

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES POSTAL SERVICE)
)
 Plaintiff)
)
 vs.) CIVIL ACTION NO.
)
 HEALTH CARE PRODUCTS, INC.)
 P.O. BOX 271448)
 TAMPA, FL 33688-1448)
 and)
 HEALTH CARE PRODUCTS, INC. d/b/a)
 ANDERSON PHARMACALS)
 P.O. Box 271344)
 Tampa, FL 33688-1344)
 and)
 CAL-BAN 3000)
 P.O. Box 150)
 Tampa, FL 33601-0150)
 and)
 BARBARA W. LARKINS)
 P.O. BOX 271344)
 Tampa, FL 33688-1344)
 and)
 CARL ANDERSON)
 15414 E. Burrell Drive)
 Lutz, FL 33549)
 and)
 RONALD ANDERSON)
 P.O. Box 271448)
 Tampa, FL 33688-1448)

DECLARATION OF WILLIAM R. Ayers, M.D.

I, William R. Ayers, M.D., make the following declaration:

1. I am a physician specializing in internal medicine. I earned a Bachelor of Science degree in 1957 from Georgetown University in Washington, D.C. I earned an M.D. degree from Georgetown University in 1961 and thereafter completed a residency in Medicine from the Veterans Administration Hospital (VAH) in Washington, D.C., and fellowships in cardiovascular

medicine at the Albany, N.Y. Medical Center and in pulmonary medicine at the VAH in Washington, D.C. in 1966. I received my Board Certification in Internal Medicine from the American Board of Internal Medicine on March 21, 1969. Currently I am Associate Dean for Undergraduate Medical Education and Associate Professor in the Departments of Medicine and Pediatrics at the Georgetown University School of Medicine. I am licensed in Washington, D.C.

2. I am a co-founder, and was for five years medical director, of the Georgetown University Diet Management Program (now renamed the Georgetown University Diet Management & Eating Disorders Program). That program is a center for treatment and research in weight control and eating disorders. It is part of the Division of Internal Medicine in the Department of Medicine, and has available to its patients consultation from both the Departments of Psychiatry and Pediatrics. It offers individualized treatment plans based on the most current information available. In the program, I designed and participated in clinical studies for the evaluation of innovative approaches for the control of obesity. I have a special interest in weight control and have published several articles in that field.

3. I have authored or co-authored over 40 publications in the medical literature. Many of these appeared in peer-reviewed publications where each substantive article is reviewed by reputable researchers in the appropriate field and wherein the conduct of reported studies must meet strict scientific

standards. I am a member of the American Medical Association and its Section on Medical Schools and am a Fellow of the American College of Physicians. I direct and teach in the Clinical Nutrition course required of all medical students at Georgetown.

4. I keep current in medicine, including weight control, by regularly reading appropriate respected medical journals. In addition, my other teaching duties at Georgetown keep me current in these fields.

5. Obesity is the accumulation of excess adipose (fat) tissue leading to a gain in body weight above an accepted norm. In clinical medicine, an obese person is usually more than 15 percent above the accepted norm. Excess body fat is stored in adipocytes (fat cells) located primarily beneath the skin, between muscles and around organs. When food is ingested several mechanical and enzymatic processes occur, the net effect being the formation of chemical units suitable for absorption and transport. Once absorbed, these small units are used as an energy source, as building blocks for other biochemical entities, or are converted to stored energy. Clinical obesity occurs when the weight of the stored energy units (in the form of adipose tissue) accumulates above weight norms. Stable body weight means that energy use and energy intake are in balance. To lose weight an obese person must create a negative energy balance, that is, fewer calories must be taken in, more must be used, or both.

6. I have reviewed the label which appears on the product Cal-Ban 3000. *Cyamopsis tetragonolobus*, also known as guar gum,

is listed on the label as the ingredient that constitutes Cal-Ban 3000. The label advises that 15 tablets of 1000 miligrams each, be taken daily. This constitutes 15 grams daily. Cyamopsis tetragonolobus is a polysaccharide composed of D-galactose and D-mannose. It is a dietary fiber, i.e. nonabsorbable by definition. It absorbs water to form a gelatinous mass. Its accepted clinical uses are as a bulk laxative, a cholesterol lowering agent and as an adjunctive treatment for insulin dependent diabetics.

7. The management of obesity is a complex undertaking. Dietary, psychological, physical, genetic and physiologic factors are at play. In evaluating the use of this guar gum product, I made and annotated an extensive review of the pertinent medical literature. The literature contains no conclusive evidence that guar gum taken alone causes an obese individual to lose weight; further, any claims that the ingestion of guar gum will assure weight loss without dieting or exercising is not supported by accepted medical evidence. One report (Acta Med Scand 208:45-48, 1980) claimed a "highly significant decrease in body weight" in a group of hypercholesterolemic females given 15 grams of guar daily. A subsequent publication on the use of guar gum (American Journal of Clinical Nutrition, 39:911-16, 1984) from the same institution contradicted the prior statement on the efficacy of guar gum as a weight loss agent. The authors of the subsequent publication stated: "The body weight of the subjects remained unchanged during the whole study period."

