

1 WILLIAM BLUMENTHAL  
General Counsel

2 PETER B. MILLER  
3 KIAL S. YOUNG  
Federal Trade Commission  
4 600 Pennsylvania Ave. NW, Room NJ-3212  
Washington, DC 20580  
5 (202) 326-2629 (Miller)  
(206) 220-6350 (Young)  
6 (202) 326-3259 (fax)

7 JEFFREY A. KLURFELD  
Regional Director

8 JOHN D. JACOBS  
9 CA Bar No. 134154  
Federal Trade Commission  
10 10877 Wilshire Boulevard, Suite 700  
Los Angeles, CA 90024  
11 (310) 824-4360 (voice)  
(310) 824-4380 (fax)

12 ATTORNEYS FOR PLAINTIFF

13  
14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 FEDERAL TRADE COMMISSION,

17 Plaintiff,

18 v.

19 WINDOW ROCK ENTERPRISES, INC.,  
20 also d/b/a WINDOW ROCK HEALTH  
LABORATORIES, also d/b/a  
21 CORTISLIM, INFINITY  
ADVERTISING, INC., STEPHEN F.  
22 CHENG, SHAWN M. TALBOTT,  
GREGORY S. CYNAUMON,  
23 PINNACLE MARKETING CONCEPTS,  
INC., AND THOMAS F. CHENG

24 Defendants.  
25

CIVIL NUMBER

**CV-04-8190-DSF (JTLx)**

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

1 Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), through  
2 its undersigned attorneys, hereby alleges as follows:

3 1. The FTC brings this action under Section 13(b) of the Federal Trade  
4 Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to secure permanent injunctive  
5 relief, restitution, disgorgement, and other equitable relief against Defendants for  
6 their deceptive acts or practices and false advertisements in connection with the  
7 advertising, marketing, and sale of an alleged weight-loss product, “CortiSlim,”  
8 and an alleged stress-relief product, “CortiStress,” in violation of Sections 5(a) and  
9 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

#### 10 **JURISDICTION AND VENUE**

11 2. This Court has subject matter jurisdiction over this matter pursuant to  
12 15 U.S.C. §§ 45(a), 52 and 53(b), and 28 U.S.C. §§ 1331, 1337(a), and 1345.

13 3. Venue in this district is proper under 15 U.S.C. § 53(b) and 28 U.S.C.  
14 § 1391(b) and (c).

#### 15 **THE PARTIES**

16 4. Plaintiff, the FTC, is an independent agency of the United States  
17 Government created by statute. 15 U.S.C. §§ 41 *et seq.* The Commission  
18 enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or  
19 deceptive acts or practices in or affecting commerce. The Commission also  
20 enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false  
21 advertisements for foods, drugs, devices, services, or cosmetics in or affecting  
22 commerce. The Commission, through its own attorneys, may initiate federal  
23 district court proceedings to enjoin violations of the FTC Act and to secure such  
24 equitable relief as may be appropriate in each case. 15 U.S.C. § 53(b).

25 5. Defendant Window Rock Enterprises, Inc. is a California corporation  
26 with its headquarters and principal place of business at 18032-C Lemon Drive,  
27

1 Suite 331, Yorba Linda, California 92886. Defendant Window Rock Enterprises,  
2 Inc. transacts or has transacted business under its own name and through various  
3 formal and informal “d/b/a” entities, including but not limited to “Window Rock  
4 Health Laboratories” and “CortiSlim” (Window Rock Enterprises, Inc. and its  
5 formal and informal d/b/a entities collectively, “Window Rock”). In addition,  
6 Window Rock is the owner of or has applied for numerous U.S. trademarks,  
7 including but not limited to “Breakthroughs with Dr. Greg,” “CortiSlim,”  
8 “CortiPlex,” “LeptiPlex,” “Insutrol,” “CortiStress,” “Cortisol Control,” “Cortisol  
9 Blocker,” “CortiLean,” “CortiThin,” “CortiSleep,” “CortiSolve,” and “CortiTrim.”  
10 Beginning in or about 2003, Window Rock, acting alone or in concert with others,  
11 promoted, marketed, offered for sale, and caused to be distributed CortiSlim and  
12 CortiStress to consumers throughout the United States. During times relevant to  
13 this Complaint, Window Rock has transacted or transacts business in the Central  
14 District of California.

15 6. Defendant Infinity Advertising, Inc. is a Nevada corporation  
16 registered to do business in California at 8170 Woodsboro Avenue, Anaheim,  
17 California 92807. Defendant Gregory S. Cynaumon is president of and controls  
18 Infinity Advertising. According to the Internet website operated on behalf of  
19 Cynaumon, [www.drgreg.org](http://www.drgreg.org), Infinity Advertising uses Cynaumon’s “intimate  
20 understanding of consumer psychology coupled with his experience as both a  
21 radio and television program host” to develop advertising and marketing  
22 campaigns. Infinity Advertising developed advertising and marketing campaigns  
23 for CortiSlim and CortiStress. Beginning in or about 2003, Infinity Advertising,  
24 acting alone or in concert with others, promoted, marketed, offered for sale, and  
25 caused to be distributed CortiSlim and CortiStress to consumers throughout the

1 United States. During times relevant to this Complaint, Infinity Advertising has  
2 transacted or transacts business in the Central District of California.

3 7. Defendant Stephen F. Cheng is President of Defendant Window  
4 Rock. Stephen Cheng, together with Defendants Cynaumon and Talbott, is part of  
5 a joint venture to create, manufacture, market, and sell CortiSlim. Stephen Cheng  
6 produced and directed at least one CortiSlim infomercial, including a CortiSlim  
7 infomercial that was set in his house. Individually or in concert with others,  
8 Stephen Cheng formulates, directs, controls, or participates in the policies, acts, or  
9 practices of Window Rock, including the acts or practices alleged in this  
10 Complaint. During times relevant to this Complaint, Stephen Cheng also worked  
11 as Operations Manager for and received payment from Defendant Pinnacle  
12 Marketing Concepts, Inc. Stephen Cheng resides in the Central District of  
13 California and, during times relevant to this Complaint, has transacted business in  
14 the Central District of California.

15 8. Defendant Shawn M. Talbott (“Talbott”) is author of the book “The  
16 Cortisol Connection: Why Stress Makes You Fat and Ruins Your Health”  
17 (“Talbott Book”) and has publicly stated that he formulated CortiSlim and  
18 CortiStress. Talbott, together with Defendants Stephen Cheng and Cynaumon, is  
19 part of a joint venture to create, manufacture, market, and sell CortiSlim.  
20 Individually or in concert with others, Talbott has promoted, marketed, offered for  
21 sale, and caused to be distributed CortiSlim and CortiStress. Talbott appears in at  
22 least three advertisements of approximately 30 minutes in length (“infomercials”)  
23 for CortiSlim and at least one infomercial for CortiStress that were broadcast on  
24 network and cable television channels, in short-form television advertisements for  
25 CortiSlim that were broadcast on network and cable television channels, and also  
26 in print advertisements for CortiSlim. Talbott resides in Utah and, during times

1 relevant to this Complaint, has transacted business in the Central District of  
2 California.

3 9. Defendant Gregory S. Cynaumon (“Cynaumon”) is the president of  
4 and controls Defendant Infinity Advertising, Inc. According to the Internet  
5 website operated on his behalf, [www.drgreg.org](http://www.drgreg.org), Cynaumon is a “co-creator” of  
6 CortiSlim. Cynaumon, together with Defendants Stephen Cheng and Talbott, is  
7 part of a joint venture to create, manufacture, market, and sell CortiSlim.  
8 Individually or as an officer of Infinity Advertising or in concert with others,  
9 Cynaumon has promoted, marketed, offered for sale, and caused to be distributed  
10 CortiSlim and CortiStress. Cynaumon appears in at least three infomercials for  
11 CortiSlim and one infomercial for CortiStress that were broadcast on network and  
12 cable television channels and also appears personally in short-form television and  
13 radio advertisements for CortiSlim. Cynaumon resides in the Central District of  
14 California and, during times relevant to this Complaint, has transacted business in  
15 the Central District of California.

