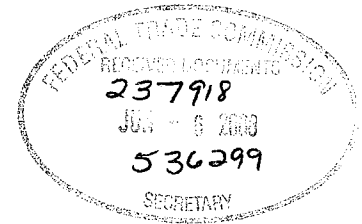


ORIGINAL



VIA DHL  
June 3, 2008

Mr. Donald S. Clark  
Secretary of the Commission  
Room H-172  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

RE: Second Civil Investigative Demand Issued May 16, 2008 0823136

Dear Mr. Clark:

This letter serves as the petition of Nutraceuticals International LLC (the "Company") to quash, or in the alternative, to limit the above referenced civil investigative demand (the "CID").

The first civil investigative demand served upon the Company was fully answered and submitted in the time agreed. The interrogatories requested the number of employees and the identification of employees involved in the marketing of hoodia gordonii material. The instant CID seeks the names, addresses, email addresses and job description of all employees, whether or not they have been involved in the marketing of hoodia gordonii material or not. The CID also demands bank account information and the identities of signatory authorities for any such accounts. The information sought by the CID clearly is beyond the nature and scope of the investigation as defined by the Commission. No adverse determination has been made against the Company to necessitate any enlargement of the nature and scope of the investigation.

Since this Company is not represented by counsel at this time, it is not possible to submit a statement from counsel that counsel has conferred with Commission counsel to resolve the issues raised by this petition. In addition, the Company believes that any such attempt would be fruitless given the misconduct of Commission counsel in this matter as detailed below.

I wish to report the appalling, abusive and abhorrent conduct of two members of your staff. A person who only identified herself as "Deb" called the Company's office on May 13, 2008, and threatened the young female receptionist who answered the phone with "obstruction of justice", crimes and arrest by the Constable for not giving the unidentified caller the private cell phone numbers of certain managers of the Company. The caller from the FTC so upset the young lady that she had to leave the office early and was ill for several days with worry that she had committed a crime and was subject to arrest. An affidavit from our employee concerning the wrongful professional and unethical misconduct by a purported lawyer on your staff is attached hereto. This is a clear case of abuse of power and authority of a federal employee and attorney over an office clerical worker acting in good faith.

In light of the foregoing, the Company respectfully requests that the Petition be quashed, or in the alternative limited, and that the Inspector General conduct an investigation concerning the alleged misconduct of your staff attorney(s) leading to disciplinary action, both at the Commission and the respective Bar Associations. Please advise the identity of the attorney as soon as possible. A copy of this letter shall be delivered to the Inspector General's Office under separate cover.

As a result of the actions taken by your staff attorneys, the Company respectfully requests that the matter be reassigned to other attorneys on your staff in order that the Company will receive fair, equal and impartial treatment in this investigation.

Thank you for your consideration in this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoltan Klivinyi".

ZOLTAN KLIVINYI  
Managing Director

# AFFIDAVIT

State of New Jersey )

) ss.:

County of Bergen )

I, Cassandra O'Connor, am over 18 years of age and hereby depose and say:

1. I am employed as a receptionist for Nutraceuticals International LLC since January, 2008.
2. At about 4:00 PM on May 13th, 2008, I was asked by another employee to take a phone call from a woman who told me her name was Deb and that she needed to talk to someone about some paperwork. When I told her that all of the business managers had left for an off-site meeting, she requested their cell phone numbers. When I replied that I was not authorized to give those out and that I could take her number down and have someone get back to her, she demanded a cell phone number and questioned my understanding of how important it was that she speaks with someone. She never mentioned a specific name or what this was about other than they had sent some paperwork to our office under the direction of our attorney (also she did not specify any name) and that the issue needed to be resolved today.
3. I tried to reach a business manager and only reached one person who instructed me to call the person Deb back and find out what she was asking about, so at approximately 4:25 PM I called the woman, named Deb, back at the number she left 202-326-2610. When I explained to her that all of the managers had left for the day, and that the one that I had reached had no knowledge of any paperwork she had referred to, she repeated that it was "an urgent matter for the Federal Trade Commission" and that she "needed to speak with them right away". She also stated that she could verify that the paperwork was signed for and by whom.
4. I asked which date she had sent the paperwork. She told me that it was sent on Apr. 21<sup>st</sup> and we should have received it on Apr. 22<sup>nd</sup> or 23<sup>rd</sup>. I asked if she knew who it was addressed to and she didn't give me an answer. I admitted that if it had been signed for, it would probably be my signature on the paperwork, but that I didn't recall receiving anything from the Federal Trade Commission and that I usually pass the mail along to whomever it is addressed to, so without that information, I wouldn't be able to follow up on it.
5. I was then put on speaker phone, and a woman, whose name I couldn't hear but could hear that she was a lawyer, got on the line. She repeated that this was in regards to the paperwork that we 'received' and that it was the equivalent to a federal court subpoena. She demanded to speak with a manager, but did not use any names. I apologized and said that they were all out of the office for the rest of the day and that I could pass along the information for her. She demanded their cell phone numbers, and I responded that I was not authorized to give that

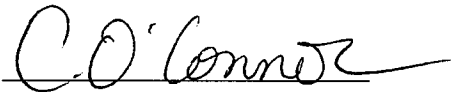
information out to strangers.

6. The unidentified lawyer then asked to speak to Deb Vickery. I said that she wasn't in the office. The woman repeated what I said in a questioning tone, and I replied that Deb does come to this office, but that she was not here this week. She then asked for Zoltan. I told her that he was in Europe. She asked if I knew when he would be back, and I said that I didn't. She then asked if I knew what "obstruction of justice" was, to which I said "Yes". She said she found this to be unbelievable and made me believe that I had committed a crime.

7. She then asked for the names of other managers. When I informed her that I was not authorized to release that information, she got mad and muttered something I didn't understand. When she asked why I couldn't release the information, I told her it was company policy. If she didn't know the name of the person she needed to get in contact with, then I wasn't authorized to release that information.

8. She then restated to me that this was in reference to paperwork sent from the Federal Trade Commission and that if a response wasn't received then it was going to go to the Constable's Office and that this was the equivalent of a federal subpoena. I told her that I could take her information and pass it along, but that the manager I had spoken with had no knowledge of it and that once I passed the information along; there was nothing else I could do. She was threatening to me and led me to think I was violating the law. There were a few moments of silence and then she said something along the lines of "that's your story?" and I said "Yes", and she said "Fine!" and hung up. I believe the whole conversation was less than 10 minutes.

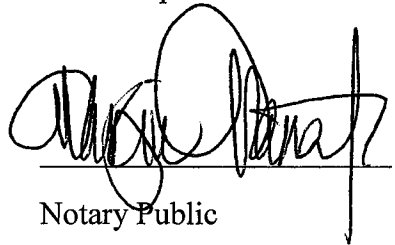
9. I was very emotionally distraught and upset as a result of the threats made against me by the woman lawyer and I had to leave the office and go home because I was in a panic and in fear that I would be arrested and criminal charges brought against me for obstruction of justice. I have been sick to my stomach for three days after these telephone calls and did not want to return to work.



Cassandra O'Connor

Sworn to before me this

4th day of June, 2008



Notary Public

Sworn before me this

4<sup>th</sup> day of June, 2008

