

POSSIBLE DRAFT COMPLAINT FOR USE BY FTC

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CASE NO.

**NOURISHLIFE, LLC d/b/a
SPEECHNUTRIENTS and
MARK NOTTOLI,
PRESIDENT OF NOURISHLIFE, LLC**

Defendants.

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF

Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain a permanent injunction, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. § 45(a) and 52.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 52, and 53(b).

3. Venue is proper in this district under 28 U.S.C. § 1391(b), (c), and (d), and 15 U.S.C. § 53(b).

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PLAINTIFF

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, and cosmetics in or affecting commerce.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b) and 56(a)(2)(A).

DEFENDANTS

6. Defendant NourishLife, LLC d/b/a SpeechNutrients (hereinafter “NourishLife, LLC”) is a limited liability company registered in Illinois with its principal place of business at 272 E. Deerpath Rd., Suite 244, Lake Forest, Illinois, 60045. At all times material to this Complaint, acting alone or in concert with others, NourishLife, LLC has advertised, marketed, distributed, and sold a product called SpeechNutrients speak™, which is purported to treat childhood speech delays, to consumers in this District and throughout the United States. NourishLife, LLC transacts or has transacted business in this District.

7. Defendant Mark Nottoli is the founder and president of NourishLife, LLC. At all times material to this Complaint, acting alone or in concert with others, Defendant

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Nottoli has formulated, directed, controlled, or participated in the acts and practices of NourishLife, LLC. Defendant Nottoli resides or has resided in this District and transacts or has transacted business in this District.

COMMERCE

8. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS’ BUSINESS ACTIVITIES

9. At all times material to this Complaint, Defendants have labeled, advertised, promoted, offered for sale, sold, and distributed to consumers SpeechNutrients speak™, a dietary supplement marketed for children with speech delays, since at least 2008. SpeechNutrients speak™ is primarily advertised through NourishLife, LLC’s website, www.speechnutrients.com. The supplement is also advertised through, among other mediums, electronic newsletters, paid Google advertisements, a Facebook page, a Twitter page, a website called ApraxiaResearch.com, and promotional booths at trade shows and conferences.

DEFENDANTS’ PRODUCT REPRESENTATIONS

10. To induce consumers to purchase SpeechNutrients speak™, Defendants have disseminated, or caused to be disseminated, misrepresentations and false and/or misleading statements in connection with their advertising and promoting of SpeechNutrients speak™, including, but not limited to, the statements made in the attached Exhibits A through I. Among other things, Defendants’ misrepresentations and false and/or misleading statements include the following:

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- a. SpeechNutrients speak™ Packaging (*Ex. A*)

Front Panel:

The patented omega-3 + vitamin E formulation developed by a pediatrician to support normal and healthy speech development and maintenance.

Back Panel:

This special blend of nutrients provides targeted benefits including:

- Nutritional support of verbal and motor skills
- Reduction in oxidative stress
- Promotion of a healthy inflammatory response

Side Panel:

Patented Formulation:

The SpeechNutrients speak™ product is produced under exclusive license to a formulation patent developed by Children’s Hospital & Research Center Oakland (CHRCO).

- b. SpeechNutrients speak™ Website, Home page (*Ex. B*)

Nutritional support for healthy speech development

SpeechNutrients Speak™ Smooth

speak™ Smooth is a patented nutritional formula developed by a pediatrician to support normal and healthy speech development and maintenance.

Mounting clinical evidence and hundreds of parental reports indicate this special blend of nutrients provides targeted benefits including:

- Nutritional support of verbal and motor skills
- Reduction in oxidative stress
- Promotion of a healthy inflammatory response

- c. SpeechNutrients speak™ Website, About Our Products – Speak page (*Ex. C*)

speak™

Patented, Hypo-Allergenic, Pediatrician Formulated

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The only omega-3 and vitamin E speech development formula that provides the precise serving and ratio of the important nutrients needed for normal and healthy speech and coordination. Each box contains sixty capsules or twist off capsules.

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How speak™ Works

Formulated and patented by a pediatrician and noted researcher, the speak™ formulation includes seven nutrients in servings and ratios determined to be most effective. SpeechNutrients speak™ contains concentrated, ultra-purified omega-3 in addition to efficacious amounts of two forms of vitamin E. Omega-3 supports a healthy inflammation response while working synergistically with the antioxidant vitamin E to reduce oxidative stress. Optimal amounts of both d-alpha and gamma tocopherols function as key antioxidants and operate with omega-3 fats to support neurological health and provide essential nutrition. Due to the theoretical blood thinning effects of omega-3 and vitamin E, vitamin K (a normal and healthy blood clotting nutrient) is also included. This precise combination of pharmaceutical grade ingredients is delivered in a convenient 2-capsule serving resulting in greater ease of use for parents and children.

- d. SpeechNutrients speak™ Website, About Our Products – Speak page, Formulation tab (*Ex. D*)

The patented SpeechNutrients speak™ formulation was exclusively licensed to SpeechNutrients from Children’s Hospital & Research Center Oakland (CHRCO).

After the formulation was developed and patented, SpeechNutrients researched and identified the purest ingredients in their appropriate forms for optimal absorption and utilization. Because this supplement was created for children, many with sensory and allergy issues, the ingredients had to be natural and guaranteed hypoallergenic.

