



4. Despite entry of the Permanent Injunction, Trudeau has misrepresented the contents of his book, *The Weight Loss Cure 'They' Don't Want You to Know About* (“*The Weight Loss Cure*”) in infomercials disseminated on television and via the Internet. More specifically, Trudeau claims in his infomercials that that his book offers an “easy” weight loss plan that ultimately allows consumers to eat “everything they want.” But in his book, Trudeau describes a grueling regimen that requires daily injections, severe dieting, and lifelong food restrictions.

#### **Trudeau’s Dissemination of Infomercials on Television and Internet**

5. Since entry of the Permanent Injunction, Trudeau has promoted his book, *The Weight Loss Cure* in three infomercials. Each of the infomercials features a host “interviewing” Trudeau about his book. The infomercials consist of the following:
  - a. The first infomercial features host Chloe Marshall and Trudeau discussing *The Weight Loss Cure* for the Shop America network (“Weight Loss Cures”). It was broadcast on December 23, 2006, on the Game Show Network, according to the Infomercial Monitoring Service (IMS), a business that electronically records and monitors more than 40 national television networks. *See* FTC Ex. 13, IMS/Catanese Dec., ¶ 5 & Attach. A (DVD copy of infomercial); Ex. 14, Investigator/Owens Dec., ¶ 2 & Attach. A (transcript of infomercial).
  - b. The second infomercial featured host Donald Barrett and Trudeau discussing *The Weight Loss Cure* for the ITV network (“Weight Loss Cures-ITV”). It was broadcast on January 8, 2007, on the Beauty & Fashion network, according to IMS. *See* FTC Ex. 13, IMS Dec., ¶ 6 & Attach. D (DVD copy of infomercial). IMS reports indicate that Weight Loss Cures-ITV was among the top ten most frequently broadcast infomercials in February and March 2007. *See id.* at ¶ 6; Ex. 14, Investigator Dec., ¶ 3 & Attach. B (transcript of infomercial).
    - i. The Weight Loss Cures-ITV infomercial has also been disseminated on the Internet. Investigator Denise Owens recorded a copy of this infomercial from the [www.naturalcures.com](http://www.naturalcures.com) website on or about March 19, 2007. *See* FTC Ex. 14, Investigator Dec. ¶ 4 & Attach. C (disc copy of website infomercial).
  - c. The third infomercial again featured host Chloe Marshall and Trudeau discussing *The Weight Loss Cure* for the Shop America network (“Weight Loss Cures 2”). It was broadcast on June 17, 2007, on the Outdoor channel, according to IMS. *See* FTC Ex. 13, IMS Dec. ¶ 7. IMS reports that Weight Loss Cures 2 was among the top ten most frequently broadcast infomercials in July 2007. *See id.* at ¶ 7 &

Attach. H (DVD copy of infomercial); Ex. 14, Investigator Dec. ¶ 5 & Attach. D (transcript of infomercial).

- i. The Weight Loss Cures 2 infomercial has also been disseminated on the Internet. Ms. Owens recorded a copy of this infomercial from the [www.itventures.com](http://www.itventures.com) website on or about August 20, 2007. See FTC Ex. 14, Investigator Dec., ¶ 6 & Attach. E (disc copy of website infomercial).

#### **Trudeau's Infomercials Claim That His Book Provides an Easy Protocol**

6. Throughout the three infomercials described above, Trudeau repeatedly claims that the weight loss protocol described in his book is extremely easy to follow and can be performed at home. For example, in the Weight Loss Cures 2 infomercial, Trudeau claims that the book offers "the easiest method known on planet earth" to lose weight. See FTC Ex. 14, Investigator Dec., Attach. D, Weight Loss Cures 2 Tr. at 7. See also, e.g., *id.*, Attach. B, Weight Loss Cures- ITV Tr. at 8-9 ("It's very easy to do . . . . You can do it at home); Attach. A, Weight Loss Cures Tr. at 10, 14 ("It's easy. You can do it at home . . . . It was the easiest, simplest, most effective thing I've ever done.).

