



Three Dietary Supplement Marketers Settle FTC, Maine AG Charges

CogniPrin and FlexiPrin sellers targeted consumers suffering from poor memory, pain

FOR RELEASE

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The final three of nine defendants sued for deceptively marketing dietary supplements will settle charges the FTC and the State of Maine filed in February 2017. The agencies charged the defendants with using deceptively formatted radio infomercials and print ads with fictitious endorsers to pitch products they claimed would improve memory and reduce back and joint pain.

The proposed orders announced today bar [Synergixx, LLC, an ad agency, its principal, Charlie R. Fusco, and Ronald Jahner](#) from engaging in a wide range of marketing practices that have caused financial injury to consumers. The settlement orders announced today are similar to the [orders against the other defendants, which the FTC announced earlier this year](#).

The [FTC and State of Maine charged all nine defendants with making false and misleading claims](#) about the supplements CogniPrin and FlexiPrin. The claims include that CogniPrin: 1) reverses mental decline by 12 years; 2) improves memory by 44 percent; and 3) improves memory in as little as three weeks and is clinically proven to improve memory; and that FlexiPrin: 1) reduces joint and back pain, inflammation, and stiffness in as little as two hours; 2) rebuilds damaged joints and cartilage; and 3) has been clinically proven to reduce the need for medication in 80 percent of users and to reduce morning joint stiffness in all users.

According to the [complaint, Synergixx LLC](#) and Fusco promoted CogniPrin and FlexiPrin through 30-minute radio ads that were deceptively formatted to sound like educational talk shows. The complaint also alleges that Synergixx and Fusco created inbound call scripts that deceptively claimed that consumers could try the supplements “risk-free” with an unconditional 90-day money-back guarantee, without disclosing burdensome requirements for obtaining refunds and making product returns.

The complaint also alleges that the defendants failed to disclose that consumers would have to enroll in an auto-ship continuity plan to qualify for the “risk-free” trial offer, and would have 14 days or less to try the products. It also charges Synergixx and Fusco with failing to make important disclosures when they “up-sold” consumers negative option buying

clubs and discount medical programs with ongoing fees, charging many consumers for poorly disclosed auto-ship continuity plans they did not want.

In addition, Jahner, whom defendants presented as an objective medical expert, was charged with providing endorsements without examining the products or exercising his represented expertise. The defendants also allegedly failed to disclose that he was paid a percentage of FlexiPrin and CogniPrin sales revenues.

The two orders announced today settle the charges against Synergixx, Fusco and Jahner, and bar them from making the false or unsubstantiated health claims challenged in the complaint, require them to have competent and reliable scientific evidence when making health-related claims, and require them to clearly disclose their material connections between product sellers and product endorsers.

The defendants are also barred from misrepresenting the existence or outcome of tests and studies when they promote health products. Additionally, defendants Synergixx and Fusco are barred from employing deceptive marketing practices relating to cancellations, negative-option payment plans, upsold merchandise, and deceptive pricing practices.

The order against Synergixx and Fusco also requires that when they sell products through continuity programs, they must obtain customers' express informed consent prior to enrolling consumers into such plans, including free-trial offers that convert to continuity programs at the end of the trial period. Finally, the order against Synergixx and Fusco imposes a \$6.5 million monetary judgment that is suspended based on their inability to pay.

The Commission vote approving the proposed stipulated orders was 2-0. The FTC filed the proposed orders in the U.S. District Court for the District of Maine. The FTC appreciates the assistance provided by the Maine Office of the Attorney General in bringing and resolving this case.

NOTE: Stipulated final orders have the force of law when approved and signed by a District Court judge.

The Federal Trade Commission works to promote competition, and [protect and educate consumers](#). You can [learn more about consumer topics](#) and file a [consumer complaint online](#) or by calling 1-877-FTC-HELP (382-4357). Like the FTC on [Facebook](#), follow us on [Twitter](#), read our [blogs](#) and [subscribe to press releases](#) for the latest FTC news and resources.

PRESS RELEASE REFERENCE:

[FTC, Maine Attorney General Shut Down Web of Deceptive Supplement Sellers](#)

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