

EXHIBIT B

IN THE UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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In the Matter of

DYNAMIC HEALTH OF FLORIDA, LLC,  
CHHABRA GROUP, LLC,  
DBS LABORATORIES, LLC,  
Limited liability companies,

VINCENT K. CHHABRA,  
Individually and as an officer of  
Dynamic Health of Florida, LLC,  
And Chhabra Group, LLC, and

JONATHAN BARASH,  
Individually and as an officer of  
DBS Laboratories, LLC.

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DOCKET NO. 9317

**RESPONDENTS' RESPONSE TO COMPLAINT COUNSEL'S REQUEST FOR  
ADMISSIONS BY RESPONDENTS**

Pursuant to Rule § 3.32 of the Federal Trade Commission's Rules of Practice and the Scheduling Order issued on November 16, 2004, Respondents respond to Complaint Counsel's Request for Admissions.

General Objections

Respondents object to the request for admissions to the extent that the requests are vague, indefinite and/or ambiguous. Respondents object to the Request for Admissions to the extent that the Admissions require Respondents to disclose information that is privileged or subject to an applicable privilege. Subject to and without waiving these Objections, Respondent Dynamic Health provides the following responses to Complaint Counsel's First Request for Admissions ("Admissions"). Defendant denies any request for admission not specifically admitted as true.

Respondent Dynamic Health's responses to these requests reflect Dynamic Health's best information as of the date of this response. Discovery is continuing and the responses are given with the caveat that as discovery continues, Respondents may modify, amend, and supplement a certain response. Where an admission request is answered, the answer is provided subject to and without waiver of the general objections set forth herein and each specific objection set forth in the answer.

A. Respondents incorporate by reference the reasoning in Respondents' Motion to Compel Compliance with 16 C.F.R. § 3.35, filed November 29, 2004, as if specifically set forth anew in this pleading. Many individual requests for admissions are compound in nature and actually comprise ten, twenty or more separate responses.

B. Respondents object to the Admissions to the extent that such discovery seeks disclosure of any information, materials, and/or communications protected by applicable privileges and immunities, including but not limited to the attorney-client privilege, physician-patient privilege, fifth amendment privilege (for Respondent Vineet Chhabra) and work product immunity.

C. At this time, information and documents that *may* be responsive and necessary in order to answer the Admissions are being held by the United States Attorneys' Office for the Eastern District of Virginia, or the United States Attorneys' Office, Office of Consumer Litigation, Washington, DC, or under the jurisdiction and supervision of the United States District Court for the Eastern District of Virginia, Alexandria Division, or in the possession or control of the Federal Bureau of Investigation, Drug Enforcement Administration or Food and Drug Administration. These documents, including computers, which were seized pursuant to search warrants executed at the residence of Mr. Chhabra in Golden Beach, Florida, or at the

offices of Dynamic Health of Florida, LLC and Chhabra Group, LLC at 1485 North Park Drive, Weston, Florida, on or about December 3, 2003, are not available for the preparation of Respondents' responses to these admissions. Presumably, these documents have been made available to Complaint Counsel, or are available to Complaint Counsel upon request to the appropriate divisions of the government. Should any of these documents contradict the responses below from Respondent Dynamic Health, Respondent Dynamic Health reserves the right to request the Court to permit it to amend its responses to these Admissions accordingly.

D. Respondents' objections and responses to the Admissions are made on the basis of facts and circumstances as they are presently known. Respondents have not completed their investigation, their discovery or analysis of this action, and have not completed preparation for trial. Counsel for Respondents has not been able to travel to Florida to meet with potentially knowledgeable parties and witnesses since the service of these Admissions due to circumstances beyond his control that are more fully set forth in prior pleadings. In addition, Respondents have been severely hampered in effectively defending this action due to a restraining order issued by the United States District Court for the Eastern District of Virginia, Alexandria Division, Brinkema, J., presiding, that restrains and forfeits all of Mr. Chhabra's and Chhabra Group, LLC's assets. Dynamic Health is no longer in business. The restraining order is set forth in prior pleadings.

Accordingly, the following responses to the Admissions are provided without prejudice to Respondents' right to amend the responses or introduce at trial any evidence subsequently discovered. Respondents further reserve the right to supplement their responses to the Admissions based upon new discovery of evidence or information of which Respondents are not presently aware, or otherwise, as necessary. Respondents reserve their right to rely at any time

on information that is subsequently discovery or that was omitted from a response as a result of mistake, error, oversight, or inadvertence.

E. Respondents' objections and responses are based on their understanding and interpretation of the Admissions. If Respondents understand or interpret any of Document Requests differently than Complaint Counsel, Respondents reserve the right to supplement any of these objections or responses.

