

## **Success *In Motion*, Inc.**

Paul Clark  
Success In Motion, Inc.

June 15, 2006

Federal Trade Commission/Office of the Secretary, Room H-135 (Annex W)  
Re: Business Opportunity Rule, R511993  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
RE: Business Opportunity Rule, R511993

Dear Sir or Madam:

I am writing this letter because I am concerned about the proposed Business Opportunity Rule R511993. I believe that in its present form, it could prevent me from continuing as a distributor in the direct selling industry. I understand that part of the FTC's responsibilities is to protect the public from "unfair and deceptive acts or practices," but some of the sections in the proposed rule will make it very difficult if not impossible for me to sell nutritional products.

One of the most confusing and burdensome sections of the proposed rule is the seven day waiting period to enroll new distributors. Eniva's sales kit is free upon registration with our company. People buy insurance, cars, and other items that cost much more than that and they do not have to wait seven-days. This waiting period gives the impression that there might be something wrong with the plan. I also think this seven-day waiting period is unnecessary, because Eniva already has a money back guarantee for all products including sales kits purchased by a salesperson within 30 days of purchase. Under this waiting period requirement, I will need to keep very detailed records when I first speak to someone about Eniva and will then have to send in many reports to Eniva headquarters.

The proposed rule also calls for the release of **any** information regarding lawsuits involving misrepresentation, or unfair or deceptive practices. It does not matter if the company was found innocent. Today, anyone or any company can be sued for almost anything. It does not make sense to me that I would have to disclose these lawsuits unless Eniva is found guilty. Otherwise, Eniva and I are put at an unfair advantage even though Eniva has done **nothing** wrong.

Finally, the proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser. I am glad to provide references, but in this day of identity theft, I am very uncomfortable giving out the personal information of individuals (without their approval) to strangers. Also, giving away this information could damage the business relationship of the references who may be involved in other companies or businesses including those of competitors. In order to get the list of the 10 prior purchasers, I will need to send the address of the prospective purchaser to Eniva headquarters and then wait for the list. I also think the

following sentence required by the proposed rule will prevent many people from wanting to sign up as a salesperson “If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers.” People are very concerned about their privacy and identity theft. They will be reluctant to share their personal information with individuals they may have never met.

I have been involved in this industry as a distributor for more than 10 years. Originally, I became a distributor of these products because I like them and wanted to earn some additional money. Now my family depends on this extra income to supplement our budget and help other people in the process.

I appreciate the work of the FTC to protect consumers, but I believe this proposed new rule has many unintended consequences and that there are less burdensome alternatives available in achieving its goals.

Thank you for your time in considering my comments.

Sincerely,

Paul Clark  
President  
**Success *In Motion*, Inc.**