Knowing that parents were struggling to find and combine the 7 different nutrients included in the SpeechNutrients speak™ patented formula, SpeechNutrients simplified the process by combining all into one easy to use supplement. SpeechNutrients speak™ is the only product of its kind.

Purity

SpeechNutrients speak™ contains pharmaceutical grade omega-3 in the highest concentration without a prescription. The omega-3 contained in speak is sourced from wild caught, sustainable, exceptionally pure

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omega-3 concentrates. Utilizing the utmost care and precision in manufacturing and analyzing omega-3 concentrates, the omega-3 meets or exceeds all US and EU standards for purity, complies with California Prop 65, and meets and exceeds the GOED Monograph (Global Organization for EPA and DHA Omega-3). This ensures that the SpeechNutrients speak™ formulation contains the purest pharmaceutical grade oils with the ideal ratio of active EPA and DHA.

- e. SpeechNutrients speak™ Website, Testimonials page (*Ex. E*)

Hear What Our Parents Have to Say

WHEN I HEAR ELIZA TALK AT A REGULAR SPEED AND FLUENCY, MY HEART PRACTICALLY SINGS.

My 12 year-old daughter Eliza has always had a very laborious, uneven way of speaking. As a result, it takes her a very long time to express herself verbally. As she enters adolescence, her speech issues are exacerbating her social challenges, as her peers rarely have the patience to wait for her to complete a full sentence, let alone carry on a conversation. It also holds her back at school as she has excellent ideas but can't "get them out" in time to participate fully in classroom discussions.

Late last spring Eliza & I had a brief consultation with a highly regarded nutritionist who recommended we try Speak. To be honest, I was skeptical, but as we slowly increased the dose, I could no longer deny what I was seeing – she was having a much easier time getting the words out, she could say more and more words without having to stop to take a breath, and she was generally becoming more talkative & interactive. Early this fall, I overheard her have a 20-minute conversation with a peer. I was absolutely amazed – that had never happened in her whole life!

I absolutely love what Speak is doing for Eliza – when I hear her talk at a regular speed and fluency, my heart practically sings. It has been almost miraculous – I doubt I would have believed the difference it has made if I hadn't seen it for myself.

Colleen, MD

THIS TO ME WAS MIRACULOUS AND ASTOUNDING

I learned about Speak from an online support group made up of parents facing similar issues as my son; I wrote to the parents in the group in late

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December out of concern regarding the lack of speech development in my 3.5 year old son. As a result of my cry for help, immediately a number of parents in the group recommended that I try Speak because they had seen significant results in expressive language from using the product. I immediately ordered the starter kit and have been using it since January 3rd 2013 with my son who is 3.5 years old as well as my other son who is 1.5 years old.

After upping the dosage to 4 capsules a day for the 3 year old and two a day for the 1 year old, in the last few days I have seen an increase in attempts at meaningful expressive language in the boys, increased awareness as well as general happiness/playfulness. I realized that there was something to this product when for the first time this past weekend, my 3.5 year old came up to me, looked me in the face and said, "I want something to eat" ..later on the same day he came to the kitchen and said "I want something to drink"! This to me was miraculous and astounding...given that we have been trying to get him to point at what he wants or just say "juice" or "cookie" just to indicate what he wants (we have been modeling sentences and or sign language to make requests for food for over a year).

Thank you for such a wonderful product! I have already recommended it to the parents in the group facing similar issues and will continue to do so as we continue to see progress.

Warmest regards,
Faith

Faith

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WE HAVE NOTICED A REAL IMPROVEMENT IN HIM SINCE HE'S BEEN USING SPEAK

We started using speak a couple of months ago for our son, who turns 4 at the end of this month. He has been slow to talk, but I can put my hand on my heart and say we have noticed a real improvement in him since he's been using Speak. It's not just us either - his Occupational Therapist said she can't believe the improvement he has made especially in the last 2 weeks - and he's only been going to OT since we started using Speak. It's not only this talking, but his co-ordination, movement and general "getting things together" has improved in leaps and bounds. I can actually notice a difference even in the way he is running - he runs like a boy now, not a jerky toddler. I'm not sure if this would have happened anyway and he's

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just a late bloomer, but it seems more than a coincidence to me that all his improvements have come since we started Speak.

We bought a starter pack, and started him on the capsules, and have now started him on the Speak Smooth. Will has loved them both.

So, a heartfelt thank you for your product.

Helen, Australia

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HER SPEECH WAS SO MUCH BETTER OVER THE PAST WEEK.

I recently started my 11 year old daughter on Speak. I received samples at the ARI Conference in New Jersey and then placed an order, so she's she [sic] been taking it approximately 2 weeks. I never tell her therapists and teachers any time we are trying new things because I want to see if they notice a difference (which rarely they do). However this time has been different.

On Monday, I picked my daughter up from Music Therapy and the music therapist told me "Her articulation is so much better today than normal. She said several things that just really surprised me." I had been seeing improvements too, but still didn't want to get too excited. However, yesterday I got a note on her daily sheet from her school speech therapist saying "Good day! Answered great with questions. She was not rote, she had spontaneous new sentences." Then this morning when I took her to school her teacher told me that Jordyn's speech was so much better over the past week. She said she was amazed by some of the things Jordyn has been saying. For example, yesterday she went up to the teacher and said "Kirtan has a yellow shirt on." Before it would have been either "yellow shirt" or "you do got shirt on."