F. The Complaint concerns two products: Pedia Loss and Fabulously Feminine. The Admissions go far beyond the four corners of the Complaint. Respondents object to the Admissions because they are duplicative, vague, ambiguous, overbroad and unduly burdensome. The Admissions are also overbroad and unduly burdensome, time-consuming and costly considering that the gross sales of Pedia Loss and Fabulously Feminine totaled \$19,000 and neither product has been offered for sale for approximately one year.

G. There are no time periods set forth in many of the Admissions, thereby exacerbating the ambiguous, overbroad and unduly burdensome nature of the Admissions.

Vineet Chhabra's Objections and Denials of Complaint Counsel's  
First Request for Admissions

Complaint Counsel submitted its Request for Admissions to "Respondents" and not to an individual party as required by the rules.<sup>1</sup> Respondents have no idea whether three separate and independent responses from each Respondent are requested or required for the Admissions, or whether it is the intention of Complaint Counsel to attempt to hold the answer of any Respondent as the answer for all Respondents collectively. If so, this would be improper. It should not be the task of Respondents' counsel to attempt to rewrite the Admissions and then fashion answers

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<sup>1</sup> Rule § 3.32 states that "any party may serve on any other *party* a written request for admission . . ." and does not contemplate admissions to be served and used against any other party "collectively."

to Respondents' revisions. A separate set of Admissions should have been submitted for each Respondent.

Mr. Chhabra objects to all the Request for Admissions on the basis of the General Objections A through G set forth above. Mr. Chhabra incorporates by reference any objections set forth in the Admissions responses of Dynamic Health of Florida, LLC, as set forth below.

Mr. Chhabra objects to answering any of the Admissions since it is not clear whether the Admissions have been submitted to him individually. Even if the Admissions can be interpreted as being submitted to him in his individual capacity, due to pending charges in the United States District Court for the Eastern District of Virginia, Alexandria Division, and upon the advice of counsel, Mr. Chhabra declines to answer any of the Admissions submitted to him based on his fifth amendment privilege against self-incrimination. See, Respondents' Joint Motion for Protective Order Pursuant to Civil Rule 26(C) and for Stay of Proceedings, July 27, 2004, at 4-7 and cases cited in n.2.

Therefore, Mr. Chhabra specifically DENIES each and every Request for Admission, including Nos. 1 through 47.

Chhabra Group, LLC ("Chhabra Group") Objections and Denials to Complaint  
Counsel's Admissions

Chhabra Group objects to providing responses to any Requests for Admissions "collectively" as contemplated in the Request for Admissions. It is the position of Chhabra Group that no Admissions have been submitted to it individually as required by the rules. Chhabra Group objects to all Admissions on the basis of the General Objections A through G set forth above. Chhabra Group incorporates by reference any objections set forth in the Admissions responses of Dynamic Health as set forth below.

To the extent that Complaint Counsel's Admissions are interpreted to be an individual request for admissions to Chhabra Group, LLC, Chhabra Group, LLC specifically DENIES each and every Request for Admission, including Nos. 1 through 47.

Answers and Objections of Dynamic Health of Florida, LLC ("Dynamic Health") to Admissions

Dynamic Health objects to providing responses to any Admissions "collectively" as contemplated in the Request for Admissions. It is the position of Dynamic Health that no Admissions have been submitted to it individually as required by the rules. Dynamic Health objects to all Admissions on the basis of the General Objections A through G set forth above.

Notwithstanding the objections set forth above, Dynamic Health responds to the forty-seven (47) Admissions as follows.

1. Vineet Chhabra owns 50% or more of, and is an officer or manager of, Dynamic Health of Florida, LLC, Chhabra Group, LLC, Chhabra Internet Support Center, LLC, Chhabra Fulfillment Services, LLC (formerly known as Chhabra Internet Fulfillment Services, LLC), and Metability of Florida, LLC.

OBJECTION: The admission is vague, indefinite, compound in nature and/or ambiguous. It does not state the time period at issue. Respondent Dynamic Health is unsure of the percentages, if any, that Vineet Chhabra owned. To the best of Dynamic Health's knowledge, Vineet Chhabra does not own 50% or more, or is an officer or manager, of all of the entities set forth in Admission Number One as of the date of answering this admission, and therefore, the request for Admission No. 1 is DENIED.

2. Vineet Chhabra owns 30% or more of, and is an officer or manager of, Kreating, LLC, a limited liability company organized under Florida law.

OBJECTION: The admission is vague, indefinite, and/or ambiguous. It does not state the time period at issue. Kreating, LLC, to the best of Dynamic Health's knowledge, is defunct. To the best of Dynamic Health's knowledge, Vineet Chhabra does not own 30% or more, or is an officer or manager, of Kreating, LLC in Admission Number 2 as of the date of answering this admission, since for all practical purposes, it no longer exists and is defunct, and therefore, the request for Admission No. 2 is DENIED.

