

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **William E. Kovacic, Chairman**
 Pamela Jones Harbour
 Jon Leibowitz
 J. Thomas Rosch

<p>In the Matter of</p> <p>DARYL C. JENKS, individually and d/b/a Premium Essiac Tea 4less.</p>	<p>DOCKET NO. C-4239</p>
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COMPLAINT

The Federal Trade Commission, having reason to believe that Daryl C. Jenks, individually and d/b/a Premium Essiac Tea 4less (“respondent”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Daryl C. Jenks is a resident of Michigan. His principal office or place of business is 4245 Sundance Meadows, Howell, Michigan 48843. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of the business operating under the trade name “Premium Essiac Tea 4less.”

2. Respondent has labeled, advertised, offered for sale, sold, and distributed products to the public, including Premium Essiac Tea. Premium Essiac Tea is a “food” or “drug,” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

4. Respondent has disseminated or has caused to be disseminated, via the Internet among other means, advertisements for Premium Essiac Tea, including but not necessarily limited to the attached Exhibits A through G. These advertisements contain the following statements and depictions:

a. **The Powerful Benefits of this Gentle Organic Essiac Formula Can be Yours, RISK FREE!**

Your number one concern when shopping for essiac is to trust you are receiving your product from a source which is credible. The second most important aspect is the effectiveness of each individual formula sold by each individual company. We are a credible source and clinical trials have proven that the essiac sold at this website is the most effective formula available.

Brief History

Rene Caisse was introduced to doctors at the Brusck Medical Center in Cambridge, Massachusetts in 1958. Rene Caisse, under the supervision of 18 doctors, performed a series of treatments on terminally ill cancer patients. Dr Charles Brusck, John F Kennedy's personal physician, was Rene Caisse's mentor during this time. Dr Brusck took a great interest in Rene Caisse's ancient tonic as a traditional form of healing.

The eight herb formula had results consistently better than all others during these eight years of trials. The positive results from the trials included cessation of pain, an overall feeling of wellbeing, improved sleep, increased appetite and energy, a decrease of nodular masses and a prolongation of life.

Disclaimer: The statements regarding essiac tea have not been evaluated by the Food and Drug Administration. We cannot claim that this product is a cure, prevents disease or has beneficial medicinal properties. The information on this website or in emails is designed for educational purposes only. It is not intended to be a substitute for informed medical advice or care. You should not use this information to diagnose or treat any health problems or illnesses. Consult your physician before starting any medical treatment.

Benefits of Essiac Tea Include a Boosted Immune System and Detoxification.

People from all over the world have realized the benefits of essiac tea.

Relapse prevention for cancer patients never ends.

Possibly the relapse prevention necessary for cancer survivors.

An alternative cancer treatment used by many is essiac.

An alternative cancer treatment many patients seek. Conventional and alternative treatment together make potent partners. . . .

Excerpts from Exhibit A, advertisement on home page of premium-essiac-tea-4less.com [www.premium-essiac-tea-4less.com/index.html].

b. **Essiac Order Guide**

The first step in choosing how much essiac you need is to answer the following question:

1. Do you have, or do you suspect you have, cancer or another major health problem?

If your answer is yes, we recommend that you take the **aggressive dose** (9 oz. of tea per day). If your answer is no, we recommend that you take the **maintenance dose** (3 oz. of tea per day). Click on the appropriate link (aggressive or maintenance dose) above to learn more about Essiac Tea Dosage Recommendations.

Excerpt from Exhibit B, advertisement on linked web page of premium-essiac-tea-4less.com [www.premium-essiac-tea-4less.com/ordering-essiac.html].

c. **Essiac Tea FAQ and Premium Essiac Tea 4less Information.**

What are the benefits of using essiac?

Essiac tea's primary actions are to cleanse the body of impurities, restore energy levels, remove heavy metals and rebuild the immune system. These actions help restore the body to a level where it is able to use its own resources to defeat an illness. In other words, essiac rebuilds the immune system and improves the illness-defeating ability of the body so that the body can rid itself of the illness. For a list of possible benefits from essiac tea, please visit: **Essiac Tea Benefits**.

Is essiac able to cure cancer or other serious illnesses?

