

Jack Kennedy
Mother Nature Cares

7-17, 2006

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 Eniva Independent Distributor. I understand that part of the FTC's responsibilities is to protect the public from "unfair and deceptive acts or practices," yet some of the sections in the proposed rule will make it very difficult, if not impossible, for me to sell Eniva products.

I am retired, with only Social Security to sustain me in the face of escalating costs in the super markets, drug stores, movie theaters, gas stations, rents and electricity. I have been an Eniva Distributor for several weeks, just getting started with a non limiting opportunity despite my physical difficulties. Originally, I became a distributor in my company because I felt the products were exceptional and I wanted to earn some additional income. Now, I am a single person and my family is supported through my direct selling business. My future is dependent on the stability of the direct selling industry.

I can understand your motivation to alter this industry. 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 only costs a one time \$23.00. People buy TVs, cars, and other items that cost much more and they do not have to wait seven days. This waiting period gives the impression that there might be something wrong with the company or the compensation plan. I also think this seven-day waiting period is unnecessary, because Eniva already has a 90% buyback policy for all products including sales kits purchased by a salesperson within the last twelve months. Under this waiting period requirement, I will need to keep very detailed records when I first speak to someone about Eniva's wellness products and will then need to send in many reports to my company 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 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 appreciate the work that the FTC does to protect consumers, yet I believe this proposed new rule has many unintended consequences and there are less burdensome alternatives available to achieving your goals.

Thank you for your time in considering my comments.

Respectfully,

Jack Kennedy, age 72 and hopefully self supporting.