

Tuesday, October 21, 2008

Federal Trade Commission  
Consumer Response Center  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

To Whom It May Concern,

I am filing this complaint with the FTC since "The Bureau of Consumer Protection works to protect consumers against unfair, deceptive, or fraudulent practices in the marketplace."

It is my good faith opinion that Oprah Winfrey and Bob Greene have "violate(d) the law," as it pertains to their advertising practices (among other possible ways) and I am calling my concerns to the attention of the FTC, as explained below.

I opine that they have engaged in:

- "unfair or deceptive advertising and marketing practices that raise health and safety concerns, as well as those that cause economic injury" and
- "fraudulent advertising practices."

These include "deceptive Internet marketing practices that develop in response to public health issues," specifically in the realm of weight loss and likely in response to the oft-reported overweight/obesity epidemic that results in compromised health (the book claims to be a means for people to get "to a healthy weight..." From page 2 of the hardcover edition).

Oprah and Bob consider and promote the advice they provide to be "health" advice for which they receive compensation, directly or indirectly, and promote Bob as an expert qualified to provide health advice (see Exhibits A, B, C and N). Apparently neither he nor Oprah is a health care professional. It seems that his heavily advertised expertise in providing recommendations about health and the treatment of human conditions, e.g., overweight/obesity, comes from the fact that Oprah has chosen him, applying her expertise (whatever that is) in determining who is qualified to offer health advice.

In my opinion, Ms. Winfrey and Mr. Greene have engaged in the following, with reference to the "FTC Guides Concerning Use Of Endorsements And Testimonials In Advertising."

They have offered endorsements/testimonials in relation to a product(s), service(s) or company(ies) and/or as experts (as per Sec. 255.0, *et. seqq.*):

1. that do not reflect the honest opinions, findings, beliefs, or experience of the endorser. (see Exhibits A – D)
  - a. Exhibit D is a composite of Oprah images during the time since the release of their diet book. The contention is that no reasonable person could in good faith conclude that the images Oprah puts out there to sell their diet program (see Exhibits A, B and

- C) by her endorsements, “reflect the honest opinions, findings, beliefs, or experience of the endorser,” as Oprah remains big and fat and appears to have gotten bigger and fatter while she was on the diet she endorses.
2. that contain representations which are deceptive, or could not be substantiated if made directly by the advertiser. (see Exhibits A, B and C vis a vis Exhibit D)
  3. that distort the endorser's experience with the product(s). (see Exhibits A and B vis a vis Exhibit D)
  4. are not possible for the endorser to be a bona fide user of the product at the time the endorsement was given. (see Exhibits A, B and C vis a vis Exhibit D)
    - a. This is not to suggest that it is my opinion that a bona fide user of this diet scheme will succeed at weight loss. I am suggesting that Bob and Oprah claim that bona fide users of this diet will lose weight and that real images of Oprah clearly dispute that claim, despite her averring to following the diet scheme both in the book (see pages xiii – xx of the hardcover edition) and online (see Exhibits A and B), which is why they have resorted to false images and untruthful text, i.e., deceptive endorsements.
  5. in which the advertiser uses an endorsement of an expert or celebrity but has no good reason to believe that the endorser continues to subscribe to the views presented, i.e., that the representations, both in image and text, cannot in good faith be representative of the experience/views of the endorser. (see Exhibits A, B and C vis a vis Exhibit D)
    - a. See also, Exhibit L, which lists appearances by Bob Greene on The Oprah Winfrey Show in 2007 and 2008 (as of October 15, 2008) thus providing multiple opportunities for him to see that Oprah is a clear failure on their diet scheme and that the text and images he/they employs/employ to induce sales are deceptive, false and misleading.
    - b. She and Bob cannot in good faith be considered to subscribe to the views presented in their ads as the discrepancies among Oprah's words and advertising images when compared to real images of Oprah, are too obvious.
    - c. Further, it is clear that the impression they are attempting to convey is of weight loss success as is plain from the falsified images and untruthful text.
  6. in which the advertisement employs an endorsement that does not reflect the experience of the individual or a group of consumers on a central or key attribute of the product or service (see Exhibits A, B and C vis a vis Exhibit D)
    - a. It is Oprah's and Bob's claim that Oprah is a consumer of the diet. (see, e.g., Exhibits A and B)
    - b. It is clear that her experience on a central or key attribute of the product or service (i.e., weight loss) is incompatible with her endorsement.
  7. in which advertisements presenting endorsements by what are represented, directly or by implication, to be “actual consumers” do not utilize actual consumers but a processed digital image. (see Exhibits A, B, C and D)
    - a. Again, this is not to suggest that it is my opinion that a bona fide user of this diet scheme will succeed at weight loss. I am suggesting that Bob and Oprah publicize that she is an “actual consumer” of this diet. She has clearly failed on it and that is why they have resorted to false images and text.
    - b. It is Oprah's and Bob's claim that she effectively consumes between 1600 and 1400 Calories per day. (see Exhibit E) It is virtually a physical impossibility for an “actual consumer” the size of Oprah Winfrey to not only fail to lose weight but gain

