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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212477
Party	Defendant GFA Brands, Inc.
Correspondence Address	JOHANNA M WILBERT QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE, WI 53202-4497 UNITED STATES tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, andrea.fowler@quarles.com
Submission	Testimony For Defendant
Filer's Name	Johanna M. Wilbert
Filer's e-mail	johanna.wilbert@quarles.com, deena.rafinski@quarles.com
Signature	/s/ Johanna M. Wilbert
Date	10/20/2014
Attachments	Shanks, William B. Affidavit_.pdf(377483 bytes ) Exhibit A.pdf(1985563 bytes ) Exhibit B_.pdf(633479 bytes ) Exhibit C.pdf(3162134 bytes ) Exhibit D_.pdf(1120978 bytes ) Exhibit E.pdf(505814 bytes ) Exhibit F.pdf(3487986 bytes ) Exhibit G.pdf(616332 bytes ) Exhibit H.pdf(2968221 bytes ) Exhibit I.pdf(1222239 bytes ) Exhibit J.pdf(3625438 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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In the Matter of Application Serial No. 85/751,520: EARTH BALANCE  
Published for Opposition March 19, 2013

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BALANCE BAR COMPANY,

Opposer,

Opposition No. 91212477

v.

GFA BRANDS, INC.,

Applicant.

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**AFFIDAVIT OF WILLIAM B. SHANKS**

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I, William B. Shanks, being duly sworn, declare as follows:

1. I am over the age of 18 and currently reside in Newtown, Connecticut. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.

2. I am a licensed private investigator in the State of Connecticut (#A-2470).

3. I have worked as a private investigator for Marksmen, Inc. for approximately 16 years, since the spring of 1998. My current position at Marksmen is investigations manager and lead investigator.

4. My responsibilities at Marksmen include case intake, in which I act as a liaison with clients over potential work, strategizing with clients about how to determine use issues related to trademarks, patents, and domain names. I also supervise investigators and have trained most of our staff that we have hired since 1999.

5. During my career at Marksmen I have overseen over 10,000 investigations, of which approximately 98% involved trademark related investigations with the other 2% involving patent and copyright work.

6. Quarles & Brady, counsel for Applicant, GFA Brands, Inc. (“GFA”) retained Marksmen for the purpose of visiting several designated grocery stores, in particular demographic metropolitan areas for the purpose of locating and purchasing consumable items that contained some form of the term “Smart” and/or “Balance” on the packaging.

7. In fall of 2012, Marksmen conducted an investigation for Quarles & Brady in which a Marksmen investigator visited several designated grocery stores in the Chicago, Illinois metropolitan areas for the purpose of locating and purchasing consumable items that contained some form of the term “Balance” on the packaging.

8. In this investigation I acted as a supervisor. Specifically, I supervised the work of Investigator Michael Suskind.

9. As part of the investigation, Mr. Suskind visited three stores, namely the CVS store located at 1200 N. Ashland Avenue, Chicago, Illinois 60622 on September 20, 2012, the Kramer’s Health Foods Store located at 230 S. Wabash Avenue, Chicago, Illinois 60604 on September 21, 2012, and the Walgreens store located at 1554 E. 55th Street, Chicago, Illinois 60615 on September 22, 2012.

10. As my role as supervisor, I reviewed reports, and products purchased from Mr. Suskind’s investigation.

11. During this visit to CVS, Mr. Suskind located and purchased eight products bearing some form of the term “balance.” Products Mr. Suskind located and purchased during this visit to CVS include: Balanced B-100 Complex (dietary supplement), Ensure Complete

Balanced Nutrition (nutrition shake), Boost Balanced Nutritional Drink (nutrition shake),  
Balanced B-150 (dietary supplement), and Balanced B-50 (dietary supplement).

12. During this visit to CVS, Mr. Suskind also located and purchased a Balance Bar snack bar.

13. During this visit to Kramer's, Mr. Suskind located and purchased 12 products bearing some form of the term "balance." Products Mr. Suskind located and purchased during this visit to Kramer's include: Natural Balance Colon Clenz (cleansing formula) and Natural Balance Ultra Colon Clenz (cleansing formula).

14. During this visit to Kramer's, Mr. Suskind also located and purchased a Balance Bar snack bar.

15. During this visit to Walgreens, Mr. Suskind located and purchased 11 products bearing some form of the term "balance." Products Mr. Suskind located and purchased during this visit to Walgreens include: Balanced B-100 Complex (dietary supplement) and Ensure Complete Balanced Nutrition (nutrition shake).

16. During this visit to Walgreens, Mr. Suskind also located and purchased a Balance Bar snack bar.

17. Attached as Exhibit A is a document bearing production numbers GFA025778, GFASB025784, GFASB025785, GFASB025787, GFASB025802, GFASB025803, GFASB025806, GFASB025807, GFASB025809, and GFASB025810. This document consists of true and correct copies of photographs that I sent to Quarles & Brady as part of the Chicago investigation report. These photographs were taken by Investigator Michael Suskind while investigating the three retail locations mentioned in Paragraph 9.

18. In fall of 2012, Marksmen conducted another investigation for Quarles & Brady in which a Marksmen investigator visited several designated grocery stores in Danbury, Connecticut for the purpose of locating and purchasing consumable items that contained some form of the term “Balance” on the packaging.

19. In this investigation I acted as the investigator. Specifically, I conducted an onsite investigation in the Danbury, Connecticut area.

20. On September 19, 2012 at approximately 12 p.m. (EDT), I visited the Rite-Aid store located at 215 Federal Road, Brookfield, Connecticut 06804. I attempted to locate and purchase all products in the health and nutrition sections of the store that bear some form of the term “Balance.”

21. During this visit to Rite-Aid, I located and purchased six products bearing some form of the term “balance.” Products I located and purchased during this visit to Rite-Aid include: Balanced B Complex (dietary supplement), Balanced B 100 (dietary supplement), Balanced B-100 Complex (dietary supplement), Balanced B-50 (dietary supplement), Ensure Complete Balanced Nutrition Shake (nutritional drink), and Boost Balanced Nutritional Drink (nutritional drink).

22. Rite-Aid also sold Balance Bar nutrition bars in its health and nutrition section.

23. On September 20, 2012 at approximately 1 p.m. (EDT), I visited the Chamomille Natural Foods store located at 58-60 Newtown Road, Danbury, Connecticut 06810. I attempted to locate and purchase all products in the health and nutrition sections of the store that bear some form of the term “Balance.”

24. During this visit to Chamomille Natural Foods, I located and purchased ten products bearing some form of the term “balance.” Products I located and purchased during this

visit to Chamomille Natural Foods include: Female Balance (dietary supplement), Behavior Balance (dietary supplement), Immune Balance Compound (herbal supplement), Balanced B Complex (dietary supplement), Super B-50 Balanced B-Complex (dietary supplement), UltraFlora Balance (probiotic supplement).

25. Chamomille Natural Foods also sold Balance Bar nutrition bars in its health and nutrition section.

26. On September 24, 2012 at approximately 9 p.m. (EDT), I visited the ShopRite store located at 143 Federal Road, Brookfield, Connecticut 06804. I attempted to locate and purchase all products in the health and nutrition sections of the store that bear some form of the term "Balance."

27. During this visit to ShopRite, I located and purchased sixteen products bearing some form of the term "balance." Products I located and purchased during this visit to ShopRite include: Ensure Complete Balanced Nutrition (powdered nutritional drink), Boost Balanced Nutritional Drink (nutritional drink), and GoodSense Balanced Nutritional Drink (nutritional drink).

28. ShopRite also sold Balance Bar nutrition bars in its health and nutrition section.

29. Attached as Exhibit B is a document bearing production numbers GFASB025816–23. It is a true and correct copy of the Marksmen investigation report that I sent on September 28, 2012 to Johanna Wilbert, counsel for GFA. The letter includes true and correct copies of receipts and photographs I obtained on September 19, 20, and 24, 2012 while investigating the three retail locations mentioned in Paragraphs 20, 23, and 26. I affirm that the statements made in the letter are true and correct.

30. Attached as Exhibit C is a document bearing production numbers GFASB025841, GFASB025845, GFASB025850, GFASB025851, GFASB025854, GFASB025855, GFASB025858–61, GFASB025865–67, GFASB025869–71, GFASB025873–76, GFASB025878. The document consists of true and correct copies of photographs I took while investigating the three retail locations mentioned in Paragraphs 20, 23, and 26.

31. In fall of 2012, Marksmen conducted another investigation for Quarles & Brady in which a Marksmen investigator visited several designated grocery stores, in Los Angeles, California for the purpose of locating and purchasing consumable items that contained some form of the term “Balance” on the packaging.

32. In this investigation I acted as a supervisor. Specifically, I supervised the work of Investigator Kiersten Van Horne.

33. As part of this investigation, Ms. Van Horne visited Lassen’s Natural Foods & Vitamins store located at 280 Hillhurst Avenue, Los Angeles, California 90027 and Erewhon store located at 7660 E. Beverley Boulevard, Los Angeles, California 90036 on September 19, 2012 and attempted to locate and purchase all products in the health and nutrition sections of the store that bear some form of the term “Balance.”

34. During this visit to Lassen’s Natural Foods & Vitamins, Ms. Van Horne located and purchased two products bearing some form of the term “balance.” Products Ms. Van Horne located and purchased during this visit to Lassen’s Natural Foods & Vitamins include: Female Balance (dietary supplement) and Whole Body Yeast Balance (herbal/dietary supplement). Lassen’s Natural Foods & Vitamins also sold Balance Bar nutrition bars in its health and nutrition section.

35. During this visit to Erewhon, Ms. Van Horne located and purchased two products bearing some form of the term “balance.” Products Ms. Van Horne located and purchased during this visit to Erewhon include: Women’s Balance (dietary supplement) and Sweet Balance (dietary supplement).

36. Attached as Exhibit D is a document bearing production numbers GFASB025904–13. It is a true and correct copy of a Marksmen investigation report I sent on September 28, 2012 to Johanna Wilbert, counsel for GFA. The report includes true and correct copies of receipts and photographs obtained on September 19, 2012 by Marksmen Investigator Kiersten Van Horne while investigating the two retail locations mentioned in Paragraph 33. I affirm that the statements made in the letter are true and correct.

37. In spring of 2014, Marksmen conducted another investigation for Quarles & Brady in which a Marksmen investigator visited several designated grocery stores, in the Glendale, California area for the purpose of locating and purchasing consumable items that contained some form of the term “Balance” on the packaging.

38. In this investigation I acted as a supervisor. Specifically, I supervised the work of Investigator Marie Flemmings.

39. As part of this investigation, Ms. Flemmings visited the Whole Foods Market located at 331 N. Glendale Avenue, Glendale, CA 91206 on May 21, 2014, and the Target store located at 100 West Broadway, #700, Glendale, CA 91210 on May 27, 2014, and attempted to locate and purchase all products that bear some form of the term “Balance.”

40. During this visit to Whole Foods Market, Ms. Flemmings located and purchased 11 products bearing some form of the term “balance.” Products Ms. Flemmings located and purchased during this visit to Whole Foods Market include: Balancing Act Half Caffeinated City

Roast (coffee), Balanced B Complex (dietary supplement), Ayurvedic Balanced Tea, and Sugar Balance Tea (herbal tea supplement).

41. During this visit to Whole Foods Market, Ms. Flemmings also located and purchased a Balance Bar snack bar and the following Earth Balance products: Earth Balance Vegan Cheddar Flavor Squares, Earth Balance Kettle Chips, Earth Balance White Cheddar Popcorn and Earth Balance Aged White Cheddar Puffs.

42. During this visit to Target, Ms. Flemmings located and purchased 22 products bearing some form of the term “balance.” Products Ms. Flemmings located and purchased during this visit to Target include: Simply Balanced Cherry Almond Greek Yogurt Granola Bars, Simply Balanced Nut and Seed Bars, Simply Balanced Organic Maple Syrup, Simply Balanced Fruit Strips, Simply Balanced Organic All Purpose Unbleached Flour, Simply Balanced Strawberry Slices (dried fruit), Simply Balanced Gluten Free Multi-Seed Brown Rice Crackers, Simply Balanced High Protein Cinnamon Crisp Cereal, Simply Balanced Peach Slices (dried fruit), Simply Balanced Montmorency Cherries (dried fruit), Simply Balanced Organic Tortilla Chips Yellow Corn, Simply Balanced Whole Grain Popcorn Lightly Salted, Simply Balanced Twisted Fruit Ropes Strawberry Banana, Simply Balanced Gluten Free Multi-Grain Brown Rice Crackers, Simply Balanced Organic Hot Cereal Multigrain Blend, Simply Balanced Organic Black Tea Traditional Chai, Simply Balanced Organic Green Tea Soothing Ginger, and Simply Balanced Fruit Twists Blueberry Pomegranate.

43. During this visit to Target, Ms. Flemmings also located and purchased a Balance Bar snack bar and the following Smart Balance products: Smart Balance Non-Stick Cooking Spray and Smart Balance Natural Creamy Peanut Butter.

44. Attached as Exhibit E is a document bearing production numbers GFA\_EB002278–80. It is a true and correct copy of a Marksmen investigation report I sent on May 30, 2014 to Johanna Wilbert, counsel for GFA. I affirm that the statements made in the letter are true and correct.

45. Attached as Exhibit F is a document bearing production numbers GFA\_EB002312–25, GFA\_EB002327–32, GFA\_EB002354, GFA\_EB002356–62, and GFA\_EB002367. This document consists of true and correct copies of photographs that I sent to Quarles & Brady as part of the Glendale investigation report. These photographs were taken by Investigator Marie Flemmings while investigating the two retail locations mentioned in Paragraph 39.

46. In spring of 2014, Marksmen conducted another investigation for Quarles & Brady in which a Marksmen investigator visited several designated grocery stores, in the Raleigh, North Carolina area for the purpose of locating and purchasing consumable items that contained some form of the term “Balance” on the packaging.

47. In this investigation I acted as a supervisor. Specifically, I supervised the work of Investigator Chris Rodermond.

48. As part of this investigation, on May 22, 2014 Mr. Rodermond visited three stores, the Lowes Foods Store located at 8100 Brier Creek Pkwy., Raleigh, NC 27617, the Harris Teeter store located at 9810 Leesville Road, Raleigh, NC 27613, and the Rite Aid Pharmacy located at 13300 Strickland Road, Raleigh, NC 27613. On May 27, 2014, Mr. Rodermond continued the investigation by visiting two additional stores. He visited the Target store located at 4191 The Circle at North Hills Street, Raleigh, NC 27609, and the Food Lion store located at 5426 Six Forks Road, Raleigh, NC 27609. During all of his store visits Mr. Rodermond was

instructed to attempt to locate and purchase all products that bear some form of the term “Balance.”

49. During this visit to Lowes Foods Store, Mr. Rodermond located and purchased nine products bearing some form of the term “balance.” Products Mr. Rodermond located and purchased during this visit to Lowes Foods Store include: Old Orchard Healthy Balance (juice), Ensure Complete Balanced Nutrition (nutrition shake), B-Complex 50 Balanced B-Complex (dietary supplement), and B-Complete Bio-Balanced Systems (dietary supplement).

50. During this visit to Lowes Foods Store, Mr. Rodermond also located Balance Bar nutrition bars and Earth Balance Coconut & Peanut Spread.

51. During this visit to Harris Teeter, Mr. Rodermond located and purchased 12 products bearing some form of the term “balance.” Products Mr. Rodermond located and purchased during this visit to Harris Teeter include: Old Orchard Healthy Balance (juice), Mission Carb Balance (tortillas), Ensure Complete Balanced Nutrition (nutrition shake), and Balanced B-100 Complex (dietary supplement).

52. During this visit to Harris Teeter, Mr. Rodermond also located Balance Bar nutrition bars and the following Earth Balance and Smart Balance Products: Smart Balance Mayonnaise, Earth Balance Coconut & Peanut Spread, Smart Balance Natural Chunky Peanut Butter, Earth Balance Butter, and Smart Balance Spread.

53. During this visit to Rite Aid Pharmacy, Mr. Rodermond located and purchased seven products bearing some form of the term “balance.” Products Mr. Rodermond located and purchased during this visit to Rite Aid Pharmacy include: Balanced B Complex (dietary supplement) and Ensure Complete Balanced Nutrition (nutrition shake).

54. During this visit to Rite Aid, Mr. Rodermond also located Balance Bar nutrition bars.

55. During this visit to Target, Mr. Rodermond located and purchased 24 products bearing some form of the term “balance.” Products Mr. Rodermond located and purchased during this visit to Target include: Simply Balanced Nut & Seed Bar, Simply Balanced Peach Slices, Simply Balanced Whole Grain Popcorn, Simply Balanced Vanilla Bean Granola, Simply Balanced Fruit Strips, Fiber One Balanced Nutrition for a Healthy Lifestyle Meal Bar, Boost Balanced Nutrition for People with Diabetes Nutritional Drink, Balanced B-100 Complex (dietary supplement), Simply Balanced Organic White Grape Juice, Simply Balanced Essence Water, and Ensure Complete Balanced Nutrition (nutrition shake).

56. During this visit to Target, Mr. Rodermond also located Balance Bar nutrition bars.

57. During this visit to Food Lion, Mr. Rodermond located and purchased ten products bearing some form of the term “balance.” Products Mr. Rodermond located and purchased during this visit to Food Lion include: Healthy Accents Balanced Nutritional Supplement, Ensure Complete Balanced Nutrition (nutrition shake), and Old Orchard Healthy Balance (juice).