16 10. Defendant Pinnacle Marketing Concepts, Inc. is a California  
17 corporation with its headquarters and principal place of business at 601 Valencia  
18 Avenue, Suite 100, Brea, California 92823. Defendant Pinnacle Marketing  
19 Concepts, Inc. transacts or has transacted business under its own name and  
20 through various formal and informal “d/b/a” entities, including but not limited to  
21 “PMC Health Products” (collectively, “Pinnacle”). Beginning in or about 2003,  
22 Pinnacle, acting alone or in concert with others, promoted, marketed, offered for  
23 sale, and caused to be distributed CortiSlim and CortiStress to consumers  
24 throughout the United States, including but not limited to by disseminating the  
25 television advertisements alleged in this Complaint for broadcast on network and  
26 cable television channels and by providing telemarketing sales, customer service,  
27

1 and other CortiSlim- and CortiStress-related marketing services. Pinnacle  
2 provided CortiSlim- and CortiStress-related services to and was compensated for  
3 those services by Defendant Window Rock under a non-written agreement  
4 between Defendant Thomas Cheng and his brother, Defendant Stephen Cheng.  
5 During times relevant to this Complaint, Defendant Stephen Cheng worked for  
6 and received payment from Pinnacle as its Operations Manager. While working as  
7 Operations Manager for Pinnacle, Defendant Stephen Cheng was involved in  
8 developing marketing materials for CortiSlim and CortiStress. During times  
9 relevant to this Complaint, Pinnacle has transacted or transacts business in the  
10 Central District of California.

11 11. Defendant Thomas F. Cheng is President of Defendant Pinnacle.  
12 Individually or in concert with others, Thomas Cheng formulates, directs, controls,  
13 or participates in the policies, acts, or practices of Pinnacle, including the acts or  
14 practices alleged in this Complaint. Thomas Cheng also received payments from  
15 Defendant Window Rock in addition to payments for the CortiSlim- and  
16 CortiStress-related services performed by Pinnacle. Thomas Cheng resides in the  
17 Central District of California and, during times relevant to this Complaint, has  
18 transacted business in the Central District of California.

### 19 COMMERCE

20 12. The acts and practices of Defendants, as alleged herein, are in or  
21 affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15  
22 U.S.C. § 44.

### 23 DEFENDANTS’ COURSE OF CONDUCT

24 13. Since at least August 2003, Defendants have engaged in the  
25 advertising, promotion, offering for sale, and sale of a purported weight-loss  
26 product called “CortiSlim” and a purported stress-relief product called  
27

1 “CortiStress” to consumers located throughout the United States, including but not  
2 limited to by infomercials and shorter advertisements broadcast on network and  
3 cable television channels, by radio advertisements, by print advertisements, and by  
4 Internet websites, including [www.cortislim.com](http://www.cortislim.com), [www.cortisol.com](http://www.cortisol.com), and  
5 [www.cortisol.biz](http://www.cortisol.biz).

### 6 CortiSlim

7 14. CortiSlim is marketed as a “cortisol control weight loss formula.”  
8 CortiSlim contains three proprietary blends: Cortiplex™, Leptiplex™, and  
9 Insutrol™, as well as vitamin C, calcium, and chromium. Cortiplex purportedly  
10 “controls cortisol levels within a healthy range to help reduce fat storage and  
11 promote fat mobilization – especially fat stored around the midsection in the  
12 tough-to-lose abdominal area” and consists of magnolia bark extract (*Magnolia*  
13 *officinalis*; 1.5% honokiol), beta-sitosterol, and Suntheanine® (100% L-theanine).  
14 Leptiplex purportedly “helps to naturally control appetite, increase energy levels,  
15 and stimulate metabolism” and consists of green tea leaf extract (*Camellia*  
16 *sinensis*; 50% epigallocatechin gallate [EGCG]) and bitter orange peel extract  
17 (*Citrus aurantium*; 5% synephrine). Insutrol purportedly “balances blood sugar  
18 and insulin levels to help reduce cravings and let you stick to your healthy eating  
19 plan” and consists of banaba leaf extract (*Lagerstromia speciosa*; 1% corosolic  
20 acid) and vanadyl sulfate (vanadium).

21 15. To induce consumers to purchase CortiSlim, Defendants disseminated  
22 multiple versions of CortiSlim infomercials on network and cable television  
23 channels throughout the United States, including Access Television, Travel  
24 Channel, and Discovery Channel.

25 16. The version of the CortiSlim infomercial that first aired on or about  
26 August 25, 2003 is presented as a program called “Breakthroughs,” and a  
27

1 “Breakthroughs” logo appears in the lower right-hand corner of the screen  
2 throughout the infomercial. The infomercial discusses CortiSlim in a talk show  
3 format that features Cynaumon as a “host,” a female “co-host,” and Talbott as a  
4 “guest.” In addition, several “callers” are heard during the infomercial, some  
5 asking questions about CortiSlim and others purporting to recite their personal  
6 experiences with CortiSlim. At several points during the infomercial, a toll-free  
7 telephone number appears on-screen and viewers are invited to call the number for  
8 more information about Dr. Talbott’s book or CortiSlim. When the toll-free  
9 number appears on-screen, no oral or written disclaimer is given that  
10 “Breakthroughs” is in fact a paid advertisement for CortiSlim; the paid  
11 advertisement disclaimers appear only at the very beginning and very end of the  
12 infomercial. Cynaumon states that viewers who call the toll-free number and  
13 mention “Breakthroughs” will receive a special discount from Dr. Talbott. The  
14 infomercial does not indicate or reveal that Cynaumon and Talbott are part of a  
15 joint venture to create, manufacture, market, and sell CortiSlim. Instead,  
16 CortiSlim is presented as being Dr. Talbott’s product.

17 17. The version of the CortiSlim infomercial that first aired on or about  
18 August 25, 2003, and the version that first aired on or about October 26, 2003,  
19 include, among others, the following statements or depictions regarding CortiSlim:

20 **August 25, 2003 CortiSlim Infomercial**

- 21 a) DR. GREG CYNAUMON: Hello, and welcome to  
22 Breakthroughs, the program that introduces you to people who  
23 are literally changing lives.

24 **ON SCREEN: Dr. Greg Cynaumon**

25 **"Breakthroughs" Host**



1 DR. GREG CYNAUMON: I'm your host Dr. Greg Cynaumon,  
2 and between my radio program and, of course, here on  
3 Breakthroughs, I've had the luxury of meeting and interviewing  
4 some of the brightest people in the world. I can promise you,  
5 without fear of contradiction, that I have never looked more  
6 forward to introducing anyone to my audience, and I'll tell you  
7 why. It's because this doctor has literally changed my life.  
8 And if you've ever struggled with your weight, I am sure he is  
9 going to change your life as well.

10 b) DR. GREG CYNAUMON: . . . And I'll tell you what, I'm  
11 going to introduce you to my guest. His name is Dr. Shawn  
12 Talbott and he wrote the book on cortisol and how cortisol  
13 keeps you fat.

14 **ON SCREEN: Dr. Shawn Talbott**  
15 **Dir. of Preventative Medicine**

16 DR. GREG CYNAUMON: He is the pioneer in cortisol  
17 hormone research.

18 c) DR. GREG CYNAUMON: Now, what do I mean when I say  
19 that Dr. Talbott literally changed my life? This [showing  
20 photograph of self] was me about 30 pounds ago. What he has  
21 shown me has literally led to my losing 30 pounds faster than  
22 anything I've ever tried in my life.

23 d) DR. GREG CYNAUMON: . . . You and I know each other,  
24 I've read all of your material, but tell the audience, how did  
25 you get to be such an authority on cortisol.