- weight (as Oprah apparently has) if the numbers she and Bob claim are true.
8. in which the advertisement represents, directly or by implication, that the endorser is an expert with respect to the endorsement message, but the endorser's qualifications do not in fact give him/her the expertise that he/she is represented as possessing with respect to the endorsement. (see Exhibits A and B)
    - a. Oprah Winfrey moves markets. Her opinion is considered as that of an expert. She is aware of this and uses this power to promote her agenda. (see Exhibit F)
    - b. To the best of my knowledge she has no qualifications (i.e., knowledge, skill, training or experience) to endorse any diet program, especially as she, personally, has never succeeded lastingly pursuing any weight loss scheme. Nor has she the bona fides to either offer health advice or choose who should offer health advice to a believing public.
  9. in which the net impression created by the endorsement is that the advertised product(s) is/are superior to other products with respect to any such feature or features, but the expert did not in fact find such superiority. (see Exhibits A and B and Exhibits J and I)
    - a. Oprah's imprimatur on The Best Life Diet, especially as one who is believed as an expert, suggests its superiority to other diet products. However, Oprah has failed on this one as she has on the other diets she promotes (assuming she tried them before promoting them), e.g., Mehmet Oz's and Michael Roizen's *YOU: On A Diet* and Jorge Cruise's and David Katz's *The 3-Hour Diet*. Her failures on all diets she endorsed, endorses and has tried demonstrate that she has not found any of them superior to other products with respect to any such feature or features (i.e., the ability to result in successful weight loss).
    - b. Bob and Oprah endorse certain food products. (e.g., see pages 157-163 of the hardcover edition for what is claimed to be Oprah's 1700 Calories per day eating program using brand name foods and Exhibit J). Using the Barilla Plus pasta as an example, Exhibit K, a WebMD article comparing the nutritional contents of various pastas indicates that the Barilla product is not significantly, if at all, superior to the others.
      - i. It is further clear that the endorsed products cannot be found superior to others as Oprah failed to lose weight eating these products and, in fact, appears heavier since she has admittedly been on the Best Life Diet, whose "primary goal...is to help you lose weight." (quoted from page 6 of the hardcover edition).
  10. in which there exists a connection(s) between the endorser and the seller(s) of the advertised product(s) which might materially affect the weight or credibility of the endorsement(s) (including connections not reasonably expected by the audience) however, such connection(s) was/were not fully disclosed (see Exhibits G, H, I, J and K)
    - a. Oprah reportedly received over \$1.5 million per page of her Foreword to the book suggesting a connection between her and the "product that might materially affect the weight or credibility of the endorsement." This is all the more likely as it appears she has lost no weight and even gained weight since she has been using the product she continues to endorse presently and using faked images in the doing. (see Exhibits A – D and I)
    - b. It is possible that she received or receives remuneration either directly or indirectly for naming foods by brand which she explicitly claims to eat. (e.g., see pages 157-163

of the hardcover edition for what is claimed to be Oprah's eating program using brand name foods and Exhibit J)

c. It is a virtual certainty that by promoting people like Bob Greene as experts and then offering them additional media outlets and opportunities (see "Update" on Exhibit G mentioning that Bob will host an XM radio show), Oprah generates money for herself.

d. As the Barilla product is seemingly not superior to others, there is the possibility that Bob and/or Oprah received undisclosed payments to promote products which they claim to "believe meet the needs of anyone trying to lose weight..." (from page 5 of the hardcover edition), i.e., they may have received compensation to become "believers." Bob, in particular, claims that he "give(s) [his] blessing to many different products when I believe the companies behind them have found that all-important balance between good taste and good health." It is possible that there is a price for Bob's (and Oprah's) blessings that remains undisclosed.

e. Oprah and Bob invest in real estate together. (see Exhibits G and H) Bob reportedly also acts as her "property manager." Income generated by diet book, program and product sales may be used to fund more joint real estate transactions – a relationship which might materially affect the weight or credibility of the endorsement(s), if disclosed to the public.

Further, it is my opinion, that Ms. Winfrey and Mr. Greene have engaged in the following activities, with reference to the "FTC Policy Statement On Deception" dated October 14, 1983, and currently available at the FTC website:

1. unfair or deceptive acts or practices, specifically false ads likely to induce the purchase of certain foods, programs, products and services. (see Exhibits A – E and J – L)
2. are responsible for representation(s), omission(s) or practice(s) that is/are likely to mislead the consumer. (see Exhibits A – L)
3. that a consumer acting reasonably in the circumstances would be induced to purchase the food, program, product or services promoted. (see Exhibits A – E and J – M)
4. that the representation(s), omission(s) or practice(s) are "material" and likely to affect the consumer's conduct or decision with regard to a product or service. (see Exhibits A – L)

In support of the above, the following are offered:

1. Exhibit A – the home page of Bob Greene's TheBestLife.com website
2. Exhibit B – the linked-to page from Oprah Winfrey's testimonial/endorsement on the home page (Exhibit A)
3. Exhibit C – Additional advertising images from the Internet
4. Exhibit D – Images of Oprah Winfrey covering the period from around the time their book was released, December 26, 2006, until just about the present (clockwise from least to most recent from gettyimages.com)
5. Exhibit E – The claim of Oprah's caloric intake/diet from the Best Life Diet book and her exercise claim
6. Exhibit F – Acknowledgement by Oprah Winfrey that she has an agenda and that people follow her

7. Exhibit G – About.com article about Oprah Winfrey’s and Bob Greene’s real estate business
8. Exhibit H – Maui News article about Oprah Winfrey and Bob Greene’s real estate business dealings from the website of Senator J. Kalani English
9. Exhibit I – Article about Oprah’s payment for her Foreword to The Best Life Diet book
10. Exhibit J – Product endorsement page from TheBestLife.com
11. Exhibit K – Article from WebMD suggesting that the nutritional content of an officially endorsed Best Life Diet product may be no better than unendorsed products
12. Exhibit L – Archive listing of appearances by Bob Greene on The Oprah Winfrey Show in 2007 and 2008 (44 total as of October 15, 2008)
13. Exhibit M – excerpt from Bob Greene’s and Oprah Winfrey’s Best Life Diet book, p. 28 of the hardcover edition
14. Exhibit N – Advertising of Bob Greene as a health expert and qualified to offer health advice

As will be seen in Exhibits A, B and M, there is much made of “truth” and “truthfulness” by both Mr. Greene and Ms. Winfrey. Likewise, they speak of accepting responsibility for one’s actions. In fact, “truthfulness” and “responsibility” appear in the General Index on pages 272 and 271, respectively, in the hardcover edition.

