

INDICTMENT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN OPEN COURT
10-4-83
Ben H. Carter, Clerk
By: *J. Haine*
Deputy Clerk

UNITED STATES OF AMERICA :
v. :
ALMON GLENN BRASWELL :

CRIMINAL INDICTMENT
NO. **CR 83-126A**



THE GRAND JURY CHARGES:

COUNT ONE

1. During the years 1979 and 1980, the exact dates being unknown to the Grand Jury, in the Northern District of Georgia, and elsewhere, defendant ALMON GLENN BRASWELL knowingly devised and intended to devise a scheme and artifice to defraud and obtain money and property, by means of false and fraudulent pretenses, representations and promises, and to induce persons to purchase certain products known as "Right Places," "Biogenesis" and "Save Face."

2. It was a part of the scheme to defraud that defendant would cause to be placed in magazines throughout the United States and the defendant's magazine, Body Forum, advertisements to acquaint readers with the product "Right Places."

3. It was further a part of the scheme to defraud that defendant would make and cause to be made false statements and representations in advertisements for "Right

Places," knowing the statements and representations to be false, to induce persons to purchase "Right Places," including:

a. That the woman depicted in photographs in advertisements for "Right Places" had, through the use of "Right Places," increased the size of her bust by the number of inches shown in the photographs;

b. That "Before" and "After" photographs accurately depicted the pictured woman's increased breast size after the use of "Right Places."

4. It was further a part of the scheme to defraud that defendant would cause to be placed in the defendant's magazine, Body Forum, advertisements to acquaint readers with the product "Biogenesis."

5. It was further a part of the scheme that defendant would make and cause to be made false statements and representations in advertisements for "Biogenesis" knowing these statements and representations to be false, to induce persons to purchase "Biogenesis," including:

a. That "Biogenesis" was a "remedy for male pattern baldness."

b. That "[n]o expert, who ha[d] examined the evidence, ha[d] been able to cast aspersions on the testing procedures, on the data gleaned, or on the conclusions reached [regarding 'Biogenesis']."

c. That "'Biogenesis' regrows hair."

d. That "Biogenesis" was "80% effective in regenerating hair growth."

e. That "Biogenesis" "stop[s] hereditary baldness."

f. That "Biogenesis" "reverses baldness."

6. It was further a part of the scheme to defraud that defendant would cause to be placed in magazines throughout the United States and in the defendant's magazine, Body Forum, advertisements to acquaint readers with the product "Save Face."

7. It was further a part of the scheme to defraud that the defendant would make and cause to be made false statements and representations in advertisements for "Save Face" knowing these statements and representations to be false, in order to induce persons to purchase "Save Face," including:

a. That the woman depicted in photographs used in advertisements for "Save Face" had, through following the "Save Face Program," developed a "Smooth, Clear Complexion."

b. That the aforementioned "Before" and "After" photographs accurately depicted the pictured woman's facial skin condition "Before" and "After" following the "Save Face Program."

c. That the pictured woman had used "Save Face."

8. On or about March 15, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the direction thereon, an insertion order for advertising the product "Save Face," said insertion order being mailed from Space Shop, Inc., Atlanta, Georgia, to Mademoiselle Magazine, New York, New York, in violation of Title 18, United States Code, Section 1341.

COUNT TWO

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about February 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT THREE

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about March 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT FOUR

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about May 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for

mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT FIVE

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about June 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT SIX

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about July 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT SEVEN

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about August 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for

mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT EIGHT

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about September 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT NINE

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about October 1, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT TEN

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about November 1, 1979, the defendant for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository

for mail matters and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT ELEVEN

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about December 1, 1979, the defendant for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matters and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT TWELVE

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about March 1, 1980, the defendant for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matters and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Glasgow, Kentucky, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT THIRTEEN

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about July 1, 1980, the defendant for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for

mail matters and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Charlotte, North Carolina, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.

COUNT FOURTEEN

1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about August 1, 1980, the defendant for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matters and did knowingly cause to be delivered by mail, according to the directions thereon, a bulk mailing of the magazine Body Forum, said magazine being mailed from Charlotte, North Carolina, to various addresses in the Northern District of Georgia, in violation of Title 18, United States Code, Section 1341.


COUNT FIFTEEN

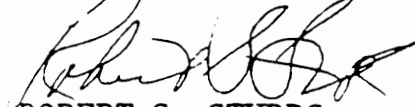
1. The allegations set forth in paragraphs 1 through 7 of Count One of this indictment are hereby restated and incorporated by reference as if fully set forth in this paragraph.

2. On or about May 21, 1979, the defendant, for the purpose of executing the scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be delivered by mail, according to the directions thereon, an insertion order for advertising the product "Right Places," said insertion order being mailed from Space Shop, Inc., Atlanta, Georgia, to Cosmopolitan Magazine, New York, New York, in violation of Title 18, United States Code, Section 1341.

A June BILL

 James Weatherly
FOREPERSON


LARRY D. THOMPSON
UNITED STATES ATTORNEY


ROBERT S. STUBBS
ASSISTANT UNITED STATES ATTORNEY