26 **ON SCREEN: Dr. Shawn Talbott**

1                                   **Dir. of Preventative Medicine**

2                                   DR. SHAWN TALBOTT: Sure, Greg. I've been studying  
3                                   cortisol and weight and exercise for about the last 15 years.  
4                                   My Master's Degree is from the University of Massachusetts in  
5                                   Physiology. My Ph.D. is in Nutritional Biochemistry from  
6                                   Rutgers. I'm a fellow of the American Institute of Stress and  
7                                   the American College of Sports Medicine, and right now, I'm  
8                                   on the faculty at the University of Utah.

9                                   e)    DR. SHAWN TALBOTT: . . . [W]hat I don't want people to  
10                                   do is excessively worry about their diet or obsess about how  
11                                   much exercise they're doing. I want them to do those things.  
12                                   You have to do diet, you have to do exercise, but control  
13                                   cortisol is what's going to be the answer.

14                                   f)    DR. GREG CYNAUMON: Now, obviously, Dr. Talbott, you  
15                                   have studied this issue of cortisol and stress and how it keeps  
16                                   us fat more than anybody I've ever run into. But that's not  
17                                   exactly why we wanted you on the program today. You have  
18                                   found -- you have discovered the missing piece of the diet  
19                                   puzzle and I want you to talk about that today because this is it.  
20                                   This is what I lost 30 pounds on and I'd like you to tell our  
21                                   viewers why you have discovered what nobody else has  
22                                   discovered before in this product.

23                                   g)    CALLER VALERIE: . . . I've tried every diet out there and  
24                                   when I start to lose the weight I hit a plateau. Also, I gain all  
25                                   the weight back plus more. Can you tell me why this happens?

1 DR. TALBOTT: I sure can. . . . The problem that you're  
2 experiencing is that diet has caused your cortisol levels to go  
3 through the roof and that cortisol increases appetite, changes  
4 metabolism, and gets us to store fat in places we don't want to  
5 have it.

6 . . .

7 DR. GREG CYNAUMON: Any doubt in your mind CortiSlim  
8 will work?

9 DR. SHAWN TALBOTT: No doubt in my mind. CortiSlim is  
10 the solution for her.

11 h) DR. SHAWN TALBOTT: . . . I don't know how many people  
12 complain to me that they can't lose that last 20 pounds, so to  
13 speak. For women, a lot of times, they call, it their pooch; for  
14 men, they call it their love handles. It's that stress fat that we  
15 keep around our mid-sections. No amount of exercise, no  
16 amount of diet is going to get rid of that. You need the cortisol  
17 control, and CortiSlim brings that.

18 i) DR. GREG CYNAUMON: It occurs to me that a lot of you are  
19 interested in calling to get more information about Dr. Talbott's  
20 wonderful book, his information about CortiSlim, how this can  
21 work for you, how it worked for me and that number is up on  
22 your screen right now.

23 **ON SCREEN: 1-800-901-7915**

24 DR. GREG CYNAUMON: And when you call, be sure you  
25 mention Breakthroughs because I understand Dr. Talbott has  
26  
27

1 graciously given a sizeable discount for our viewers who call in  
2 for information or to order his products.

3 j) CALLER JENNY: . . . I'm a single, working mom and I've  
4 got two boys and I have a very stressful job, but in the last year  
5 I've gained a lot of weight and I have tried every product you  
6 can think of. Will your product help me?

7 DR. SHAWN TALBOTT: I think it will. You're a  
8 stereotypical case of a high-stress lifestyle. You're trying to  
9 raise some kids, you have a stressful job. Those are situations  
10 that will increase your cortisol levels. CortiSlim is the way to  
11 go. It will control your cortisol levels, you'll feel more in  
12 control, your appetite will be controlled and you'll burn more  
13 calories.

14 k) DR. GREG CYNAUMON: Okay, Steve [caller] how have you  
15 personally done with the weight loss and CortiSlim?

16 STEVE: It's been absolutely amazing. After the first few  
17 weeks I lost 15 pounds and the most amazing thing, I've been  
18 able to keep it off. I've been able to work out and try to diet  
19 before, but I've lost a little weight here and there, but I've never  
20 found anything that allows me to lose the weight and keep it  
21 off. And not just that, I'm just healthier overall. . . .

22 l) DR. GREG CYNAUMON: Now, Steve lost a lot of weight, 14  
23 pounds in two weeks. And I know you always want to say,  
24 look, everybody's different. Thirty pounds in a month, I was  
25 thrilled with, right? I mean, to me, that's tremendous.

26 JILL BROWN [Co-Host]: Um-hum.

27

28

1 DR. GREG CYNAUMON: Steve's pretty typical?

2 DR. SHAWN TALBOTT: He is pretty typical.

3 JILL BROWN: Wow.

4 . . .

5 DR. GREG CYNAUMON: It's amazing. Steve, thanks for the  
6 call and congratulations, 15 pounds is significant. Thirty  
7 pounds in 30 days was great for me. And I know you always  
8 want to say – and I want to say as a doctor, too – everybody's  
9 different. You're all going to find the right level. But this is  
10 the first time I have ever seen something work this quickly.  
11 CortiSlim for me, 30 pounds; CortiSlim for Steve, 15 pounds  
12 very quickly.

13 DR. SHAWN TALBOTT: That's right. Everybody's going to  
14 be a little bit different with how much weight they lose in a  
15 certain amount of time. But the thing that will be the same for  
16 everybody is that they're losing fat. They're not losing water,  
17 they're not losing muscle, they're losing fat from around their  
18 middle and that's —

19 DR. GREG CYNAUMON: And inches.

20 DR. SHAWN TALBOTT: And inches, exactly. And that's  
21 very noticeable.

22 m) DR. GREG CYNAUMON: . . . Dr. Talbott, this is all about  
23 stress and what you're really telling us is you do not have to  
24 change your lifestyle.

25 DR. SHAWN TALBOTT: That's right, Greg. It's very  
26 impractical to tell people to avoid stress or to cut stress out of  
27

1 your lives. Our lives are filled with stress. And so, in the  
2 context of this stressful 21<sup>st</sup> Century lifestyle, you need to teach  
3 your metabolism to adapt to that, and that's exactly what  
4 CortiSlim does.

5 n) DR. SHAWN TALBOTT: As we age, our bodies don't use  
6 cortisol as appropriately as it should. But a product such as  
7 CortiSlim teaches our body to use that cortisol and we get back  
8 down to that youthful weight where we're supposed to be.

9 o) DR. GREG CYNAUMON: Wow. You know, as a Doctor of  
10 Psychology and someone who has personally struggled with  
11 this whole weight loss issue in the past, CortiSlim works. And  
12 quite frankly, I wouldn't risk my reputation as a doctor on any  
13 product that I didn't feel as strongly about and the one that I  
14 have used personally to lose the weight that I've lost, and we're  
15 hearing from the callers that are losing weight as well. . . .

16 p) DR. SHAWN TALBOTT: Doctors have known about cortisol  
17 and the effect that can have on metabolism for a long time.

18 JILL BROWN: Wow.

19 DR. SHAWN TALBOTT: It's only just recently we've been  
20 able to crack the code and come up with a solution.

21 q) DR. GREG CYNAUMON: It works. And as both a Doctor of  
22 Psychology and someone who has dieted all my life, I couldn't  
23 encourage you more to call the number on the screen and order  
24 CortiSlim for yourself or for someone you love, someone who  
25 struggles with weight loss, whether you want to lose 30 pounds  
26 or 15 pounds, it doesn't matter. You figure out what you want  
27

1 to lose, this is the product that can help you do it. Call them  
2 right away. The number is on your screen. And be sure --  
3 please be sure when you call to find out, whether it's about the  
4 book or to order the CortiSlim product, mention Breakthroughs  
5 because Dr. Talbott has graciously allowed a huge discount  
6 when you call.