I submit that in the FTC’s taking of its responsibility it has the opportunity to not only protect consumers from what I contend (and what I posit a reasonable consumer would contend if he/she were aware of them) are clearly false and deceptive advertising practices, but also to provide Ms. Winfrey and Mr. Greene with opportunities to accept responsibility for and the consequences of their dishonesty and untruthfulness.

This is no more than they ask of those they deceived, those they continue to deceive and those they will deceive until FTC stops them, in my opinion.

Thank you.



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Michael Applebaum  
(contact info provided to FTC)



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**FREE Best Life Diet Profile**

Weight  lbs    Age

Target Weight  lbs    Height  ft  in

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THE BEST LIFE SEAL  
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**Best Life Foreword - by Oprah Winfrey**

Another thing I know for sure now is that you've got to ask yourself, What kind of life do *you* want and how close are you to living it? You cannot ever live the life of your dreams without coming face to face with the truth. Every unwanted pound creates another layer of lies. It's only when you peel back those layers that you will be set free: Free to work out, free to eat responsibly, free to live the life you want and deserve to live. Tell the truth and you'll learn to eat to satisfy your physical hunger and stop burying your hopes and dreams beneath layers of fat. [more](#)



**Books & Products**

**SHOP ONLINE** & stock up on your collection of Bob Greene books & strength training goodies!



**Best Life Features**

- ▶ Meal Plans
- ▶ Cardio Workouts
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### Featured Success

#### Excerpt from *The Best Life Diet* - by Oprah Winfrey

Another thing I know for sure now is that you've got to ask yourself, What kind of life do you want and how close are you to living it? You cannot ever live the life of your dreams without coming face to face with the truth. Every unwanted pound creates another layer of lies. It's only when you peel back those layers that you will be set free: Free to work out, free to eat responsibly, free to live the life you want and deserve to live. Tell the truth and you'll learn to eat to satisfy your physical hunger and stop burying your hopes and dreams beneath layers of fat.



A young woman on my show who had been struggling with her weight once said to me she'd learned to challenge the pain and not the peanut butter. I thought that was brilliant. Once you work on what's eating you, you won't want to eat so much.

The Best Life Diet plan on the following pages mirrors the way I eat and live now. There is no secret to losing weight. It's simple physics; what

you put in vs. what you put out.

I lost weight in stages. First I became active, and I still work out even though I really hate it, but I know if I don't I will end up 200 pounds again. Then I started working on my eating. I stopped eating past 7:30 at night. When Bob told me it would make a big difference in my weight, I resisted. I thought it was going to be too hard. But I was surprised to find that it wasn't; even more surprised when it turned out to be one of the most effective changes I made.

I've now taken most of the bad foods out of my diet and replaced them with good. I eat smaller portions and I eat healthy foods as a way of life, not a diet to go on and off. And I'm always working on getting better. My diet is a work in progress.

### Success Stories

**You too could become a Best Life Success Story.** As a member, you will have a chance to submit your progress, as well as your personal story, for review by Bob and the Best Life Team. Members with the most compelling life changes will be selected to share their tale with members, expose before and after photos and inspire others to start living The Best Life.

**Sign Up For The Program Today! ▶**

### FREE Best Life Diet Profile

Weight  lbs Age

Target Weight  lbs Height  ft  in

Gender  M  F Email

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**Exhibit C** – Additional advertising images from the Internet



**Exhibit D** – Images of Oprah Winfrey covering the period from around the time their book was released, December 26, 2006, until just about the present.

**Note:**

The actual images sent to the FTC have not been reproduced.

Here are links to some representative images of Oprah taken between December 26, 2006 (the release date of the book) and October 21, 2008:

<http://cache4.asset-cache.net/xt/82950121.jpg?v=1&g=editorial14&s=1>

<http://cache4.asset-cache.net/xt/78876287.jpg?v=1&g=editorial8&s=1>

<http://cache1.asset-cache.net/xt/78870376.jpg?v=1&g=editorial8&s=1>

<http://cache1.asset-cache.net/xt/83353681.jpg?v=1&g=editorial14&s=1>

**Exhibit E** – Excerpts from Oprah and Bob’s Best Life Diet book documenting Oprah’s alleged caloric intake (found on page 157 of the hardcover edition) and claim of working out also (found on page xvii of the hardcover edition):

“When you read through Oprah’s food diary, you’ll notice tight away that her diet is healthful but far from dull. She averages about 1,700 well-balanced calories daily...”

“The Best Life Diet plan on the following pages mirrors the way I eat and live now...I lost weight in stages. First I became active: I still work out even though I really hate it...”

“Exercise” on the Best Life Diet plan apparently burns between 100 and 300 Calories per day (found on pages 42 – 46 and 116 – 117 of the hardcover edition). This makes Oprah’s effective daily caloric intake, per her admission between, between 1600 and 1400 Calories. (“1700” – 100 to 300 = 1600 – 1400)

**Exhibit F** – has been edited for space considerations. The complete article is available at:  
<http://www.cnn.com/US/9802/26/oprah.verdict/>

**Note:**

The entirety of the article sent to the FTC has not been reproduced. The complete article is available at the link above.