58. During this visit to Food Lion, Mr. Rodermond also located Balance Bar nutrition bars.

59. Attached as Exhibit G is a document bearing production numbers GFA\_EB002145–48. It is a true and correct copy of a Marksmen investigation report I sent on May 30, 2014 to Johanna Wilbert, counsel for GFA. I affirm that the statements made in the letter are true and correct.

60. Attached as Exhibit H is a document bearing production numbers GFA\_EB002180, GFA\_EB002181, GFA\_EB002182, and GFA\_EB002187, GFA\_EB002194–96, GFA\_EB002198, GFA\_EB002200, GFA\_EB002202–06, GFA\_EB002210, GFA\_EB002212, GFA\_EB002213, GFA\_EB002216, GFA\_EB002218, GFA\_EB002219, GFA\_EB002226, GFA\_EB002228, and GFA\_EB002229, GFA\_EB002247, GFA\_EB002250, GFA\_EB002252, GFA\_EB002254, GFA\_EB002257, GFA\_EB002261, GFA\_EB002267, GFA\_EB002269, GFA\_EB002271, GFA\_EB002272, GFA\_EB002274, and GFA\_EB002276. This document consists of true and correct copies of photographs that I sent to Quarles & Brady as part of the Glendale investigation report. These photographs were taken by Investigator Chris Rodermond while investigating the retail locations mentioned in Paragraph 48.

61. In spring of 2014, Marksmen conducted another investigation for Quarles & Brady in which a Marksmen investigator visited several designated grocery stores in the Westport, Connecticut area for the purpose of locating and purchasing consumable items that contained some form of the term “Balance” on the packaging.

62. In this investigation I acted as the investigator. Specifically, I conducted an onsite investigation in the Westport, Connecticut area.

63. On May 21, 2014 at approximately 11 a.m. (EDT), I visited The Organic Market located at 285 Post Road East, Westport, CT 06880. I attempted to locate and purchase all products that bear some form of the term “Balance.”

64. During this visit to The Organic Market, I located and purchased 16 products bearing some form of the term “balance.” Products I located and purchased during this visit to The Organic Market include: Triple Leaf Sugar Balance Tea, Natural Calm Balanced Calcium

Drink, Natural Balance Ultra Diet Pep, EstroBalance Enzymatic Therapy, Mega B-100 Balanced B-Complex, and Kyo-Dophilus Restore Balance Protect (probiotic capsules).

65. During this visit to The Organic Market, I also located and purchased a Balance Bar nutritional bar and Earth Balance buttery spread. Balance Bar nutrition bars were located in the health and nutrition section.

66. On May 21, 2014 at approximately 1:30 p.m. (EDT), I visited the Whole Foods Market located at 399 Post Road West, Westport, CT 06880. I attempted to locate and purchase all products that bear some form of the term “Balance.”

67. During this visit to Whole Foods Market, I located and purchased 22 products bearing some form of the term “balance.” Products I located and purchased during this visit to Whole Foods Market include: Whole Foods B Daily Essentials Balanced B-Complex (dietary supplement), Woodstock BP Balance (herbal supplement), Women’s One Daily Nourish – Balance – Protect (multivitamin), Rainbow Light Bio-Balanced Vitamin, Rainbow Light Bio-Balanced B Complex, and MegaFood Balanced B Complex.

68. During this visit to Whole Foods Market, I also located and purchased a Balance Bar nutritional bar and the following Earth Balance products: Earth Balance Peanut Spread and Earth Balance Puffs White Cheddar. Balance Bar nutrition bars were located in the health and nutrition section.

69. On May 25, 2014 at approximately 12:30 p.m. (EDT), I visited the CVS Pharmacy located at 397 Post Road East, Westport, CT 06880. I attempted to locate and purchase all products that bear some form of the term “Balance.”

70. During this visit to CVS, I located and purchased 17 products bearing some form of the term “balance.” Products I located and purchased during this visit to CVS include:

ProBalance Protein Shot (nutritional drink), Balance B-50 (dietary supplement), Balanced B-100 Complex (dietary supplement), Boost Balance Nutritional Drink, PediaSure Complete, Balanced Nutrition (nutritional drink), and Ensure Complete Balanced Nutrition (nutritional drink).

71. CVS also sold Balance Bar nutrition bars in its health and nutrition section.

72. On May 21, 2014 at approximately 2:30 p.m. (EDT), I visited the Stop & Shop store located at 1790 Post Road East, Westport, CT 06880. I attempted to locate and purchase all products that bear some form of the term “Balance.”

73. During this visit to Stop & Shop, I located and purchased 26 products bearing some form of the term “balance.” Products I located and purchased during this visit to Stop & Shop include: Nutrition Balanced Nutrition Bar, Balanced B-100 Complex (dietary supplement), Boost Balanced Nutritional Drink, Nutrition Balanced Nutritional Shake, and Ensure Complete Balanced Nutrition.

74. During this visit to Stop & Shop, I also located and purchased a Balance Bar nutritional bar and the following Smart Balance and Earth Balance products: Smart Balance Chunky Peanut Butter, Earth Balance Peanut Butter, Earth Balance Cheddar Popcorn, and Earth Balance P.B. Pops. Balance Bar nutrition bars were located in the health and nutrition section.

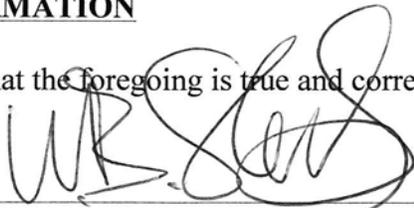
75. Attached as Exhibit I is a document bearing production numbers GFA\_EB001952–60. It is a true and correct copy of the Marksmen investigation report that I sent on May 30, 2014 to Johanna Wilbert, counsel for GFA. The letter includes true and correct copies of receipts and photographs I obtained on May 21 and 25, 2014 while investigating the three retail locations mentioned in Paragraphs 63, 66, and 72. I affirm that the statements made in the letter are true and correct.

76. Attached as Exhibit J is a document bearing production numbers GFA\_EB001981, GFA\_EB001983, GFA\_EB001986, GFA\_EB001988, GFA\_EB001992-93, GFA\_EB001995, GFA\_EB002021, GFA\_EB002030-31, GFA\_EB002034, GFA\_EB002037 GFA\_EB002042, GFA\_EB002044, GFA\_EB002045, GFA\_EB002050, GFA\_EB002075, GFA\_EB002077, GFA\_EB002080, GFA\_EB002082, GFA\_EB002084, GFA\_EB002085, GFA\_EB002087, GFA\_EB002089, GFA\_EB002104, GFA\_EB002105, GFA\_EB002107, GFA\_EB002108, GFA\_EB002117, GFA\_EB002119, and GFA\_EB002122-24. The document consists of true and correct copies of photographs I took while investigating the three retail locations mentioned in Paragraphs 54, 57, and 60.

**AFFIRMATION**

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 13, 2014

  
\_\_\_\_\_  
William B. Shanks

STATE OF New York, COUNTY OF Putnam, ss:



  
\_\_\_\_\_  
Notary Public

My commission expires 9/22/2015

Signature of Officer Administering Oath \_\_\_\_\_ Title \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2014, I served upon counsel of record the foregoing  
by causing the same to be delivered by U.S. mail and email to:

R. Glenn Schroeder  
Schroeder Law PC  
110 Cooper Street #605  
Babylon, NY 11702  
gschroeder@schroederlawpc.com

Dated this 20th day of October, 2014.

/s/ Johanna M. Wilbert  
Johanna M. Wilbert  
Quarles & Brady LLP  
411 E. Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497  
Phone: (414) 277-5000  
Facsimile: (414) 978-8942  
johanna.wilbert@quarles.com

# Exhibit A

COOKIES PEANUT BUTTER  
 To Help Minimize Blood Sugar Spikes  
 4g Sugar, 4g Protein, 80 Calories  
 Naturally and Artificially Flavored  
 WITH OTHER MEDICAL SUPERADDITIVES

**ATKINS Advantage**  
 12 - 1.7 OZ (48g) BARS • NET WT 20.4 OZ (579g)

02170 0 868162  
 SP ROCKY RD BRWNS 1.75  
 UNIT PRICE \$1.24  
 YOU PAY \$2.19

04104 F 416812  
 ATKNS ADV CHCP GRN 480  
 UNIT PRICE \$1.70  
 WAS \$2.87

02101 F 146242  
 ATKNS ADV BR CHCPB 211  
 UNIT PRICE \$1.36  
 YOU PAY \$2.87

**75% OFF**  
 NOW PAY 71¢  
**clearance**

**ATKINS PURE PROTEIN**  
 19g Protein  
 1g Sugar  
 180 Calories

**Balance bar**  
 Nutrition Bar for Lasting Energy  
 cookie dough  
 9 Bars

**Balance bar**  
 Nutrition Bar for Lasting Energy  
 yogurt honey peanut  
 9 Bars

**ATKINS Advantage**  
 SNACK/ LIGHT MEAL  
 10g Protein  
 1g Sugar  
 180 Calories  
 Only 3g Net Carbs

UNIT PRICE \$2.19

86¢ 2/\$3.00  
 UNIT PRICE \$1.01  
 YOU PAY \$1.77

86¢ 2/\$3.00  
 UNIT PRICE \$1.01  
 YOU PAY \$1.77

UNIT PRICE \$1.09  
 YOU PAY \$8.49

**50% off**  
 sale

**ZONE Perfect**  
 Fudge Graham  
 19g Protein  
 1g Sugar  
 180 Calories

**ZONE Perfect**  
 Chocolate Peanut Butter  
 19g Protein  
 1g Sugar  
 180 Calories

**ATKINS Advantage**  
 NEW LOOK  
 37g Protein  
 1g Sugar  
 200 Calories  
 Only 3g Net Carbs

**ATKINS Advantage**  
 SNACK/ LIGHT MEAL  
 10g Protein  
 1g Sugar  
 180 Calories

GFASB025778







NATURAL BALANCE®

**Colon  
Clenz**

Gentle and Dan

NATURAL BALANCE

ULTRA  
**Colon  
Clenz**



**Nature Made**

**Balanced B-100  
Complex**

**TIMED RELEASE**

**DIETARY SUPPLEMENT**

**60 TABLETS**

**Helps  
Convert  
Food Into  
Energy†**



**190  
Calories!**

# BOOST<sup>®</sup>

*Balanced Nutritional Drink*

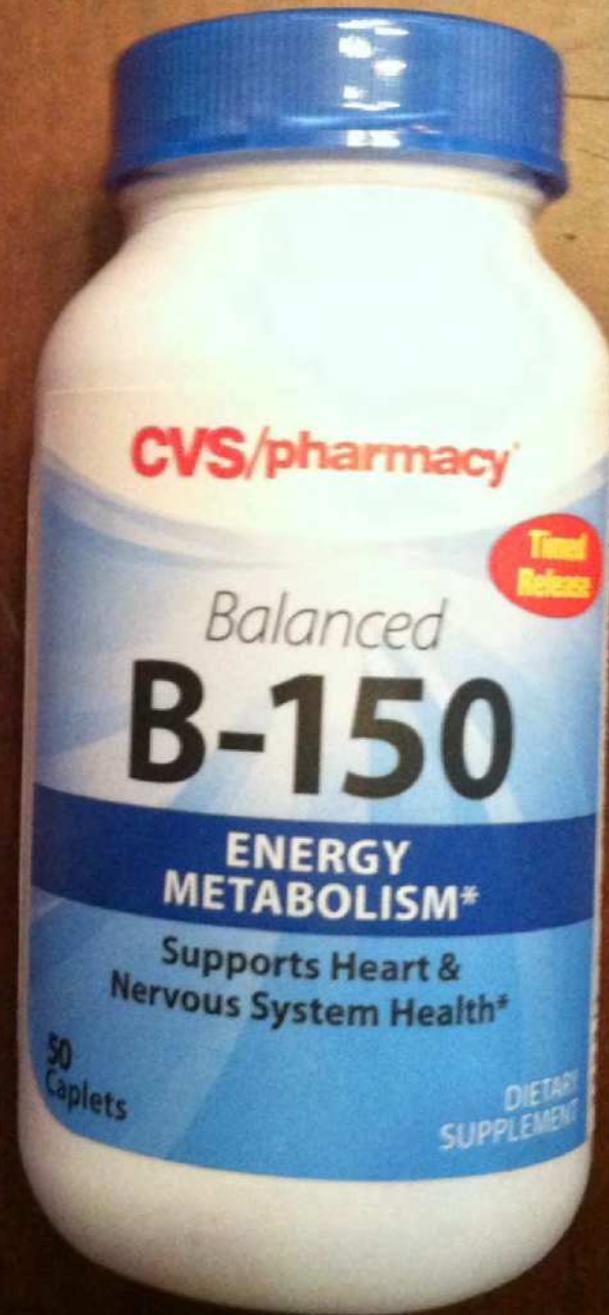
**CALORIE  
SMART<sup>™</sup>**

**With 190 Calories and 4g of Sugars**

**Rich in High-Quality Protein to Help Maintain Muscle**

**24 Essential Vitamins & Minerals**







07122466 01862733409  
0 18627 73340 9



# Exhibit B



PO Box 10038  
Glendale, CA 91209

Voice: 800.558.8838  
Fax: 888.558.4558

International  
Voice: +818.637.8050  
Fax: +818.637.8054

www.marksmen.com  
License PI 23992

**PRIVILEGED AND CONFIDENTIAL**

September 28, 2012

**Johanna Wilbert**  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497

**Re: BALANCE ONSITE (DANBURY, CT)**  
**Registrant/Company Info: Various Retail Locations**  
**Provided address/phone:**  
**Client Matter: QBLLP-ACTIVE.FID35301250**  
**File Number: 67890**

Dear Johanna:

Our office received your request on September 12, 2012, instructing us to conduct onsite purchases of products bearing use of the term BALANCE in the Danbury, Connecticut.

**Balance referenced products found in RiteAid: 6**

**Balance referenced products found in Chamomille Natural Foods: 10**

**Balance referenced products found in Shoprite: 16-18**

**INVESTIGATION CONCLUDED PENDING ADVISEMENT**

**Rite Aid - 215 Federal Road, Brookfield, CT 06804 - Tel: (203) 740-1005**

On September 19, 2012 at approximately 12:00pm EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all products in the health and nutrition sections of the drugstore that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

**Item 1 - Balanced B Complex** - PharmaAssure, Inc. - Dietary Supplement

**Item 2 - Balanced B 100** - RiteAid - Dietary Supplement

**Item 3 - Balanced B-100 Complex** - Nature Made Nutritional Products - Dietary Supplement

**Item 4 - Balanced B-50** - RiteAid - Dietary Supplement

**Item 5 - Ensure Complete Balanced Nutrition Shake** - Abbott Laboratories - Nutritional Drink

**Item 6 - Boost Balanced Nutritional Drink** - Nestle Nutrition - Nutritional Drink

Item 7 - Balance Bar - Balance Bar Company - Nutritional Snack Bar - **Opposition's product**

Below is a scan of the receipt from our purchase (please forgive the bag of Fritos):



With us, it's personal.