7 r) DR. GREG CYNAUMON: . . . I want to go back to what we  
8 talked about a little bit earlier because it's essential that people  
9 understand weight loss is an issue. But what you've done here,  
10 why we're having you on Breakthroughs is that you have  
11 combined every weight loss issue that is important to people,  
12 metabolism, cortisol control, obviously, and all these other  
13 different issues. Please speak to that for a moment.

14 DR. SHAWN TALBOTT: That's right. When people approach  
15 weight loss, they really need to do it in more of a holistic  
16 manner. They can't just look at appetite control or you can't  
17 even look just at cortisol control. You really need to come at it  
18 from many systems at the same time. So, we're talking about  
19 cortisol control and blood sugar control and appetite regulation  
20 and thermogenesis where we're increasing our calorie  
21 expenditure.

22 s) DR. GREG CYNAUMON: And this is something that if I've  
23 got the cortisol hormone under control, my blood sugar is more  
24 in control?

25 DR. SHAWN TALBOTT: That's exactly it. It's like dominos.  
26 cortisol is the first piece of the puzzle. Unless you get that

1 cortisol piece under control, the others are not going to be able  
2 to normalize.

3 DR. GREG CYNAUMON: That's a huge point.

4 . . .

5 DR. GREG CYNAUMON: It's amazing. You really have  
6 formulated so much here for people to think about. It's  
7 probably best that they call and ask some questions.

8 DR. SHAWN TALBOTT: The key factor here is that a  
9 product like CortiSlim addresses all of the metabolic control  
10 points that are the underlying cause of weight gain. Other  
11 products, they address the symptoms. They don't address the  
12 cause that we're talking about here, CortiSlim.

13 DR. GREG CYNAUMON: And that's the breakthrough part of  
14 this because it addresses the thermogenics that you taught us  
15 about, and that is that it will help you burn calories and burn fat  
16 even while you're not exercising and not worrying about it. It's  
17 going to control the cortisol so your stress levels are going to  
18 come down. It's going to tell your body, let go of that extra  
19 weight you've been hanging on to, right?

20 DR. SHAWN TALBOTT: That's right.

21 t) DR. GREG CYNAUMON: And you know what the biggest  
22 piece is? You're looking at people and telling them, it isn't  
23 your fault that you're heavy.

24 DR. SHAWN TALBOTT: That's exactly it.

25 DR. GREG CYNAUMON: This has been your body doing this  
26 to you.



1 DR. SHAWN TALBOTT: That's exactly it. It's a metabolic  
2 factor. It's not something that's your fault, it's metabolism.  
3 And there are easy ways that we can control your metabolism  
4 and guide it in the right direction.

5 u) DR. GREG CYNAUMON: This is a product -- thank you --  
6 that I am going to stay on the rest of my life because it's helped  
7 me lose the weight and it helps me control the weight. Thank  
8 you so much for that. You know, as both a Doctor of  
9 Psychology and as someone who has dieted all my life, I  
10 couldn't encourage you more to call the number on your screen  
11 and order CortiSlim for yourself or for some loved one who  
12 struggles with weight loss. What a great thing you can do for  
13 somebody.

14 I've said it before, I wouldn't risk my reputation as a  
15 doctor or invite someone on my program that I didn't have  
16 ultimate confidence in. Now, add to that the fact that I've  
17 personally used CortiSlim and lost 30 pounds and I, literally,  
18 could not be more confident that this is a great product and this  
19 is an incredible man.

20 v) DR. SHAWN TALBOTT: CortiSlim really is the result of 15  
21 years of work. I've looked at this area for 15 years and  
22 exercise and nutrition and metabolism, and CortiSlim is the  
23 first comprehensive product that addresses all of those different  
24 points that will lead people toward weight loss.

1 DR. GREG CYNAUMON: I understand your passion and your  
2 research for 15 years has been to come up with this product.  
3 You've done it. Congratulations.

4 w) DR. GREG CYNAUMON: . . . Well, sadly, that is all the time  
5 we have. So, for all of us here at Breakthroughs, thanks for  
6 joining us. Until next time, I'm Dr. Greg Cynaumon saying,  
7 we'll see you then.

8 **October 26, 2003 CortiSlim Infomercial**

9 x) UNIDENTIFIED FEMALE VOICE: Since taking CortiSlim  
10 for three-and-a-half weeks, I've lost four inches from my waist  
11 and my hips.

12 y) DR. SHAWN TALBOTT: . . . Actually, my research career  
13 started out looking at this yo-yo effect [weight loss followed by  
14 weight gain] and how it can destroy your bones, and what we  
15 found was this increase in cortisol. And as we studied cortisol  
16 more and more and more, we knew, great, it's bad for your  
17 bones, but it's also encouraging this metabolism to become a  
18 weight-gaining metabolism instead of a weight maintaining or  
19 a weight loss metabolism.

20 z) CALLER JENNY: In the last two years I've gained over 30  
21 pounds and I've tried every diet out there and nothing's worked  
22 until now. I've been on CortiSlim for about three weeks and  
23 I've lost 14 pounds.

24 aa) DR. SHAWN TALBOTT: . . . [W]hat I don't want to do is fool  
25 people into thinking their metabolism can do things that it  
26  
27

1 won't do. I'm really just giving them the research so they can  
2 use it to have some benefits.

3 DR. GREG CYNAUMON: Absolutely the right way to do it.  
4 And it is that research that first made a believer out of me and  
5 then, of course, it was losing 30 pounds that proved Dr. Talbott  
6 is right.

7 ab) DR. GREG CYNAUMON: . . . In fact, I tell my radio program  
8 listeners, no offense to casual dieters, but if you only want to  
9 lose five to ten pounds, then non-prescription CortiSlim is  
10 probably not for you. CortiSlim is really for people who are  
11 absolutely exasperated with dieting and you want to lose  
12 between 10 and 50 pounds quickly, safely, and you want to  
13 keep it off for life.

14 ac) CALLER STEVE: . . . I first heard about CortiSlim through  
15 Dr. Greg's radio show. I've been taking CortiSlim now for  
16 four-and-a-half months and I've got to tell you, CortiSlim has  
17 changed my life. I have a lot of stress in my life and I used to  
18 be such a big stress eater and I just loved eating and I put on 40  
19 pounds, and I never really thought that I'd be able to get back  
20 to my normal weight. I've got to tell you, I was so ashamed of  
21 the way I was eating and putting on weight, but taking  
22 CortiSlim, I've lost all that weight, I feel trim again. I've  
23 gotten down to my regular weight. I've never felt better in my  
24 life and thank you to CortiSlim.

25 ad) DR. GREG CYNAUMON: . . . You know, you said  
26 something at the top of the show and you and I talked about  
27 this before the program today, you've been studying cortisol  
28 for 15 years. That's a lot of time to be studying and focus, but

1 you didn't bring CortiSlim out five years ago or ten years ago  
2 or 11 years ago, you're bringing it out now. Has the body of  
3 research finally caught up? I mean, help me with that.

4 DR. SHAWN TALBOTT: Right. It's just come to a point  
5 where we can do something about it. We've known about this  
6 cortisol causing problems for decades, even longer than the 15  
7 years that I've been studying it. But now we're at a point  
8 where we can do something about it and that's why a product  
9 like CortiSlim can come out now.

10 ae) DR. SHAWN TALBOTT: . . . CortiSlim doesn't work by  
11 suppressing appetite. It works by modulating cortisol levels,  
12 which secondarily will help control appetite. It's a very subtle  
13 difference, but it's an important difference. What people will  
14 see in CortiSlim is a combination of the most effective cortisol  
15 controllers, the most effective blood sugar controllers, and the  
16 most effective thermogenesis agents that will work with their  
17 metabolism to give them the benefits they're looking for  
18 without the side effects.

19 af) DR. GREG CYNAUMON: . . . But, first, as an author, a  
20 doctor and host of this program, I wouldn't risk my reputation  
21 unless I was thoroughly impressed with both my guest, Dr.  
22 Talbott, and his research into weight loss, and I suppose losing  
23 30 pounds personally convinced me as well.