**Oprah: 'Free speech rocks'**

Texas cattlemen lose defamation suit

February 26, 1998

Web posted at: 3:07 p.m. EST (2007 GMT)

AMARILLO, Texas (CNN) -- "Free speech not only lives, it rocks," a beaming Oprah Winfrey said Thursday after jurors rejected a multimillion-dollar defamation lawsuit by Texas cattlemen. The Amarillo, Texas, jury decided the television talk show host did not maliciously harm the U.S. beef industry in a 1996 program on mad cow disease.

Plaintiffs who say the show caused a cattle market plunge that caused them to lose \$11 million said they planned to appeal, and were pleased if the trial caused television talk shows to become more "responsible."...

Here's a sampling of additional comments from Winfrey, Engler and others following the verdict:

Oprah Winfrey

"I will continue to use my voice. I believed from the beginning that (the lawsuit) was an attempt to muzzle my voice, and I come from a people who have struggled and died in order to have a voice in this country. And I refused to be muzzled."

"(The lawsuit) will not change the way I operate. It has made me even more fervent in my desire and intention to bring information and enlightenment and encourage people in ways that I see fit."

# Exhibit G – About.com article about Oprah Winfrey’s and Bob Greene’s real estate business

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Advertisement

# About: Chicago

## Cities & Towns

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## Bob Greene - Oprah's personal trainer

Bob Greene, Oprah's personal trainer, is not as well known as Dr. Phil, but then Dr. Phil is not really an "Oprah friend" as much as a business partner. Bob Greene, on the other hand, seems to be an Oprah "business partner/employee/friend" all rolled into one.

Like Dr. Phil, who managed to morph his appearances in *The Oprah Winfrey Show* into an incredibly successful show of his own, Bob Greene, too, has turned his friendship with Oprah into fame.

Here's how:

- Bob Greene's first exercise and diet book, *Make the Connection*, listed Oprah as co-author (Oprah provided the "inspirational thoughts"). It was a great move for both. Oprah became an author and Bob Greene got the kind of book promotion he would never have received anywhere else.
- Like with her other friends, the Oprah.com site has lots of pages on Bob Greene. There's diet and exercise advice from Bob, and his other books, such as *Bob Greene's Total Body Make Over* are prominently promoted there.
- And that's not all. Like with Gayle King, Bob Greene has been brought into the "Oprah Orbit." He went from being "Oprah's personal trainer" to being "Oprah's property manager," so in addition to his book revenue income, he is part of the Oprah Empire.

Why is Bob Greene Oprah's property manager? Well, for one thing, it was Bob Greene who first introduced Oprah to Hawaii. Bob had been going to Hawaii for fifteen years and scouting places where to buy land. When he finally found a place he liked, he convinced Oprah to buy a home there. (For an online tour of Oprah's Hawaiian home, go here: [Oprah's Hawaiian Home](#).)

Still not convinced Bob Greene and Oprah are good friends? Even though Oprah has never confirmed this, newspaper accounts say that Bob Greene and Oprah have bought some expensive Hawaiian land together and have plans to develop it for commercial use. To me, that clinches it. I really don't think Oprah would go into real estate deals with someone she didn't trust and feel close to.

**UPDATE:** On Sep 13, 2006, Harpo Radio, Inc. sent out a press release letting people know that Bob Greene was joining Oprah Winfrey as an on-air host of XM Satellite Radio's *Oprah & Friends* show, which was set to debut September 25, 2006, on XM channel 156.

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**Exhibit H** – Maui News article about Oprah Winfrey and Bob Greene’s real estate business dealings from the website of Senator J. Kalani English

### **Oprah, trainer buy land in Hana**

They purchase ranch land, plan to build 3 houses near Hamoa Bay and at Lehoula

The Maui News  
April 27, 2002

By HARRY EAGAR  
Staff Writer

HANA — Television host Oprah Winfrey and her friend and trainer Bob Greene are buying seven shoreline lots from Hana Ranch in the vicinity of Hamoa Bay and at Lehoula.

Bill Newsom, the trust administrator for one of the ranch’s principal owners, the Gordon P. Getty Family Trust, said Winfrey and Greene are just the kind of buyers the ranch owners had hoped to find — willing to put conservation issues first and to keep development low key.

They are planning only three houses. Two on two of six lots near Hamoa Beach, and one on a 102-acre lot at Lehoula, an open pasture area directly across Hana Highway from ranch headquarters.

Gideon Kaufman, legal representative to Winfrey, said it will be some time before any construction begins.

The house Winfrey plans for herself at Lehoula will be built so it does not interfere with the view plane to the ocean and Alau Island, a picturesque sea stack about 300 yards offshore.

Maui officials said they welcomed the sale to Winfrey, based on the assurances that she did not plan major developments on the properties.

“They told me that they want to preserve as much open space as they could. One house on 102 acres is a commitment to protecting the views,” Mayor James “Kimo” Apana said.

State Sen. J. Kalani English, whose family home is at Hamoa, was enthusiastic but also curious how the new owners view the Hana community.

“We’re very pleased that someone of her caliber and sensitivity to people has made a commitment to build a residence in Hamoa village,” he said.

He said he understood the buyers understood the cultural significance of the area, including Lehoula, which he said is the site of the first Hawaiian fishpond and is where the technology of fishponds was perfected.

Since Winfrey's representatives have assured him that she will not only maintain view planes but provide for traditional fishing access to the shoreline, "this the best-case scenario," English said.

But he also offered a challenge to Winfrey and Greene, who has been Winfrey's personal trainer:

"We'd like to invite her to meet with the community. We'll have a whole bunch of local food. Will she eat opihi? Will she eat raw fish? We'll try her out," he said.