8. Attachment "A" to this affidavit is an advertisement for Cal-Ban 3000 which appeared in the July 28, 1987 issue of the National Examiner. The advertisement contains a quote which is said to pertain to the "Cal-Ban 3000 formulation." The quote is taken from a study in the British Journal of Nutrition, Vol. 52, pp. 97-105, and reads: "Body weight was significantly reduced during the study even though the patients were specifically asked not to alter their dietary habits." I have read this study, and find that no data were presented to indicate whether, in fact, the subjects actually maintained their normal dietary habits, nor did the study indicate the nature of such habits. It is a common observation among physicians that patients often ignore their instructions and requests. For these reasons, research based upon an assumption that persons will comply with instructions is methodologically faulty. The advertisement also contains a claim that the product allows you to "eat all your favorite foods and still lose weight" and "your weight loss is automatic." The advertisement fails to note a specific conclusion of the cited study that "Guar gum reduces hunger when taken with meals and thus may be an important adjunct to other treatment of obesity" (Emphasis added). The study, therefore, does not support the advertisement's implication that the ingestion of guar gum, by itself, will assure weight loss without an accompanying regimen.

9. It is inconsistent with generally accepted medical opinion that guar gum will cause a "fat burning spree," or that

the product will "melt away flab and keep it off;" or that the product "works by 'short circuiting' the fat building process." It should also be noted that the advertisement tends to overstate the significance of the aforementioned article that appeared in the British Journal of Nutrition by stating, in connection with the study, that "Everyone lost weight!" The text of the study indicates that a pertinent experiment began with 21 subjects. Individual weight loss was reported in only seven instances. Data derived under such circumstances are of only limited clinical significance, and do not constitute a valid basis for the claims that are made for Cal-Ban 3000.

I declare under penalty of perjury, pursuant to 28 U.S. Code 1746, that the foregoing statements are true and correct to the best of my knowledge.

Done this 14th day of August, 1987.


William R. Ayers, M.D.

...were trying
...around were
...ven off-duty Miami,
...orida, police officers
...found themselves dodg-

...wedd, who was not in-
...jured in the attack:
...After 30 ...rs on the
...force, to ge ... on a soft-
...ball field of all places. I
...just couldn't believe it."

...to be 100

Most humans are capable of reachi
100, but die much earlier because they
"mismanage" their lives, according to Dr
Peter Hanson, of Toronto, Canada.
"Thousands of working days are lost
each year because of
stress-related illness and
accidents," he said. "Most
of these problems could be
eliminated."
Stars like George Burns,
91, Bob Hope, 84, Barbara
Stanwyck, 80, and Lucille
Ball, 74, are proof that peo-
ple can live to ripe old ages
even under the mind-
boggling stress of TV,
movie, and stage careers,
he pointed out.
Here are Hanson's seven
ways to beat stress:
● Don't let yourself be-
come bored. Too little
stress is as dangerous as
too much. Retired people
should develop interests
that keep them stimu-
lated.
● Collect comedy tapes
and play them regularly.
Laughter is still one of
mankind's best medicines.
● Take up an active hobby
like light gardening, walk-
ing, carpentry, jogging, or
other activities done while
standing and requiring
moderate arm movements.
● Go on regular short holi-
days. People are in-
vigorated by a change of
scenery. Don't just sit
around the house waiting
for your arteries to harden.

NEW MEDICAL BREAKTHROUGH! LOSE UP TO 50 POUNDS WITHOUT DIETING!

GUARANTEED
100%

NEW FORMULATION SUPPRESSES CALORIE ABSORPTION

In a major medical breakthrough, the scientific community has at last developed a powerful, fast-acting weight-loss compound that virtually eliminates dieting, eliminates strenuous exercise and most importantly, eliminates fat, flab and cellulite! The powerful bio-active ingredient in Cal-Ban 3000 (cyamopsis tetragonolobus) works by "short-circuiting" the fat-building process

before your body can turn excess calories into figure-destroying fat. Now this amazing weight-loss compound is available through Anderson Pharmaceuticals without the necessity of a doctor's prescription. No matter how many times you have tried to lose weight and failed before — you will reach your weight-loss goal this time! We guarantee it!