24 18. To induce consumers to purchase CortiSlim, Defendants also  
25 disseminated at least three advertisements of approximately 60 seconds in length  
26 on network and cable television channels throughout the United States, including  
27 WCBS-TV and the Outdoor Life Network. The short-form advertisements feature  
28 Cynaumon and Talbott separately promoting CortiSlim. A toll-free telephone

1 number is given during the short-form advertisements for callers interested in  
2 getting more information or purchasing CortiSlim. One such short-form  
3 advertisement includes, among others, the following statements or depictions  
4 regarding CortiSlim:

5 I'm Dr. Greg Cynaumon . . . CortiSlim is the weight-loss capsules  
6 created by my associate, Dr. Talbott, for people who are disgusted  
7 with diets and quickly want to lose 15 pounds or more. Dr. Talbott's  
8 hormone research has been featured in Ladies Home Journal,  
9 Psychology Today, and Redbook. The conclusion? It's not your fault  
10 that you're overweight. Stress causes you to overproduce a fat-  
11 retaining hormone called cortisol and it directs fat to be stored in cells  
12 around your tummy, thighs and stomach. Non-prescription CortiSlim  
13 controls cortisol so you release those excess pounds, and CortiSlim  
14 stifles your appetite while enhancing your metabolism so you eat less  
15 as you burn calories and shed inches. Drop 15 to 50 pounds quickly  
16 and keep it off for life with CortiSlim.

17 19. To induce consumers to purchase CortiSlim, Defendants also  
18 disseminated at least one 30-second and three 60-second radio ads, including at  
19 least two 60-second radio ads on KFI-AM in Los Angeles that feature Cynaumon.  
20 Two such radio ads include, among others, the following statements regarding  
21 CortiSlim:

22 a) DR. GREG CYNAUMON: I'm Dr. Greg Cynaumon, to tell  
23 you about a conversation I had with a listener who also  
24 happens to be a physician. She'd heard about CortiSlim and  
25 called to ask about the clinical studies. Now, at first I thought  
26 she was checking CortiSlim out for her patients, but it became  
27 apparent this was about her own weight problem. She said  
28 she'd struggled to lose 20, maybe 25 pounds since her daughter

1 was born, but nothing worked. . . . She studied the journals and  
2 knew right away that her hormones were causing her weight  
3 problem. Now, two months later, she's down 22 pounds, she  
4 isn't embarrassed to talk to her patients, and her husband can't  
5 believe the difference. Oh, and she tells all her patients about  
6 CortiSlim. Results vary, but don't miss the most significant  
7 weight loss breakthrough in twenty years. CortiSlim.

8 b) DR. GREG CYNAUMON: I'm Dr. Greg Cynaumon, to  
9 introduce you to a renowned heart surgeon who found himself  
10 25 pounds overweight, stressed out, and himself a candidate for  
11 a stroke or heart attack. The doctor knew that he had to take  
12 the weight off quickly and safely, but like so many of us, he  
13 failed in his own weight loss wars. Now, obviously, doctors  
14 have access to the latest journals and weight loss medications,  
15 but non-prescription CortiSlim was his professional choice.  
16 Why? Because only CortiSlim is the new science in weight  
17 loss, and only CortiSlim blocks the destructive hormones that  
18 have been proven to keep you fat. This surgeon recognized  
19 that CortiSlim is the missing piece of the weight loss puzzle  
20 that you and I have been desperately searching for. Now, 25  
21 pounds lighter, the doc recommends all natural CortiSlim to his  
22 high risk patients who need to lose weight or face the reality of  
23 a heart attack or stroke. And he completely ascribes [sic] to my  
24 encouragement to dieters: if you only have one diet left in you,  
25 make it CortiSlim.

26 20. Defendants also advertise, promote and market CortiSlim via several  
27 Internet websites, including [www.cortislim.com](http://www.cortislim.com) (substantially similar content can  
28 be accessed at two other Internet websites also operated on behalf of Window

1 Rock, [www.cortisol.com](http://www.cortisol.com) and [www.cortislim.biz](http://www.cortislim.biz)). At times relevant to this  
2 Complaint, this Internet website has included, among others, the following  
3 statements or depictions regarding CortiSlim:

- 4 a) If you take CortiSlim everyday, you WILL reach your weight  
5 loss goals . . . . If you stop taking CortiSlim, but still have  
6 stress in your life, your cortisol levels will shoot back up, and  
7 the whole fat-making process will start again (emphasis  
8 original).
- 9 b) Only CortiSlim has over 15 years of University and private  
10 research behind it! Only CortiSlim has been called THE NEW  
11 SCIENCE IN WEIGHT LOSS! And only CortiSlim was  
12 formulated by Dr. Shawn Talbott – the scientist who literally  
13 “wrote the book” on cortisol – the primary stress hormone that  
14 can make us fat and ruin our health! . . . ONLY CortiSlim has  
15 over 15 years of research and HARD SCIENCE behind it . . .  
16 and only CortiSlim uses a proprietary patent-pending blend  
17 formulated for maximum cortisol-control and potency by Dr.  
18 Shawn Talbott himself! (emphasis original)
- 19 c) OVER 100 DOCTORS HAVE ALREADY ORDERED  
20 CortiSlim! Why have so many doctors and nurses already  
21 ordered CortiSlim! Because they understand the science . . .  
22 they respect Dr. Shawn Talbott and his findings, and they have  
23 access to the latest research on cortisol and its role in weight  
24 gain. (emphasis original)
- 25 d) CortiSlim is an all-natural dietary supplement that works with  
26 your body’s metabolism to control cortisol levels within a  
27 healthy range and help you lose weight. By modulating  
28 cortisol levels, CortiSlim removes one of the primary

1 physiological signals for weight gain. In addition to a powerful  
2 effect on controlling cortisol levels, CortiSlim also provides  
3 all-natural ingredients to help balance blood-sugar (to reduce  
4 cravings), and maximize metabolism (to boost energy  
5 expenditure and fat-burning).

6 e) Who has high cortisol levels? Within our fast-paced modern  
7 world, a better question might be “Who doesn’t have elevated  
8 levels?” – because elevated levels of cortisol are so  
9 widespread.

10 f) Anybody who leads a stressful lifestyle and wants to lose  
11 weight can benefit from CortiSlim. CortiSlim is formulated to  
12 promote weight loss, increase energy levels, and control  
13 appetite in the millions of Americans who experience stress on  
14 a daily basis. This makes CortiSlim the perfect product for  
15 everyone from athletes, to executives, to soccer moms, and  
16 everyone in between.

17 g) “Success Story”: (The Rev.) Fr. Scott, California – . . . On  
18 day seven, I weighed myself, not knowing what to  
19 expect. . . and for the first time in two months - I had actually  
20 [sic] lost some weight! TEN FULL POUNDS!!!! Is anybody  
21 else seeing this kind of amazing result? This product is so  
22 amazing that I cannot believe that I am the only one!! During  
23 this past week, I made no other changes than adding CortiSlim  
24 to my supplement routine! All I can say is "it's a miracle!" -  
25 and I've seen a few in my time as a minister! Thanks be to God  
26 and Dr. Talbott!!! (emphasis original)

27 21. Defendants also advertise, promote and market CortiSlim by print  
28 advertisements in nationally distributed magazines, including but not limited to



1 advertisements that appeared in the January 5, 2004 issue of “First for Women”  
2 magazine; the March 2004 issue of “Cosmopolitan” magazine; and the April 20,  
3 2004 issue of “Family Circle” magazine. The print advertisements make, among  
4 others, the following statements:

- 5 a) With CortiSlim you actually lose inches . . . and then pounds.  
6 “That’s because CortiSlim acts quickly to release the body’s  
7 grip on fat cells from the abdomen, belly, and thighs,” adds Dr.  
8 Talbott.
- 9 b) Lose 15, 20, 35 pounds (or more) naturally with CortiSlim!
- 10 c) See results right away! . . . You’ll soon notice your clothes are  
11 fitting better as you lose inches . . . followed by pounds. And  
12 CortiSlim takes the edge off your appetite and cravings, too.
- 13 d) Lose 15, 20, 35 pounds (or more) with ALL NATURAL  
14 CortiSlim! (emphasis original)
- 15 e) “With CortiSlim, I felt less stressed, more positive and had  
16 fewer cravings right away. And then, gradually, I started losing  
17 inches and pounds.” Eight months, 64 pounds and five dress  
18 sizes later, Cindy nervously tried on that [20-year-old] faded  
19 prom dress – and it FIT!” (emphasis original)
- 20 f) Dr. Talbott formulated CortiSlim to:
- 21 • **Control** the FAT-STORING cortisol hormone & release
  - 22 fat cells from your abdomen & belly;
  - 23 • **Balance** blood sugars (within normal levels) resulting in
  - 24 fewer cravings & more consistent energy levels;
  - 25 • **Burn** calories more efficiently through thermogenesis;
  - 26 • **Ease** “stress eating” signals and provide a calming effect
  - 27 & heightened sense of well-being;
  - 28 • **Suppress** appetite naturally, so you simply eat less.

1           22. Consumers purchased CortiSlim via the Internet or by calling a toll-  
2 free telephone number that connected to a call center operated by Defendant  
3 Pinnacle. Defendants charged \$49.99, plus shipping and handling, for a 60-  
4 capsule bottle of CortiSlim; discounts and reduced shipping and handling costs are  
5 available with purchases of multiple bottles. Defendants represent that one bottle  
6 constitutes a one-month supply of CortiSlim if taken at the recommended dosage  
7 of two capsules per day, with the dosage not to exceed six capsules per day.  
8 Defendants suggest “advanced dosages” for “individuals who have high levels of  
9 stress or have difficulty with losing weight.”

10           23. Some callers to a call center operated by Defendant Pinnacle heard  
11 pre-recorded messages featuring Defendant Cynaumon, alone or with Defendant  
12 Talbott, before being connected to a live person. The call center conveyed to  
13 consumers, among other things, the following statements or depictions regarding  
14 CortiSlim:

- 15           a) CortiSlim sends an all-clear message to these fat cells [around  
16 your tummy, your hips, your thighs, and, of course, the love  
17 handles] to release those excess stored pounds;
- 18           b) CortiSlim lowers your cortisol hormone and it gives your body  
19 the opportunity to naturally get rid of fat in the – in the midriff  
20 section and the thigh area of your body;
- 21           c) CortiSlim works in a very different way from other weight  
22 control products. It works by controlling cortisol.
- 23           d) As long as you take [CortiSlim] twice a day, every day, then  
24 you’ll lose weight. Then, once you reach your goal, you want  
25 to just maintain like one a day, one every other day.
- 26           e) Q. Would I need to diet or exercise?  
27 A. You don’t have to, but, I mean, if you do, you’re going to  
28 benefit a lot more. But it’s not something that you have to –

1                   you know, diet and exercise in order to see results because it  
2                   does help suppress your appetite and eliminate your cravings.

3                   **CortiStress**

4           24.    CortiStress is marketed as a “cortisol control stress relief formula.”  
5 CortiStress contains Cortiplex™ (one of the three proprietary blends described in  
6 Paragraph 14, above), as well as vitamin B1 (thiamin HCl), vitamin B2  
7 (riboflavin), vitamin B6 (pyridoxine HCl), vitamin C, pantothenic acid, calcium,  
8 and magnesium.

9           25.    To induce consumers to purchase CortiStress, Defendants  
10 disseminated at least one version of an infomercial on network and cable television  
11 channels throughout the United States, including TVN Direct. The version of the  
12 CortiStress infomercial that first aired on or about September 29, 2003 is presented  
13 as a program called “Breakthroughs.” The infomercial discusses CortiStress in a  
14 talk show format that features Cynaumon as a “host” and Talbott as a “guest.” At  
15 several points during the infomercial, a toll-free telephone number appears on-  
16 screen and viewers are invited to call the number for more information about Dr.  
17 Talbott’s book or CortiStress. When the toll-free number appears on-screen, no  
18 oral or written disclaimer is given that “Breakthroughs” is in fact a paid  
19 advertisement for CortiStress; the paid advertisement disclaimers appear only at the  
20 very beginning and very end of the infomercial. Cynaumon states that viewers who  
21 call the toll-free number and mention “Breakthroughs” will receive a special  
22 discount from Dr. Talbott. The infomercial does not indicate or reveal that  
23 Cynaumon and Talbott are part of a joint venture to create, manufacture, market,  
24 and sell CortiSlim and have similar common business interests in CortiStress.  
25 Instead, CortiStress is presented as being Dr. Talbott’s product.

26           26.    The version of the CortiStress infomercial that first aired on or about  
27 September 29, 2003 includes, among others, the following statements or depictions  
28 regarding CortiStress:

1 a) DR. GREG CYNAUMON: Hello, and welcome to  
2 Breakthroughs, a program that introduces you to people who  
3 are literally changing lives. And today on Breakthroughs, I'm  
4 going to introduce you to a doctor and a researcher who has  
5 written a book -- literally, written the book on stress. . . .

6 My guest is the author of *The Cortisol Connection*. He  
7 has written the book and he is the preeminent researcher on  
8 cortisol and stress and how it brings about problems in your  
9 life, such as cancer, heart attack, diabetes, other problems you  
10 never even thought about. We're going to talk about them  
11 today. . . .

12 b) DR. GREG CYNAUMON: I know a lot about your  
13 background. In fact, we came and found you at the University,  
14 but tell the audience a little bit about yourself.

15 **ON SCREEN: Dr. Shawn Talbott**

16 DR. SHAWN TALBOTT: Well, that's right, Greg. You found  
17 me at the University of Utah, where I'm on the faculty of  
18 nutrition, I do my research there now . . . and now my research  
19 is focused on this area of stress and how it impacts our health.

20 DR. GREG CYNAUMON: So, Dr. Talbott, you've written  
21 about it, you've done the research. Is there a connection  
22 between stress and disease?

23 DR. SHAWN TALBOTT: There's an absolute link between  
24 stress and disease, and this is a link we've known about for  
25 decades. Our grandmothers even knew that stress was bad for  
26 us. What the research tells us now is that its not so much  
27 stress, but a specific stress hormone called cortisol that leads us  
28 to these lifestyle diseases.

1 c) DR. GREG CYNAUMON: The viewers at home watching this  
2 thinking, how do I know if I have too much cortisol in my  
3 system. How do you help them?

4 DR. SHAWN TALBOTT: It's very important that people  
5 understand their exposure to cortisol. And to that end, I've  
6 developed what I call a cortisol self-test. People can answer  
7 some very simple lifestyle questions that will give them a good  
8 idea of what their exposure to cortisol might be. So, what I'd  
9 like people to do right now is grab a pen, grab a piece of paper  
10 and let's score some of these. Answer yes or no to the  
11 following questions. We'll go through 10 throughout the  
12 course of the program and at the end of the program, we'll score  
13 them and you'll find out if you're a Stress Jess or a Strain Jane  
14 or a Relaxed Jack, wherever you fall on the scale.

15 d) DR. GREG CYNAUMON: And, again, you're saying there is  
16 no doubt in your mind based on the research you've done, the  
17 research of others and what you've seen with your clients and  
18 patients who come in to see you, that there is a connection  
19 between too much stress, over-production of cortisol and  
20 diseases that can kill you.

21 DR. SHAWN TALBOTT: There's no doubt. That is what the  
22 scientific evidence tells us. Too much stress, too much  
23 cortisol, increased risk for these diseases. It's more dangerous  
24 for people than inactivity. It's more dangerous than smoking.  
25 It's more dangerous than high cholesterol. Cortisol is the  
26 villain. It's the demon we need to control.