It's still early, but we are hopeful that the progress we are seeing will continue.

Jackie, Atlanta GA

I HAVE BECOME A BELIEVER, THAT'S FOR SURE!

I recently started giving my 2 foster babies your Speak Smooth. They are ages 3 and 1 1/2. We got them 7 months ago, and they were not in good health, had horrible diets, etc. The 3 year old was hardly understandable. I had them on a flavored fish oil, but was given samples of your product for them from my doctor.

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Much to my disbelief, after a week or so, the 3 year old's speech began improving DRASTICALLY, and the 18 month old began saying words!! My husband, daughter, and I were all in shock! The baby continues to add new words weekly, if not daily. This week he added "big" and "tee tee". The 3 year old is talking in complete sentences! I have become a believer, that's for sure!

Lori, Baton Rouge, LA

SPEAK IS A NECESSARY COMPONENT OF OUR TREATMENT FOR JAMES

Our son's doctor recommended we try Speak to increase his verbal communication and decrease some visual issues he was having. Within a week or two we noticed enormous improvements in James' behavior. He was much more vocal and communicative and his visual issues had all but disappeared. After about 6 months, we decided to save some money by switching to a store-bought fish oil. Within two days, James' verbalizations had decreased noticeably, and the return of the visual issues was alarming. We re-ordered Speak right away and soon saw the return of our sweet, interactive son. Along with a special diet, therapy and supplementation, Speak is a necessary component of our treatment for James. Our family thanks you so much for your product!

Katherine L., Oregon

JENS' ABILITY TO COMMUNICATE HAS IMPROVED 100%

Within the first few weeks of taking SPEAK Jens definitely underwent a positive change in behavior. As we discussed before, this was likely due to the combination of school, speech therapy as well as SPEAK.

When Jens started SPEAK he had but a handful of badly pronounced words - mostly names. He has now progressed to at least a few hundred words; his understanding of everything is perfect; his pronunciation is much improved but remains his stumbling block. He has loads of words but just can't get his tongue around them.

When I look back over the past year, Jens' ability to communicate has improved a 100% - considering we started at around 2%!

I choose to believe that SPEAK did play a role in increasing Jens' ability to communicate verbally & had other positive spin-offs such as behavioral changes. Thank you for everything!

Janet, South Africa

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YUM, IT TASTES LIKE CANDY!

My son tried smooth for the first time yesterday- he said, "Yum, it tastes like candy!"

BTW, my son is 4 now and didn't say his first word until a week before his 3rd B-Day. That was two weeks after he tried SPEAK for the first time:)

Jennifer R.

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WE BOUGHT SPEAK AND STARTED IT MARCH AND LOVED IT

In the month of February before kindergarten was to begin, my son's ST said, "Nancy, AJ is a long term speech patient." I had been resistant to hyperbaric oxygen therapy but decided to give in a little more investigation. When I went to tour an oxygen facility I was introduced to SPEAK by way of the internet. So, I we bought SPEAK and started it March and loved it. Then the oxygen therapy started in April and the oxygen specialists said that they do "targeted hyperbarics" which is taking something that you need such as a vitamin or herb before going into the oxygen chamber to make it work more effectively.

So, we followed the SPEAK protocol and when hyperbaric oxygen therapy started I mixed the SPEAK in pudding and fed it to AJ before going into the oxygen chamber. By May, he was discharged from outpatient ST but qualified for school ST. By August he no longer needed school ST or SPEAK. I tell people that it worked within 40 hours of oxygen so they don't get disappointed if they don't get the same results but the truth is it worked within 20 hours for us. I no longer sit in any more ST waiting rooms.

Nancy S. Ramsey, MS, OTR/L Occupationa [sic] Therapist / Mom

RAFA WENT FROM ZERO WORDS TO TEN WORDS!

I would love to share with other well-meaning parents how Speak has helped Rafa. He is 2 years old and 9 months. Since he started Speak two weeks ago, he went from zero words to ten words. This wonderful onset of language has led me to research how omega 3 and vitamin e is really important for speech development and how we don't get this from our daily food intake. I also realized that his case could also be because of a milk allergy that he had as an infant, so we're looking forward to trying the probiotic to help him with possible intestinal problems that are affecting

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his over-all development. I never would have known about all this if you haven't introduced me to your product. I wish we could get this in the Philippines soon!

Renee, Philippines

I SWEAR BY SPEAK FOR KIDS AND SHARE MY STORIES LIBERALLY!

My speech therapist recommended speak for my then 3-year old who could not talk in a way which any of us understood - myself included. She had been referred because she made no words and had not babbled by her first birthday.

Florence started speech therapy at age 18-months and made precious little progress by time we enrolled her in preschool at 36-months. She was unintelligible to her teacher and her family - myself included. She had also developed behavioral problems as she expressed her desires through acting out and crying.

