

GC 278-87-F  
JB/ABO

DOCKET NO. 28/90

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UNITED STATES POSTAL SERVICE  
WASHINGTON, DC 20260-1144

RECEIVED  
USPS RECORDER

In the Matter of the Complaint Against,

SEP 3 1987

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 33549-9999 )  
and )  
RONALD ANDERSON )  
P. O. Box 271448 )  
Tampa, FL 33688-1448 )

P. S. Docket No. 28/90

COMPLAINT

Complainant, the General Counsel of the United States Postal Service, having reason to believe that the Respondents doing business under the name Anderson Pharmacals are engaged in a scheme or device to obtain money or property through the mails by means of false representations in violation of 39 U.S.C. §3005, complains and alleges as follows:

1. The Postal Service has jurisdiction over this matter under 39 U.S.C., §3005 (1982 and Supp. I 1983).

2. Respondent Health Care Products, Inc. is a corporation organized and doing business under and by virtue of the laws of the State of Florida. In connection with its mail order business described below, Respondent does business using the names Anderson Pharmacals and Cal-Ban 3000. Health Care Products, Inc., is the sole owner of Respondents Anderson Pharmacals and Cal-Ban 3000.

3. Respondent Barbara W. Larkins, an individual, is the president of Respondents Health Care Products, Inc., Anderson Pharmacals, and Cal-Ban 3000.

4. Respondent Carl Anderson is an individual who is active in the conduct of Respondents' business.

5. Respondent Ronald Anderson, an individual, is a director of Respondent Health Care Products, Inc.

6. Respondents market a weight-loss product called Cal-Ban 3000 by means of television advertisements and by means of advertisements appearing in publications of general circulation. The advertisement shown at Exhibit 1 is typical of those recently employed by Respondents.

7. By means of the television and printed advertisements referred to in Paragraph 6 above, and by other similar advertisements, Respondents solicit the remittance of money through the mail to:

Anderson Pharmacals		Cal Ban
P. O. Box 271344	and	P. O. Box 150
Tampa, FL 33688		Tampa, FL 33601

8. By means of such materials, and others similar thereto, Respondents expressly or impliedly represent to the public, directly or indirectly, in substance and effect, whether by affirmative statements, omission, or implications, that:

(a) Ingestion of Cal-Ban 3000 will cause significant weight loss in virtually all users.

(b) Ingestion of Cal-Ban 3000 will cause significant weight loss without discipline, calorie restricted diets, or exercise.

(c) Cal-Ban 3000 prevents foods from being converted into stored fat.

(d) The weight loss claims for Cal-Ban 3000 are supported by the results of scientifically sound clinical studies.

(e) An obese person who takes Cal-Ban 3000 may reasonably expect to lose a significant amount of weight while continuing to eat all he or she wants.


9. The aforesaid representations are materially false as a matter of fact.


WHEREFORE, Complainant requests that an Order in the form submitted herewith, as Attachment A, as authorized under 39 U.S.C. §3005(a)(1) and (2), and an Order to Cease and Desist in the form submitted herewith, as Attachment B, as authorized under 39 U.S.C. §3005(a)(3), be issued against Respondents.

Respectfully submitted,

LOUIS A. COX  
General Counsel  
Complainant

BY:

  
George C. Davis  
Assistant General Counsel  
Consumer Protection Division

  
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Counsel for Complainant  
Consumer Protection Division  
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Regional Inspector/Attorney  
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901/722-7721

# 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™ (cyanopsis 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™**

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 ugly 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.

FAST TOLL FREE ORDERING, CALL

**1-800-321-5400**

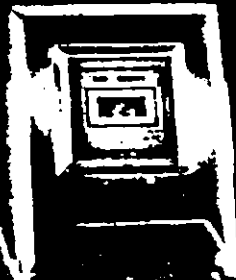
VISA, AMEX & MasterCard orders only  
(24 HR. 7 DAYS) NO COD'S Please

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.

**FREE!**

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



**Cal-Ban  
3000™**  
Enables you to lose weight without dieting or we'll return every cent!

**Cal-Ban  
3000™** EASY TO TAKE TABLETS



Before — 294 pounds



Today — 224 pounds

### 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!**

**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 \$

6 Weeks supply \$49.95 ..... \$38.95 \$

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

MasterCard  VISA  Am Express No COD's please

Acc# \_\_\_\_\_ Exp Date \_\_\_\_\_

Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mail to: ANDERSON PHARMACALS,  
P.O. Box 271344 Dept. M31 Tampa FL 33688



ATTACHMENT A

JUDICIAL OFFICER  
Washington, DC 20260-6100

ORDER NO.

DATE:

TO THE POSTMASTER AT TAMPA, FL 33688-9998

Satisfactory evidence has been presented to the Postal Service in the case identified below by docket number that

ANDERSON PHARMACALS  
P.O. Box 271344  
Tampa, FL 33688-1344

and their agents and representatives (hereinafter the "Respondent") are engaged in conducting a scheme or device for obtaining money or property through the mails by means of false representations in violation of 39 U.S.C. 3005 (formerly 39 U.S.C. 4005) with respect to advertisements and materials offering weight loss products.