27 e) DR. GREG CYNAUMON: Dr. Talbott, what I like is that you  
28 haven't just preached problem, problem, problem, never a

1 solution, you have taken your 15 years of research and how  
2 you've studied and lived this subject and you have formulated  
3 what I'm holding here which is called CortiStress. Is this the  
4 answer to cortisol and too much stress in your life?

5 DR. SHAWN TALBOTT: CortiStress is the answer for people  
6 who want to control their cortisol levels within a normal range.  
7 You know, as a scientific researcher, we need to study the  
8 problems. But as a health educator, I am really excited about  
9 bringing a solution to people, and CortiStress is that solution.

10 f) DR. GREG CYNAUMON: Now, I want to share with the  
11 audience something that you and I talked about before the  
12 program, and that is the scientific evidence that talks about  
13 cortisol, that stress hormone, and the connection with cancer.  
14 Are we getting people's attention that stress and cortisol can be  
15 killers?

16 DR. SHAWN TALBOTT: Well, I think you hit the nail right  
17 on the head there, Greg. We are getting people's attention.  
18 We're getting people's attention because these are scary  
19 diseases. They're very scary diseases. But I don't want to just  
20 get people's attention to scare them. I want to get their  
21 attention so I can educate them that there are proactive steps  
22 that they can take to reduce the risk of some of these diseases.

23 DR. GREG CYNAUMON: And you created a proactive  
24 approach to stress and cortisol so you don't get these diseases.

25 DR. SHAWN TALBOTT: It's CortiStress.

26 g) DR. SHAWN TALBOTT: . . . [CortiStress is] a combination  
27 of natural products that works with the body's metabolism . . . .  
28 . . .

1 DR. SHAWN TALBOTT: Anybody who has a stressful  
2 lifestyle, anybody who wants to be proactive in controlling  
3 their cortisol levels, CortiStress is a product that's made for  
4 them.

5 h) **ON SCREEN: 1-800-615-8814**

6 DR. GREG CYNAUMON: All right. For our viewers, I want  
7 to make sure that you have the 800 number. In fact, I  
8 understand it's on your screen. If you would like to call and get  
9 more information about Dr. Talbott's Cortisol Connection  
10 book, I would encourage you to do that. It's a tremendous  
11 book, it could save your life. I'd also like to take the second  
12 encouragement and ask you to call that number on the screen  
13 and find out more about CortiStress and how that works in  
14 concert with the book and actually helps you be proactive  
15 about some of these health problems and terrible risks that  
16 we've been talking about today on the program.

17 i) DR. GREG CYNAUMON: . . . Now, I know there are a lot of  
18 people out there, as a Doctor of Psychology, who don't know  
19 they're under stress. When you get down to it, they're under a  
20 tremendous amount of stress. Who out there should not be  
21 taking CortiStress? Is there anybody that isn't under stress  
22 these days?

23 DR. SHAWN TALBOTT: You know, I can't even think of a  
24 single person that would not want to take CortiStress because  
25 it's not so much about controlling your feelings of stress. It  
26 will certainly do that. It's about controlling normal metabolism  
27 of the stress hormone, cortisol, and everybody can benefit from  
28 that.

1 . . .

2 DR. SHAWN TALBOTT: . . . And, you know, you brought up  
3 a very good point. Sometimes people will not realize the stress  
4 they're under. I'll even get clients who say they thrive on  
5 stress. And what they do is they thrive on that feeling of  
6 adrenaline, which is very short-term. Cortisol comes at the  
7 same time that adrenaline does, but it sticks around and cortisol  
8 causes the problems. So anybody who has a fast-paced  
9 lifestyle, no matter what that means, they can benefit from  
10 CortiStress.

11 j) **ON SCREEN: 1-800-615-8814**

12 DR. GREG CYNAUMON: Well, we're talking about stress  
13 with my guest Dr. Talbott and how stress can be literally killing  
14 you and you don't even know it. I want to encourage you --  
15 there's a number up on your screen -- to make a phone call and  
16 ask about his research that went into the Cortisol Connection.

17 **ON SCREEN: The Cortisol Connection**

18 **Why Stress Makes You Fat and Ruins Your Health --**  
19 **And What You Can Do About It**

20 DR. GREG CYNAUMON: It is all about stress, it is all about  
21 how stress creates cortisol. The questions, the answers, the  
22 solutions are in this book. Call the number on your screen.  
23 Also, I want to make sure that we at least get in here right now,  
24 that Dr. Talbott's 15 years of research into this book has also  
25 led to 15 years of research into the formulation of a tremendous  
26 product, but you're going to understand more how that fits into  
27 the stressful lifestyle and helps to control cortisol as we go, and  
28 that phone number is on your screen as well.



1 k) DR. GREG CYNAUMON: . . . Dr. Talbott, I know that a lot  
2 of the viewers are probably looking at us and saying, fine, I  
3 understand the research that's gone into this and 15 years of  
4 your life into CortiStress. They want to know how to take it  
5 and what is it going to do for them if they take this on an on-  
6 going basis.

7 DR. SHAWN TALBOTT: CortiStress is a product that people  
8 should be taking every single day, day in and day out, for the  
9 specific activity of controlling cortisol levels in that range that  
10 they want to be in. We already know from the science that if  
11 cortisol levels are high, it leads down the road to increasing  
12 your risk for osteoporosis and obesity and diabetes and  
13 Alzheimer's and cancer and you name it, cardiovascular  
14 disease. Controlling cortisol is a very important aspect,  
15 perhaps the most important aspect, of reducing your risk for  
16 some of these problems. This product is more important than  
17 their multivitamin, than their energy product, than any other  
18 dietary supplement that they can take because it gets at the root  
19 of many of the problems that we're talking about today, cortisol  
20 control.

21 l) DR. GREG CYNAUMON: And this [CortiStress] taken over  
22 the course of as long as I want to stay healthy and, hopefully,  
23 God willing, cancer free, heart risk free, this is what's going to  
24 keep my system non-toxic.

25 DR. SHAWN TALBOTT: That's exactly right. People will  
26 sometimes say, well, how long do I take CortiStress for? And  
27 I'll go right down the road that you started on, you take that  
28 CortiStress for as long as you want to have good health.

1 m) **ON SCREEN: 1-800-615-8814**

2 DR. GREG CYNAUMON: Amazing. All right. I know you  
3 want to call. Let me put the number up on the screen. In fact, I  
4 understand the number is up on the screen right now. I want  
5 you to call and find out more information about the book, the  
6 Cortisol Connection by Dr. Talbott. It's his research that  
7 backed up a lot of what we're talking about here. He is the  
8 leading person in the industry. In fact, University research is  
9 now coming out and supporting a lot of what Dr. Talbott's been  
10 talking about for some time now and you are on the cutting  
11 edge of this. And by all means, you just saw the experiment, so  
12 you know exactly what I'm talking about.

13 CortiStress, if you're interested in a healthy health care  
14 regimen that's going to keep you safe from some of these things  
15 that we're talking about, I really would recommend you make a  
16 phone call, find out about it and, of course, we do this for all of  
17 our folks who come on our program, ask and mention  
18 Breakthroughs when you come on the program and you'll get a  
19 significant discount. But you have to call the number on the  
20 screen and you need to mention Breakthroughs for that  
21 discount. Okay? Make that phone call.

22 n) DR. SHAWN TALBOTT: . . . If you scored three or more  
23 ["yes" answers on the cortisol self-test], it's not gloom or doom.  
24 This is action time. This is the time where you need to be  
25 proactive, you need to do something about it. That something  
26 is take CortiStress. CortiStress is going to normalize your  
27 cortisol levels. It's going to reduce your risk of some of those  
28 problems we talked about and it's the right way to go.

1 DR. GREG CYNAUMON: We are talking about, again, heart  
2 attacks, cancer, diabetes, stroke, hypertension. Is there  
3 anything we're leaving out?