3. Dynamic Health of Florida, LLC, Chhabra Group, LLC, Chhabra Internet Support Center, LLC, Chhabra Fulfillment Services, LLC (formerly known as Chhabra Internet Fulfillment Services, LLC), Kreating, LLC, and Metability of Florida, LLC are limited liability companies organized under Florida law.

OBJECTION: The admission is vague, indefinite, compound in nature and/or ambiguous. It does not state the time period at issue. Many of these companies are presently defunct.

Respondent Dynamic Health ADMITS that the records of the Florida Secretary of State's Office should reflect accurately the status of the companies set forth in Admission Number Three. In all other respects, Admission No. 3 is DENIED.

4. Vineet Chhabra, individually or in concert with others, controls or has the ability to control the practices of Dynamic Health of Florida, LLC, Chhabra Group, LLC, Chhabra Internet Support Center, LLC, Chhabra Fulfillment Services, LLC (formerly known as Chhabra Internet Fulfillment Services, LLC), Kreating, LLC, and Metability of Florida, LLC.

OBJECTION: The admission is vague, indefinite, compound in nature and/or ambiguous. It does not state the time period at issue for the entities in question. Many of the entities are now defunct to the best of Dynamic Health's knowledge. Therefore, the request for Admission No. 4 is DENIED



5. Kreating, LLC participated in creation or preparation of advertising, labeling, and packaging for Pedia Loss and Fabulously Feminine.

RESPONSE: Dynamic Health ADMITS that Kreating, LLC participated in the artistic design and artistic graphics for Pedia Loss and Fabulously Feminine. Dynamic Health DENIES that Kreating, LLC created or prepared the content that ultimately went into the advertising, labeling and packaging of Pedia Loss and Fabulously Feminine.

6. Chhabra Group, LLC coordinated media purchases in connection with the advertising for Pedia Loss and Fabulously Feminine and provided consulting services to one or more of the respondents and to DBS Laboratories, LLC in connection with the advertising and sale of Pedia Loss and Fabulously Feminine.

OBJECTION: The admission is vague, indefinite, compound in nature and/or ambiguous. It does not state the time period at issue for the entities in question. Therefore, Admission No. 6 is DENIED. Chhabra International Ltd. may have coordinated some media purchases in connection with the advertising for Pedia Loss and Fabulously Feminine. Because important records necessary to answer this interrogatory may have been seized by the government pursuant to search warrants executed on or about December 3, 2004 and have not been returned to Respondent Dynamic Health, Dynamic Health DENIES Admission No. 6.

7. Metability of Florida, LLC provided web-hosting and software services to some of the websites that sold Pedia Loss and Fabulously Feminine.

OBJECTION: The admission is vague, indefinite, and/or ambiguous. It does not state the time period at issue for the entity in question. Web-hosting and software services is not defined and so

this request for admission cannot be adequately answered, nor are the websites set forth in the admission request defined. Respondent Dynamic Health ADMITS that Metability of Florida, LLC provided some services to some websites, but not all websites, that may have sold Pedia Loss and Fabulously Feminine, but in all other respects, the request for Admission No. 7 is DENIED

8. Chhabra Internet Support Center, LLC operated a call center and provided customer service functions related to the sale of Pedia Loss and Fabulously Feminine.

RESPONSE: Respondent Dynamic Health does not know how many calls were received, if any, by the call center, nor does it know what customer service, if any, was provided, and therefore DENIES Admission No. 8.

9. Chhabra Fulfillment Services, LLC (formerly known as Chhabra Internet Fulfillment Services, LLC) provided fulfillment services for Pedia Loss and Fabulously Feminine.

RESPONSE: DENIED. Chhabra Fulfillment Services, LLC, may have shipped a small amount of Pedia Loss and Fabulously Feminine to various pharmacies, however the definition of fulfillment in the business world is the shipment to end users and based on that definition, Admission No. 9 is DENIED.

10. On or about July 15, 2003, Chhabra International, Inc. entered into an agreement to purchase a 75% interest in DBS Laboratories, LLC.

RESPONSE: DENIED. Dynamic Health ADMITS that at some point in time, Chhabra International, Ltd. entered into an agreement to purchase a 75% interest in DBS Laboratories but the agreement was never consummated.

11. Vineet Chhabra was an owner, manager, or director of Chhabra International, Inc. when it entered into an agreement to purchase a 75% interest in DBS Laboratories, LLC.

