

UNITED STATES OF AMERICA
THE FEDERAL TRADE COMMISSION

ORIGINAL



In the Matter of)
)
POM WONDERFUL LLC and)
ROLL GLOBAL, as successor in interest)
to Roll International, companies, and)
)
STEWART A. RESNICK,)
LYNDA RAE RESNICK, and)
MATTHEW TUPPER, individually and)
as officers of the companies.)
_____)

Docket No. 9344

Public Document

COMPLAINT COUNSEL'S NOTICE OF APPEAL

Pursuant to Commission Rule of Practice 3.52(b), Complaint Counsel hereby gives notice that it will appeal the Initial Decision and Order entered by Hon. D. Michael Chappell in the above-entitled action and any related findings of fact and lack of related findings of fact based on the relevant record evidence as to the following:

1. The failure to find that certain of the challenged advertisements made the claims alleged in the Complaint;
2. The level of substantiation required for the challenged advertising claims;
3. Certain provisions of the Order entered by Judge Chappell.

Dated: June 4, 2012

Respectfully submitted,

/s/ Mary L. Johnson
Mary L. Johnson
Heather Hipsley

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CERTIFICATE OF SERVICE

I certify that on June 4, 2012, I caused the filing and service of Complaint Counsel's Notice of Appeal as set forth below:

One electronic copy via the FTC E-Filing System to:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Room H-159
Washington, DC 20580

One paper copy via hand delivery and one electronic copy via email to:

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Room H-110
Washington, DC 20580
Email: oalj@ftc.gov

One electronic copy via email to:

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/s/ Mary L. Johnson
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