On one of the six small lots on the Mokae peninsula at Hamoa, Greene plans a house for himself, and Winfrey plans a guesthouse on another. The other four lots, including the one that features the disused Mokae Landing, will be left empty, Kaufman and Greene said.

The new owners have assured the sellers that traditional shoreline and fishing access will be maintained. Also, the ranch will continue to graze cattle at Lehoula.

A letter from Newsom and Dan Omer, a Hana resident and chief operating officer for Hana Ranch Partners, was mailed to every post office box holder in Hana Friday explaining the deal.

The ranch partners, who bought the 4,500-acre ranch in January 2001, took pains at the time to assure the community that they had no interest in carving up the property. "We're not interested in pursuing golf in Hana," Newsom said at the time.

On the other hand, they had to come up with a plan to justify the \$24 million price tag. That plan was, and is, to provide for construction of no more than 30 homes within the ranch.

A master plan to determine how to do this was just under way last year when Winfrey and Greene came on the scene.

That work was suspended while the sale of the seven lots was negotiated. Omer says the master plan work will now resume.

At first, Hana Ranch Partners offered one rocky shoreline lot at Mokae for sale to gain some working capital for the ranch, whose cattle operation needs investment.

Greene, who trained Winfrey for a marathon race, says he has been visiting Hana for nearly six years and wanted to buy property there. However, he was hesitant to buy the one Hamoa lot for sale, because he was not sure what would happen on the rest of the small, rocky point of land.

But when Winfrey expressed interest, the ranch entered discussions to sell more land.

"They (Winfrey and Greene) were of similar mind as far as conservation and the environment were concerned," says Newsom.

On one side of the six Hamoa lots is Hamoa Beach and on the other the family land of Bill John Medeiros. The buyers and the sellers talked to the Medeiros family and assured them that the sale would not interfere with their beach access.

Survey showed that a wall used by the Medeiroses encroached on the six lots, but the buyers are not objecting to that.

Medeiros could not be contacted Friday.

North of the Hamoa peninsula, there is a half-mile of rocky coastline that includes Ka Iwi O Pele cinder cone and Lehoula Beach, which is the 102-acre lot being purchased by Winfrey for a house for herself.

According to Kaufman, she has agreed that the design will be nestled in a dell so that it will not be very noticeable from Hana Highway.

Archaeological surveys have been done, says Kaufman. On Mokae Point, the significant artifact is the old landing.

At Lehoula there are some minor sites, such as old walls, but the prime cultural feature is Ka Iwi O Pele, the bones of Pele, a cinder cone.

According to "Place Names of Hawaii," this is where Kamapuaa ravished Pele and where her bones were left after her battle with her sister Namakaokahai.

According to Kaufman, there will be no building on the cinder cone.

The new owners "want to be good neighbors," he said.

On Friday morning, Newsom, Omer, Greene and Kaufman held meetings with Bob Carroll, the Hana residency member of the County Council, and with Mayor James "Kimo" Apana.

They also spoke by telephone with state Sens. J. Kalani English (who has an interest in land nearby) and Avery Chumbley, who represents Hana.

Given the rocky relations previous ranch owners have had with the community, Hana Ranch Partners was stepping carefully in announcing this sale — particularly since an "ill-founded" rumor began that the ranch was selling the land at Makaalae.

Omer said the partners want to notify the community of steps they are taking. He said the rumor began because a real estate agency handling other Hana properties used an aerial photo of the Makaalae land in its sale brochure.

"We are not selling Makaalae," he said, which he described as "the jewel" of the ranch's remaining shore property.

The partners are in discussion with Winfrey for one additional parcel (not identified), but “no other ranch properties are on the market.”

Once the sale to Winfrey and Greene is completed, the ranch has two priorities to accomplish this year, Omer and Newsom said.

One is to transfer acreage for affordable housing to an entity that would develop the housing. The second is to work out how to create the conservation easements that Hana Ranch Partners wants to permanently protect the open spaces of the ranch.

Omer’s other task has been to try to bring the cattle ranching operation closer to profitability. Although ranching has not been profitable on Maui in recent years, Newsom says the plan is to keep running cattle indefinitely.

He says the land sale, larger than originally contemplated, was “a big relief” to the partners because it reduced the large carrying costs of owning unremunerative property.

Greene, a physiologist, says he is no longer Winfrey’s daily trainer, since he now lives in California and Florida, but they have been friends since 1992 when he became her personal trainer. They are co-authors of a fitness book, “Make the Connection.”

He said he also has worked as a trainer and consultant with a number of professional athletes in Florida.

**Exhibit I** – Article referencing Oprah’s payment for her Foreword to The Best Life Diet book.  
From: <http://www.guardian.co.uk/world/2006/may/22/books.media>

## **Oprah Winfrey book deal tops Clinton's \$12m**

Monday May 22 2006

Move over, Bill Clinton, your moment in the spotlight has ended. The former president's record advance of \$12m (£6.4m) for his autobiography has been eclipsed by the chatshow host Oprah Winfrey, who has signed a deal with the publisher Simon & Schuster for a book about keeping weight under control.

The deal, announced at the annual Book Expo America in Washington, is claimed to be the biggest signed for a non-fiction work, though the amount was not disclosed. Winfrey now assumes her place above Mr Clinton and the former Federal Reserve chairman Alan Greenspan, who was paid \$8.5m for his book.

The book, to be published in the new year, will be co-written with Winfrey's personal fitness trainer, Bob Greene, who frequently appears on her TV programme and has signed a deal with McDonald's to promote its healthy meal campaign. Greene is already a published author, with books including Bob Greene's Total Body Makeover and The Get with the Program! Guide to Good Eating.

