

Misty Whitfield  
M. Whitfield & Co, LLC

July 11, 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

<https://secure.commentworks.com/ftc-bizopNPR/>

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 an Arbonne Independent Consultant. I understand that part of the FTC's responsibility is to protect the public from "unfair and deceptive acts or practices," but some areas of the proposed rule will make it very difficult, if not impossible, for me to sell Arbonne products and sponsor people into the business.

I have been an Arbonne Independent Consultant for more than 11 years. I became a Consultant because I loved the products, but as I have shared the products over the years, I have been able to build a successful business. While doing so, I've seen many people on my team reach a financial status they would never have had the opportunity to reach while just working a job. And the great thing about our company is, even if you chose NOT to share the products to create an income, you can choose to just be a discount-consumer of the products for a minimal fee of only \$29.

I am from Oklahoma, which is considered a 'poverty state', and yet Oklahoma is one of the most successful states in our company...which says to me, that people here want a better lifestyle and more choices for their families, and they are willing to WORK for it. Building a Direct Sales business is not easy; it takes a lot of hard work. I see, here in Oklahoma, that this industry is CHANGING the lives of our citizens in a very positive way!

I was only 22 years old when I was introduced to the Direct Sales/Network Marketing industry. I had no college degrees, and after being 'down-sized' from my corporate job, I had to clean office buildings and run a small day care to make ends meet. In 1995 when I started my business, all I had going for me was I knew how to work hard. Now, every month, an average of 2000 people become Independent Consultants in my business. Since starting my Arbonne business, I have developed a very large team of Independent Consultants across the country and together we are helping our families enjoy better lives.

One of the most confusing and restrictive sections of the proposed rule is the 7-day waiting period to sign up new Consultants. Not only do Arbonne Starter Kits cost a nominal amount of money, the proposed waiting period gives the impression that there might be something wrong the Arbonne opportunity. Under this waiting period requirement, I will need to keep very detailed records when I first speak to someone about Arbonne and keep track of when to follow up. One of the key elements to my success in this business has been capturing the enthusiasm and immediate results prospects experience with Arbonne products; the waiting period would potentially limit my ability to grow my business.

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. A lawsuit may incorrectly imply wrongdoing and it seems unfair to disclose lawsuit information unless Arbonne has been found guilty of something. I fear being penalized by the impression a lawsuit would leave, even if I have done nothing wrong.

Finally, the proposed rule requires the disclosure of a minimum of 10 prior Independent Consultants nearest to the prospective Consultant. I am glad to provide references, but identity theft is a reality we must live with in today's world and I am very uncomfortable with giving out personal information about individuals, without their permission or knowledge, to strangers. Also, sharing this information could damage the business relationship of references with those involved in other companies or businesses, or provide an unfair advantage to competitors. In order to get the proposed list of 10 prior Independent Consultants, I would need to send the address of a prospect to the Arbonne corporate office in California and then wait for the list. The proposed rule also includes the language, "If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers" and prospects will be understandably concerned about their privacy. I would find it an invasion of privacy to disclose personal data, for my business purposes.

I truly appreciate the work of the FTC in protecting consumers, but I believe this proposed new rule would have many detrimental (and unintentional) consequences and I hope there are alternative means to resolving the outstanding issues at hand, without harming the livelihood of millions of successful network marketers, like me.

Thank you for your time and understanding.

Sincerely,

Misty Whitfield  
Executive National Vice President,  
Independent Consultant