Store #10383  
215 FEDERAL ROAD  
BROOKFIELD, CT 06804  
(203) 740-1005

Register #2 Transaction #386287  
Cashier #103832587 9/19/12 12:31PM

1 RA BALANCE B100 6OCT	9.99	T
1 NM BAL B100 TR 6OCT	15.99	T
1 BB YOGURT HONEY PNT 1.76Z	1.59	
1 RA BAL B50 COMPLEX 10OCT	7.49	T
1 PA VIT B-CMPLX W/C 10OCT	6.79	T
1 FRITOS HNY BBQ 2.875Z	1.09	T
1 ENSURE VAN 8Z/6PK	9.39	T
1 BOOST CAL SMRT CHC 6PK/8Z	9.99	T

8 Items	Subtotal	64.32
	Tax	3.98
	Total	68.30

*AMEX *	68.30
AMEX card * #XXXXXXXXXX1019	
App # AUTO	
Ref # 571814	
Card Present	
	Tendered 68.30
	Cash Change .00



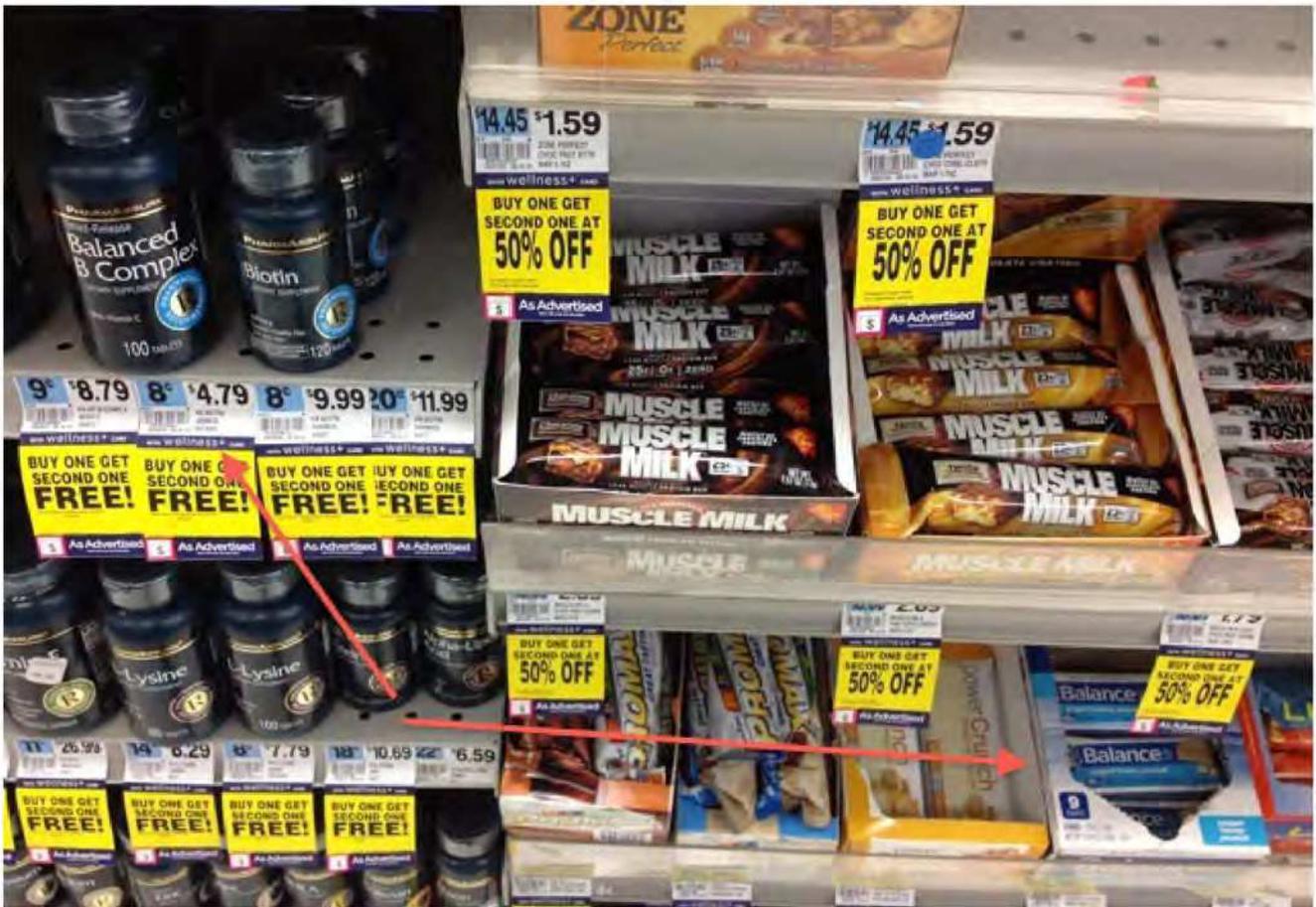
T - Taxable

\*\*\*\*\*

All of the products purchased from Rite Aid were found on both sides of aisle 3 seen in the photo below:



Please note the proximity of the PharmaAssure Balanced B Complex product to the Balance Bar product:



Our entire file of RiteAid aisle photos and post purchase product photos can be downloaded via the link at the bottom of our report.

**Chamomille Natural Foods - 58-60 Newtown Road, Danbury, CT 06810 - Tel: (203) 792-8952**

On September 20, 2012 at approximately 1:00pm EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all products in the health and nutrition sections of Chamomille Natural Foods that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Female Balance** - Chamomille Natural Foods - Dietary Supplement
- Item 2 - Behavior Balance** - DMG - Food Science of Vermont - Dietary Supplement
- Item 3 - Immune Balance Compound** - Herbalist Alchemist - Herbal Supplement
- Item 4 - White Arborio Eco Farmed Rice** - Lundberg Family Farms - Rice
- Item 5 - Balanced B Complex** - MegaFood - Dietary Supplement
- Item 6 - Women's Multivitamin** - MegaFood - Dietary Supplement
- Item 7 - Super B-50 Balanced B-Complex** - Nature's Path - Energy Supplement
- Item 8 - UltraLean Mocha Bar** - BioGenesis Nutraceuticals - Nutritional Snack Bar
- Item 9 - UltraFlora Balance** - Metagenics - Probiotic Supplement
- Item 10 - Tropical Soother** - Zand - Herbal Lozenges
- Item 11 - Balance Bar** - Balance Bar Company - Nutritional Snack Bar - **Opposition's product**

Below is a scan of the receipt from our purchase:

Chamomille Natural Foods  
58 - 60 Newtown Rd  
Danbury, CT 06810  
(203) 792-8952

FILE 67890 BALANCE

**Sales Receipt**

Transaction #: 254472  
Date: 9/20/2012 Time: 1:18:20 PM  
Cashier: 7137 Register #: 2

Item	Description	Amount
026664341518	BEHAVIOR BALANCE-D	\$45.00
	Discount	(\$4.50)
097467013100	Spr B-50 60vc-NP	\$11.90
	Discount	(\$1.19)
SUPPLEMENTS	Supplements	\$52.00
	Discount	(\$5.20)
051494101254	Womens DailyFoods6	\$36.50
	Discount	(\$3.65)
755571031143	ULTRA FLORA PLUS D	\$35.50
	Discount	(\$3.55)
051494101674	Be] B Cplx DF30t	\$19.50
	Discount	(\$1.95)
SUPPLEMENTS	Supplements	\$43.20
	Discount	(\$4.32)
GROCERY	Grocery	\$2.75
041954000067	Herbl,oz,UG,TROP,DS	\$2.59
750049000201	BAR,CHOCOLATE	\$1.89
860034000038	SUPER SEEDZ - SOME	\$5.25
073416050914	NUTRA-FR RICE,ARBD	\$7.09

Sub Total \$238.81  
State Tax \$14.09  
Total \$252.90

AMEX Tendered \$252.90  
Card: XXXXXXXXXXXX1019  
Auth: 555959  
Change Due \$0.00

**You saved \$24.36!**



THANKS FOR SHOPPING AT YOUR NEIGHBORHOOD  
NATURAL/ORGANIC MARKET. REMEMBER: HEALTHY  
EATING IS THE BEST HEALTH ASSURANCE POLICY

Please note that the opposition's Balance Bars were situated right next to the Ultra Lean Bar on a metal rack within Chamomille:



The bar in the far right box above is featured below:



Our entire file of Chamomille Natural Foods aisle photos and post purchase product photos can be downloaded via the link at the bottom of our report.

**Shoprite - 143 Federal Road, Brookfield, CT 06804 - Tel: (203) 775-7078**

On September 24, 2012 at approximately 9:00pm EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all products in the health and nutrition sections of the captioned Shoprite Supermarket that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

**Item 1 - Breakfast Essentials Boxed Mix - Nestle Healthcare Nutrition - Nutritional Drink**

**Item 2 - Breakfast Essentials Canister Mix - Nestle Healthcare Nutrition - Nutritional Drink**

**Item 3 - Slimfast Bar - Unilever - Nutritional Snack Bar**

**Item 4 - Lundberg Brown Rice - Lundberg Family Farms - Long Grain Brown Rice**

**Item 5 - Yoga Bread - Vermont Bread Company - Baked Bread**

**Item 6 - Ultimate Flora - ReNew Life - Probiotic**

**Item 7 - Ensure Nutrition Powder Mix - Abbott Laboratories - Nutritional Drink Powder**

**Item 8 - Nature's Bounty B-100 - Nature's Bounty Inc. - Dietary Supplement**

**Item 9 - Sundown Naturals Acidophilus - Rexall Sundown, Inc. - Probiotic**

**Item 10 - Sundown Naturals L-Lysine - Rexall Sundown, Inc. - Dietary Supplement**

**Item 11 - Shoprite Complete Men Under 50 - Shoprite - Dietary Supplement**

**Item 12 - CleanseSmart Internal Cleanse - ReNew Life - Dietary Supplement**

**Item 13 - Boost Balanced Nutritional Drink - Nestle Nutrition - Nutritional Drink**

**Item 14 - Ensure Complete Balanced Nutrition - Abbott Laboratories - Nutritional Drink**

**Item 15 - Kashi GoLean Crunchy Bar - Kashi Company - Protean Fiber Bar**

**Item 16 - Kashi GoLean Roll - Kashi Company - Snack Bar**

**Item 17 - GoodSense Balanced Nutritional Drink - Geiss, Destin & Dunn, Inc. - Nutritional Drink**

**Item 18 - Balance Bar - Balance Bar Company - Nutritional Snack Bar - Opposition Product**

Below is a scan of the receipt from our purchase:



Welcome to ShopRite  
of BROOKFIELD

09/21/12 10:11PM - 5832 09102101  
Store Manager: DON LORRINO

\*\*\*\*\*  
#1 Regular Items \*  
\*\*\*\*\*

ONN INCI WHI TOR	5.99 F
ONN SROST EGGH	7.29 F
UNO LONG HMT REC	2.49 F
YGR BRWD	4.99 F
KFC G. DNEI OR A	1.29 B
V 0 1.29	
KRBL W. BAK TO 4	2.99 B
EGURE OUS WHI 24	0.99 B
On Sale You Saved	1.00
WOST OS WHILLI 4	6.99 B
On Sale You Saved	1.00
SP SAK WHI CHEE 4	3.29 B
On Sale You Saved	1.00
R. SHWI LUMBO PC	26.99 T
On Sale You Saved	1.00
MC 4245 PC Cleanse Smart	3.00-T
1 B 5/5.00	
BL BR ROOM ORP	1.00 F
On Sale You Saved	0.29
CG HBI BR - WHI	1.99 B
On Sale You Saved	1.00
BL SLE TH PROB 3WD	28.99 T
MC 4253 PC Renew Life Proa	2.00-T
WS B-100 TH BEL TH	9.19 T
On Sale You Saved	0.30
MC 2025 PC NATURE S BOUNTY	4.60-T
SI LYSINC 500MG	0.99 T
On Sale You Saved	0.10
EGURE WHILLI 104	6.99 B
On Sale You Saved	1.00
2I COFF YLL TOR 4	4.99 T
On Sale You Saved	1.00
SI PCISSPHO HZ XT	1.99 T
On Sale You Saved	0.10
Value Customer	4716022000
Tax	3.14
**** SALES	141.86

\*\*\*\*\* Transaction Report \*\*\*\*\*  
ShopRite of BROOKFIELD, CT  
Store # 432

Terminal: 9 Operator: 16  
09/21/12 10:36AM 067  
Acct#: \*\*\*\*\*1019 \*\*\*\*\*

Purchase: \$ 141.86

\*\*\*\*\*

Our entire file of Danbury, Connecticut onsite photos, products purchased photos and spread sheet can be downloaded [here](#).

As you requested, we will be forwarding the purchased samples, receipts and via air courier upon your instruction. William Shanks has maintained a strict chain of custody with regard to the products purchased from the retail location noted in this report.

Please note that the Excel Spreadsheet gives each product an item number, which corresponds to the numbers assigned each product above.

Pending further advisement from you, we have concluded our investigation of BALANCE ONSITE (DANBURY, CT). If you have further need of our services on this or any other matter, please contact us.

Best Regards,

Bill Shanks

Marksmen Contact: Bill Shanks  
Email: bshanks@marksmen.com  
Phone: (800) 558-8838

wbs

# Exhibit C



GFASB025841



GOODSENSE®

To Help Stay Healthy and Active

Drink between meals to help gain or maintain healthy weight

# Nutritional Drink

Balanced Nutritional Drink

**PLUS**

- Lactose Free
- 24 Essential Vitamins & Minerals

**Vanilla**  
Artificial Flavor

6-8 FL OZ (237 mL) CANS (1.5 QT) (1.42 L)

Compare to  
the ingredients of  
Ensure®

**100%**  
SATISFACTION  
GUARANTEED

Original Flavor - It's Back!

protein (15g)  
30%  
30%  
Fat / 0g trans fat  
% of total calories

# Balance<sup>bar</sup>

Nutrition Energy Bar



mocha chip

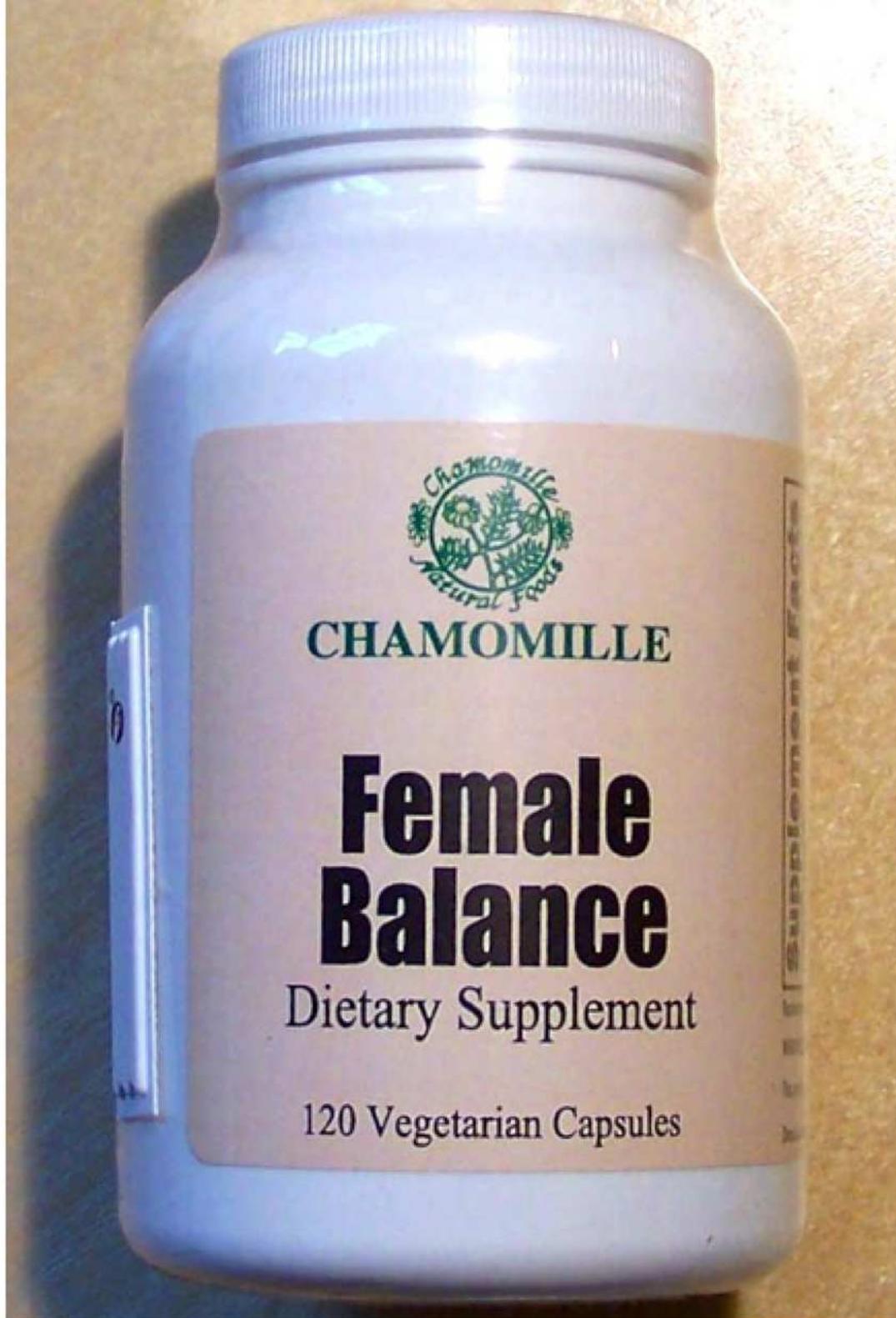
**15g**  
PROTEIN

23 Vitamins  
& Minerals

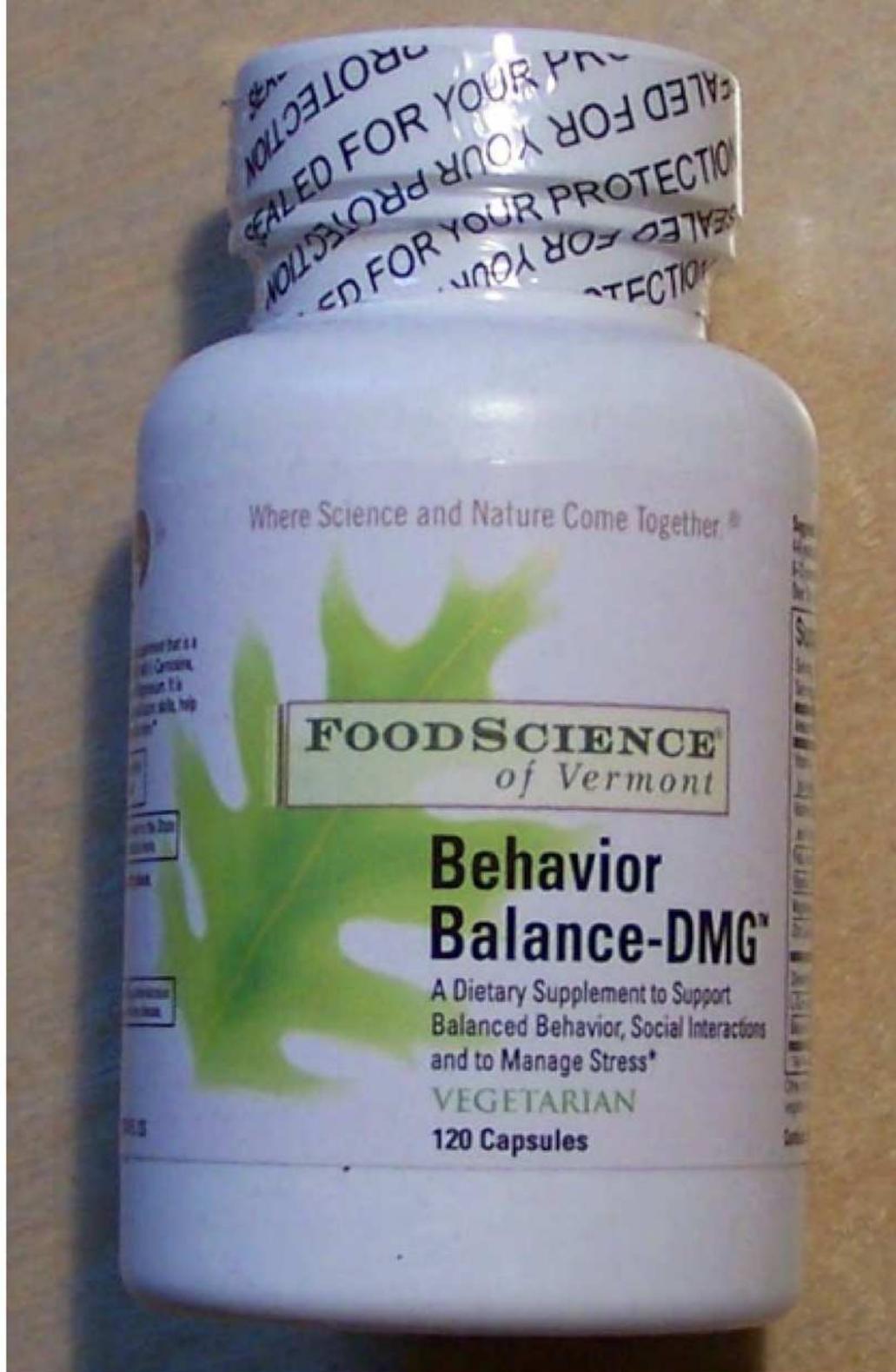
Glycemic  
Index (20)

Excellent Source of  
Antioxidants (Vit A, C & E)

NET WT 1.76 OZ (50g)







Where Science and Nature Come Together. ®

**FOOD SCIENCE**  
*of Vermont*

# Behavior Balance-DMG™

A Dietary Supplement to Support  
Balanced Behavior, Social Interactions  
and to Manage Stress\*

VEGETARIAN

120 Capsules



GFASB025859



GFASB025860





**RITE  
AID**

PHARMACY

DIETARY SUPPLEMENT

*natural*  
timed-release

**Balanced B-50**  
B-Complex

regulates the metabolism\*

**100**  
tablets

The amount of the  
ingredients in this  
product is not  
guaranteed to be  
the same as shown  
on the label.