#### **Trudeau's Infomercials Claim That Once His Protocol Ends, Dieters Enjoy Unrestricted Diet Without Regaining Weight**

7. In the three cited infomercials, Trudeau expressly claims that according to *The Weight Loss Cure's* protocol, consumers enjoy an unrestricted diet without regaining weight after the weight-loss phase ends. In the Weight Loss Cures-ITV infomercial, Trudeau states that his book provides a method whereby "when you're done with the protocol, eat whatever you want and you don't gain the weight back." FTC Ex. 14, Investigator Dec., Attach. B, Weight Loss Cures- ITV Tr. at 30. See also, for example, Ex. 14, Attach. A, Weight Loss Cures Tr. at 25-26 ("I can eat whatever I want now, anything and as much as I want any time I want."); Attach. D, Weight Loss Cures 2 Tr. at 7 (Trudeau states that his diet consists of "[n]o diet food at all, tons of sugar, tons of carbs, tons of delicious gravy, pot roast, mashed potatoes, no exercise at all").

#### **The Contents of Trudeau's Book Make Clear That the Weight Loss Plan Is Not Easy**

8. Contrary to Trudeau's statements in the cited infomercials, *The Weight Loss Cure* describes an arduous four phase process that, *inter alia*, highly recommends receiving at least 15 colonics – an office procedure involving inductions of water through the rectum to cleanse the colon – and requires the consumer to receive daily, intragluteal injections of a hormone that cannot be dispensed without a prescription and which is not approved for weight loss in the United States. See FTC Ex. 12, *Weight Loss Cure* excerpts at 77, 213 (colon cleansing); 93-96, 116-17, 129-30 (hormone injections).

9. In addition, during Phase 2, the consumer must limit himself to an extremely lean diet of 500 calories a day for a 21-to-45-day period. *Id.* at 93-96. The book's weight loss plan also bans all prescription and over-the-counter medicines, sweeteners and starches. *Id.* at 95, 99-101, 220. It is not an easy diet.

**The Contents of Trudeau's Book Make Clear That His Protocol  
Requires Lifelong Dietary Restrictions**

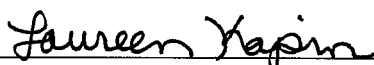
10. Also contrary to Trudeau's explicit statements in the infomercials, the weight loss plan described in his book never ends. Instead, the book expressly states that the final phase lasts the rest of one's life. *See* FTC Ex. 12, *Weight Loss Cure* excerpts at 105. Moreover, the final, lifelong phase entails a variety of restrictions: the dieter can eat only 100 percent organic food; can never eat in chain restaurants; can never prepare food in the microwave; can never eat "brand name foods," *i.e.*, foods sold by major corporations; and must exclude all foods containing items such as trans fat and highly refined sugars. *Id.* at 106-111. It is a far cry from the infomercials' claim of an indulgent enjoyment of decadent foods in which "nothing is restricted." *See* Ex. 14, Investigator Dec., Attach. A, *Weight Loss Cures Tr.* at 18.

**Summary of Allegations and Claim for Damages**

11. As detailed in the paragraphs above and accompanying brief, the FTC's investigation has provided clear and convincing evidence that (a) a valid court order – the Court's September 2004 Permanent Injunction – existed; (b) Trudeau had knowledge of the order; and (c) Trudeau violated the order by promoting his book in infomercials that grossly misrepresented the contents of his book, *The Weight Loss Cure*.
12. The FTC intends to seek damages, in the form of consumer redress, for Trudeau's civil contempt of the Court's September 2004 Permanent Injunction. However, the FTC needs to conduct discovery to determine the amount of consumer harm caused by Trudeau's violative marketing activities. Therefore, the FTC is not specifying an amount of damages at this time.
13. Additional evidence supporting the FTC's Motion to Show Cause is set out in the motion, accompanying brief, and attached exhibits.

I declare under penalty of perjury that the statements made in this Declaration are true and correct.

Executed on: Sept. 12, 2007

  
Laureen Kapin