At 3-1/2 years of age (September 2010) and after 24-months of speech therapy, Florence began taking Speak. We saw increased tearfulness right away but around day 10 of therapy, she began to have words come from her mouth. Florence rapidly reached 4-capsules per day on the ramp-up schedule recommended on the package. At the maximum dosage, Florence's speech therapy sessions blossomed. In November, her verbal skills had so improved that she began reading lessons and was reading short stories aloud by age 48-months. She was discharged from therapy after 6-months of Speak therapy (March 2011). In those 6-months, Florence went from a frustrated non-communicative preschooler to developmentally above average on standardized receptive and expressive language evaluations.

Around the time Florence began taking Speak (September 2010) I also began giving it to my 20-month old triplets who were also speech delayed. They had been born 8-weeks prematurely which was supposedly part of the problem. Anyway, at the 4-capsule maximum, the triplets began speaking and were also completely at or above their peers in expressive and receptive language skills by 27-months of age (March 2011) at which time they were discharged from speech therapy.

All of the children remain on the full dose of daily Speak. Once, Florence went without Speak for 3-weeks. During that time, she did not lose her current speaking ability. However, it became more difficult for her to sound out her words phonetically when reading her short stories. Instead of saying a word accurately the first time, it would take her 3-4 attempts to

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get the word pronounced correctly. This frustrated her and prompted me to update my Speak order to fully cover all 4 children at the maximum dose each and every month.

I swear by Speak for kids and share my stories liberally!

Linna, VA

SPEAK VITAMINS HAVE HELPED MY LITTLE BOY TALK

Those vitamins are essential nutrients for my son. Speak vitamins have made my little boy talk. He is five years old and has not spoken until I began giving him the vitamins in November of this year. It took two days of giving them to him to hear him speak. I don't mean just a random word every now and then, I mean he now speaks in complete sentences. He carries on a conversation with me. We have sat thru dinner for five years with nothing but silence from our child, and then he just started talking two days after starting your vitamins. I have searched for years trying to find a diagnosis for him with no success. Your vitamins have changed his life.

I know you must be busy with the year-end closing tasks, but I just wanted to tell you the company you work for truly does produce vitamins which help children in wonderful ways. It gave me the best Christmas present in the entire world-hearing my little boy talk.

Laura B.

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COMBINED WITH PROBIO 25, HIS LANGUAGE EXPLODED!

Speak has given my son a voice, and when we combined it the new ProBio25 just recently, his cognisance [sic] and language skills exploded! Vinny is such a happier child now that he can express himself and share his knowledge, and Mommy's happier to have a son who finally listens



M. Hassan, New York



“LET ME BEGIN BY SAYING WOW!!!”

“Let me begin by saying WOW!!! Vinny has been in speech for over a year with little success, but since he’s been on Speak for a month, he is babbling non stop and his understanding seems improved. He follows simple instructions and makes so much more eye contact! I can’t wait to

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see what the next couple months hold for him and our family. We are so grateful that our doctor recommended your product, and we've been telling everyone about it, our speech therapist has even been giving your pamphlets to her other families."

Mackenzie, New York

POSITIVE INFLUENCE ON WHOLE FAMILY



My eldest son had improved greatly through diet changes and supplements, but had lots of room for improvement. I learned about Speak at an ARI Conference in Atlanta. After a call to a representative at Speak, I learned that their supplement could also help my son.

My son started taking Speak the last week in July. August was an interesting month. When my son would have a meltdown, it was unlike past meltdowns, they were more intense. One time, he was so angry at me for sending him to a time out, I thought he was going to strike out. Luckily, he went to his room without incident. The intense meltdowns decreased in frequency as the month passed.

September came and my son returned to school. He was now in 4th Grade. This is an important time for children as they are maturing and developing friendships that will take them into middle and high school. In past years my son had a very difficult time staying in his chair, despite Thera Bands, weighted blankets, or any other strategy we could think of. My son would typically wonder around the classroom, hide in the bathroom, and even roll on the floor.

This year was different. In October we met for my son's annual IEP meeting. I was told that my son no longer needed OT, or social skills groups. He was now able to complete writing assignments on his own and more importantly was making friends! He would actually come home and tell me about how he was playing group games during recess! In past years, he would hide from other children, and was too uncoordinated and impatient to play games.

The real kicker was that the school felt he no longer qualified to be on an IEP as he no longer needed services. Truly this was all we could ask for.

Our son is by no means perfect. We can tell that he still has more energy than his peers. However, the changes we witnessed as a result of starting Speak are remarkable and have had a very positive impact not only on our son but on our entire family."

Ellie, MA

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INCREASED SELF-AWARENESS AND DEEPENING OF COMMUNICATION SKILLS

"My son is 5 1/2 and was diagnosed in fall of 2009. At that point, he had retreated into complete echolalia as his only means of communication. Through a speech pathologist, Joey tested at the the [sic] 2% of two year olds. He [sic] exactly 4 years old at the time of testing.

In spring of 2010, I began a support group for caregivers, and through that group I met an extraordinary mom who, after hearing me describe Joey and his communication problems, suggested I try Speak.

Honestly, I was cautious. I have not had extensive experience with supplements, especially with the bad rap they get because of fraudulent companies offering, at worst poison and at best sugar water, instead of the advertised product. And I especially am leery about giving an unregulated product to a child. So this was truly a leap of faith for us based on my friend's testimonial and the professionalism of your company.