TESTED PESTICIDE FREE  
ERBICIDE FREE · TESTED

*MegaFood*

100% WHOLE FOOD



GLUTEN FREE  
VALIDATED  
SOY FREE

One Tablet Serving  
Gentle on Stomach

**BALANCED B COMPLEX**

VEGETARIAN  
DIETARY SUPPLEMENT

30  
TABLETS





Nestlé Nutrition

**190**  
Calories!

# BOOST<sup>®</sup>

Balanced Nutritional Drink

**CALORIE  
SMART<sup>™</sup>**

With **190** Calories and **4g** of Sugars

Rich in High-Quality Protein to Help Maintain Muscle

**24** Essential Vitamins & Minerals

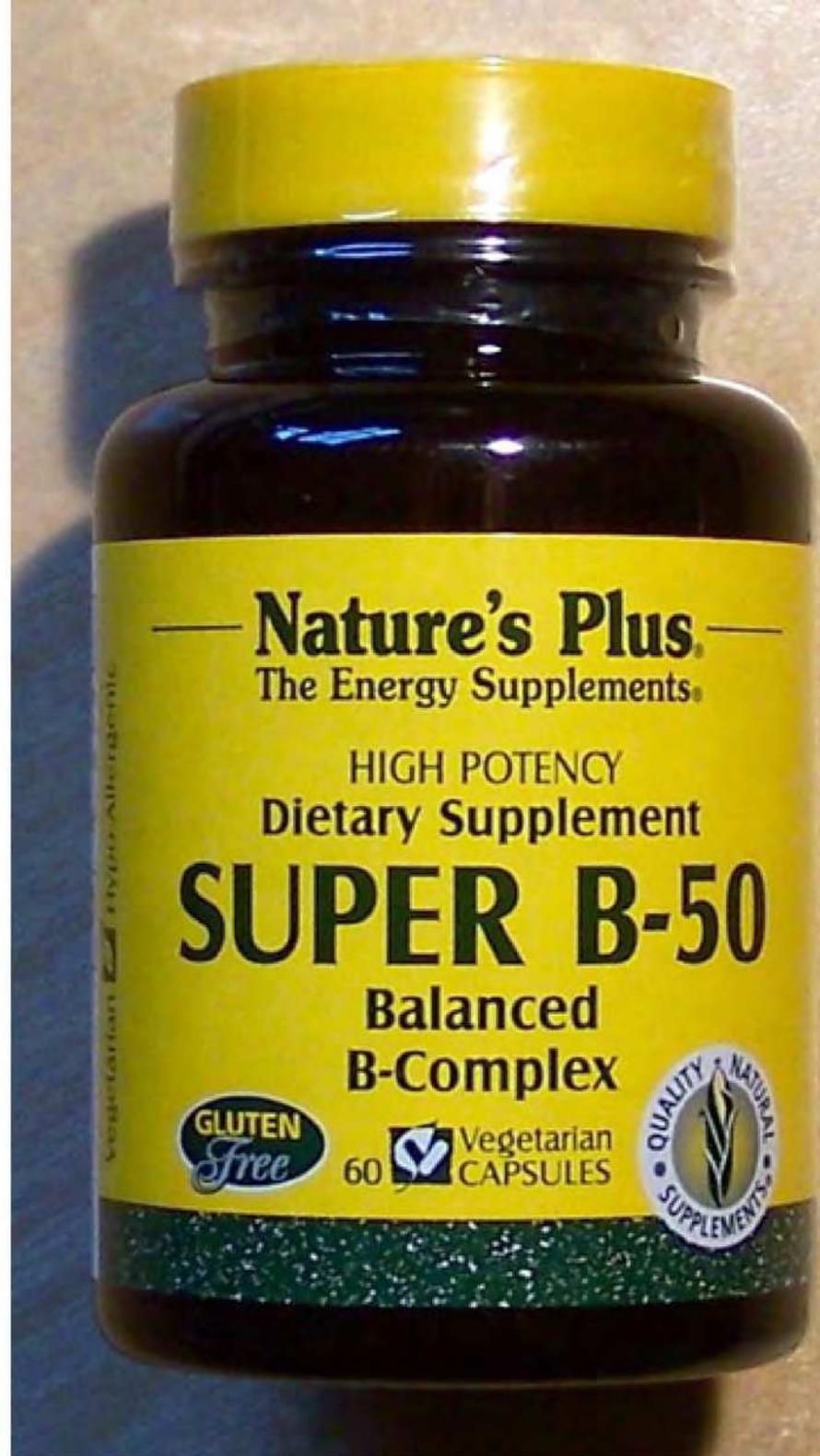
**Rich Chocolate** Natural and Artificial Flavor

6-8 FL OZ (237mL) BOTTLES  
NET 1.5 QT (1.42L)









— **Nature's Plus** —  
The Energy Supplements®

HIGH POTENCY  
Dietary Supplement

**SUPER B-50**

Balanced  
B-Complex

GLUTEN  
Free

60 Vegetarian  
CAPSULES

QUALITY NATURAL  
SUPPLEMENTS



GFASB025875





# Exhibit D



PO Box 10038  
Glendale, CA 91209

Voice: 800.558.8838  
Fax: 888.558.4558

International  
Voice: +818.637.8050  
Fax: +818.637.8054

www.marksmen.com  
License PI 23992

**PRIVILEGED AND CONFIDENTIAL**

September 28, 2012

**Johanna Wilbert**  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497  
UNITED STATES

**Re: BALANCE ONSITE (LOS ANGELES)**  
**Registrant/Company Info: Various Retail Locations**  
**Provided address/phone:**  
**Client Matter: QBLLP-ACTIVE.FID35301250**  
**File Number: 67889**

Dear Johanna:

Our office received your request on September 12, 2012, instructing us to conduct onsite purchases of products bearing use of the term BALANCE in the Los Angeles, California area.

- **Balance referenced product found at Lassen's Natural Foods: 2**
- **Balance referenced product found at GNC: None**
- **Balance referenced product found at Erewhon: 2**

**INVESTIGATION CONCLUDED PENDING ADVISEMENT.**

**(1) Lassen's Natural Foods & Vitamins - Store #09 - 280 Hillhurst Avenue, Los Angeles, CA 90027, www.lassens.com - (323) 660-0052**

Marksmen, Inc. independent contractor Kiersten Van Horne (CA PI 27083) visited Lassen's Natural Foods & Vitamins, at the above captioned address, on September 19, 2012, at approximately 5:00 - 6:00pm (PST). We found Lassen's to primarily be a boutique natural foods store, with large sections designated for vitamins & minerals, as well as cereals. Investigator Van Horne attempted to locate and purchase any and all products in the health and nutrition sections of the healthfood store that bear use of the term BALANCE. Investigator Van Horne purchased the following products listed by item number / product name / manufacturer / type of product:

**Item 1 - Female Balance** - Siddatech - Dietary Supplement

**Item 2 - Whole Body Yeast Balance** - Enzymatic Therapy, Inc. - Herbal/Dietary Supplement

We found BALANCE BARS for sale in a single rack display of nutrition bars, near the check out counters. Due to the cramped nature of the store, and the poor lighting, the quality of the photographs is less than optimal.

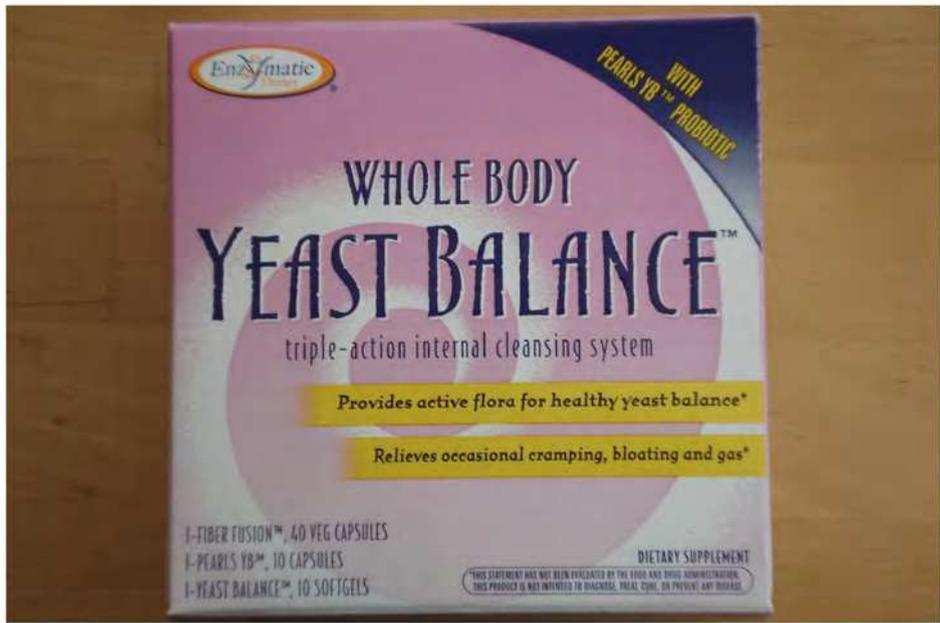


In addition to the BALANCE BARS, we found the following items for sale in the vitamins and minerals section of the store - several rows away from the nutrition bar display - using the word BALANCE in the name:

Item 1. Sidda Flower Essence's FEMALE BALANCE, which is described on the packaging as a "dietary supplement" used to "balance hormones & libido, ease stress related to PMS." We purchased this product for \$19.99 USD plus sales tax.



Item 2. Enzymatic Therapy's WHOLE BODY YEAST BALANCE, which is described on the product's packaging as a "triple-action internal cleansing system," which "provides active flora for healthy yeast balance" and "relieves occasional cramping, bloating and gas," and is "with Pearls YB Probiotic." We purchased this product for \$20.79 USD plus sales tax.



We found one bottle of Plantlife's BALANCE Aromatherapy Massage Oil. While it was not included amongst your targeted categories, it was within a few feet of the nutrition bar display where we found the BALANCE BARS. We did not make a product purchase as it was not included amongst the targeted categories.



We found no additional items in any of the targeted categories utilizing the word BALANCE as part of the product name, tagline, or display.

We purchased one of each of the above products, excepting the massage oil, in addition to one (1) Yogurt Honey Peanut BALANCE BAR:



**(2) GNC - Store #8017 - 5419 Hollywood Blvd., Suite B, Los Angeles, CA 90027, www.gnc.com - (323) 871-8802**

Marksman, Inc. independent contractor Kiersten Van Horne visited GNC, at the above captioned address, on September 19, 2012, from approximately 4:15pm-4:45pm (PST). Investigator Van Horne found this location to concentrate largely on supplements and powders, with less than one aisle designated to nutrition bars.

We spoke with a salesperson who told us that he had worked at GNC for "seven months" and that, in that time, GNC has never sold BALANCE BARS. He noted that "my sister was [working] here before me, so they might have sold them [BALANCE BARS] then."

When we found the following shelving with the BALANCE BAR name on it, the salesperson noted, "those [shelves] have been here since I've been working here." He then reiterated that he, himself, has not sold BALANCE BARS

while working for GNC, but noted "I guess we must've" sold BALANCE BARS:





**(3) Erewhon - (sole location) - 7660 E. Beverly Blvd., Los Angeles, CA 90036, www.erewhon.com - (323) 937-0777**

We called Erewhon, at the above-captioned address, where we spoke with a male in customer service, who told us that he "thinks" they carry BALANCE BARS. "I'm pretty sure."

We then visited Erewhon, at the above captioned address, on September 19, 2012, from approximately 2:15 - 3:45pm. We found Erewhon to primarily be a natural foods store, with large sections designated for vitamins, minerals, supplements, nutrition bars, cereal, and all targeted categories provided in your investigation request.

We found no BALANCE BARS for sale anywhere in the store. We found all nutrition bars isolated to a very large, single display rack toward the front of the store, immediately behind the check out aisles and registers.

Investigator Van Horne purchased the following products listed by item number / product name / manufacturer / type of product:

**Item 1 - WOMEN'S BALANCE** - Gaia Herbs - Dietary Supplement



Item 2 - SWEET BALANCE - Natural Max (Nutraceutical Corp.) - Dietary Supplement



Here is a record of our purchase of one of each of the above products we found at Erewhon:



Our entire file of Los Angeles, CA onsite photos, products purchased photos and spread sheet can be downloaded [here](#).

As you requested, we will be forwarding the purchased samples, receipts and via air courier upon your instruction. Kiersten Van Horne has maintained a strict chain of custody with regard to the products purchased from the retail locations noted in this report.

Please advise if you would like us to make further attempts at purchase in the Los Angeles area.

Please note that the Excel spreadsheet gives each product an item number, which correspond to the numbers assigned each product above.

Pending further advisement from you, we have concluded our investigation of BALANCE ONSITE (LOS ANGELES). If you have further need of our services on this or any other matter, please contact us.

Best Regards,

Bill Shanks

Marksmen Contact: Bill Shanks  
Email: bshanks@marksmen.com  
Phone: (800) 558-8838

KVH

# Exhibit E



PO Box 10038  
Glendale, CA 91209

Voice: 800.558.8838  
Fax: 888.558.4558

International  
Voice: +818.637.8050  
Fax: +818.637.8054

www.marksmen.com  
License PI 23992

**PRIVILEGED AND CONFIDENTIAL**

May 30, 2014

**Johanna Wilbert**  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497

**Re: BALANCE PROJECT 2014 (GLENDALE)**  
**Registrant/Company Info: Various Retailers**  
**Provided address/phone: Glendale, California**  
**Client Matter: QBLLP-ACTIVE.FID36909345**  
**File Number: 74155**

Dear Johanna:

Our office received your request on April 28, 2014, instructing us to conduct onsite purchases of products bearing use of the term BALANCE from various retail food and supplement stores in the Glendale, California area.

**Balance referenced products found in Whole Foods: 11**

**Balance referenced products found in Ralph's: 8**

**Balanced referenced products found in Trader Joe's: 9**

**Balanced referenced products found in Target: 22**

**INVESTIGATION CONLUDED PENDING ADVISEMENT.**

**Whole Foods - 331 N. Glendale Avenue, Glendale, CA 91206 - (818) 548-3695**

On May 21, 2014 at approximately 11:00 am PST, Marksmen, Inc. (CA PI 23992) operative Marie Flemmings attempted to locate and purchase any and all consumable products in various sections of Whole Foods that bear use of the term BALANCE. Operative Flemmings purchased the following products listed by: number / product name / manufacturer / type of product.