4 DR. SHAWN TALBOTT: We're talking about every modern  
5 lifestyle disease that is associated with this fast-paced 21<sup>st</sup>  
6 century lifestyle. And if you're living in that lifestyle, like  
7 everybody is, you have to take CortiStress, you have to control  
8 your cortisol.

9 o) **ON SCREEN: The Cortisol Connection**  
10 **Why Stress Makes You Fat and Ruins Your Health --**  
11 **And What You Can Do About It**  
12 **1-800-615-8814**

13 DR. GREG CYNAUMON: If you want to get more  
14 information about the Cortisol Connection, Dr. Talbott's book,  
15 I would highly recommend you make that phone call. Also,  
16 please make a phone call and find out about CortiStress. Call  
17 the number on your screen. I recommend you do it. And when  
18 you do, mention Breakthroughs and you will get a nice  
19 discount. Thank you. We do that for the folks who show up on  
20 our program. And I think it will change your life.

21 p) DR. GREG CYNAUMON: So, for all of us here at  
22 Breakthroughs, for Dr. Talbott, thank you for sharing your time  
23 with us today. Until next time, we'll see you on Breakthroughs.

24 27. Consumers purchased CortiStress by calling a toll-free telephone  
25 number that connected to a call center operated by Defendant Pinnacle.  
26 Defendants charged \$49.99, plus shipping and handling, for a 90-capsule bottle of  
27 CortiStress. Defendants represent that one bottle constitutes a one-month supply  
28 of CortiStress if taken at the recommended dosage of three capsules per day, with

1 the dosage not to exceed six capsules per day. Defendants suggest that CortiStress  
2 can be taken at a higher dosage “[w]hen you feel more stress or you know that  
3 you’ll be in a stressful situation.”

4 **SECTIONS 5 AND 12 OF THE FTC ACT**

5 28. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or  
6 deceptive acts or practices in or affecting commerce. Section 12(a) of the FTC  
7 Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or  
8 affecting commerce for the purpose of inducing, or which is likely to induce, the  
9 purchase of food, drugs, devices, services, or cosmetics. As set forth below,  
10 Defendants have engaged and are continuing to engage in such unlawful practices  
11 in connection with the marketing and sale of CortiSlim and CortiStress.

12 29. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52,  
13 CortiSlim and CortiStress are each either a “food” or a “drug” pursuant to Section  
14 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and (c).

15 **DECEPTIVE ACTS OR PRACTICES IN VIOLATION OF THE FTC ACT**

16 **COUNT ONE**

17 **Unlawful Claims Regarding Weight Loss Benefits of CortiSlim**

18 30. Through the means described in Paragraphs 14 through 23,  
19 Defendants have represented, expressly or by implication, that:

- 20 a) CortiSlim causes weight loss of 10 to 50 pounds or more for  
21 virtually all users;
- 22 b) CortiSlim causes users to lose as much as 4 to 10 pounds per  
23 week over multiple weeks;
- 24 c) CortiSlim causes users to lose weight specifically from the  
25 abdomen, stomach, and thighs;
- 26 d) CortiSlim causes rapid and substantial weight loss;
- 27 e) CortiSlim causes long-term or permanent weight loss;
- 28

- 1 f) The efficacy of CortiSlim and all its ingredients is  
2 demonstrated by over 15 years of scientific research; and  
3 g) CortiSlim causes weight loss.

4 31. The representations set forth in Paragraph 30 are false or were not  
5 substantiated at the time the representations were made. Therefore, the making of  
6 the representations set forth in Paragraph 30 constitutes a deceptive practice, and  
7 the making of false advertisements, in or affecting commerce, in violation of  
8 Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

9 **COUNT TWO**

10 **Unlawful Claims Regarding**

11 **Health and Disease Prevention Benefits of CortiStress**

12 32. Through the means described in Paragraphs 24 through 27,  
13 Defendants have represented, expressly or by implication, that taking the  
14 recommended daily dosage of CortiStress will reduce the risk of or prevent  
15 conditions such as osteoporosis, obesity, diabetes, Alzheimers' disease, cancer,  
16 and cardiovascular disease.

17 33. The representations set forth in Paragraph 32 are false or were not  
18 substantiated at the time the representations were made. Therefore, the making of  
19 the representations set forth in Paragraph 32 constitutes a deceptive practice, and  
20 the making of false advertisements, in or affecting commerce, in violation of  
21 Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

22 **COUNT THREE**

23 **Deceptive Format for CortiSlim and CortiStress Infomercials**

24 34. Through the means described in Paragraphs 15, 16, 17, 25, and 26,  
25 Defendants have represented, expressly or by implication, that the August 25,  
26 2003 CortiSlim infomercial and the September 29, 2003 CortiStress infomercial  
27 referenced herein are independent television programs and not paid commercial  
28 advertising.

1 35. In truth and in fact, the August 25, 2003 CortiSlim infomercial and the  
2 September 29, 2003 CortiStress infomercial are not independent television  
3 programs and are paid commercial advertising. Therefore, the making of the  
4 representation set forth in Paragraph 34 constitutes a deceptive practice, in or  
5 affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

6 **CONSUMER INJURY**

7 36. Consumers throughout the United States have suffered and continue to  
8 suffer substantial monetary loss because of Defendants' violations of the FTC Act.  
9 In addition, Defendants have been unjustly enriched as a result of their unlawful  
10 acts and practices. Absent injunctive relief by this Court, Defendants are likely to  
11 continue to injure consumers, reap unjust enrichment, and harm the public interest.

12 **THIS COURT'S POWER TO GRANT RELIEF**

13 37. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court  
14 to grant injunctive and such other relief as the Court may deem appropriate to halt  
15 and redress violations of the FTC Act. The Court, in the exercise of its equitable  
16 jurisdiction, may award ancillary or other relief, including, but not limited to,  
17 rescission of contracts and restitution, and the disgorgement of ill-gotten gains  
18 caused by Defendants' violations of law.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff FTC requests that this Court, as authorized by  
21 Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and pursuant to its own equitable  
22 powers:

23 (a) Permanently enjoin Defendants from violating Sections 5(a) and 12 of  
24 the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the offer, sale,  
25 advertising, or other promotion or distribution of CortiSlim, CortiStress, weight-  
26 loss products, or any foods, drugs, dietary supplements, devices, cosmetics, or  
27 other products, services, or programs;

1 (b) Award all temporary and preliminary injunctive and ancillary  
2 monetary relief that may be necessary to avert the likelihood of consumer injury  
3 during the pendency of this action, and to preserve the possibility of effective final  
4 relief, including, but not limited to, temporary and preliminary injunctions;

5 (c) Award such equitable relief as the Court finds necessary to redress  
6 injury to consumers resulting from Defendants' violations of the FTC Act,  
7 including, but not limited to, rescission of contracts and restitution, and the  
8 disgorgement of ill-gotten gains; and

9 (d) Award the Plaintiff the costs of bringing this action, and such other  
10 equitable relief as the Court may determine to be just and proper.

11  
12 Dated: April 28, 2005

Respectfully Submitted,

13 WILLIAM BLUMENTHAL  
14 General Counsel

15 \_\_\_\_\_  
16 PETER B. MILLER  
17 KIAL S. YOUNG  
18 Federal Trade Commission  
19 600 Pennsylvania Ave. NW, Room NJ-3212  
20 Washington, DC 20580  
21 (202) 326-2629 (Miller)  
22 (206) 220-6350 (Young)  
23 (202) 326-3259 (fax)

24 JEFFREY A. KLURFELD  
25 Regional Director

26 JOHN D. JACOBS  
27 CA Bar No. 134154  
28 Federal Trade Commission  
10877 Wilshire Boulevard, Suite 700  
Los Angeles, CA 90024  
(310) 824-4360 (voice)  
(310) 824-4380 (fax)

ATTORNEYS FOR PLAINTIFF