RESPONSE: DENIED. Respondent Dynamic Health does not believe that Chhabra International Inc. is a company. Dynamic Health is not sure of the exact role, if any, that Vineet Chhabra had with respect to Chhabra International, Ltd. and therefore, Respondent Dynamic Health DENIES Admission No. 11. To Dynamic Health's knowledge, the purported agreement set forth in Admission Request No. 11 was never consummated.

12. One or more entities of which Vineet Chhabra was an owner, manager, or officer paid Jonathan Barash or DBS Laboratories, LLC for services performed by Mr. Barash in connection with bringing Pedia Loss and Fabulously Feminine to market.

RESPONSE: To the best of Dynamic Health's knowledge, Dynamic Health ADMITS that Jonathan Barash or DBS Laboratories, LLC was paid for some services performed by Mr. Barash in connection with bringing Pedia Loss and Fabulously Feminine to market that were affiliated with Mr. Chhabra. In all other respects, Admission No. 12 is DENIED.

13. Vineet Chhabra was an owner, director, or manager of one or more entities that distributed advertisements for Pedia Loss and Fabulously Feminine for posting on websites in which they appeared.

OBJECTION: The admission is vague, indefinite, compound in nature and/or ambiguous. It does not state the time period at issue for the conduct in question. Therefore, the request for Admission No. 13 is DENIED

14. Advertising for Pedia Loss appeared in the July 2003 national edition of Cosmopolitan magazine.

RESPONSE: Dynamic Health ADMITS that an advertisement for Pedia Loss did appear in one issue of Cosmopolitan magazine, but in all other respects, admission request No. 14 is DENIED.

15. During Fall 2003, advertising for Pedia Loss appeared on more than 25 internet sites including the CVS Online Pharmacy web site, [www.Feeling Well.com](http://www.Feeling Well.com), [www.pedialoss.com](http://www.pedialoss.com), [www.Dynamichealthproducts.com](http://www.Dynamichealthproducts.com), [www.dbslabs.com](http://www.dbslabs.com), [www.prescriptionlife.com](http://www.prescriptionlife.com), [www.usaprescription.com](http://www.usaprescription.com), [www.atcostmeds.com](http://www.atcostmeds.com), [www.americanmedsrx.com](http://www.americanmedsrx.com), [www.raidpharmacy.com](http://www.raidpharmacy.com), [www.24x7meds.com](http://www.24x7meds.com), [www.24-hourdurg-store.com](http://www.24-hourdurg-store.com), [www.medpharmacy.com](http://www.medpharmacy.com), [www.dbslabs.com](http://www.dbslabs.com), [www.usarx.com](http://www.usarx.com), [www.247drugstore.com](http://www.247drugstore.com), [www.selectpharmacy.com](http://www.selectpharmacy.com), [www.clickmeds.com](http://www.clickmeds.com), [www.medprescribe.com](http://www.medprescribe.com), [www.eprescribe.com](http://www.eprescribe.com), [www.fastmedrx.com](http://www.fastmedrx.com), [www.epillshop.com](http://www.epillshop.com), [www.rxclinic.com](http://www.rxclinic.com), [easyrxpharmacy.com](http://easyrxpharmacy.com), [active-prescriptions.com](http://active-prescriptions.com), [www.safewebmedical.com](http://www.safewebmedical.com), and [www.medpharmacyrx.com](http://www.medpharmacyrx.com).

RESPONSE: Respondent Dynamic Health DENIES that advertising for Pedia Loss appeared on more than 25 internet sites, but ADMITS that some advertising for Pedia Loss did appear on some websites.

16. The daily dosage of Pedia Loss for children ages 6-10 (4 tablets) contains: 600 mg. of fructo-ogliosacchrides (FOS); 200 mg of inulin; 200 mg of l-glutamine; 100 mg of lecithin; 50 mg of hydroxycitrate extract ("HCA"); and 8 mg of citric acid.

RESPONSE. DENIED.

17. The retail price for Pedia Loss (a package containing 120 tablets) was \$59.99 or \$69.99, depending on the retail outlet.

RESPONSE: ADMITTED.

18. Respondents do not possess testing of the precise formulation in Pedia Loss that evaluates its efficacy for children's weight loss, and respondents are not aware of the existence of any such testing.

RESPONSE: DENIED. Jonathan Barash has always claims that this testing exists. Respondent Dynamic Health does not have a complete set of records at this time nor would the sales company be expected to possess this information. DBS Laboratories, LLC should have the information requested based on its representations to Dynamic Health of Florida, LLC. Moreover, the admission request should be submitted to Respondent Dynamic Health individually rather than to "respondents" collectively.

19. Respondents do not possess any evidence that fructo-oligosaccharides, inulin, l-glutamine, lecithin, or citric acid cause weight loss in children.