Winfrey, too, is renowned for her literary endeavours. Her book club is credited with boosting reading and book sales, and her recommendations can make or break a book in the market. But her efforts have met some controversy: she endorsed and then withdrew her support for James Frey, author of the now discredited memoir A Million Little Pieces.

The deal comes at a time of gloom for US book publishers. Amid claims of plagiarism and fabrication, sales have fallen. One report released last week showed there were more new book sales in the UK last year than in the US.

**Exhibit J** – Product endorsement page from TheBestLife.com. Portions excerpted - complete brands listing and Barilla product listing.

**OPRAH & BOB'S**

**BESTLIFE**

**CHALLENGE**

**2008**




PHOTO: MATTHEW ROLSTON AND REGGIE CASAGRANDE

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MAKE THE COMMITMENT


best life partners

**If you've been to the supermarket lately**, you've probably spotted the Best Life seal on cereals, soy milk, and other foods; even on fresh grapefruit and mushrooms. Foods carrying the seal fit right into the Best Life way of eating. They contain one or more of the following nutritious ingredients: whole grains, healthy fats, fiber, vitamins, minerals, phytonutrients, and other essential nutrients. **Some, like the soups, Yoplait Yogurt, and Slim-Fast® shakes, have been shown to aid in weight loss.** All foods carrying the seal are readily available in supermarkets throughout the country.

The companies that offer these products have shown a commitment to improving the nutritional profile of their products. Here are their products that carry the Best Life seal of approval:

Choose a brand to view related products.

<a href="#">8th Continent Soy Beverages</a> <a href="#">Barilla PLUS Pasta</a> <a href="#">Barilla Whole Grain Pasta</a> <a href="#">Barilla Pasta Sauce</a> <a href="#">Bertolli® Olive Oil</a> <a href="#">Better 'n Eggs</a> <a href="#">Cascadian Farm Organic</a> <a href="#">Cheerios (cereal)</a> <a href="#">Chex (cereal)</a> <a href="#">Columbo Yogurt</a>	<a href="#">Edy's Fruit bars</a> <a href="#">Fiber One Bars</a> <a href="#">Fiber One (cereal)</a> <a href="#">Flatout Flatbread</a> <a href="#">Florida Citrus</a> <a href="#">Green Giant Frozen Vegetables</a> <a href="#">Green Giant Canned Vegetables</a> <a href="#">Hellmann's®</a> <a href="#">Lean Cuisine</a> <a href="#">Lean Cuisine</a>	<a href="#">Lipton® Tea</a> <a href="#">Muir Glen Organic</a> <a href="#">Mushroom Council</a> <a href="#">Nature Valley</a> <a href="#">Oatmeal Crisp</a> <a href="#">One-A-Day Women's</a> <a href="#">One-A-Day Men's Health Formula</a> <a href="#">One-A-Day 50 Plus</a> <a href="#">Pop Secret Microwave Popcorn</a> <a href="#">Progresso Soups</a>	<a href="#">Progresso Foods</a> <a href="#">Skrinnv Cow</a> <a href="#">Slim-Fast®</a> <a href="#">Smart Balance</a> <a href="#">Sportline</a> <a href="#">Total (cereal)</a> <a href="#">Wasa Brands</a> <a href="#">Wheaties (cereal)</a> <a href="#">Wishbone® Spritzers</a> <a href="#">Yoplait</a>
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▲ Top

Pasta

- Barilla Plus

Sauces with 500 mg sodium or less per half cup

- Tomato and Basil Sauce
- Sweet Pepper and Garlic Sauce
- Three Cheese Sauce

**Exhibit K** – Article from WebMD suggesting that the nutritional content of an officially endorsed Best Life Diet product may be no better than unendorsed products

Article Link: <http://www.webmd.com/food-recipes/features/healthier-bowl-pasta?page=2>

**Note:**

The entirety of the article sent to the FTC has not been reproduced. The complete article is available at the link above.

**A Healthier Bowl of Pasta**

Whole-grain and higher-fiber pastas are healthier. But how do they taste?

By Elaine Magee, MPH, RD  
WebMD Weight Loss Clinic - Expert Column

Reviewed by Kathleen M. Zelman, MPH, RD, LD

It's brown, and it sometimes feels like it's biting you back when you bite into it. It comes in many shapes and types. It can single-handedly boost the fiber and nutrients in any meal that features it. It's whole-grain or high-fiber pasta, and it's coming to a supermarket near you (if it's not there already)!...

**Comparing the Healthier Pastas**

Most of the whole-wheat pastas I found featured whole durum wheat flour, which is the same as saying "whole semolina flour." Apparently, "semolina" is another word for "coarsely ground durum wheat." You'll probably only come across this type of wheat when reading pasta labels. Durum wheat is thought to be the best wheat for pasta-making, thanks to its higher protein and gluten content (gluten is a type of protein in wheat that helps give baked products structure)...

Which healthier pasta is highest in fiber or protein, and which brands boost your plant omega-3s as a bonus? Here's a table to help you compare (fiber, protein and fat are measured in grams).

<b>Pasta (2 ounces dry)</b>	<b>Calories</b>	<b>Fiber</b>	<b>Protein</b>	<b>Fat</b>
Barilla Plus Spaghetti*	210	4 g	10 g	2 g
Westbrae Natural Organic Whole Wheat Lasagna	210	6 g	8 g	1.5 g
365 Organic Whole Wheat Shells (from <a href="#">Whole Foods</a> )	210	5 g	7 g	1 g

Lifestream Organic Whole Grain & Flax Linguini*	208	8 g	9 g	3.5 g
Trader Joe's Organic Whole Wheat Rotelle Pasta	210	5 g	8 g	1.5 g

\* Barilla Plus Spaghetti contains 0.2 g plant omega-3s. Lifestream Organic Whole Grain & Flax Linguini contains 0.7 g plant omega-3s.