Item 1 -Balancing Act Half Caffeinated City Roast - Whole Foods 365 Everyday Value - Coffee

Item 2 -Earth Balance Vegan Cheddar Flavor Squares - GFA Brands - Crackers

Item 3 -Earth Balance Kettle Chips - GFA Brands - Potato Chips

Item 4 -Earth Balance Aged White Cheddar Popcorn - GFA Brands - Popcorn

Item 5 -Earth Balance Aged White Cheddar Puffs - GFA Brands - Cheese Puffs

Item 6 -Clif Kid Organic Z Bar - Clif Bar & Company - Nutrition Bars

Item 7 -Flush & Be Fit - Renew Life Formulas - Nutritional Supplement

Item 8 -Balanced B Complex - Mega Food - Nutritional Supplement

Item 9 -Herbal Cup Bedtime Tea - Herbal Cup Tea - Herbal Tea Supplement

Item 10 -Sugar Balance Tea - Herbal Dietary Supplement - Triple Leaf Tea

Item 11 -Balance Bar - Balance Bar Company - Nutrition Bar

**Ralph's - 211 N. Glendale Avenue, Glendale, CA 91206 - (818) 549-0035**

On May 23, 2014 at approximately 10:00 am PST, Marksmen, Inc. (CA PI 23992) operative Marie Flemmings attempted to locate and purchase any and all consumable products in various sections of Ralph's that bear use of the term BALANCE. Operative Flemmings purchased the following products listed by: number / product name / manufacturer / type of product.

Item 1 -Great Grains Digestive Blend - Post - Whole Grain Cereal

Item 2 -Grape Nuts Fit - Post - Cereal

Item 3 -Belvita Soft Baked Banana Bread - Nabisco - Breakfast Biscuits

Item 4 -Boost Nutrition Bar - Nestle - Nutrition Bar

Item 5 -Smart Balance Natural - GFA Brands - Peanut Butter

Item 6 -Caltrate Soft Chews - Pfizer - Calcium Supplements

Item 7 -Kauai Coffee - Kauai Coffee Company - Coffee

Item 8 -Balance Bar - Balance Bar Company - Nutrition Bar

**Trader Joe's - 130 N. Glendale Avenue, Glendale CA 91206 - (818) 637-2990**

On May 23, 2014 at approximately 11:30 am PST, Marksmen, Inc. (CA PI 23992) operative Marie Flemmings attempted to locate and purchase any and all consumable products in various sections of Trader Joe's that bear use of the term BALANCE. Operative Flemmings purchased the following products listed by: number / product name / manufacturer / type of product.

Item 1 -Wake Up Blend Coffee - Trader Joe's - Coffee

Item 2 -Petite Cocoa Batons - Trader Joe's - Cookies

Item 3 -Organic Corn Flakes - Trader Joe's - Cereal

Item 4 -Oatmeal Complete - Trader Joe's - Cereal

Item 5 - Aria Women's Protein - Designer Protein - Protein Shake Mix

Item 6 - Uncle Sam Toasted Whole Wheat Berry Flakes - Attune Foods - Cereal

Item 7 -Complete Body Cleanse - Trader Joe's - Dietary Supplement

Item 8 -Kettle Corn - Trader Joe's - Popcorn

Item 9 -Balance Bar - Balance Bar Company - Nutrition Bar

**Target - 100 West Broadway, #700, Glendale, CA 91210 - (818) 334-1400**

On May 27, 2014 at approximately 12:30 pm PST, Marksmen, Inc. (CA PI 23992) operative Marie Flemmings attempted to locate and purchase any and all consumable products in various sections of Target that bear use of the term BALANCE. Operative Flemmings purchased the following products listed by: number / product name / manufacturer / type of product.

Item 1 -Simply Balanced Organic Maple Syrup - Target Brands - Maple Syrup

Item 2 -Simply Balanced Fruit Strips - Target Brands - Fruit Strips

Item 3 -Simply Balanced Organic All Purpose Unbleached Flour - Target Brands - Flour

- Item 4 -Simply Balanced Strawberry Slices - Target Brands - Freeze Dried Fruit
- Item 5 -Simply Balanced Gluten Free Multi-Seed Brown Rice Crackers - Target Brands - Crackers
- Item 6 -Simply Balanced High Protein Cinnamon Crisp Cereal - Target Brands - Cereal
- Item 7 -Simply Balanced Nut and Seed Bars - Target Brands - Snack Bar
- Item 8 -Simply Balanced Peach Slices - Target - Freeze Dried Fruit
- Item 9 -Simply Balanced Montmorency Cherries - Target Brands - Dried Fruit
- Item 10 -Simply Balanced Organic Tortilla Chips Yellow Corn - Target Brands - Tortilla Chips
- Item 11 -Simply Balanced Whole Grain Popcorn Lightly Salted - Target Brands - Popcorn
- Item 12 -Simply Balanced Twisted Fruit Ropes Strawberry Banana - Target Brands - Fruit Twists
- Item 13 -Simply Balanced Gluten Free Multi-Grain Brown Rice Crackers - Target Brands - Crackers
- Item 14 -Simply Balanced Cherry Almond Greek Yogurt Granola Bars - Target Brands - Granola Bar
- Item 15 -Simply Balanced Organic Hot Cereal Multigrain Blend - Target Brands - Cereal
- Item 16 -Simply Balanced Organic Black Tea Traditional Chai - Target Brands - Herbal Tea
- Item 17 -Simply Balanced Organic Green Tea Soothing Ginger - Target Brands - Herbal Tea
- Item 18 -Simply Balanced Fruit Twists Blueberry Pomegranate - Target Brands - Fruit Twists
- Item 19 -Insync Natural Probiotic - Perrigo - Probiotic Supplement
- Item 20 -Smart Balance Non-Stick Cooking Spray - GFA Brands - Cooking Spray
- Item 21 -Smart Balance Natural Creamy Peanut Butter - GFA Brands - Peanut Butter
- Item 22 -Balance Bar - Balance Bar Company - Nutrition Bar

Our entire file of Glendale, California onsite photos, products purchased photos and itemized Excel spreadsheet can be downloaded [here](#).

Please note the Excel Spreadsheet gives each product number and item number, which corresponds to the numbers assigned each product above.

As you requested, we will be forwarding the purchased samples and receipts via air courier upon instruction. Marie Flemmings has maintained a strict chain of custody with regard to the products purchased from the retail locations noted in this report.

If you have further need of our services on this or any other matter, please contact us.

Best Regards,



Bill Shanks

Marksman Contact: Bill Shanks  
Email: bshanks@marksmen.com  
Phone: (800) 558-8838

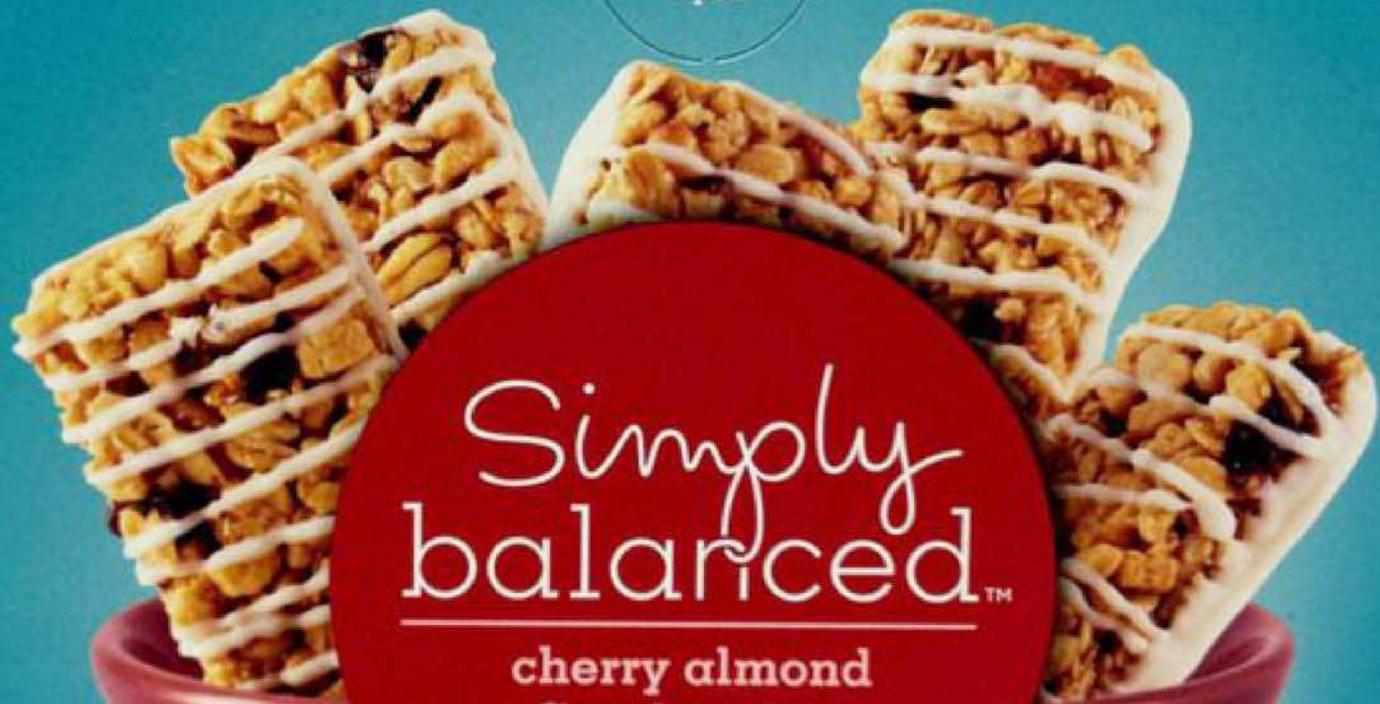
mef

# Exhibit F



5 count

push to  
open



Simply  
balanced™

cherry almond  
Greek yogurt  
granola bars



Serving suggestion

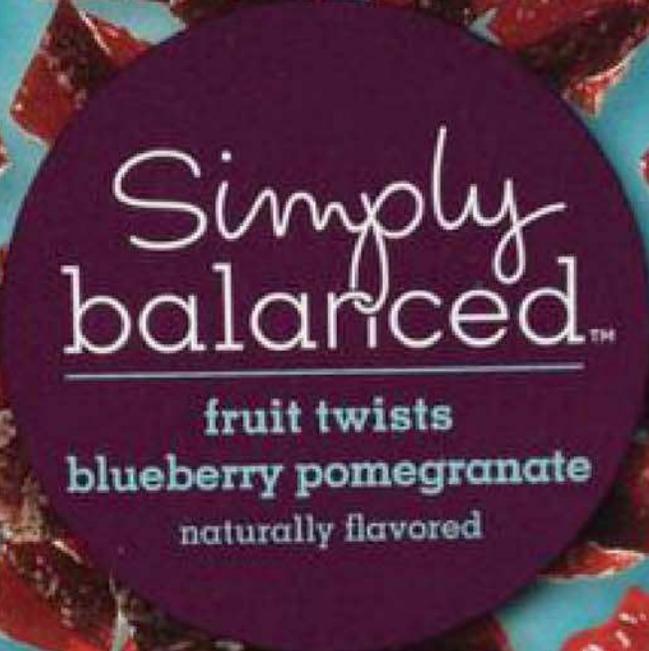
NET WT 6.2 OZ (175g) / 5—1.2 OZ (35g) BARS



1 fruit  
serving  
per pouch\*

6 count

made with  
natural  
ingredients



Simply  
balanced™

fruit twists  
blueberry pomegranate  
naturally flavored



Serving suggestion

NET WT 6 — 0.85 OZ (24g) POUCHES / NET WT 5.1 OZ (144g)



made with  
natural  
ingredients

Simply  
balariced™

gluten free multi-seed  
brown rice crackers



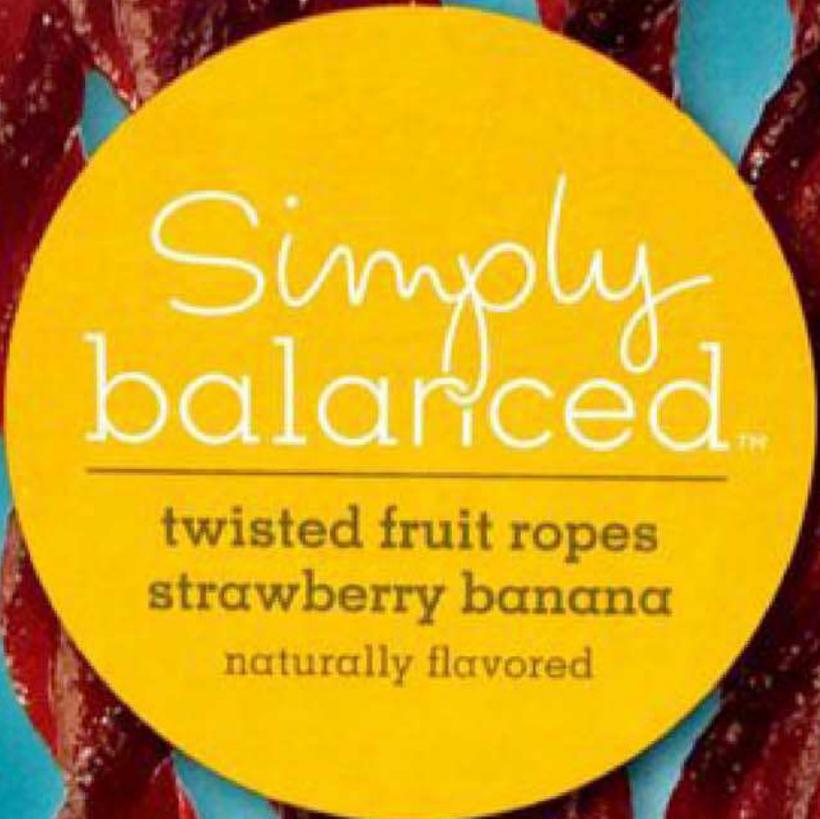
Serving suggestion  
Enlarged to show detail



NET WT 3.5 OZ (100g)



ingredients

A large yellow circle containing the brand name 'Simply balanced' in a white, handwritten-style font. Below the name is a thin horizontal line.

Simply  
balanced™

twisted fruit ropes  
strawberry banana  
naturally flavored



Serving suggestion

8 — 0.63 OZ (18g) ROPES / NET WT 5 OZ (144g)

tear here

4 fruit  
servings\*  
per pouch

Simply  
balariced™

strawberry slices  
freeze dried fruit  
all natural

Serving suggestion

NET WT 1.137 (28g)





20 count

a peaceful blend  
of ginger root and  
lemongrass

Simply  
balanced™

organic green tea  
soothing ginger



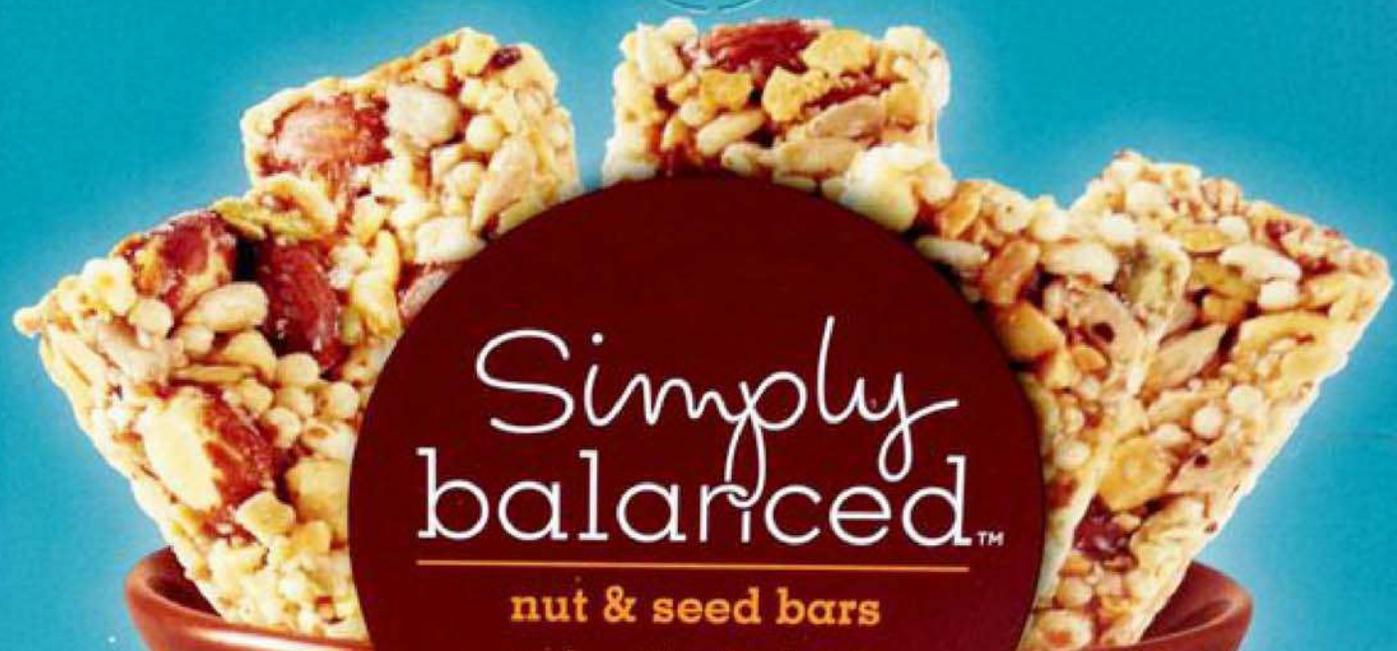
Serving suggestion

NET WT 1.41 OZ (40g) ®



5 count

push to  
open



Simply  
balariced™

**nut & seed bars**

made with mixed nuts,  
sunflower  
& pumpkin seeds



Serving suggestion

NET WT 6.2 OZ (175g) / 5—1.2 OZ (35g) BARS



pull to open

reclosable for freshness

gluten free

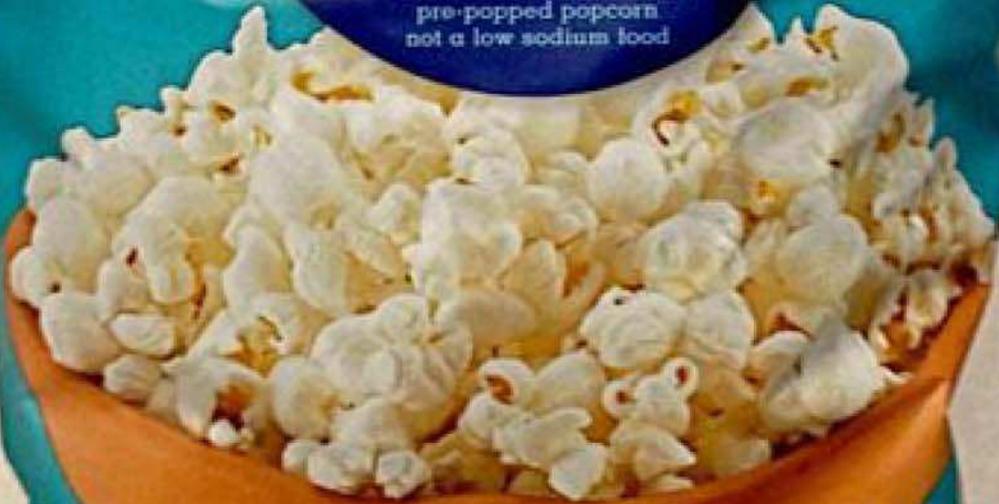
**45**  
calories  
per cup

BEST BY  
27 AUG 2014  
41254 10 07 46  
AD0173

Simply  
balanced™

whole grain popcorn  
lightly salted

55% less sodium  
than the average seasoned  
pre-popped popcorn  
not a low sodium food