We tried Speak the morning of February 15. In TWO HOURS, while we were playing he looked me in the eye, initiated conversation--"Look mom!," and had a non-echolalic conversation. (Now at this point, he no longer just repeated what others said, but he did repeat himself multiple times) Each new sentence built on the last: so previously, he would look at the floor, very rarely use anyone's name, and say, "My train is on the track. My train is on the track. Look, my train is on the track." This day, however, his conversation went, "Look, Mom, my train is on the track. I put it on the track. My train is going fast. Ah oh, it derailed."

I was floored. The day pretty much progressed similarly from there. His sentences continued to build on each other; during the evening bath, he smiled and laughed and looked at each of us (his brother in the tub and my husband and I in the room--I had to have him see this) to see if we were listening and laughing, too. Fortunately, he does not experience the negative agitation other than I notice his hand movements are more "flappy," but this seems to me a sign of his brain working fast. At these times, I notice he is talking quickly and with expression. It is almost as if he has so much to say and is trying to say it all at once.

Today I am raising his dose to 3 caps once a day. We continue to see increased self-awareness, a curiosity to see if others are listening to him, a lessening of shyness around strangers, and a lightening of spirit. All of these traits seem to me (an untrained professional) a logical consequence of increased ability to communicate.

As of March 2011, Joey was retested by the same speech pathology office

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at 16% percentile of 4-5 year olds. He is 5.5 years old. So not only is he improving, but he is catching up! My husband and I believe a good chunk of this progress is due to continued speech therapy and joining an inclusive NT preschool 3 hours a day. But we also feel the *deepening* of his communication skills is a direct result of Speak.

Please share this story as you will (removing our last name of course).

Thanks so much for your time.

Becky, Portland



UNPROMPTED SPEECH

"I received samples at the Autism One Conference. We just went to 2 capsules after a week and we are thrilled. We lost any little speech our son had about 2 years ago. He is now 9. We upped the cod liver oil we were using as well as TMG but got whispers at best~infrequently. We now have some speech again with little prompting and his receptive language is stellar!!! (Insert big grin here) He is so ON ~it's fabulous!! LOUD laughter is the icing on the cake.

So very happy ~"

Heather M.

CONCENTRATION HAS IMPROVED

"Kaleigh has always been a very active child, the only thing that she lacked was concentration. Since she has taken the supplements I have seen a change in her. She is more determined."

Alison K.



ADDED SENTENCE COMPLEXITY

Since beginning the speech nutrients nearly 3 months ago, twice per daily, we have noticed significant progress in our son's speech development (age 5.5). Our family has been exceptionally pleased with his progress since beginning the speech nutrients; we have noticed an added level of complexity to his sentences and length of conversations he is able to carry with us and peers to be more intelligible. Whether these improvements are due to maturation with assistance to the speech nutrients regiment, my family is convinced of the properties of fish oils, especially combined with other natural ingredients to produce "speak", we are true believers in the

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power of this important vitamin and are now regular customers. Thank you so much for all you do in speech development for young children!

Alexandra, Arizona



EASE AND CONVENIENCE

Isaac has only been on it for a few weeks but I notice the improvements already. I really like the ease of the oil coming out of the capsule. He doesn't mind the taste at all and takes it with no problems. He has been speaking more, trying longer sentences, and initiating more conversations.

Angela M., Iowa



SPEECH WITHIN THE NORMAL RANGE

That formula has done wonders for her! Her speech is within the normal range and the Vitamin E greatly helped. It's the formula we need in 2 capsules instead of 6.

Katie M., New Jersey



EMOTIONAL OUTBURST REBALANCE

Our son has leveled off nicely from the emotional outbursts we experienced the first few weeks on speak. The past two months he's increased his sound variety and production more quickly than ever.

J., Colorado



HIS BLUE EYES SHINE!

"My twins have only been on it a week but the effects are already being seen. They are calmer and the big circles under Avery's eyes are gone. His blue eyes shine! Both of them are focusing on our faces more and they are trying to speak. I am so impressed with the progress. I want to thank you and SpeechNutrients for this product. God bless you."

Tanya H., Mississippi

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GREAT RESPONSE TO SPEAK

I am very happy to let you know that my son responded very well to speak. He is copying everything, he is much better in the social area, he is trying to speak much more, he seems to understand better and he pays more attention to everyone, I am really impressed with the progress in only 1 week. Thank you.

Rosaria, United Kingdom



OUT FOR THE GREATER GOOD

I would recommend any parent to try it. Thanks to the NourishLife SpeechNutrients for support and help with our financial situation. I do believe they are out for the greater good and not the all mighty dollar." We cannot thank you enough for this wonderful product.

Julie G., California



I DID IT!

"I wanted to write and tell you of the progress we have seen with my son, Jotham, since starting on Speak. Jotham is 2 years and 8 months. Before we started Speak we had him on fish oil but in a smaller amount. Jotham has now been taking Speak for 2 full months. In the past month I have had numerous comments about how he has improved from his teacher at school and others at school and in our family that know him so well.

He is communicating with others better, and Jotham put a puzzle together all by himself with no help and when he was done he looked up and said, "I did it!" His teacher said she and the other children were all so excited for him.

