

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

STATE OF IOWA ex rel.)	EQUITY NO. CL 12177
THOMAS J. MILLER)	
ATTORNEY GENERAL OF IOWA)	
)	
Plaintiff,)	
)	
vs.)	CONSENT JUDGMENT
)	PERMANENT INJUNCTION
AUSTRAL EAGLE SERVICES, LTD.,)	AND ORDER FOR
trading as CALEX and)	RESTITUTION
PHARMACAL AMERICANA,)	
)	
and)	
)	
IRWIN DICKSTEIN a/k/a)	
RANDOLPH KLEIN, individually)	
and in his corporate capacity,)	
)	
Defendants.)	

MAR 15 11:53
 CLERK DISTRICT COURT
 CLINTON COUNTY, IOWA

FILED

WHEREAS, the plaintiff, State of Iowa ex rel. Thomas J. Miller, Attorney General of Iowa and defendants Austral Eagle Services, Ltd., and Irwin Dickstein (hereinafter "defendants") have filed a Stipulation and Agreement for Entry of Consent Judgment pursuant to Iowa R. Civ. P. 226 agreeing to entry of this Consent Judgment under the terms and conditions provided for in the Stipulation; and whereas this Court has examined the file in this case and is fully advised in the premises:

FINDINGS OF FACT

1. The plaintiff, State of Iowa ex rel. Thomas J. Miller has authority to initiate this action to seek restitution, costs and injunctive relief to restrain violations of Iowa Code § 714.16 (1987).

2. The Court has jurisdiction over the parties and the subject matter to enter this Consent Judgment, Permanent Injunction and Order for Restitution pursuant to Iowa Code § 714.16(7) (1987).

3. Defendant Austral Eagle Services, Ltd. trading as Calex and Pharmacal Americana is a United Kingdom corporation. The last known address for this defendant is Columbia House, Reid Street, Hamilton, Bermuda.

4. Defendant Irwin Dickstein is the owner and director of Austral Eagle Services, Ltd. trading as Calex and Pharmacal

Americana. Defendants Irwin Dickstein is named in both his individual and corporate capacities.

5. Plaintiff alleges that defendants have caused mass mailings to be sent to consumers. Plaintiff further alleges that said mailings contain numerous deceptions, misrepresentations, false statements and omissions of material fact in violation of the Iowa Consumer Fraud Act, Iowa Code § 714.16 (1987).

6. Defendants deny each and every allegation of the petition which alleges any wrongdoing and deny any and all liability for any violations of the Iowa Consumer Fraud Act or any other law but agree to the entry of this Consent Judgment, Permanent Injunction and Order for Restitution solely for the purpose of settlement.

7. This Judgment shall not be construed as, or be evidence of, an admission by the defendants of any violations of the Iowa Consumer Fraud Act or any other law.

IT IS THEREFORE ORDERED that defendants and their partners, officers, employees, agents, successors and all other persons, corporations and other entities acting in concert or participating with the defendants, who have actual or constructive notice of the Court's injunctions are hereby permanently enjoined from promoting, selling or advertising for sale Neutralizer G.H. or any other product claimed to have an effect in weight reduction in violation of Iowa Code § 714.15 (1987) as amended or from making any of the following representations regarding Neutralizer G.H. or any substantially similar diet product.

- a. That Neutralizer G.H. has eliminated dieting, calorie counting and strenuous exercise.
- b. That Neutralizer G.H. renders fat calorie free.
- c. That medical science has finally isolated the hormones that tell your body whether to be fat or thin.

IT IS FURTHER ORDERED that the Attorney General shall return all checks, money orders or any other payments received in the past or future at 1 PFC Plaza, Camanche, Iowa for Neutralizer G.H., along with a letter in the form annexed as Exhibit A,

explaining the reason for return of the Neutralizer G.H. order.

IT IS FURTHER ORDERED that the Iowa Attorney General shall provide to defendants a complete list of the names and addresses of all consumers who have responded to the defendants' Neutralizer G.H. mailing.

IT IS FURTHER ORDERED that the defendants shall pay \$18,000 to the Iowa Attorney General's Office at the time of filing of this Consent Judgment to cover the States' costs of investigation, attorneys' fees and costs associated with return of checks to consumers.

IT IS FURTHER ORDERED that the court retain jurisdiction of this case for purposes of enforcement of this Consent Judgment.

Dated this 16th day of March, 1988.

L. D. Gunterson

JUDGE, IOWA DISTRICT COURT

Copies sent to the following parties:

- L & W _____
- Ray Johnson _____
- David Brown _____
- _____
- _____
- _____



THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

CONSUMER PROTECTION DIVISION

ADDRESS REPLY TO
HOOVER BLDG., SECOND FLOOR
1300 EAST WALNUT
DES MOINES, IOWA 50319
515 281-8759

Dear Consumer:

You recently responded to a weight loss advertisement from Calex and forwarded your personal check, money order or credit card authorization for Neutralizer G.H. to Pharmacal Americana at one PFC Plaza, Camanche, Iowa.

Our office has concluded that the advertising you responded to contained claims that were inaccurate and that the product was ineffective for weight loss. The company has denied this and believes that its advertising is proper. However, a settlement has been reached with Calex and Pharmacal Americana in which the company has agreed to allow our office to return your payment with this letter.

Sincerely,

A handwritten signature in cursive script that reads "Jackie McCann".

Jackie McCann
Investigator

/sc