NET WT 5.5 OZ (156g)



made with  
natural  
ingredients

25 count

Simply  
balanced™

fruit strips  
strawberry  
naturally flavored



Serving suggestion

25 — 0.5 OZ (14g) STRIPS / NET WT 12.5 OZ (350g)



Simply  
balanced™

high protein cinnamon  
crisp cereal

made with natural  
ingredients

Serving suggestion

NET WT 13 OZ (369g) ®

made with  
natural  
ingredients

# Simply balanced™

gluten free multigrain  
with flax  
brown rice crackers



Serving suggestion  
Enlarged to show detail



NET WT 3.5 OZ (100g)



20 count

a classic, aromatic  
blend with cinnamon,  
cardamom and nutmeg

Simply  
balanced™

organic black tea  
traditional chai



Serving suggestion

NET WT 1.41 OZ (40g)



Simply  
balariced™

organic all purpose  
unbleached flour





tear here

available for freshness

6 fruit  
servings\*  
per pouch

Simply  
balanced™

peach slices  
freeze dried fruit

made with  
natural ingredients

Serving suggestion

NET WT 1.75 OZ (50g)



pull to open  
reclosable for freshness

no preservatives  
gluten free

best by  
08 APR 2014

Simply  
balanced.  
organic tortilla chips  
yellow corn



Serving suggestion  
NET WT 12 OZ (340g)





earth  
balance

vegan aged white cheddar

popcorn

plant-based  
diet  
friendly

BEST BY  
EXPIRES 12/14/20  
12/14/2020

NATURAL



AYURVEDIC BALANCED TEA

**Herbal  
cup™**

Enjoy healing herbs  
in a cup!

***Bednite***

For Restful Sleep\*



HERBAL TEA  
CAFFEINE FREE

16 Tea Bags  
Net Wt. 0.88 Oz (25g)

HERBAL TEA SUPPLEMENT

NUTRITIONAL NOURISHMENT  
SLO-FOOD PROCESS  
MADE WITH LOVE SINCE 1973  
FRESH & LOCAL FOOD  
MADE WITH SINCE 1973  
AUTHENTIC SLO-FOOD

# MegaFood™

*Fresh From Farm To Tablet™*

## Balanced B Complex

**Nourish • Energize • Replenish**



**60**  
TABLETS  
**60**  
SERVINGS

WHOLE FOOD MULTIVITAMIN  
DIETARY SUPPLEMENT

365  
EVERY DAY VALUE

Balancing Act  
half caffeinated  
CITY ROAST

COFFEE BEANS  
Ground  
COFFEE BEANS

NET WT 11 OZ (312g) ©

# earth balance™

vegan aged white cheddar flavor  
puffs

BEST BY  
16 SEP 2014 BP  
4079069 07-08





# earth balance™

vegan cheddar flavor

# squares



Vegan

0g  
Trans  
Fat

Non-  
GMO

NET WT 6 OZ. (170g)

Herbal Tea  
All Natural  
CAFFEINE-FREE



ANCIENT  
CHINESE  
MEDICINALS

# SUGAR BALANCE™

& WOMEN'S TONIC WITH DONG QUAI

Helps Maintain Normal Blood Sugar Levels\*  
Promotes Healthy Menstruation & Menopause\*

20 TEA BAGS    HERBAL DIETARY SUPPLEMENT    NET WT. 1.34 OZ. (38G)



GFA\_EB002367

# Exhibit G



PO Box 10038  
Glendale, CA 91209

Voice: 800.558.8838  
Fax: 888.558.4558

International  
Voice: +818.637.8050  
Fax: +818.637.8054

www.marksmen.com  
License PI 23992

**PRIVILEGED AND CONFIDENTIAL**

May 30, 2014

**Johanna Wilbert**  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497

**Re: BALANCE PROJECT 2014 (RALEIGH)**  
**Registrant/Company Info: Various Retailers**  
**Provided address/phone: Raleigh, North Carolina**  
**Client Matter: QBLLP-ACTIVE.FID36909345**  
**File Number: 74154**

Dear Johanna:

Our office received your request on April 28, 2014, instructing us to conduct onsite purchases of products bearing use of the term BALANCE from various retail food and supplement stores in the Raleigh, North Carolina area.

**Balance referenced products found in Lowes Foods: 9**

**Balance referenced products found in Rite Aid: 7**

**Balance referenced products found in Harris Teeter : 12**

**Balance referenced products found in Target: 24**

**Balance referenced products found in Food Lion: 10**

**We attempted but were unable to locate Balance Bar product at several other stores in Raleigh, NC including Earthfare, Vitamin Shoppe, GNC, Kerr Drug and Fresh Market.**

**INVESTIGATION CONCLUDED PENDING ADVISEMENT.**

**Lowes Foods Store #224 - 8100 Brier Creek Pkwy, Raleigh, NC 27617 - (919) 293-0294**

On May 22, 2014 at approximately 12:00pm EDT, Marksmen, Inc. investigator Chris Rodermond (NC 4033-PIA), attempted to locate and purchase any and all consumable products in numerous sections of Lowes Foods, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Rodermond purchased the following products listed by item number / product name / manufacturer / type of product:

Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar

Item 2 - Healthy Balance - Old Orchard - Juice

Item 3 - Ensure - Abbott Labs - Nutrition Shake

Item 4 - Slimfast Bar - Unilever - Nutrition Bar

Item 5 - Belvita Breakfast Soft Baked - Nabisco - Breakfast Bar

Item 6 - Earth Balance Coconut & Peanut Sprea - GFA Brands - Spread

Item 7 - B-Complex 50 - Lowes Foods - Supplement

Item 8 - B-Complete - Rainbow Light - Supplement

Item 9 - Balance Bar Gold - Balance Bar Company - Nutrition Bar

**Harris Teeter - 9810 Leesville Road, Raleigh, NC 27613 - (919) 676-3534**

On May 22, 2014 at approximately 1:30pm EDT, Marksmen, Inc. investigator Chris Rodermond (NC 4033-PIA), attempted to locate and purchase any and all consumable products in numerous sections of Harris Teeter, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Rodermond purchased the following products listed by item number / product name / manufacturer / type of product:

Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar

Item 2 - Belvita Breakfast Cookie - Nabisco - Breakfast Bar

Item 3 - Healthy Balance - Old Orchard - Juice

Item 4 - Mission Carb Balance - Gruma - Flour Tortillas

Item 5 - Smart Balance Mayonnaise - GFA Brands - Mayo

Item 6 - Earth Balance Coconut & Peanut Sprea - GFA Brands - Spread

Item 7 - Smart Balance Natural Chunky Peanut Butter - GFA Brands - Spread

Item 8 - Ensure - Abbott Labs - Nutrition Shake

Item 9 - Balanced B-100 Complex - Nature Made Nutritional Products - Supplement

Item 10 - Earth Balance Butter - GFA Brands - Butter

Item 11 - Smart Balance Spread - GFA Brands - Butter

Item 12 - Balance Bar Gold - Balance Bar Company - Nutrition Bar

**Rite Aid Pharmacy - 13300 Strickland Road, Raleigh, NC 27613 - (919) 870-7100**

On May 22, 2014 at approximately 3:00pm EDT, Marksmen, Inc. investigator Chris Rodermond (NC 4033-PIA), attempted to locate and purchase any and all consumable products in numerous sections of Rite Aid Pharmacy, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Rodermond purchased the following products listed by item number / product name / manufacturer / type of product:

Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar

Item 2 - Slim Fast PB Crunchtime Bar - Unilever - Nutrition Bar

Item 3 - Belvita Golden Oat - Nabisco - Breakfast Bar

Item 4 - Balanced B Complex - Pharmassure - Supplement

Item 5 - Nutritional Supplement - Rite Aid - Nutrition Shake

Item 6 - Ensure Nutrition Powder - Abbott Labs - Nutrition Shake

Item 7 - Designer Whey - Designer Protein - Protein Powder

**Target - 4191 The Circle At North Hills Street, Raleigh, NC 27609 - (919) 781-9848**

On May 27, 2014 at approximately 2:00pm EDT, Marksmen, Inc. investigator Chris Rodermond (NC 4033-PIA),

attempted to locate and purchase any and all consumable products in numerous sections of Target Store, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Rodermond purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar
- Item 2 - Belvita Breakfast Soft Baked - Nabisco - Breakfast Bar
- Item 3 - Colon Health Daily Probiotic Caps - Bayer - Supplement
- Item 4 - Monkey Bars - SHRKY LLC - Nutrition Bar
- Item 5 - Simply Balanced Peach Slices Freeze Dried - Target - Fruit Snack
- Item 6 - Slim Fast Cake Bars - Unilever - Protein Meal Bars
- Item 7 - Culturelle - i-Health Inc. - Supplement
- Item 8 - Simply Balanced Whole Grain Popcorn - Target - Snack
- Item 9 - Simply Balanced Vanilla Bean Granola - Target - Cereal
- Item 10 - Simply Balanced Fruit Strips - Target - Fruit Snack
- Item 11 - Think Thin High Protein Bars - Think Thin LLC - Protein Bars
- Item 12 - Clif Kid Zbar - Clif Bar & Company - Nutrition Bar
- Item 13 - Fiber One Meal Bar - General Mills - Nutrition Bar
- Item 14 - Simply Balanced Nut & Seed Bar - Target - Snack Bar
- Item 15 - Boost Glucose Control - Nestle - Nutritional Drink
- Item 16 - Balanced B-100 Complex - Nature Made Nutritional Products - Vitamin
- Item 17 - Kashi Organic Promise - Kashi Sales LLC - Cereal
- Item 18 - Great Grains Digestive Blend - Post Foods LLC - Cereal
- Item 19 - Toasted Cinnamon Squares - Mom Brands - Cereal
- Item 20 - Kind Healthy Grains - Kind LLC - Granola
- Item 21 - Simply Balanced - Target - Juice
- Item 22 - Slim Fast Protein Meal Shake - Unilever - Nutritional Drink
- Item 23 - Simply Balanced Essence Water - Target - Juice
- Item 24 - Ensure - Abbott Labs - Nutrition Shake

**Food Lion - 5426 Six Forks Road, Raleigh, NC 27609 - (919) 676-3386**

On May 27, 2014 at approximately 4:00pm EDT, Marksmen, Inc. investigator Chris Rodermond (NC 4033-PIA), attempted to locate and purchase any and all consumable products in numerous sections of Food Lion, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Rodermond purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar
- Item 2 - Belvita Breakfast Cookie - Nabisco - Breakfast Bar
- Item 3 - Slim Fast Powder - Unilever - Powder
- Item 4 - Nutritional Drink Plus - Healthy Accents - DZA Brands -Nutritional Drink

Item 5 - Designer Whey - Designer Protein - Protein Powder

Item 6 - Ensure - Abbott Labs - Nutrition Shake

Item 7 - Grain Berry Cereal - Silver Palate Kitchens Inc. - Cereal

Item 8 - Ezekiel 4:9 - Food for Life Baking Co., Inc. - Cereal

Item 9 - Whey Protein - Health Watchers - Protein Powder

Item 10 - Healthy Balance Cherry Juice - Old Orchard Juice - Juice

Our entire file of Raleigh, NC onsite photos, products purchased, and spreadsheet can be downloaded [here](#).

As you requested, we will be forwarding the purchased samples and receipts via air courier upon your instruction. Chris Rodermond has maintained a strict chain of custody with regard to the products purchased from the retail locations noted in this report.

Please note that the Excel Spreadsheet gives each product an item number, which corresponds to the numbers assigned each product above and also each Office Photo Item (see zip file per retail location).

Pending further advisement from you, we have concluded our investigation of BALANCE PROJECT 2014 (RALEIGH). If you have further need of our services on this or any other matter, please contact us.

Best Regards,



**Bill Shanks**

Marksman Contact: Bill Shanks  
Email: bshanks@marksman.com  
Phone: (800) 558-8838

or

# Exhibit H























**Gluten Free!**

Nestlé Health Science

**BOOST**  
**Glucose Control**<sup>®</sup>  
Nutritional Drink

- Balanced Nutrition for People with Diabetes
- 16g of High-Quality Protein to Help Maintain Muscle
- 25 Essential Vitamins & Minerals
- 1 Carbohydrate Choice

**Very Vanilla** Natural and Artificial Flavor

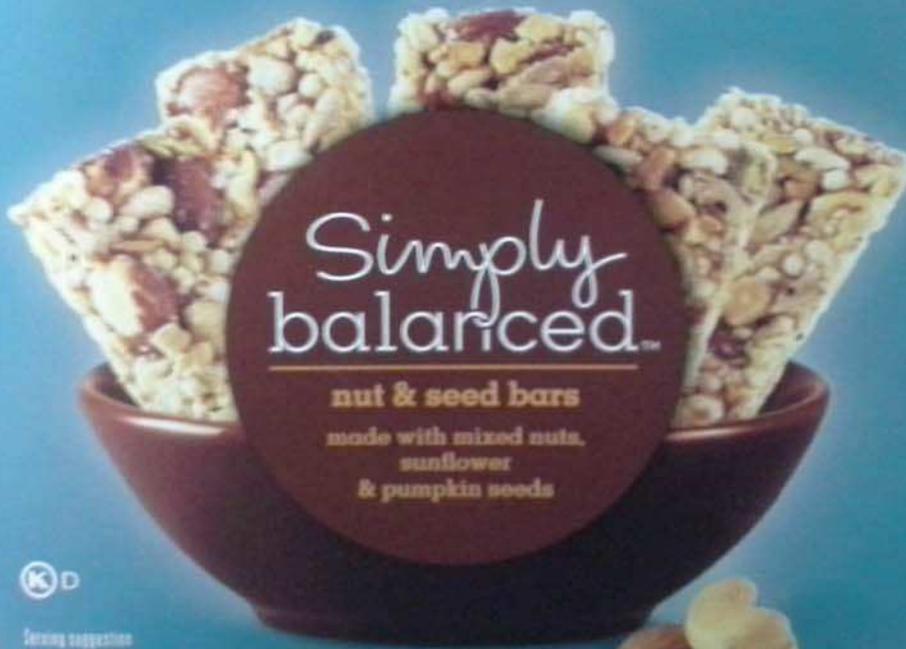
6-8 FL OZ (237 mL) BOTTLES  
NET 1.5 QT (1.42 L)

UD



5 count

push to  
open



Simply  
balanced™

**nut & seed bars**  
made with mixed nuts,  
sunflower  
& pumpkin seeds



Serving suggestion

NET WT 6.2 OZ (175g) / 5—1.2 OZ (35g) BARS







**30g**  
whole grains  
per serving

made with a blend  
of ancient grains

good source of fiber

**Clearance**  
231 13 0708  
New \$9.70



Simply  
balanced™

vanilla bean  
granola

made with natural  
ingredients

Serving suggestion

NET WT 15 OZ (425g) ®





100%  
juice

Simply  
balanced™

organic white grape  
juice

from concentrate with  
added ingredients

64 FL OZ (2 QT) 1.89L





made with  
natural  
ingredients

10 count

Simply  
balarced™

fruit strips  
wild berry  
naturally flavored



Serving suggestion

10 - 0.5 OZ (14g) STRIPS / NET WT 5 OZ (140g)

# FIBER One™

PER BAR

190 CALORIES	3g SAT FAT 10% DV	180mg SODIUM 7% DV	6g SUGARS	9g FIBER 30% DV
-----------------	-------------------------	--------------------------	--------------	-----------------------

enlarged to show texture

**NEW!**

## mealbar

balanced nutrition for a healthy lifestyle™

10g  
PROTEIN

9g  
FIBER  
9g OF TOTAL FAT  
PER BAR

60%  
LESS SUGAR  
THAN A SPECIAL K  
MEAL BAR

CHOCOLATE  
FLAVORED CHIPS

Chocolate Peanut Butter  
NATURALLY FLAVORED

5 - 1.59 OZ (45g) BARS NET WT 7.95 OZ (225g)





compare to Ensure®\*  
strawberry  
NATURALLY & ARTIFICIALLY FLAVORED

healthy accents®

# nutritional drink plus<sup>UD</sup>

balanced nutritional supplement

24 essential vitamins & minerals



6  
cans

6-8 FL OZ CANS (1.5QT) • 6-237mL CANS (1.42L)













SPREAD • FRY • SAUTÉ • BAKE

Great Buttery Taste



earth balance®

natural buttery spread

U  
PARVE

NEW  
SHAPE  
Still  
13 oz

Organic  
WHIPPED

78% Natural  
Vegetable Oils

NET WT 13 OZ (368g)











New!