There are more words coming more easily on a daily [sic], it is like a light bulb has been turned on. Last weekend he started singing the "alleluia" chorus that we sing in church, he sang it the whole way through, in tune! He has never attempted to sing anything while in church, just yelling out "Amen" once in awhile, repeating what we say. But he obviously had been listening!

I have to join Jotham in saying "alleluia" and thank you, for Speak. We cannot thank you enough for this wonderful product."

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Julie, Texas



INDEPENDENCE AND SPONTANEITY

Zach is talking and pointing more. I'll step out on a limb here and say I noticed it right away, within 48 hours. He's pointing more, naming many more objects spontaneously, even gave the dog a command. He has also played a bit more with his older sister, showed some empathy for her when she cried, and has been a bit more flexible on a couple of occasions so far. Today he cut with scissors independently and sat with a couple of kids for 10 minutes and watched them play.

Cheryl D., California



QUICKER MOTOR PLANNING

I started my son Joseph on speak 1 week ago. He takes 2 gel caps 3 times a day. I have noticed an improvement in his gross motor skills. His balance seems better and he motor plans quicker.

Jacqueline C., New Jersey



INCREASED FOCUS, ATTENTION, AND SPEECH

This has been a great supplement! My son has shown increased focus, imitation, attention, and speech.

Kathryn B., California



MORE ANIMATED AND RESPONSIVE

My daughter is speaking more clearly, showing improved eye contact, and interacting more within 3 weeks of us giving her speak regularly. In general, Carisse seems more animated and responsive to us.

Hilary W., California

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IMPROVEMENTS IN BALANCE AND COORDINATION

Eric has shown improvements in his gross motor skills since starting speak. Eric has always struggled with balance and coordination. Lately Eric seems much steadier on his feet and he is wanting to climb on everything and recently discovered he can pull himself onto our couch. I honestly cannot turn my back on him for one split second anymore, and it's wonderful! Eric has also recently started moving both feet at a rapid pace as if he's dancing. In addition, Eric has never wavered on his own initiative before. Two weeks ago he wavered on his own on two separate occasions (back-to-back days). While I haven't seen it happen again, I know it's in there!

Sarah W., Michigan



COMPLEX SENTENCES AND MORE FOCUSED

I believe she is speaking in more complex sentences and she is less gittery, more focused. Her conversational skills have improved too. We are very impressed with her conversational speech and she is making progress.

Ali R., West Virginia



APPLE! UP! BROWN BEAR! TEN!

My 6 yr old has been on your supplement for about 10 days. He started to say "apple"! Today his teacher reported he said "up", "brown bear" and "ten". We are very excited!

Marcia, New Jersey



MUSIC TO MY EARS

"Trace was almost three when he began taking Speak. I was hopeful, but was in no way prepared for the almost immediate change. His vocabulary [sic] went from one-to-two word sentences and a handful of words to now speaking in full sentences. We didn't experience any of the behavioral side

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effects at all. He never stops talking and it is music to my ears. A lot [sic] of people say we're crazy and that a supplement cannot help correct speech, but my husband and I just smile at each other when people say we're nuts. We've seen the results first hand and know without a doubt that this product has helped our son. All that matters to us is that our son can speak! It's been the best gift we've ever received."

Beth, California



I JUST CAN'T WAIT FOR THE NEXT DAY

"Hi there, I just want to thank you for this wonderful product. I started giving my kid the speak capsules about 2 weeks ago and I've been seeing results. One day while driving I told him, "green light means go, and red light means stop." Next day, again, while driving, he scared the life out of me when he yelled, "Mom, stop, stop, red light." And yes indeed, I was coming to a red light. He is trying to repeat whole sentences now and he is constantly asking me what I am doing and thank me when I give him something. He wasn't saying any of this before. I just can't wait for the next day to hear what he has to say. Thank you so much, I'm so glad I found this website!"

Roxana, Colorado



AN EXPLOSION OF WORDS

Miles has just had an explosion of words this week. Tonight he said "Pizza." I think Miles is doing fantastic – and as much as I wanted to think that Speak wasn't the reason – I'm beginning to think that it is. Miles' Physical Therapist is very pleased with his improvement in body control, positive attention span, and coordination. I'm very pleased with the product. Thank you."

Mary Catherine, Costa Rica



SPEAK IS AN AMAZING PRODUCT.

"My daughter, Amy Lee, has always had problems pronouncing the middle, and especially the end sounds, of words. When she first started taking Speak, she only counted to 21. Now she counts to 100 and sings her ABC's correctly. Before, she would just say them and skip letters. She is

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also saying the middle and end sounds of words and correctly pronouncing them. She cooperates, concentrates, and stays on task much better than before taking Speak. Her speech is so much more clear and understandable. She can carry on a conversation and be understood, instead of speaking just a bunch of jibberish. She has made more progress since taking Speak for just 8 weeks than she made in 3 years of therapy. Speak is an amazing product. It's what I have always hoped for. Speak is the Magic that I have wished for. Thank you for giving us the opportunity to try it.”

Mellany, Missouri

- f. NourishLife, LLC trade show display (*Ex. F*)

.....

Produced under exclusive license to a formulation patent developed by Children's Hospital & Research Center Oakland (CHRCO)

[Large Children's Hospital & Research Center Oakland logo]

.....