RESPONSE: DENIED. Jonathan Barash has always claimed that this testing exists. Respondent Dynamic Health does not have a complete set of records at this time nor would the sales company be expected to possess this information. DBS Laboratories, LLC should have the information requested based on its representations to Dynamic Health of Florida, LLC. Respondent Dynamic Health cannot attest to what other Respondents may have possessed or not possessed. The admission request should be submitted to Dynamic Health individually.

20. Although the results of some clinical tests support the hypothesis that HCA causes weight loss, other do not.

OBJECTION: The admission is vague, indefinite, compound in nature and/or ambiguous. It does not state the time period at issue for the testing. Respondent Dynamic Health ADMITS that the results of some clinical tests support the conclusion as well as the hypothesis that HCA can cause weight loss, but in all other respects, the request for Admission No. 20 is DENIED

21. The results of clinical tests that support the conclusion that HCA causes weight loss involved products supplying 750 or more mg of HCA per day, several times the amount of HCA in Pedia Loss.

RESPONSE: DENIED. Respondent is unaware of what clinical tests Admission No. 21 refers to, nor is Dynamic Health aware of all of the clinical tests that may have been conducted by various entities.

22. Respondents do not possess any clinical tests conducted on overweight or obese children ages 5-10 that show that 50 mg per day of HCA causes weight loss in this population.

RESPONSE: Respondent, due to a lack of records, is unsure what was possessed or not possessed concerning clinical tests set forth in this admission. Respondent relied on the representations of others, including Jonathan Barash and DBS Laboratories, LLC, concerning the information set forth in Admission No. 22, and therefore Respondent Dynamic Health DENIES request for admission No. 22. Moreover, the admission request should be submitted to Respondent Dynamic Health individually rather than to "respondents" collectively.

23. Respondents do not possess any clinical tests conducted on overweight or obese children ages 11-16 that show that 75 mg per day of HCA causes weight loss in this population.

RESPONSE: Respondent, due to a lack of records, is unsure what was possessed or not possessed concerning clinical tests set forth in this admission. Respondent relied on the representations of others concerning the information set forth in admission No. 22, and therefore Respondent Dynamic Health denies request for Admission No. 22. Moreover, the admission request should be submitted to Respondent Dynamic Health individually rather than to “respondents” collectively.

24. Respondents sold approximately 272 units of Pedia Loss between August 2003, when sales began, and approximately December 2003.

OBJECTION: “Unit” is not defined and therefore this request for admission is vague, indefinite and ambiguous. Respondent Dynamic Health ADMITS that a small amount of Pedia Loss was sold between August 2003 and December 2003, but in all other respects, Dynamic Health DENIES request for Admission No. 24. The admission request should be submitted to Respondent Dynamic Health individually rather than to “respondents” collectively. The above response is only for Respondent Dynamic Health.

25. Respondents stopped selling Pedia Loss after learning of the FTC staff investigation.

RESPONSE: DENIED.

26. Advertising for Fabulously Feminine appeared in the July 2003 national issue of Cosmopolitan and in national issues of National Inquirer, National Examiner, Globe, Star, and Sun magazines disseminated in September, October, and November 2003.

RESPONSE: Due to a present lack of records, Respondent Dynamic Health cannot fully admit or deny this admission. Dynamic Health ADMITS that advertising for Fabulously Feminine did appear in one or more of the media outlets set forth above but in all other respects DENIES

Admission No. 26.

27. Between September 2003 and January 2004, advertising for Fabulously Feminine appeared on more than 25 internet sites, including the CVS Online Pharmacy web site, [www.FeelingWell.com](http://www.FeelingWell.com), [www.pedialoss.com](http://www.pedialoss.com), [www.Dynamichealthproducts.com](http://www.Dynamichealthproducts.com), [www.dbslabs.com](http://www.dbslabs.com), [www.prescriptionlife.com](http://www.prescriptionlife.com), [www.usaprescription.com](http://www.usaprescription.com), [www.atcostmeds.com](http://www.atcostmeds.com), [www.americanmedsrx.com](http://www.americanmedsrx.com), [www.raidpharmacy.com](http://www.raidpharmacy.com), [www.24x7meds.com](http://www.24x7meds.com), [www.24-hourdrugstore.com](http://www.24-hourdrugstore.com), [www.medpharmacy.com](http://www.medpharmacy.com), [www.dbslabs.com](http://www.dbslabs.com), [www.usarx.com](http://www.usarx.com), [www.247drugstore.com](http://www.247drugstore.com), [www.selectpharmacy.com](http://www.selectpharmacy.com), [www.clickmeds.com](http://www.clickmeds.com), [www.medprescribe.com](http://www.medprescribe.com), [www.eprescribe.com](http://www.eprescribe.com), [www.fastmedrx.com](http://www.fastmedrx.com), [www.epillshop.com](http://www.epillshop.com), [www.rxclinic.com](http://www.rxclinic.com), [easyrxpharmacy.com](http://easyrxpharmacy.com), [active-prescriptions.com](http://active-prescriptions.com), [www.safewebmedical.com](http://www.safewebmedical.com), and [www.medpharmacyrx.com](http://www.medpharmacyrx.com).

