
Counsel for the Federal Trade Commission



JONATHAN KESSLER
Counsel for Federal Trade Commission

Dated: November 18, 2004

ATTACHMENT A

[To Be Printed on Dr. Clark Research Association letterhead]

[NAME AND ADDRESS OF RECIPIENT]

[DATE]

Dear [CUSTOMER'S NAME]:

This letter is to inform you that the Dr. Clark Research Association recently settled a civil lawsuit with the Federal Trade Commission regarding its advertising for the *Super-Zapper Deluxe*, *Syncrometer*, *Dr. Clark's New 21 Day Program for Advanced Cancers*, and *Complete Herbal Parasite Program* (also known as the *Herbal Parasite Cleanse*). Among other things, the settlement requires us to notify consumers of the settlement and offer refunds to persons who purchased the *Super-Zapper Deluxe*, *Syncrometer*, *Dr. Clark's New 21 Day Program for Advanced Cancers*, and *Complete Herbal Parasite Program* (also known as the *Herbal Parasite Cleanse*).

According to the FTC complaint, we did not have a reasonable basis to claim that

- A. Use of the *Super-Zapper Deluxe* is effective to kill bacteria, viruses and parasites in the human body;

- B. Use of the *Super-Zapper Deluxe* is effective against chronic infections, cancer and Acquired Immunodeficiency Syndrome (AIDS);
- C. The *Super-Zapper Deluxe* and the *Complete Herbal Parasite Program* are effective to cure all forms of cancer in humans;
- D. *Dr. Clark's New 21 Day Program for Advanced Cancers* is effective to cure all forms of cancer in humans;
- E. *Dr. Clark's New 21 Day Program for Advanced Cancers* has cured numerous people with advanced cases of cancer;
- F. The *Syncrometer* device is more accurate than the best testing methods at diagnosing all forms of disease;
- G. The *Syncrometer* device can detect the presence of any substance at specific points in the human body;
- H. The *Super-Zapper Deluxe*, used together with the *Complete Herbal Parasite*

Program, is effective to cure AIDS;

- I. The *Super-Zapper Deluxe*, used together with the *complete Herbal Parasite Program* and avoidance of pollutants, is effective to cure diabetes, multiple sclerosis, Alzheimer's, endometriosis, asthma, and many other diseases; and
- J. *Dr. Clark's New 21 Day Program for Advanced Cancers* and *Super-Zapper Deluxe*, when used by persons with cancer, make surgery and chemotherapy unnecessary.

Although we deny the FTC's allegations, we have agreed to send this letter and offer you a refund. In order to receive a refund, please complete the enclosed form and return it to Dr. Clark Research Association [address within the United States]

David P. Amrein
President
Dr. Clark Research Association

REFUND REQUEST

The undersigned hereby requests a refund for the purchase of the *Super-Zapper Deluxe*, *Syncrometer*, *Dr. Clark's New 21 Day Program for Advanced Cancers*, and *Complete Herbal Parasite Program* (also known as the *Herbal Parasite Cleanse*).

Full Name (Please Print): _____

Address: _____

Products purchased: _____

Purchase Price, including shipping, handling and taxes: _____

Please include proof of purchase, such as credit card statements, canceled checks, or receipts, if you have one. Doing so may expedite your refund request in the event of a dispute concerning the amount of your refund.

Date: _____

Signature of Purchaser: _____

CERTIFICATE OF SERVICE

I certify that on November 18, 2004, a copy of **Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Walter A. Rodgers
Jeffrey M. Elzeer
Kathryn A. Kerka
Rodgers and Co.
1750 Guildhall Building
Landmark Office Towers
45 Prospect Avenue West
Cleveland, Ohio 44115

Carlos F. Negrete
Law Office of Carlos F. Negrete
27422 Calle Arroyo
San Juan Capistrano, California 92675

Attorney for Defendants David P. Amrein,
Dr. Clark Research Association and Dr.
Clark Behandlungszentrum GmbH

Local Counsel for Defendants David P.
Amrein, Dr. Clark Research Association,
and Dr. Clark Behandlungszentrum GmbH

Respectfully submitted,

Date: November 18, 2004

/s/ Michael Milgrom
Michael Milgrom
Jonathan L. Kessler
Attorneys for Plaintiff