40-30-30 Nutrition Energy Bar

Balance<sup>bar</sup>

dark

dark chocolate crunch



100% Rainforest Alliance Certified™ Cocoa<sup>†</sup>  
Gluten Free • 13g Protein • 4g Fiber • Kosher  
Excellent Source of Antioxidants (Vits. A, C & E) and Vitamin D

6  
bars

6 BARS - 1.58 OZ (45g)  
NET WT 9.48 OZ (270g)

dark  
chocolate  
crunch

# Exhibit I



PO Box 10038  
Glendale, CA 91209

Voice: 800.558.8838  
Fax: 888.558.4558

International  
Voice: +818.637.8050  
Fax: +818.637.8054

www.marksmen.com  
License PI 23992

**PRIVILEGED AND CONFIDENTIAL**

May 30, 2014

**Johanna Wilbert**

Quarles & Brady LLP  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497

**Re: BALANCE PROJECT 2014 (WESTPORT, CONNECTICUT)**

**Registrant/Company Info: Various Retailers**  
**Provided address/phone: Westport, Connecticut**  
**Client Matter: QBLLP-ACTIVE.FID36909345**  
**File Number: 74153**

Dear Johanna:

Our office received your request on April 28, 2014, instructing us to conduct onsite purchases of products bearing use of the term BALANCE from various retail food and supplement stores in the Westport, Connecticut area.

**Balance referenced products found in The Organic Market: 16**

**Balance referenced products found in Whole Foods: 22**

**Balance referenced products found in CVS Drugstore: 17**

**Balance referenced products found in Stop & Shop: 26**

**INVESTIGATION CONCLUDED PENDING ADVISEMENT**

**The Organic Market - 285 Post Road East, Westport, CT 06880 - (203) 227-9007**

On May 21, 2014 at approximately 11:00am EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all consumable products in numerous sections of The Organic Market, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar
- Item 2 - Culturell Probiotic - i-Health, Inc. - Probiotic Capsules
- Item 3 - Triple Leaf Sugar Balance Tea - Triple Leaf Tea, Inc. - Herbal Tea
- Item 4 - Trim-Maxx Cinnamon - Body Breakthrough Inc. - Herbal Tea
- Item 5 - CleanseSmart - RenewLife Formulas - Internal Cleanse
- Item 6 - Natural Calm Plus Calcium - Natural Vitality - Balanced Calcium Drink
- Item 7 - Ultra Diet Pep - Natural Balance - Fat Burning Pills

- Item 8 - Fish Free Omega Oil - Nature's Secret - Oil supplement
- Item 9 - EstroBalance - Enzymatic Therapy, Inc. - Dietary Supplement
- Item 10 - Ultimate Flora - Renew Life Formulas - Probiotic Capsules
- Item 11 - Natrol DHEA - Natrol, Inc. - Dietary Supplement
- Item 12 - Probiotic Acidophilus - American Health, Inc. - Probiotic Liquid
- Item 13 - Mega B-100 Balanced B-Complex - Natural Organics Laboratories, Inc. - B Vitamins
- Item 14 - 8 Billion Acidophilus Bifidus - Now Foods - Probiotic Capsules
- Item 15 - Kyo-Dophilus - WaKanuga of America Co. Ltd. - Probiotic Capsules
- Item 16 - Earth Balance - Earth Balance / GFA Brands - Buttery Spread

Below is a scan of the receipt from our purchase:



**Whole Foods - 399 Post Road West, Westport, CT 06880 - (203) 227-6858**

On May 21, 2014 at approximately 1:30pm EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all consumable products in numerous sections of Whole Foods, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar
- Item 2 - Clif Kid Z Bar - Clif Bar & Company - Nutrition Bar
- Item 3 - Pulsin' Maple Protein - Pulsin' Ltd. - Nutrition Bar
- Item 4 - Kashi Go Lean Crisp - Kashi Sales LLC - Nutrition Bar
- Item 5 - Zand Herbal Lozenges - Zand / NutraPure, Inc. - Throat Lozenges
- Item 6 - Perfect Food Raw Cacao - Garden of Life LLC - Raw Cacao + Greens
- Item 7 - GenEssential Concentrated Greens - Genesis Today Inc. - Greens Concentrate
- Item 8 - Delallo Pasta - George Delallo Co. Inc. - Orzo Pasta

- Item 9 - WholeFoods B Daily - Whole Foods Market - B Vitamins
- Item 10 - Red Clover Extract - Nature's Answer - Herb Supplement
- Item 11 - Woodstock BP Balance - Woodstock Herbal Products - Herb Supplement
- Item 12 - MegaFood Women's One Daily - MegaFood - Multi-Vitamin
- Item 13 - Rainbow Light Bio-Balanced Vitamin - Rainbow Light - Multi-Vitamin
- Item 14 - Rainbow Light Menopause One - Rainbow Light - Multi-Vitamin
- Item 15 - Rainbow Light Bio-Balanced B Complex - Rainbow Light - B Vitamins
- Item 16 - MegaFood Balanced B Complex - MegaFood - B Vitamins
- Item 17 - Perfect Food Alkalizer Detoxifier - Garden of Life LLC - Raw Superfood Supplement
- Item 18 - ParaGone Detox Program - Renew Life Formulas - Drops & Capsules
- Item 19 - Whole Body Cleanse - Enzymatic Therapy Inc. - Packets / Capsules / Tablets
- Item 20 - Twinings Earl Grey Tea - R. Twining and Company Limited - Tea Bags
- Item 21 - Earth Balance Peanut Spread - Earth Balance / GFA Brands - Peanut/Coconut Spread
- Item 22 - Earth Balance Puffs White Cheddar - Earth Balance / GFA Brands - Puffed Snack Food

Below is a scan of the receipt from our purchase:



Within the snack food / energy bar aisle at Whole Foods we note that the Clif Kid Z Bars were displayed right next to the BALANCE BAR product. The bottom of the Clif Kid Z Bar product makes mention of BALANCE as seen in the photograph below:



Additionally the Pulsin' energy bar below was on the same side of shelving as the two products above about 15 feet to the left:



**CVS Pharmacy - 397 Post Road East, Westport, CT 06880 - (203) 227-7343**

On May 25, 2014 at approximately 12:30pm EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all consumable products in numerous sections of CVS Pharmacy, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Balance Bar - Balance Bar Company - Nutrition Bar
- Item 2 - Luna Bar Lemon Zest - Clif Bar & Company - Nutrition Bar
- Item 3 - Go Lean Crisp - Kashi Sales LLC - Nutrition Bar
- Item 4 - SuperCandy - Snap Infusion LLC - Gummy Candy
- Item 5 - Sport Beans - Jelly Belly Candy Company - Energy Jelly Beans
- Item 6 - ProBalance Protein Shot - ProBalance, Inc. - Protein Boost Drink
- Item 7 - Balance B-50 - CVS Pharmacy, Inc. - Vitamin Supplement
- Item 8 - Balanced B-100 Complex - NatureMade Nutritional Products - Vitamin Supplements
- Item 9 - Culturelle Health/Wellness Probiotic - Culturelle - Probiotic Supplement

- Item 10 - Maximum Strength Probiotic - CVS Pharmacy, Inc. - Probiotic Supplement
- Item 11 - Digestive Probiotic - CVS Pharmacy, Inc. - Probiotic Supplement
- Item 12 - Boost Nutrition Bar - Nestle Health Science - Nutrition Bar
- Item 13 - Belvita Soft Baked Energy Bar - Nabisco / Mondelez Global LLC - Energy Bar
- Item 14 - Boost Balance Nutritional Drink - Nestle Healthcare Nutrition, Inc. - Nutritional Drink
- Item 15 - Liquid Nutrition Plus - CVS Pharmacy, Inc. - Nutritional Drink
- Item 16 - PediaSure Children's Shake - Abbott Laboratories - Nutritional Drink
- Item 17 - Ensure Complete Balanced Nutrition - Abbott Laboratories - Nutritional Drink

Below is a scan of the receipt from our purchase:



Please note that 15 of 17 items within CVS were obtained from the Nutrition / Diet / Vitamin aisle, including the opposition's Balance Bar product:



Another product found within the aisle displayed above:



**Stop & Shop - 1790 Post Road East, Westport, CT 06880 - (203) 254-8484**

On May 21, 2014 at approximately 2:30pm EDT, Marksmen, Inc. investigator William Shanks (CT PI A-2470), attempted to locate and purchase any and all consumable products in numerous sections of Stop & Shop, including snackfoods, nutritionals, supplements, breakfast foods, etc., that bear use of the term BALANCE. Investigator Shanks purchased the following products listed by item number / product name / manufacturer / type of product:

- Item 1 - Balance Bar S'mores - Balance Bar Company - Nutrition Bar
- Item 2 - Nutrition Balanced Nutrition Bar - Stop & Shop / Foodhold USA LLC - Nutrition Bar
- Item 3 - Kashi GoLean Dipped - Kashi Sales LLC - Nutrition Bar
- Item 4 - Zone Perfect Nutrition Bar - Abbott Nutrition (Laboratories) - Nutrition Bar
- Item 5 - Clif Kid Z Bar - Clif Bar & Company - Nutrition Bar
- Item 6 - Balance B-100 Complex - NatureMade - Vitamin Supplements
- Item 7 - Ultimate Flora - RenewLife Formulas - Probiotic

- Item 8 - Digestive Health Probiotic - NatureMade - Vitamin Supplements
- Item 9 - Probiotic Pearls - Enzymatic Therapy, LLC - Probiotic
- Item 10 - Belvita Breakfast Biscuits - Nabisco - Energy Cookie
- Item 11 - Smart Balance Chunky Peanut Butter - GFA Brands, Inc. - Peanut Butter
- Item 12 - Earth Balance Peanut Butter - Earth Balance / GFA Brands - Peanut Butter
- Item 13 - Earth Balance Cheddar Popcorn - Earth Balance / GFA Brands - Popcorn
- Item 14 - Boost Balanced Nutritional Drink - Nestle Healthcare Nutrition, Inc. - Nutritional Drink
- Item 15 - Nutrition Balanced Nutritional Shake - Stop & Shop / Foodhold USA LLC - Nutritional Drink
- Item 16 - Ensure Complete Balanced Nutrition - Abbott Laboratories - Nutritional Drink
- Item 17 - Carnation Breakfast Essentials - Nestle Healthcare Nutrition, Inc. - Nutritional Drink
- Item 18 - Earth Balance P.B. Pops - Earth Balance / GFA Brands - Popcorn Snack
- Item 19 - Twinings Earl Grey Tea - R. Twining and Company Limited - Tea
- Item 20 - Peets Coffee Columbian - Peets Coffee & Tea - Coffee
- Item 21 - Peets Coffee Café Domingo - Peets Coffee & Tea - Coffee
- Item 22 - Starbucks Pike Place - Starbucks Coffee Company - Coffee
- Item 23 - Melitta Vienna Roast - Melitta USA, Inc. - Coffee
- Item 24 - Eight O'Clock Original DeCaf - Eight O'Clock Coffee Company - Coffee
- Item 25 - Sun Nicaraguan - Sun Coffee Roaster - Coffee
- Item 26 - Jamaica Blue Mountain Blend - Stop & Shop / Foodhold USA LLC - Coffee

Below is a scan of the receipt from our purchase:



12 of the 26 items obtained at Stop & Shop came from the adult nutrition / vitamins aisle including the opposition's Balance Bar product:



We photographed two nutrition / energy bars bearing the name Balance in close proximity to one another. The green one on the right below is the Stop & Shop brand:



Our entire file of Westport, Connecticut onsite photos, products purchased photos and itemized Excel spread sheet can be downloaded [here](#).

Please note that the Excel Spreadsheet gives each product an Item Number, which corresponds to the numbers assigned each product within the report above and on each Office Photo per location (see full zip file).

We will forward a Master Excel spreadsheet with all three locations (Westport, CT / Raleigh, NC / Glendale, CA) to you under separate email cover.

As you requested, we will be forwarding the purchased samples and receipts via air courier upon your instruction.

William Shanks has maintained a strict chain of custody with regard to the products purchased from the retail location noted in this report.

Pending further advisement from you, we have concluded our investigation of BALANCE PROJECT 2014 (WESTPORT). If you have further need of our services on this or any other matter, please contact us.

Best Regards,

A handwritten signature in black ink, appearing to read 'WBS Shanks'.

Bill Shanks

Marksmen Contact: Bill Shanks  
Email: [bshanks@marksmen.com](mailto:bshanks@marksmen.com)  
Phone: (800) 558-8838

wbs

# Exhibit J







Gluten Free  
Lactose Free\*\*

# BOOST<sup>®</sup>

Balanced Nutritional Drink

**CALORIE  
SMART<sup>™</sup>**

With **190** Calories and **4g** of Sugars

Rich in High-Quality Protein to help maintain muscle

**25** Essential Vitamins & Minerals

Very Vanilla Natural and  
Artificial Flavor

6-8 FL OZ (237 mL) BOTTLES  
NET 1.5 QT (1.42 L)

UD

# CVS/pharmacy

397 POST RD E RT 1, WESTPORT, CT 06880  
 PHARMACY: 227-7343 STORE: 222-7501

REG#07 TRN#3350 CSHR#0529009 STR#623

Helped by: CHRISTOPHR

ExtraCare Card #: Courtesy Card

SUPER CANDY GUMMY	12			
1 @ 2/	3.00	1.50B	SAVED	.77
1 BLNCE YOG HNY PNUT	1.76	1.99B		
	1.99 EACH 3 OR MORE @	1.33	EACH	
1 LUNA LEMONZEST	1.69	1.99B		
	1.99 EACH 3 OR MORE @	1.33	EACH	
1 STRAWBERRY BANANA	32	1.99B	SAVED	1.40
1 CVS PROBIOTIC	28CT	21.99T		
1 CVS PROBIOTIC	30CT	FREE	SAVED	16.79
BUY 1, GET 1 FREE				
1 CVS BAL B-50	100S	9.49T		
1 NM BALAN B-100 TR	60CT	19.29T		
1 CVS LIQ NUT VAN FL	6PK	8.79B		
	8.79 EACH 3 OR MORE @	7.33	EACH	
1 FRUIT PNCH SPRT BN	12	1.67B		
	1.67 EACH 2 OR MORE @	1.25	EACH	
1 BLVTA SFT MKD BRY	8.82	4.59B		
1 BOOST CAL VAN 6PK	482	9.99B		
1 BOOST NUT BR5 CHF8	14.1	11.49B		
1 CULTURELLE	30CT	23.99T		
1 ENSURE+ VN82 57263	82	10.49B		
1 KSHI GLN CHC OPHL	1.76	2.19B		
1 PEDIA CHOC 6/82	482	11.99B		
1 R LING MET SIN GUM	EACH	19.99N		
1 FUJ NTAT WTR .5L	16.2	1.49F		
1 BOTTLE DEPOSIT		.05F		

20 ITEMS

SUBTOTAL	164.96
CT 6.35% TAX	9.11
TOTAL	174.07
AMEX	174.07
*****1019	MS
CHANGE	00



2500 6234 1453 3500 76  
 RETURNS WITH RECEIPT THRU 07/24/2014

MAY 25, 2014

12:45 PM





**CVS/pharmacy**

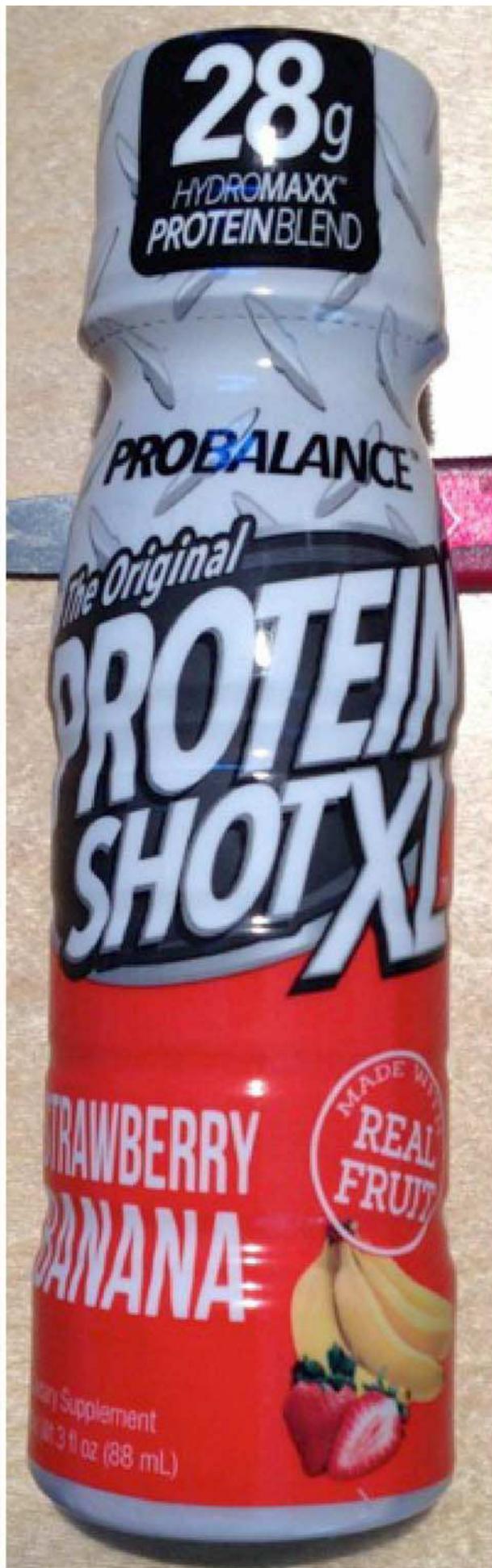
*Balanced*  
**B-50<sup>®</sup>**

**ENERGY  
METABOLISM\***

**Supports Heart &  
Nervous System Health\***

**100  
Caplets**

**DIETARY  
SUPPLEMENT**





BBD: MAR 15 15 G  
07414 07:57A

0g Trans Fat

Non-GMO  
**SMART  
BALANCE**  
**Natural**

**Chunky**

ALA  
**Omega-3**  
320mg per  
Serving

PEANUT BUTTER &  
NATURAL OIL BLEND

PARVE



**Nature Made**

**Balanced B-100  
Complex**

**TIMED RELEASE**

**DIETARY SUPPLEMENT**

**60 TABLETS**

**Helps  
Convert  
Food Into  
Energy†**





earth balance™

made with  
earth balance®  
peanut butter

# PB.Popp

POPCORN  
cuddled in peanut butter  
and a bustle of oats



Gluten-free

0g  
Trans  
Fat

Non-GMO

NET WT. 7 OZ (198g)





Nutrition



# Nutrition

**BALANCED  
NUTRITION SHAKE**  
Milk Chocolate

100% NATURALLY & ARTIFICIALLY FLAVORED  
WITH MEGA-3™  
Check us out on the Active Ingredients  
in E-nutrition!