This special blend of nutrients provides targeted benefits including:

- Nutritional support of verbal & motor skills
- Reduction in oxidative stress
- Promotion of a healthy inflammatory response

- g. SpeechNutrients Facebook page (*Ex. G*)

NourishLife speak™ is a patented nutritional formula developed by a pediatrician to support normal and healthy speech development and maintenance.

At NourishLife we have a strong interest in addressing deficiencies in omega-3 consumption, as extensive scientific research indicates that insufficient consumption of these vital nutrients contributes to a large range of unfavorable health conditions. Based on our license from CHRCO and research by a pediatric physician, we are proud to present NourishLife speak™, our proprietary product that supports normal and healthy speech development.

.....

A study published in the July/August 2009 journal *Alternative Therapies in Health and Medicine* describes the benefits noted in 97% of participants

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while taking a nutritional combination comprised of omega-3 and vitamin E.

.....

- h. SpeechNutrients Twitter page (*Ex. H*)

.....

Helpful info and forms about Speak [#omega3](#) [#product](#) to help with [#autism](#)! <http://bit.ly/kejRyq>

.....

Speak starter kits helps children with [#autism](#) at a great introductory rate! <http://bit.ly/IUcLcp>

.....

Clinical evidence and hundreds of parental reports indicate this special blend of [#nutrients](#) provides targeted benefits <http://bit.ly/iJz6Rz>

.....

Read about our affiliation with [#CHRCO](#) <http://bit.ly/hiqJKU> [#autism](#) [#Oakland](#) [#hospital](#) www.SpeechNutrients.com

.....

PATENTED, HYPO-ALLERGENIC, PEDIATRICIAN FORMULATED. www.speechnutrients.com [#autism](#) [#omega3](#) [#apraxia](#)

.....

[#omega3](#) vitaminE [#speechdevelopment](#) formula provides ratio of nutrients needed for normal&healthy speech&coordination <http://bit.ly/hvRdgo>

.....

[#omega3](#) that actually help with [#apraxia](#) and [#autism](#) www.SpeechNutrients.com Order your supply today!

.....

New research indicates 97% of Apraxic children improving with novel nutritional formulation -see www.speechnutrients.com.

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.....
Check out the new study that shows omega-3 and vitamin E to be 97% effective in children with Apraxia! www.speechnutrients.com
.....

One parent writes, "He has been speaking more, trying longer sentences, and initiating more conversations." - Angela Millman, IA
.....

NourishLife speak nutritional supplement is changing the lives of children with apraxia. Check it out at www.speechnutrients.com
.....

i. ApraxiaResearch.com Webpage (*Ex. I*)

Welcome to ApraxiaResearch.com. This site provides resources and information for parents and professionals regarding past and present research developments for the treatment of verbal, oral and motor Apraxia. In cooperation with researchers, ApraxiaResearch is leading an initiative seeking to understand how certain nutrients play a key role in reducing inflammation and oxidation which appears to be a formidable issue in individuals with this challenging speech disorder.

.....
Formulation Patent

An omega-3.vitamin E nutritional formulation has been patented from CHRCO (Children's Hospital & Research Center of Oakland). The formulation was developed by a pediatrician and published researcher whose preliminary findings, along with numerous anecdotal reports from parents, show great promise for helping children. US Patent Application 20080213239 was published by the US Patent & Trademark Office in September 2008. The formulation and method of use patent comprises omega-3, vitamin E, and other nutrients and further provides methods of treating various conditions.

DEFENDANTS' VIOLATIONS OF THE FTC ACT

11. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce.

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12. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, Speak is a “drug” as “drugs” are defined in Section 15(c) of the FTC Act, 15 U.S.C. § 55(c).

COUNT ONE

False and Misleading Representations Regarding Speech Delay Treatment

13. Through the means described in Paragraphs 1 through 10, including, but not limited to, the misrepresentations and false and/or misleading statements made in connection with Defendants’ advertising and promoting of SpeechNutrients speak™ and attached as Exhibit A through I, Defendants have represented, directly or indirectly, expressly or by implication, that clinical studies, research, and/or trials prove that:

- a. SpeechNutrients speak™ can treat childhood speech delays, including verbal apraxia, a neurological condition involving difficulty coordinating mouth and speech movements;
- b. SpeechNutrients speak™ provides nutritional support of verbal and motor skills;
- c. SpeechNutrients speak™ reduces oxidative stress; and
- d. SpeechNutrients speak™ promotes a healthy inflammatory response.

14. In truth and in fact, there are no clinical studies, research, and/or trials that prove that:

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- a. SpeechNutrients speak™ can treat childhood speech delays, including verbal apraxia, a neurological condition involving difficulty coordinating mouth and speech movements;
- b. SpeechNutrients speak™ provides nutritional support of verbal and motor skills;
- c. SpeechNutrients speak™ reduces oxidative stress; and
- d. SpeechNutrients speak™ promotes a healthy inflammatory response.

Among other things, at the times the claims were made, the principal study relied upon by Defendants, *Syndrome of Allergy, Apraxia, and Malabsorption:*

Characterization of a Neurodevelopmental Phenotype that Responds to Omega 3 and Vitamin E Supplementation, led by Dr. Claudia Morris and Dr. Marilyn Agin (“the Morris and Agin Study”), was not a randomized, double-blind, placebo-controlled study, and does not show that the formula in SpeechNutrients speak™ has any effect on childhood speech delays. Further, the authors of the study stated that many of their conclusions are speculative, that there were major limitations in their report, and that further controlled research is warranted in order to determine the effect of the supplements on children with apraxia.