We cannot legally claim essiac is a cancer cure or a cure for any other disease. However, due to the beneficial properties of essiac tea listed above, many people who take essiac report a stronger immune system and increased health and well-being. With all of these positive improvements essiac tea causes in the body, the body becomes much better equipped to rid itself of disease. **(Essiac is not a drug and is therefore not able to be FDA approved as a proven treatment).**

Am I able to take essiac while receiving chemotherapy and/or radiation therapy?

Yes. Essiac has a tendency to improve a person's quality of life while receiving chemotherapy and/or radiation. However, chemotherapy and radiation therapy can destroy the chemicals and compounds of essiac tea diminishing the effects of essiac tea. To accommodate for this decrease in effective of the essiac, we recommend consuming the aggressive PLUS dose of 6 oz. of tea three times per day, rather than the regular aggressive dose of 3 oz. of tea three times per day. From our experience and experimentation, we've found that people on chemotherapy and radiation therapy tend to have best results taking 6 oz. three times per day. However, some have remained on 3 oz. three times per day and also had good results. Personally, if we had a loved one taking chemotherapy and/or radiation therapy, we would recommend 6 oz. three times per day to be on the safe side.

Am I able to take essiac with other types of treatments?

Yes, essiac is able to be taken with all types of treatments, alternative and traditional. Essiac will work in a complementary fashion with other types of treatments compounding the positive health effects. You are advised to consult with your practitioner. If you are concerned, ease into your essiac tea usage gradually, taking ½ or 1/3 of the full dose at first.

When will I notice the benefits of taking essiac?

This varies from individual to individual. Some people notice an increased sense of health, well-being and energy just days after starting essiac tea. It takes others weeks or even months to notice a tangible benefit. But, for most people, an improvement in general health and well-being is experienced after one to two weeks if taking essiac tea regularly. Follow our **essiac dosage recommendations** for at least 5 months if you have cancerous tumors.

What diseases/medical conditions are treated with essiac?

Cancerous tumors, diabetes, leukemia, liver problems, high blood pressure, kidney ailments, high cholesterol, chronic pain, chronic fatigue, and hepatitis C are some of the more common diseases/medical conditions treated with essiac.

Why should I choose the eight herb essiac formula over the four herb formula?

There are a several reasons for choosing the eight herb formula instead of the four herb formula. One reason is watercress. An important property of watercress is its cleansing ability. Watercress removes a residual component of sheep sorrel break down called oxalic acid. Oxalic acid will form stones (Kidney stones, etc) within the body. Without watercress,

stone formation can happen in individuals who are susceptible. The four herb formula doesn't have watercress but does have sheep sorrel. Secondly, red clover and blessed thistle both have proven anti-cancer properties. These herbs give the eight herb formula a cancer fighting advantage over the four herb formula. Thirdly, kelp is full of vitamins, minerals and other nutrients. Kelp is a strong immune system booster. Kelp is found only in the eight herb formula. Fourthly, four herb essiac was designed to have one of the herbs injected. If you are taking essiac as a tea and not injecting one of the herbs, it won't be as effective. Finally, while four herb essiac is targeted for liver detoxification, eight herb essiac results in liver and colon detoxification for a more complete detoxification. To read more about the merits of eight herb essiac and the history behind it, please visit:

Excerpts from Exhibit C, advertisement on linked web page of premium-essiac-tea-4less.com [www.premium-essiac-tea-4less.com/essiac-tea-faq.html].

d. **Essiac Testimonials from People with Truly Amazing Testimony.**

A handful of our many essiac testimonials from people using our eight herb essiac can be found here:

April 9, 2005

“Essiac tea is amazing. Let me tell you about my mother who has (or had) colon cancer. She is elderly and the doctors warned that she might not survive an operation to try and remove the tumors. We agreed that we would rather have her enjoy her last years as much as possible, living with us etc. rather than be in a hospital trying to recover from invasive surgery. We were on the fence about chemo but decided against it for the time being.

We began giving her essiac tea last November, and we noticed that she seemed happier and more energetic almost right away. However, it wasn't until February that we noticed some dark substance coming from her colon. At first it seemed to be stuck to her skin but after a few days it began falling off on its own while she was bathing. When we went back for testing the doctors said the tumors seemed to be gone. Amazing. My mother continues to take essiac at maintenance dose, and actually the whole family is on it now because cancer runs in our family. Essiac is truly heaven-sent. Please add my account to your cancer testimonials page so that others will know how well it has worked for us.”