RESPONSE: Respondent Dynamic Health DENIES that advertising for Fabulously Feminine appeared on more than 25 internet sites, but ADMITS that some advertising for Fabulously Feminine did appear on some websites, including the CVS Online Pharmacy web site, [dbslabs.com](http://dbslabs.com), [dynamichealthproducts.com](http://dynamichealthproducts.com). and [feelingwell.com](http://feelingwell.com).

28. The retail price for a package of Fabulously Feminine (120 capsules) was \$39.95 or \$49.99, depending upon the retail outlet.

RESPONSE: Dynamic Health ADMITS that the retail package of Fabulously Feminine (120 capsules) was \$39.95, but DENIES that the retail package for Fabulously Feminine was \$49.99.

29. A daily dosage of Fabulously Feminine (4 tablets) contains the following ingredients: 1000 mg l-arginine; 500 mg horny goat weed (epimedium sagittatum); 250 mg maca tuber; 150 mg catuaba bark; 150 mg muira puama bark 4:1 extract; 50 mg American ginseng; 50 mg damiana leaf 4:1 extract; 30 mg ginkgo biloba leaf; plus inactive excipients.



RESPONSE: DENIED

30. Respondents did not possess and are not aware of any testing on the precise formulation in Fabulously Feminine that evaluates whether it has any impact of female sexual health.

RESPONSE: Respondent, due to a lack of records, is unsure what was possessed or not possessed concerning clinical tests set forth in this admission. Respondent Dynamic Health relied on the representations of others, including Jonathan Barash and DBS Laboratories, LLC, concerning the information set forth in Admission No. 30, and therefore Respondent Dynamic Health DENIES Admission No. 30. Moreover, the admission request should be submitted to Respondent Dynamic Health individually rather than to “respondents” collectively.

31. When respondents disseminated advertising stating that “the ingredients in Fabulously Feminine, when taken daily with a multivitamin, have been shown in a double-blind, placebo-controlled Stanford University study to enhance satisfaction with sex life, the level of sexual desire and frequency of sexual encounters,” the study referred to was the one published as: T.Y.Ito, A.S. Trant, M.L. Polan, *A Double-Blind Placebo-Controlled Study of ArginMax, a Nutritional Supplement for Enhancement of Female Sexual Function*, Journal of Sex and Marital Therapy, 27(5):541-49 (2001).

RESPONSE: Dynamic Health ADMITS that the ingredients in Fabulously Feminine that were part of the study set forth in Admission No. 31 supports the conclusion that the product can enhance the sex life, the level or sexual desire and frequency of sexual encounters, when taken daily with a multivitamin but in all other respects DENIES Admission No. 31. Moreover, Dynamic Health did not disseminate any advertising. Moreover, the admission request should be submitted to Respondent Dynamic Health individually rather than to “respondents” collectively.

32. The clinical testing reported in the study authored by T.Y. Ito and others, identified in Admission Number 31, does not prove that Fabulously Feminine enhances a woman's satisfaction with her sex life and level of sexual desire, when supplemented with a multivitamin.

RESPONSE: DENIED.

33. Aside from the study authored by T.Y. Ito and others, identified in Admission Number 31, respondents do not possess and are not aware of any clinical testing conducted on women that evaluates the efficacy of one or more ingredients in Fabulously Feminine for improving libido, sexual desire, or sexual satisfaction.

RESPONSE: DENIED.

34. Respondents began selling Fabulously Feminine in August 2003 and ceased selling it in approximately January 2003, during which time they sold approximately 372 units of the product.

RESPONSE: Respondent Dynamic Health ADMITS that a small amount of Fabulously Feminine was sold between August 2003 and the attempt to sell Fabulously Feminine ceased sometime during, or before, January 2003, however Dynamic Health DENIES that 372 units were sold since "units" is not defined in the admission request. Moreover, the admission request should be submitted to Respondent Dynamic Health individually rather than to "respondents" collectively.

35. The representations challenged in ¶¶ 9 and 10 of the Commission's Complaint, if made, would be important to a consumer's decision to purchase and use Pedia Loss.

RESPONSE: DENIED.

36. The representations challenged in ¶¶ 13, 15 and 16 of the Commission's Complaint, if made, would be important to a consumer's decision to purchase or use Fabulously Feminine.

RESPONSE: DENIED.