**Exhibit L** – Archive listing of appearances by Bob Greene on The Oprah Winfrey Show in 2007 and 2008 (44 total as of October 15, 2008)

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# The Oprah Winfrey Show

THE OPRAH WINFREY SHOW

- [BE ON THE SHOW](#)
- [AUDIENCE RESERVATIONS](#)
- [LOCAL LISTINGS](#)
- [OPRAH EN ESPAÑOL](#)

Search Show Archive

By Month:

By Year:



## Show Archive

Your result for bob greene in 2007. Search the Show Archive again:

By Month:  By Year:

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Items per page

### Living Your Best Life

Hear from women that tried Bob Greene's Best Life Diet.

### The Best Life Diet Seal

Best Life Diet-approved products must meet Bob Greene's rigorous standards. What makes the cut?

### Extraordinary Weddings

Master party planner Colin Cowie is the man to call if you want to have a good time and the fairy tale wedding of your dreams. He shares some of his favorites with Oprah.

### The Truth About Food with Dr. Oz and Bob Greene

It's a side of Dr. Oz you've never seen. Then, how to eat more and still lose weight. Plus, meet a woman who lost nearly 100 pounds with Bob Greene!

### The Best Life Challenge Weigh In

Bob Greene says if you're used to fad diets, his Best Life Diet may seem slow. But that's because it's a realistic way to lose weight and keep it off.


### Greene's Dream Team

Thousands shared their struggles with Bob Greene, but only six were chosen to participate in the Best Life Weight Loss Challenge.

### Bob Greene's Best Life Diet

Bob Greene is back with big news! It's his brand-new, easy-to-follow Best Life Diet.

### Bob Greene's House Call

Bob Greene surprises a Best Life challenger at home.  1:35

### Weight Loss All-Stars

The most jaw-dropping weight loss stories that Oprah's ever had!

### The Final Weigh-In

The original six people who were chosen for Bob Greene's Best Life Weight Loss Challenge are back for their final weigh-in.

### Behind the Scenes with Denzel, Forest, Paula and More

Get a special sneak peak of what happens when cameras aren't rolling.

### Behind the Scenes with Dr. Oz, Justin, Reba and Kelly

Behind the Scenes of The Oprah Winfrey Show before tapings with Dr. Oz, Justin Timberlake, Reba McEntire, Kelly Clarkson and more!

### Oprah's Favorite Things for Summer

Oprah shares her favorite summer things.

### The Stylemakers' Must-Haves

At home with Cindy Crawford and Rande Gerber, Ivanka Trump, Rachel Roy, and Keisha Whitaker, they reveal the things they can't live without.

### The Stylemakers' Must-Haves

At home with Cindy Crawford and Rande Gerber, Ivanka Trump, Rachel Roy, and Keisha Whitaker, they reveal the things they can't live without.

### Dreams Come True

Home and Garden Television announces the winner of its Dream Home Giveaway.

### To Iraq and Back

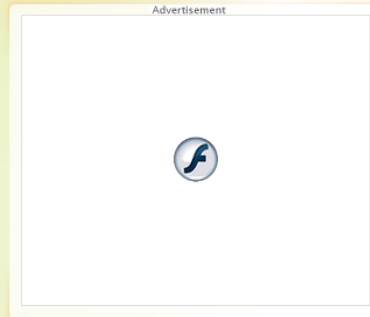
In January 2006, ABC anchor Bob Woodruff's life took an explosive turn while on assignment in Iraq.

### Forgiveness in Action

## Be on the Show

- [Ask Suze Orman... Can I Afford It?](#)
- [Looking for the MESSIEST ROOMS in America!](#)
- [REUNION: Looking for a Long-Lost Love, Family Memb](#)
- [Ask Dr. Oz anything!](#)
- [NEED HELP EXPLAINING MONEY PROBLEMS TO YOUR KIDS?](#)
- [Do you have an embarrassing medical problem?](#)

### Be on The Oprah Winfrey Show





# The Oprah Winfrey Show

## THE OPRAH WINFREY SHOW

### BE ON THE SHOW

### AUDIENCE RESERVATIONS

### LOCAL LISTINGS

### OPRAH EN ESPAÑOL

Search Show Archive

By Month:

By Year:

GO



## Show Archive

Your result for bob greene in 2008. Search the Show Archive again:

By Month:  By Year:  GO

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Items per page

### Declutter Your Home and Your Diet

Organizational expert Peter Walsh says there is a definite connection between the clutter in your house and the extra weight on your body.

### Living a Healthier Lifestyle

Oprah and Bob Greene's Best Life Challenge. They're taking on the fattest state in the country!

### Behind the Scenes with Bob Greene, Marion Jones and More

Get a special sneak peak of what happens when cameras aren't rolling.

### Hall of Fame Guests: Where Are They Now?

From the pregnant man to Tom Cruise's biggest fan, Oprah's checking in on some of her most memorable guests! See how their lives have changed.

### Oprah and Bob's Best Life Challenge

Oprah and Bob Greene's Best Life Challenge. They're taking on the fattest state in the country!

### Behind the Scenes with Vera Wang, Halle Berry and More

Get a special sneak peak of what happens when cameras aren't rolling.

### Behind the Scenes

Audience members cheer as Oprah enters the studio.

### Oprah, Cher and Tina Turner at Caesars Palace in Las Vegas

The Oprah Show travels to Las Vegas for an unforgettable visit with legendary superstars Cher and Tina Turner at Caesars Palace.

