

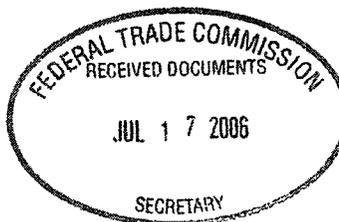
July 7, 2006



522418-70627

**To:**

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



**From:**

Cheryl Cartwright  
VIVA Life Science, Inc.

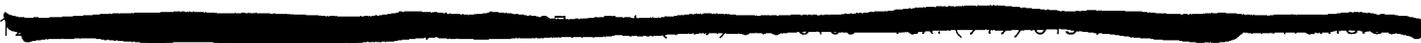


Dear Sir or Madam,

This letter is respectfully submitted as a response to the proposed New Business Opportunity Rule R511993, which this company, VIVA Life Science, Inc., believes to be inappropriate and harmful to network marketing and this company specifically. Although we understand that the FTC is committed to protect the public from "unfair and deceptive acts or practices", portions of the proposed rule will have a very adverse effect on the operations, function and continuation of this business. This company has been highly cooperative and compliant with all regulatory agencies and actively participates in FTC, FDA and California State Department of Health guidance opportunities. With that as evidence that the company is not negatively against regulation, please understand that this letter is an urgent request for your fairness and consideration regarding this particular proposed rule.

VIVA Life Science, Inc., was founded in 1989 on the basis of offering people the ability to purchase high quality, beneficial dietary supplements for their wellness, as well as the opportunity to have a worthwhile business of their own to elevate their financial success through their sales and marketing of these nutritional products. VIVA has invested much of the earnings back into the company for scientific research for the products and to establish a foundation of nutritional science to support truthful and non-misleading information about the products produced by VIVA. VIVA currently has over 30,000 international independent distributors who derive financial benefit from their membership with VIVA. The proposed rule has several points of concern that would greatly diminish this positive relationship.

The first item of opposition is the Seven Day Waiting Period, which burdens both the company and distributors with unnecessary and unprecedented record keeping. Entry into membership with VIVA requires only a \$100.00 purchase of products with an application, which is already a record of contact, and comes with a 90% buyback policy for all products purchased within the last twelve months. These are dietary supplements...not firearms or major luxury purchases.



Secondly, we oppose the elimination of the existing \$500 threshold, which would then place VIVA's Plan under FTC regulatory authority and create an extreme burden of documentation requirements in order to comply with the rule.

Third, we oppose the release of any information regarding prior litigation and civil or criminal legal actions involving misrepresentation, or unfair or deceptive practices. This lumps innocent companies who have been vindicated in senseless lawsuits into the same pool as guilty organizations, which may negatively impact the perception of the company's reputation and is, in itself, a misrepresentation and an unfair disadvantage. We think it would be appropriate to include only litigation pertaining to organizations that have been found guilty and that is related to the earning opportunity offered to the prospective distributor.

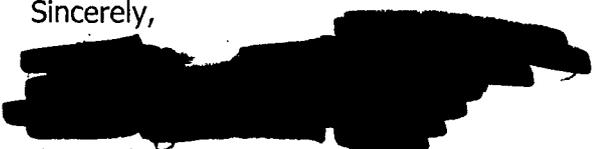
Fourth, we oppose the portion regarding gathering and providing independent distributor data and earnings claims and believe it is both unfair and nearly impossible for compliance, considering the challenges of interpreting and meeting some of the proposed requirements and the fact that disreputable organizations will not provide accurate data.

Fifth, we oppose the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser because it is tantamount to identity theft and privacy invasion. The requirement to provide references is also a privacy lawsuit magnet. The dissemination of personal information of individuals to a stranger, without their permission, and the lack of knowledge regarding the use of the information, subjects the company to unnecessary vulnerability and loss of prospective purchasers due to reluctance to share personal information with unknown individuals.

In conclusion, VIVA Life Science, Inc., would like to express deep appreciation for the work of the FTC to protect people from fraudulent businesses. However, we believe this proposed new rule is not in the best interest of the consumer as it harms many who would be greatly benefited by the products and the freedom to provide a worthwhile living for their families. The requirements are burdensome and have enough unintended consequences to put this company out of business and destroy the livelihood of thousands of independent distributors, the very consumers you are devoted to protecting. There are more positive alternatives available to achieve the consumer protection goals that the proposed rule attempts and this company would be pleased to cooperate with the FTC in discussion of such possibilities.

Thank you very much for your consideration of our comments.

Sincerely,

  
**Cheryl Cartwright**  
VP Regulatory and Business Affairs  
VIVA Life Science, Inc./Westar Nutrition Corp.