Now, therefore, pursuant to authority vested in the United States Postal Service, and by it delegated to me, I hereby forbid your payment of any Postal Money Order drawn to the order of the Respondent unless you are satisfied that such order does not relate to the above described activities. Further, you are directed to inform the remitter of any Postal Money Order, the payment of which is forbidden by this Order, that the amount thereof will be refunded upon presentation to you of the original order or a duplicate thereof issued by the Postal Service.

You are further directed to hold for not less than 48 hours (exclusive of days during which your office is not open to the public) all mail addressed to the Respondent, whether registered or not, except for any mail, which you determine, by reference to the face of its wrapper, is unrelated to the above described activities. During the 48 hour retention period Respondent shall be permitted to examine the retained mail in your presence or the presence of a postal employee designated by you and to receive any mail which (1) is not connected with the above described activities, or (2) is mail requesting a refund or representing a return of merchandise connected with such activities.

Following such examination by Respondent or the passage of 48 hours, you are directed to write plainly or stamp the words "Returned To Sender Due To Addressee's Violation of Postal False Representation Law" upon the outside of all mail which the Respondent was not permitted to receive and to return such mail to the post offices from which it was mailed for return to the senders. If the outside of the mail fails to contain information necessary to permit return to the sender, the mail shall be disposed of under the postal regulations applicable to undeliverable matter.

PS Docket No. \_\_\_\_\_; G.C. 278-87-F



ATTACHMENT A

JUDICIAL OFFICER  
Washington, DC 20260-6100

ORDER NO.

DATE:

TO THE POSTMASTER AT TAMPA, FL 33601-9998

Satisfactory evidence has been presented to the Postal Service in the case identified below by docket number that

CAL-BAN 3000  
P.O. Box 150  
Tampa, FL 33601-0150

and their agents and representatives (hereinafter the "Respondent") are engaged in conducting a scheme or device for obtaining money or property through the mails by means of false representations in violation of 39 U.S.C. 3005 (formerly 39 U.S.C. 4005) with respect to advertisements and materials offering weight loss products.

Now, therefore, pursuant to authority vested in the United States Postal Service, and by it delegated to me, I hereby forbid your payment of any Postal Money Order drawn to the order of the Respondent unless you are satisfied that such order does not relate to the above described activities. Further, you are directed to inform the remitter of any Postal Money Order, the payment of which is forbidden by this Order, that the amount thereof will be refunded upon presentation to you of the original order or a duplicate thereof issued by the Postal Service.

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PS Docket No. \_\_\_\_\_ ; G.C. 278-87-F

ORDER TO CEASE AND DESIST

PART I

IT IS ORDERED THAT Respondents BARBARA W. LARKINS, CARL ANDERSON, RONALD ANDERSON, individuals, Respondent HEALTH CAR PRODUCTS, INC., a Florida Corporation doing business as Anderson Pharmacals and Cal-Ban 3000, and Respondents' officers, directors, agents, employees, successors, and assigns (hereinafter collectively referred to as "Respondents"), shall forthwith CEASE AND DESIST from falsely representing that:

(a) Ingestion of Cal-Ban 3000 will cause significant weight loss in virtually all users.

(b) Ingestion of Cal-Ban 3000 will cause significant weight loss without discipline, calorie restricted diets, or exercise.

(c) Cal-Ban 3000 prevents foods from being converted into stored fat.

(d) The weight loss claims for Cal-Ban 3000 are supported by the results of scientifically sound clinical studies.

(e) An obese person who takes Cal-Ban 3000 may reasonably expect to lose a significant amount of weight while continuing to eat all he or she wants.

PART II

It is further ORDERED that Respondents shall forthwith CEASE AND DESIST from representing in connection with the sale of any product through the U.S. Mails, that:

(a) Any product, or any portion of a product, makes a material contribution to weight or fat loss;

*unless  
may cause w.l. ~~also~~  
Used in conjunction  
with other treatments  
for weight problems in  
overweight*



(b) Any product, or portion of a product, prevents food from being converted in stored fat;

(c) Any product, or portion of a product, will cause significant weight loss without discipline, calorie restricted diets, or exercise;

(d) Any survey or other scientific <sup>test</sup> or independent test supports <sup>should be strictly</sup> any conclusion (i.e., any substantiation claim); <sup>relied upon</sup>

(e) Any claim substantially similar to any of (a) through (d) above, unless such party possesses and relies upon reliable and competent evidence substantiating such claim prior to dissemination of the claim to the public. "Reliable and competent evidence" means either: a) at least two well-controlled, double-blind clinical studies that are conducted in accordance with generally accepted scientific procedures by qualified, objective persons and that yield statistically significant results, or, in the case of nutritional equivalence b) the certification or other sworn statement of a state-licensed nutritionist that the product is nutritionally equivalent to a specific food in all respects, with those respects specifically quantified.

### PART III

It is further ORDERED that Respondents, in connection with Parts I and II of this ORDER, forthwith CEASE AND DESIST from representing, whether via testimonials or otherwise, that a specific amount of weight loss, or a specific amount of weight loss in a specified period of time, has been achieved by particular users unless such representation is typical of users as substantiated by reliable and competent evidence as defined within Part II of the ORDER. A representation (through the use of testimonials or otherwise) of a specific rate or amount of weight loss

achieved by actual users shall be deemed a representation of the rate or amount of weight loss which consumers can expect to achieve.

JUDICIAL OFFICER