**24**  
VITAMINS &  
MINERALS

delicious nutrition  
to support an active  
& healthy lifestyle



Amount and  
Daily Value per serving

Calcium  
10%

FAT  
9%

SODIUM  
9%

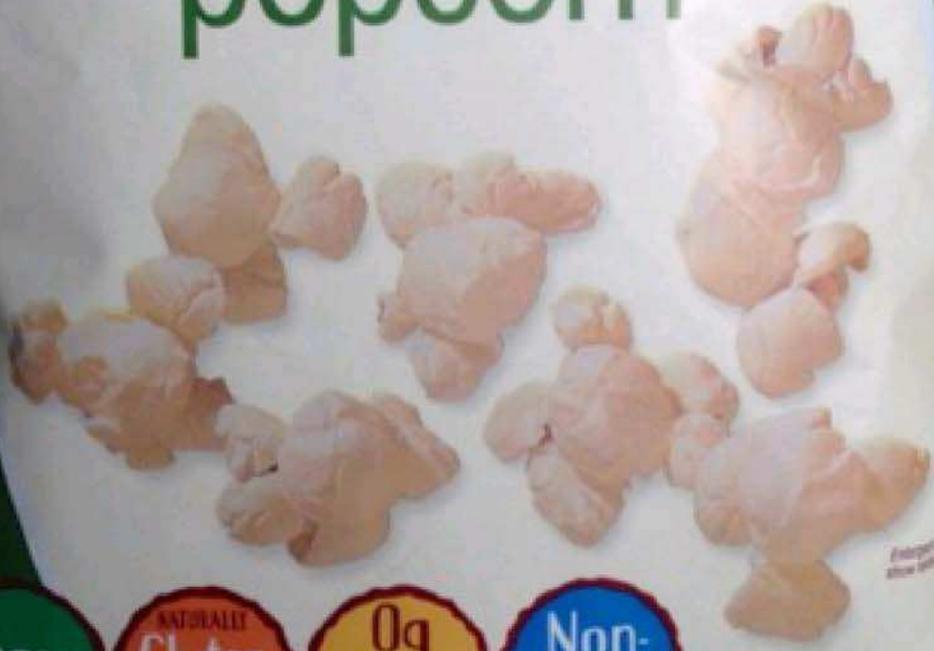
6-8 FL OZ (1.5 QT)  
6-23/14

plant-based  
diet  
trien<sup>o</sup>

BEST BY  
22SEP2016 BP  
4041579 1125

# earth balance™

vegan aged white cheddar flavor  
popcorn



Vegan

NATURALLY  
Gluten-Free

0g  
Trans  
Fat

Non-  
GMO

SEE NUTRITION INFORMATION  
FOR FAT CONTENT

NET WT. 7 OZ (198g)



Gluten Free  
Lactose Free\*\*

# BOOST<sup>®</sup>

Balanced Nutritional Drink

**CALORIE  
SMART<sup>™</sup>**

With **190** Calories and **4g** of Sugars

Rich in High-Quality Protein to help maintain muscle

**25** Essential Vitamins & Minerals

Rich Chocolate Natural and Artificial Flavor

6-8 FL OZ (237 mL) BOTTLES  
NET 1.5 QT (1.42 L)





Stop & Shop®

STOP & SHOP #653  
WESTPORT, CT  
254-3484  
WWW.STOPANDSHOP.COM

Welcome I'm KARENZO 2:41pm 5/25/14  
Tran 02537 Terminal 12 Cashier 00263

Customer Card Number XXXXX00001

GROCERY

BELVITA BLBRY	3.45 *
Stop & Shop Card Savings	-0.45 *
Price with your card	3.00
CAFE DOMINGO MED	9.99 *
Stop & Shop Card Savings	-2.00 *
Price with your card	7.99
CARN BRKFST VAN	6.79 *
EIGHT CLOCK ORGNL	6.49 *
MELITTA COFF10Z	6.69 *
Stop & Shop Card Savings	-1.77 *
Price with your card	4.92
PEETSCOLOMBIACOF	9.99 *
Stop & Shop Card Savings	-2.00 *
Price with your card	7.99
OK MINI RICE CKS	2.19 *
Stop & Shop Card Savings	-1.19 *
Price with your card	1.00
SE JM BLU MTN G	6.99 *
SMART BAL CHK PB	4.19 *
Stop & Shop Card Savings	-1.10 *
Price with your card	3.09
STRBKS PIKE PLCE	9.69 *
SUN COFFEE NICAR	7.99 *
TWN EARL GRY TEA	2.99 *
Stop & Shop Card Savings	-0.30 *
Price with your card	2.69
<b>HEALTH &amp; BEAUTY</b>	
BL BR SMR GOLD	1.49 *T
BOOST CALSMART	9.99 *
ENSURE PLS BP	10.99 *T
NM BALANCED B100	12.99 T
NM DIGEST HLTH P	20.99 T
PRBTC PEARLS CMP	17.29 T
RL UF ADLT50+PRB	25.99 T
3 @ 10 for \$10.00	
SB DBLPS NTRNBAR	1.00 *T
Stop & Shop Card Savings	-0.20 *
Price with your card	0.80
SB NUTR DRNK CHC	6.99 *T







THE ORGANIC MARKET  
285 BOSTON POST RD E  
WESTPORT CT 06880  
203-227-9007

Merchant ID: 000004430925  
Term ID: 00596100 Ref #: 0023

Sale

XXXXXXXXXXXX1019

AMEX Entry Method: Swiped

Total: \$ 340.66

05/21/14 11:15:50

Inv #: 000023 Appr Code: 540881

Apprvd: Online Batch#: 000266

Customer Copy

Herbal Tea  
All Natural  
CAFFEINE-FREE

ANCIENT CHINESE MEDICINALS

BRAND



# SUGAR BALANCE™

& WOMEN'S TONIC  
WITH DONG QUAI

Helps Maintain  
Normal Blood Sugar Levels\*  
Promotes Healthy  
Menstruation & Menopause\*

HERBAL DIETARY SUPPLEMENT  
20 TEA BAGS      NET WT. 1.34 OZ. (38G)

NATURAL  BALANCE<sup>®</sup>

*Sustained  
Release*

U L T R A  
**Diet  
Pep<sup>®</sup>**

Great for **Low-Carb Diets!**

**Thermogenic &  
Fat Burning Program**

120 TABLETS

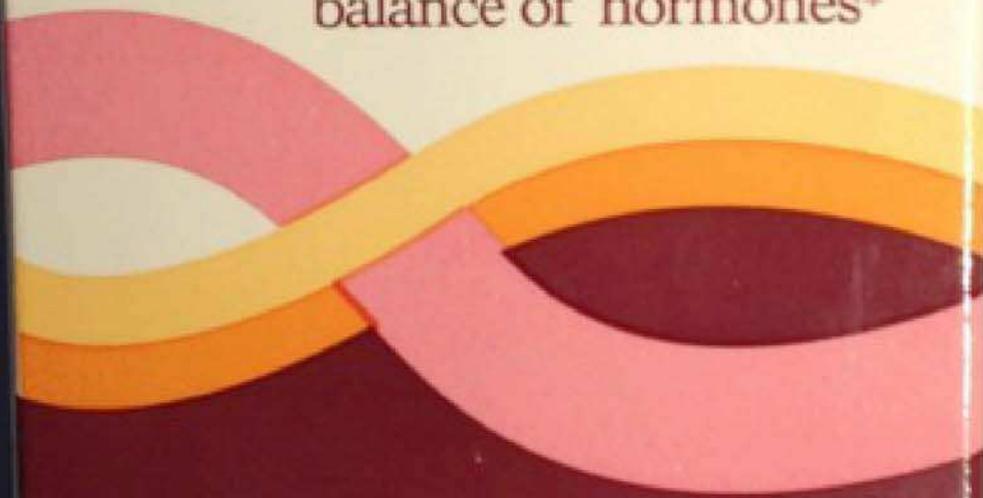
DIETARY SUPPLEMENT and PLAN



# estrobalance<sup>®\*</sup>

with absorbable DIM<sup>®</sup>

Supports healthy  
balance of hormones\*



DIETARY SUPPLEMENT

**30 TABLETS**

**WOMEN'S HEALTH**

\*THIS STATEMENT HAS NOT BEEN EVALUATED BY THE FOOD AND DRUG ADMINISTRATION.  
THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE.

PROBIOTIC SUPPLEMENT

# Kyo-Dophilus<sup>®</sup>

Promotes Healthy Intestinal Function\*

Digestion & Immune Health\*

*Restore  
Balance  
Protect*



90  
CAPSULES

**Nature's Plus**

The Energy Supplements

SUSTAINED RELEASE  
Dietary Supplement

**MEGA B-100**

Balanced  
B-Complex

GLUTEN  
Free

90 Tablets



**NATURAL VITALITY**



**Raspberry-Lemon Flavor**

*Natural*  
**CALM**  
*plus*  
**CALCIUM**

**Premium *Balanced* Magnesium-Calcium Drink**

Contains 30 single-serving packs / Dietary Supplement / Net Wt. 0.15 oz (4.2 g)





# WHOLE FOODS MARKET

WHOLE FOODS MARKET - WESTPORT, CT 06880  
 399 POST RD WEST - (203) 227-6858

- \* V CHEESE PUFFS NP 3.99 F
- \* EARTH PEANUT BUT NP 4.99 F
- \* TWINI EARL GREY DC NP 4.19 F
- \* PERF FOOD ALKA DTX NP 19.99 T
- \* ENZYH WB CLEANSE NP 23.99 T
- \* RNBOW ENERGY B CMP NP 14.39 T
- \* WFM V B DAILY 300 NP 5.99 T
- \* MEGAF B-COMPLEX 60 NP 29.99 T
- \* RNBOW WOMANS NUTRI NP 29.99 T
- \* PER FOOD PAC NP 3.49 T
- \* CHOC BAR MAPLE SAC NP .99 B
- \* RNBOW MULTI MNDPAU NP 26.99 T
- \* MEGAF WBN ONE DLY NP 20.99 T
- \* BP BALANCE FORMULA NP 16.99 T
- \* GENES GENESSENTIAL NP 2.00 T

1 @ 5/5.00

- \* BALAN BAR PNUT BTT NP 1.00 B
- \* ZAND LOZENGE TROP NP 2.79 T
- \* AF RED CLOVER FLOW NP 13.99 T
- \* PASTA ORZO WW BIOD NP 4.49 F

1 @ 2/7.00

- \* BAR-Z BAR SHORES B NP 3.50 F
- \* RENEW PARADISE NP 35.99 T
- \* PULSI MAPLE AND NP 2.99 F
- \* KASHI GO LEAN CRUM NP 2.29 B

\*\*\*\* TAX 15.99 BAL 291.99

VF AMEX 291.99  
 Acct # \*\*\*\*\*1019  
 Ser # 4552  
 Authorization # 542293

CHANGE .00

TOTAL NUMBER OF ITEMS SOLD - 23  
 5/21/14 1:28 PM 0273 02 0043 304

Your cashier today is ANUPAM



# earth balance™

vegan aged white cheddar flavor  
puffs

plant-based  
diet  
friendly

BEST BY  
03JUN2014 BF  
3329 D88 11:21



Vegan

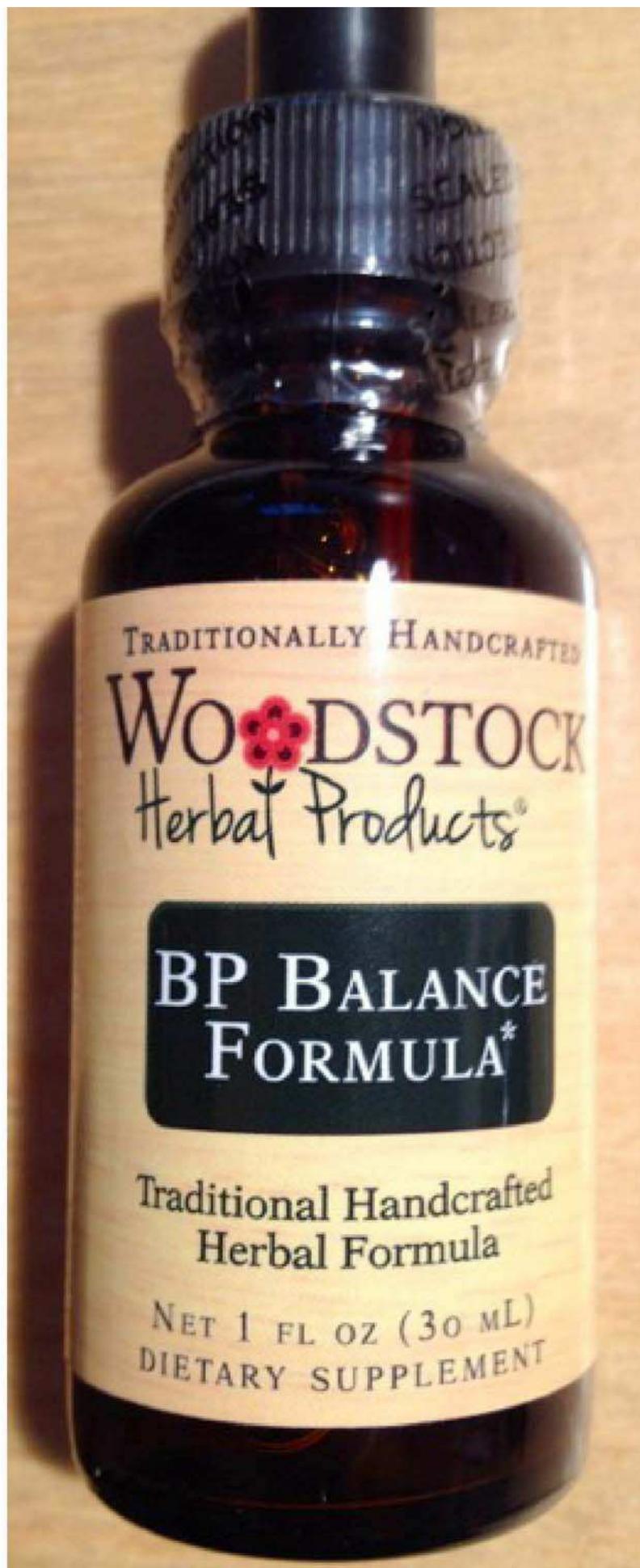
NATURALLY  
Gluten-Free

0g  
Trans  
Fat

Non-  
GMO

NET WT. 4 OZ (113g)





TRADITIONALLY HANDCRAFTED

WOODSTOCK  
Herbal Products®

**BP BALANCE  
FORMULA\***

Traditional Handcrafted  
Herbal Formula

NET 1 FL OZ (30 mL)  
DIETARY SUPPLEMENT



Eco-Guard®

100% Recycled



100% Recyclable

Bottle

**RAINBOW LIGHT®**

# Women's Nutritional System™



Bio-Balanced Systems

*Food-Based Multivitamin*

**Bone & Breast Health Protection**

**Hormone-Balancing Support**

**Potent Nutrients & Antioxidants**

180 Tablets Dietary Supplement

Eco-Guard<sup>™</sup>  
100% Recycled 100% Recyclable  
Bottle

**RAINBOW LIGHT<sup>®</sup>**  
**Energy**  
**B-Complex<sup>™</sup>**



*Food-Based Formula*

**Supports Mental Stamina**  
**Strengthens Physical Energy**  
**Eleuthero & Ginkgo**

*Vegan* **Guard**

**45 Tablets**

**Dietary Supplement**

*Natural Energy, Persistence, Focus*