37. Dynamic Health of Florida, LLC advertised and sold other products, including:  
(a) four dietary supplements (Fat Fighter, Carb-Control, Apimin-AM, Apimin-PM, and Thermo Lean) bearing the phrase "weight loss" on their labels,  
(b) two dietary supplements (Masculine Male and Arginine Plus) bearing the phrase "libido enhancer" on their label,  
(c) additional supplements promoted for digestion and acid reflux, colds and flu, or as sleep aides; and  
(d) a diagnostic product promoted to detect ovulation.

RESPONSE: DENIED as to (a), (b), (c) and (d). Dynamic Health did not advertise any of these products. Dynamic Health did not sell any of these products, except for Ovulite in (d). All its efforts to sell products listed in (a), (b) and (c) to brick and mortar retailers were unsuccessful. The small amount of Pedia Loss and Fabulously Feminine that were sold were pursuant to internet sales that were outside the scope and responsibility of Dynamic Health.

38. Respondents possessed no clinical studies on the precise formulation contained in the products identified in Admission 37a when they were advertised by Dynamic Health of Florida, LLC.

RESPONSE: DENIED.

39. Vineet Chhabra was an owner, operator, corporate officer and/or director of businesses that operated websites through which he and others distributed and dispensed prescription drugs, including controlled substances.

OBJECTION: This is not relevant to this lawsuit, however Dynamic Health ADMITS Admission No. 39.

40. Pedia Loss, Fabulously Feminine, and other dietary supplements promoted by respondents also were advertised on and offered for sale through many, if not all, of the web sites referred to in Admission 39.

RESPONSE: DENIED. There are no websites listed in Admission No. 39. Respondent Dynamic Health ADMITS that Pedia Loss and Fabulously Feminine were advertised and offered for sale on some web sites, but DENIES Admission No. 40 to the extent that all web sites advertised and offered for sale these products.

41. Vineet Chhabra developed his dietary supplement business in part to expand the offerings available through websites referred to in Admission 39.

RESPONSE: DENIED. Respondent Dynamic Health cannot read the mind of Vineet Chhabra. Dynamic Health ADMITS that Chhabra participated in a dietary supplement business in some capacity; however the sale of DBS Laboratories, LLC, was never consummated. Respondent Dynamic Health ADMITS that Pedia Loss and Fabulously Feminine were offered on some websites, but in all other respects DENIES Admission No. 41.

42. Vineet Chhabra and Chhabra Group LLC have entered guilty pleas in a Federal Court proceeding on criminal charges that they violated the Controlled Substances Act in connection with sales of controlled substances through the websites referred to in Admission 39.

OBJECTION: This is not relevant to this lawsuit. Respondent Dynamic Health ADMITS that Chhabra Group LLC and Vineet Chhabra have entered guilty pleas in the United States District

Court for the Eastern District of Virginia, Alexandria Division, for violation of the Controlled Substances Act as set forth in the plea agreements filed in their respective cases but in all other respects DENIES Admission No. 42.

43. Arent Fox did not state to respondents, or any agent of respondents, that the ads for Pedia Loss and Fabulously Feminine complied with, or did not violate, the FTC Act.

RESPONSE: DENIED. This response assumes that boxes and labeling are considered by Complaint Counsel as "ads."

44. Arent Fox did not state to respondents, or any agent of respondents, that competent scientific substantiation supported the claims made in the advertising for Pedia Loss and Fabulously Feminine.

RESPONSE: Respondent Dynamic Health ADMITS that Arent Fox asked whether competent scientific substantiation supported the claims made concerning some of the advertising (provided labeling is considered advertising) and further ADMITS that Dynamic Health went to Jonathan Barash and asked him whether there was competent scientific substantiation to support the claims of Pedia Loss and Fabulously Feminine and that Jonathan Barash stated, "absolutely, tons of it."

45. Dr. Alberto Guzman did not state to respondents, or any agent of respondents, that competent scientific evidence supported the conclusion that Pedia Loss causes weight loss in children.

RESPONSE: DENIED.