Incredible But True! Read These FACTS

- FACT:** You can eat all your favorite foods and still lose weight! Cal-Ban 3000 bonds with the food you eat and prevents absorption of a substantial portion of the calories forcing your body to burn fat, flab and cellulite for energy.
- FACT:** Your weight loss is automatic! Just take your Cal-Ban 3000 every day and you will automatically lose weight. There is no calorie counting, no tortuous exercises and no dangerous stimulants.
- FACT:** Millions of fat cells will begin to shrink within 24 hours as your body goes on a fat-burning spree. Fat flab and cellulite from your waist, hips, thighs and buttocks will be metabolized away!
- FACT:** Cal-Ban 3000 is absolutely safe. It contains no stimulants or amphetamines. No harmful side effects have been reported.
- FACT:** A clinical study of the Cal-Ban 3000 formulation showed 100% success! Everyone lost weight! A team of European doctors tested a number of overweight women. In the group that took the Cal-Ban 3000 formulation, everyone lost a substantial amount of weight. The amazing results of this study published in the British Journal of Nutrition Vol 52 pp 97-105 stated: "Bodyweight was significantly reduced during the study even though the patients were specifically asked not to alter their dietary habits."
- FACT:** IF YOU ORDER TODAY YOU CAN TAKE ADVANTAGE OF OUR INTRODUCTORY DISCOUNT PRICES!



Cal-Ban 3000 EASY TO TAKE TABLETS

PROOF POSITIVE!

David Gaudet of Nova Scotia lost 74 pounds with no change in diet or habits except taking Cal-Ban 3000. His sworn statement: "Recently I weighed 298 pounds. I gave Cal-Ban 3000 a try and have lost 74 pounds and 10 inches from my waist so far. I am 51-years-old and have been dieting all my adult life. This is the first time I have lost so much weight and kept it off. You will be hearing from me when I break 200. I am really thrilled with my achievement and all my friends say how much better I look."

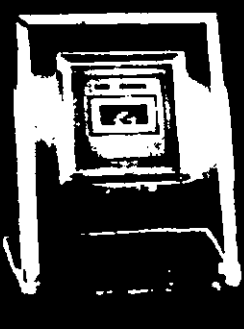
ORDER NOW & SAVE!

Cal-Ban 3000 Lets You

- Eat all you want and still lose weight. (The formula "bonds" with food, preventing absorption of much of your caloric intake.)
- Lose weight whether you exercise or not. (Because your body is absorbing less, it "burns" fat, flab and cellulite for energy.)
- Keep your pep without getting jittery. (The formula has no dangerous stimulants, no harmful side-effects, no chemicals.)
- Melt away flab — and keep it off. (Most diets fail because they require ongoing discipline and will-power. This formula doesn't.)

Please Note: Because Cal-Ban 3000 is so effective at removing only deposits of fat and cellulite, and because Cal-Ban 3000 has absolutely no harmful side-effects, some people tend to over-do it. Do not allow yourself to become too thin. If you start to lose weight too rapidly, reduce your tablet intake or skip a day or two. Also, before starting any weight loss program you should check with your physician to be sure you are in normal health.

FREE!
QUARTZ LCD DESK
CLOCK (A \$19.95 VALUE)
WITH 6 WEEKS SUPPLY
ORDER



FAST TOLL FREE ORDERING, CALL
1-800-321-5400

VISA, AMEX & MasterCard orders only
(24 HR. 7 DAYS) NO COD'S Please

UNCONDITIONAL 100% MONEYBACK
GUARANTEE
If you do not lose more weight with Cal-Ban 3000 than you ever thought possible, more than you ever lost with any other product or program, just return the empty bottle and we will promptly and cheerfully refund 100% of your money.

Today — 224 pounds

PRIORITY ORDER FORM
Gentlemen: Please rush my order for Cal-Ban 3000. I understand that if I am not completely satisfied that I will receive a full and prompt refund, no questions asked.

3 Weeks supply \$29.95 \$19.95 s
 6 Weeks supply \$49.95 \$38.95

CANADIAN \$ PRICES Postage & Handl. \$2.00
\$27. AND \$52. Fl. Res. add 5% tax
RESPECTIVELY TOTAL \$

MasterCard VISA Am Express No COD'S please

Acct # _____ Exp Date _____
Name _____
Street _____
City _____ State _____ Zip _____
Mail to ANDERSON PHARMACALS,
P.O. Box 271344 Dept M31 Tampa FL 33688

Man claims cure for the common cold

A MAN has invented a simple gizmo which "cures" the common cold.

Robert Krauser's device, called a Viralizer, appears to end cold symptoms by blowing 120-degree air up a sufferer's nose. It looks like a small hair dryer.

"I'm not allowed by the FDA to call this a cure for colds," said Krauser, of Greenwich, Connecticut.

"But in clinical trials it was 90% effective in reducing the duration of colds from about a week to a couple of days or less."

The device is being used to kill other virus-caused conditions by Dr Allan Aven, of Arlington Heights, Illinois. It zaps herpes sores and warts into remission, he says.

ATTACHMENT A