March 31, 2005

“I have cancer and I need to order some more essiac tea. I need essiac sent to me as soon as possible. Let me tell you what happened to me

I had become very sick with cancer last year. It got to the point that I was told I would be dead by December. I couldn't stay awake for more than a few hours at a time, and I couldn't speak clearly anymore. My tongue had swollen from the chemo.

I heard about essiac tea and tried it as a last ditch effort to save my life. I continued the chemo but added essiac tea to my regimen. I couldn't believe how quickly I noticed an increase in energy. Then my hair started growing back, both on my head and my eyelashes and such. A few months later, all my tumors were gone. My doctor said, “Whatever you're doing, keep it up, this is a miracle!”

I am religious and I believe that faith can heal. In addition, I believe the chemo and radiation helped me. However, I do not think I would be alive today if not for the essiac tea. The reason I say this is because, once my tumors were gone and I felt better, I ran out of essiac and didn't buy more. I didn't think I needed it anymore. Well, I was wrong. My hair started falling out and I had no energy. My platelet count is up again. This started happening a little over a month ago, a few weeks after I stopped the essiac tea. I had been meaning to get more but I kept putting it off. My friend gave me some other tea to try, he called it “miracle tea.” I don't know what was in it, but it did nothing for me. It's not like essiac. Now I feel desperate: I need to get more essiac in me. I feel like crap without it and I'm worried that my tumors will come back, if they haven't already.

My doctor is worried also because I am obviously slipping. He says he can't recommend essiac (which makes me so angry!) but we both know that it's the only thing that has changed in my regimen. I recommend that everyone with cancer take essiac. I believe you should take traditional treatments like chemo in addition to essiac for best results. All I can go by is how I reacted, but it truly has been a miracle for me. Essiac tea is absolutely amazing and I feel it saved my life.”

Heather

January 2005

“I’m writing because my attorney (a good friend of mine) suggested that I take essiac tea. The doctors found a growth on my skin that appears not to be cancerous, but I’m not taking any chances. He affirmed that I should use essiac containing eight herbs, not the four-herb tea that is more commonly found. He recommended that I come to this site, as you people have been very helpful and the price is right. I guess he’s been pointing a lot of people your way.

I am optimistic because my friend’s wife was at one point diagnosed with stage IV pancreatic cancer that had metastasized to the liver, and now it’s been five years and she is alive and well. Granted, she was on chemotherapy at the same time she took the essiac. She began the chemo December 1999 and the essiac in February 2000. By April 2000 her condition had become stable, which was realistically the best they could hope for at the time.

She continues to maintain relatively good health and although the tumors are still present, her condition is definitely stable and she generally feels well. Her husband switched to your eight-herb essiac when he found your website last month. He says that your herbs seem to be fresher than any he’s received before and his wife feels better than ever. I’m looking forward to trying the tea and hope it can do for me what it appears to be doing for so many others. At this point in my life (45) I am well aware of the need for preventive treatment, even if I am “healthy” for the time being.”

**Christine L.,
Nevada**

Excerpts from Exhibit D, advertisement on linked web page of premium-essiac-tea-4less.com [www.premium-essiac-tea-4less.com/essiac-testimonials.html].

e. **This Essiac Tea Formula is Comprised of the Perfect Balance of the Following Eight Herbs.**

The essiac tea formula from which we process our eight herb essiac is the last essiac tea formula Dr. Charles Bruschi and Rene Caisse, R.N., researched and tested before the time of Rene Caisse’s death. They worked together for many years attempting to incorporate additional herbs in with the original four essiac herbs in a ratio that would achieve optimal

effectiveness. This research and patient testing was done at the Brusck Medical Center in Cambridge, Massachusetts on terminal cancer patients.

Rene Caisse's original four herb essiac was used by ill patients, often times terminal cancer patients, with positive results. This original formula consisted of burdock root, sheep sorrel, slippery elm bark and Turkey rhubarb root. Rene Caisse added four herbs, which she knew possessed amazing medicinal properties, to her original formula. These herbs had been used for years, and in some cases centuries, to heal the sick. These four herbs were blessed thistle, kelp, red clover and watercress. The medicinal properties of these herbs accomplished what Rene had set out to do. They enhanced the overall effectiveness of the original essiac tea formula making the original formula somewhat obsolete. Why use something that's good when you can use something that's great?

For an extensive overview on who Rene Caisse was and the history of essiac, click here: **[Rene Caisse and her essiac tea formula](#)**.

