

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN PRODUCTS ADVERTISED AS  
CONTAINING CREATINE ETHYL ESTER**

**Investigation No. 337-TA-679**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION FINDING THREE RESPONDENTS IN DEFAULT**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 6) finding three respondents in default.

**FOR FURTHER INFORMATION CONTACT:** James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** This investigation was instituted on June 23, 2009, based upon a complaint filed on behalf of UneMed Corp. of Omaha, Nebraska (“UneMed”) on June 5, 2009, and supplemented on June 8 and 10, 2009. 74 *Fed. Reg.* 29717 (June 23, 2009). The complaint alleged violations of section 337(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products advertised as containing creatine ethyl ester by reason of false advertising in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B) and the Nebraska Uniform Deceptive Trade Practices Act, R.R.S. Neb. § 87-302 (2008). The complaint named as respondents Bodyonics, Ltd. of Hicksville, New York (“Bodyonics”); Engineered Sports Technology, Inc. of Oviedo, Florida (“EST”); Proviant Technologies, Inc. of Champagne, Illinois (“Proviant”); NRG-X Labs. of Bentonville, Arizona (“NRG-X”); and San Corporation of Oxnard, California.

On September 29, 2009, the Commission issued notice of its decision not to review an ID terminating the investigation with respect to San Corporation on the basis of a consent order.

On July 21, 2009, UneMed filed a motion seeking a determination that Bodyonics, EST, Proviant, and NRG-X are in default based on their failure to respond to the complaint and notice of investigation. On July 31, 2009, the Commission investigative attorney (“IA”) filed a response opposing the motion for default but supporting an order to show cause directed to Bodyonics, NRG-X, and Proviant. With respect to EST, the IA opposed an order to show cause based on a lack of effective service of the complaint and notice of investigation on EST. On September 2, 2009, the administrative law judge issued Order No. 5, ordering Bodyonics, NRG-X and Proviant to show cause by September 16, 2009, why they should not be found in default pursuant to Commission Rule 210.16. No responses were filed by that date. On September 21, 2009, the administrative law judge issued the subject ID, finding Bodyonics, NRG-X, and Proviant in default pursuant to Commission Rule 210.16. No petitions for review were filed.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of section 210.42(h) of the Commission’s Rules of Practice and Procedure (19 CFR § 210.42(h)).

By order of the Commission.  
Marilyn R. Abbott, Secretary to the Commission

/s/  
William R. Bishop  
Acting Secretary to the Commission

Issued: October 19, 2009