### Dr. Oz Reports on the Differences Between Men and Women

Over 170 women, over 170 men, and Dr. has answers for everyone. Hair transplants, heart attacks and the sex question no one dared to ask in person!

### Body Image Makeovers

Carson Kressley helps women learn to love their bodies on the show *How to Look Good Naked*.

### The Who's Who of Comedy

The Oprah Show set has been transformed into Dr. Seuss's whimsical land of Whoville to help the stars of *Horton Hears a Who*, Jim Carrey, Carol Burnett and Steve Carell, feel right at home.

### The Cast of The Mary Tyler Moore Show Reunites

It's a dream come true for Oprah and a reunion for the history books! Then, Mary Tyler Moore has another surprise for Oprah!

### Tom Cruise's Greatest Hits

It's been 25 years since *Risky Business*. We're celebrating Tom Cruise's work on the big screen!

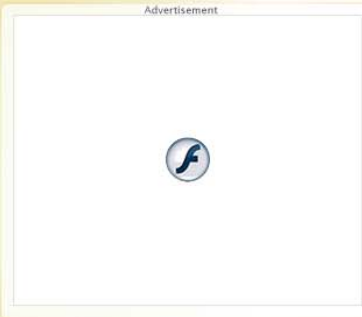
### The Dream Lives: A Martin Luther King Day Special: Special T

Special thanks to the organizations, historical resources and people who made this show possible.

## Be on the Show

- Ask Suze Orman... Can I Afford It? ▶
- Looking for the MESSIEST ROOMS in America! ▶
- REUNION: Looking for a Long-Lost Love, Family Memb ▶
- Ask Dr. Oz anything! ▶
- NEED HELP EXPLAINING MONEY PROBLEMS TO YOUR KIDS? ▶
- Do you have an embarrassing medical problem? ▶

### Be on The Oprah Winfrey Show



**Exhibit M** – excerpt from Bob Greene’s and Oprah Winfrey’s Best Life Diet book, p. 28 of the hardcover edition:

### TAKING STEPS TO CHANGE YOUR LIFE

Answering the questions in the previous section is just the first step that will help you change any self-destructive habits. In *Total Body Makeover*, I devoted a great deal of space to the four defining principles that I believe lead to success in any endeavor, including weight loss. Truthfulness is one of them. It’s crucial to take the blinders off and see who you really are, why you do the things you do, and what’s really going on in your life. Admit your weaknesses and do what you need to do to change them.

The other three principles are responsibility, commitment and inner strength. Taking responsibility means that you stop being a victim and laying the blame for the things you don’t like about your life on someone or something else. And that goes for things both past and present. Life isn’t free of challenges and adversity, and maybe you have had more than your fair share; but *how* you react to events is within your control. Taking responsibility means being willing to take the reins of change. It’s only going to happen if *you* make it happen...

Practicing the principles of honesty, responsibility, commitment, and inner strength are going to help you with every aspect of this program...

**Exhibit N** – Advertising of Bob Greene as a health expert and qualified to offer health advice (images from <http://www.oprah.com/subtopic/health/weightloss> and <http://www.oprah.com/contributor/health/bobgreene>)

The screenshot shows the Oprah.com website interface. At the top, the 'OPRAH.COM' logo is visible, along with navigation links for TV & FILMS, MAGAZINES, AUDIO, ONLINE NETWORKS, VIDEO CLUB, and STORE. A search bar is located on the right side of the header. Below the header, the 'Health' section is prominently displayed. On the left, a vertical menu lists various health topics: HEALTH, WELLNESS AND PREVENTION, WEIGHT LOSS, EXERCISE, NUTRITION, DISEASES, WOMEN'S HEALTH, MEN'S HEALTH, DR. WENDETT OZ, BOB GREENE, and DR. RATZ. The main content area features a large image of Bob Greene, a man in a black jacket, sitting in a chair. To his right, the article title 'The Best Life Challenge' is displayed, followed by a sub-headline 'YOU WANTED THE TRUTH AND...'. Below the title, there are several bullet points and a 'Sign Up Today' button. To the right of the main article, there are two smaller articles: 'Live Younger' and 'Live to 100!'. Below the main article, there is a section titled 'More in Weight Loss' with several links to related content. At the bottom of the page, there is a 'Most Popular' section and a quote from Bob Greene: 'You need to increase the workload and—most important—the pace. [You can] methodically break through each plateau by increasing how fast you move.' The footer contains copyright information for Huggo Products, Inc. and Oprah Winfrey, dated 2005.



# Health

## HEALTH

- WELLNESS AND PREVENTION
- WEIGHT LOSS
- EXERCISE
- NUTRITION
- DISEASES
- WOMEN'S HEALTH
- MEN'S HEALTH

## DR. MEHMET OZ

## BOB GREENE

## DR. KATZ

## Books

(1 of 2)

*The Best Life Diet*



By Bob Greene



## Bob Greene

Bob Greene is an exercise physiologist and certified personal trainer specializing in fitness, metabolism and weight loss. He's been a frequent guest on *The Oprah Winfrey Show*, has appeared on dozens of national television programs and wrote several best-selling books.

**Bob Greene's Oprah & Friends show**

Most people cut calories, but you've got to lead an active lifestyle.

— Bob Greene

Advertisement

## Share Your Story

• E-mail Bob Greene! ▶

Be on The Oprah Winfrey Show



## This Is the Year!

Take Oprah and Bob's Best Life Challenge.

**SIGN UP TODAY! ▶**

## Get Moving



Any type of aerobic movement is better than nothing, but why not choose the best?

**BOB'S FAVORITE ACTIVITIES ▶**