The exact composition of the eight herb essiac tea formula is not known to the public at large. The eight different herbs are known, but the exact ratio of each herb in the essiac tea formula is not known. This formula is kept locked away. The only people having knowledge of the formula are the people who process the essiac tea herbs. And, they have been sworn to an oath to never divulge this formula. When these eight essiac tea herbs are measured, mixed and freshly packaged, the way that only our company knows how, they make a superior essiac tea.

Excerpt from Exhibit E, advertisement on linked web page of premium-essiac-tea-4less.com [www.premium-essiac-tea-4less.com/essiac-tea-formula.html].

f. **Essiac Dosage Recommendations**

Seven Main Categories of Essiac Dosage Recommendations

Child Dosage is dependant on the weight of the child and the health conditions for which essiac will be used. Check out our simplified breakdown of essiac dosage for children.

Dosage for Children

Pet Dosage is determined by the health and weight of your animal. Check out a thorough breakdown of the aggressive and maintenance dosage regimens for your cat or dog.

Pet Dosage Instructions

Aggressive Dose is recommended if you have a serious illness. This is the standard essiac dosage recommended if you have cancer, diabetes or another serious medical condition.

Aggressive Dosage Instructions

Aggressive Dose PLUS is recommended for those who are receiving chemotherapy and/or radiation therapy. This dose is also recommended for those who have been given a terminal diagnosis.

Aggressive PLUS Dosage Instructions

Maintenance Dose is recommended for those who have overcome an illness. This dose is recommended for at least six months **AFTER** your test results have returned to normal.

Maintenance Dosage Instructions

Preventive Dose is recommended for healthy individuals. This dose is to prevent health problems, disease and illness. This dosage is especially important for those who have a family history of cancer.

Essiac Preventive Dosage

Detoxification Dose is recommended if you wish to detoxify your body. The detoxification dose is for improved health, to prevent disease and illness, or to recover from disease or illness. Detoxification regimens are typically done for a fixed period of time. But, this dose can be continued indefinitely to maintain optimal health.

Detoxification Dosage Instructions.

Excerpt from Exhibit F, advertisement on linked web page of premium-essiac-tea-4less.com [www.premium-essiac-tea-4less.com/essiac-dosage-recommendations.html].

g. **Is Essiac a Cure All?**

Essiac tea has been used for many decades as a cure for a wide range of illnesses and diseases. The FDA hasn't proven Essiac to have a beneficial effect as an herbal blend. However, the FDA has confirmed the eight individual essiac herbs do indeed have beneficial properties. Whether essiac tea is a cure or not according to the FDA isn't the important point. The important consideration is whether essiac tea helps a person fight an illness on a case by case basis. It may not help everybody, but it might help you or me on an individual basis.

The Healthy Sense Directory - An excellent source of organized health information . . . The illnesses, diseases and conditions for which essiac tea has been used by people throughout the world are more than I can list. Some of the more common ailments are AIDS and HIV, diarrhea, constipation, high blood pressure, high cholesterol, internal and external cancers, benign and malignant tumor growth, chronic pain, diabetes, arthritis, kidney and bladder problems, ulcers, liver conditions, colon complications, sinus issues, gout, pneumonia and common chest colds. People use essiac for different reasons. Some are looking for a cure for conditions such as cancer. Others are looking to strengthen their immune system as a preventative measure. Essiac can be used in a variety of ways.

Excerpt from Exhibit G, advertisement on linked web page of premium-essiac-tea4less.com [www.premium-essiac-tea-4less.com/Cure.html].

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that essiac tea is effective in the treatment or cure of cancer, HIV and AIDS, diarrhea, constipation, high blood pressure, high cholesterol, chronic pain, diabetes, arthritis, kidney and bladder problems, ulcers, liver conditions, colon complications, sinus issues, gout, hepatitis C, pneumonia and common chest colds.

6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that he possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.

7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made. There is no reliable evidence that essiac tea is effective against any of the listed conditions. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.

8. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that the essiac tea sold by respondent has been clinically proven to be more effective than other forms or brands of essiac tea.

9. In truth and in fact, essiac tea sold by respondent has not been clinically proven to be more effective than other forms or brands of essiac tea. Therefore, the representation set forth in Paragraph 8 was, and is, false or misleading.

10. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this twenty-third day of October, 2008, has issued this Complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

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