15. Therefore, the representations made in paragraph 13 were, and are, false or misleading, and constitute a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

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COUNT TWO

False and Misleading Representations Regarding Patented Formula

16. Through the means described in Paragraphs 1 through 10, including, but not limited to, the misrepresentations and false and/or misleading statements made in connection with Defendants' advertising and promoting of SpeechNutrients speak™ and attached as Exhibit A through I, Defendants have represented, directly or indirectly, expressly or by implication, that:

a. SpeechNutrients speak™ is a patented formula.

17. In truth and in fact, there is no patent for the formula in SpeechNutrients speak™. Though Dr. Claudia Morris filed a patent application in February 2008 with the U.S. Patent and Trademark Office, the application was rejected in December 2011.

18. Therefore, the representations made in paragraph 16 were, and are, false or misleading, and constitute a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT THREE

False and Misleading Parent Testimonials and Photographs

19. Through the means described in Paragraphs 1 through 10, including, but not limited to, the misrepresentations and false and/or misleading statements made in connection with Defendants' advertising and promoting of SpeechNutrients speak™ and attached as Exhibit A through I, Defendants have represented, directly or indirectly, expressly or by implication, that:

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- a. All twenty-three photographs that accompany the testimonials regarding the effectiveness of SpeechNutrients speak™ posted on NourishLife, LLC's website – www.speechnutrients.com – were sent in by parents of children taking SpeechNutrients speak™.
- b. All thirty-seven testimonials regarding the effectiveness of SpeechNutrients speak™ that currently appear on NourishLife, LLC's website – www.speechnutrients.com – are word-for-word transcriptions of reviews sent in by parents of children taking SpeechNutrients speak™.

20. In truth and in fact, all but one of the photographs that accompany the testimonials regarding the effectiveness of SpeechNutrients speak™ are stock images (i.e., professional photographs that are bought and sold for commercial design purposes). Specifically, twenty-three images that accompany the testimonials regarding the effectiveness of SpeechNutrients speak™ also appear on www.istockphoto.com, a large database of stock images.

21. In truth and in fact, ten of the testimonials regarding the effectiveness of SpeechNutrients speak™ have been edited over time.

22. Therefore, the representations made in paragraph 19 were, and are, false or misleading, and constitute a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

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COUNT FOUR

False and Misleading Representations Regarding Pharmaceutical Grade Omega-3

23. Through the means described in Paragraphs 1 through 10, including, but not limited to, the misrepresentations and false and/or misleading statements made in connection with Defendants' advertising and promoting of SpeechNutrients speak™ and attached as Exhibit A through I, Defendants have represented, directly or indirectly, expressly or by implication, that:

a. SpeechNutrients speak™ contains pharmaceutical grade omega-3.

24. In truth and in fact, the U.S. Food and Drug Administration has not defined what would constitute a pharmaceutical grade fish oil product.

25. Therefore, the representations made in paragraph 23 were, and are, false or misleading, and constitute a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT FIVE

False and Misleading Representations Regarding ApraxiaResearch.com Website

26. Through the means described in Paragraphs 1 through 10, including, but not limited to, the misrepresentations and false and/or misleading statements made in connection with Defendants' advertising and promoting of SpeechNutrients speak™ and attached as Exhibit A through I, Defendants have represented, directly or indirectly, expressly or by implication, that:

a. ApraxiaResearch.com is an independent website devoted to research for apraxia.

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27. In truth and in fact, ApraxiaResearch.com is registered and owned by NourishLife, LLC.

28. Therefore, the representations made in paragraph 26 were, and are, false or misleading, and constitute a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT SIX

Unsubstantiated Claims Regarding Speech Delay Treatment

29. Through the means described in Paragraphs 1 through 10, including, but not limited to, the misrepresentations and false and/or misleading statements made in connection with Defendants' advertising and promoting of SpeechNutrients speak™ and attached as Exhibit A through I, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. SpeechNutrients speak™ can treat childhood speech delays, including verbal apraxia, a neurological condition involving difficulty coordinating mouth and speech movements;
- b. SpeechNutrients speak™ provides nutritional support of verbal and motor skills;
- c. SpeechNutrients speak™ reduces oxidative stress; and
- d. SpeechNutrients speak™ promotes a healthy inflammatory response.

30. Through the means described in Paragraphs 1 through 10, Defendants have represented, expressly or by implication, that they possessed and relied upon a

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reasonable basis that substantiated the representations set forth in Paragraph 28 at the time the representations were made.

31. In truth and in fact, Defendants did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 29 at the time the representations were made.

32. Therefore, the representations set forth in Paragraph 29 were, and are, false or misleading, and constitute a deceptive practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

CONSUMER INJURY

33. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. Based on information and belief, the intake of the excessive levels of vitamin E present in SpeechNutrients speak™ may harm children. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

34. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC Act. This Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the

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disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

(a) Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

(b) Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

(c) Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Dated:

Respectfully submitted,

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