46. DBS 1034-1161, a document that bears that headings "Revision by Dr. Alberto Guzman" and dated 6/15/2003, states as follows at DBS 1142 (with footnotes omitted):

"Preliminary research in the laboratory and in animal research, suggests that HCA may be a useful weight loss aid. HCA has been demonstrated in the laboratory (but not yet in trials with people) to reduce the conversion of carbohydrates into stored fat by inhibiting certain enzyme processes. Animal research indicates that HCA suppresses appetite and induces weight loss. One case found that eating 1 gram of the fruit containing HCA before each meal resulted in the loss of 1 pound per day. A double-blind trial that provided either 1,500 mg of HCA or a placebo per day to 135 overweight men and women, who also were on a calorie-restricted diet, found after 12 weeks that the HCA supplementation did not produce a significant change in weight loss. Uncontrolled and/or preliminary evidence from several other human trials suggests the possibility that weight loss might occur; however, none of these studies is a methodologically strong as the negative trial previously mentioned. These less-rigorous studies used a similar calorie-restricted diet and a similar amount of HCA as the negative trial. However, the double-blind study used a high-fiber diet not used in the prior studies. It has been suggested that such a diet might limit absorption of HCA. Future studies that measure blood levels of HCA (to check whether or not the supplement was absorbed) are necessary to resolve this issue. At the present time, the effectiveness of HCA for weight loss remains unclear and unproven."

RESPONSE: Respondent Dynamic Health DENIES Admission No. 46 because the representations set forth in Admission No. 46 are not an accurate reflection and do not provide comprehensive conclusions concerning DBS 1034 through 1161. The document is taken out of context and therefore Admission No. 46 is DENIED.

47. One or more of the respondents possessed a copy of DBS 1142 when they disseminated advertising and labeling for Pedia Loss.

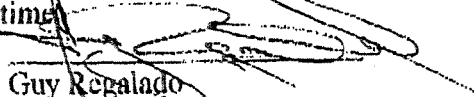
RESPONSE: DENIED. Respondent Dynamic Health cannot definitively attest to what other Respondents may or may not have possessed concerning Admission No. 47. Respondent Dynamic Health does not have a complete set of records to answer this Admission Request.

ADMISSION ANSWERS:  
Guy Regalado, Former Vice-President of Marketing  
Dynamic Health of Florida, LLC

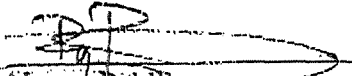
**AFFIDAVIT OF GUY REGALADO**

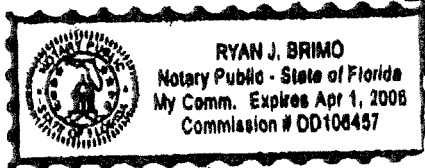
County of Broward )  
State of Florida )ss

I, Guy Regalado, after being duly cautioned and sworn, state that the foregoing responses and objections to Admission Requests One through Forty-Seven are true and accurate to the best of my knowledge at this time.

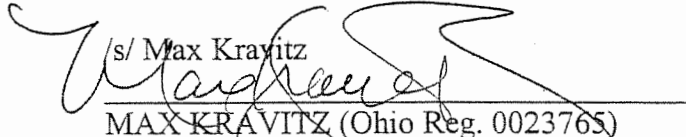
  
Guy Regalado  
Affiant

Sworn and subscribed before me this 4 day of December 2004

  
Notary Public



Respectfully Submitted,

  
/s/ Max Kravitz

MAX KRAVITZ (Ohio Reg. 0023765)  
KRAVITZ & KRAVITZ  
145 East Rich Street  
Columbus, Ohio 43215  
Tel: (614)464-2000  
Fax: (614)464-2002  
[mkravitz@kravitzlawnet.com](mailto:mkravitz@kravitzlawnet.com)



CERTIFICATE OF SERVICE

This is to certify that on December 4, 2004, I caused a copy of the attached

**RESPONDENTS' RESPONSE TO COMPLAINT COUNSEL'S REQUEST FOR  
ADMISSIONS BY RESPONDENTS**

to be served upon the following persons by facsimile, email, Federal Express or U.S. First Class

Mail:

(1) the original and one (1) paper copy filed by Express Mail, and one electronic copy via email to:

Donald S. Clark, Secretary  
Federal Trade Commission, Room 159  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
E-mail: [secretary@ftc.gov](mailto:secretary@ftc.gov)

(2) two (2) paper copies served by Express Mail and one electronic copy via email to:

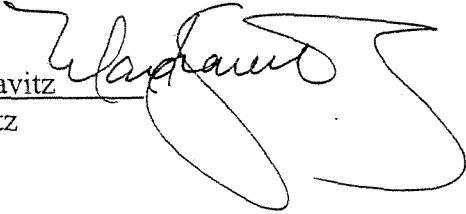
The Honorable Stephen J. McGuire  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
E-mail: [dgross@ftc.gov](mailto:dgross@ftc.gov)

(3) one (1) electronic copy via email and one (1) paper copy via Express mail to:

Janet Evans  
Syd Knight  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
E-mail: [jevans@ftc.gov](mailto:jevans@ftc.gov)

I further certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original, and that a paper copy with an original signature is being filed with the Secretary of the Commission by being sent by U.S. Express Mail.

Dated: Columbus, Ohio  
December 4, 2004

  
/s/ Max Kravitz  
Max Kravitz