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August 30, 2016

Issue: 26



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Articles
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Trending MLM News
Headlines for
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Legal Guidance
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Selling Industry](#)

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Herbalife](#)

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The July, 2016 settlement between the FTC and Herbalife is likely to have a profound impact on the direct selling industry. But, what that impact will be is uncertain. Markets do not like uncertainty.

For 40 years, the FTC sought to mold the direct selling industry to its will through litigation, but, ironically, the most significant structural changes to the direct selling model will not be achieved by litigation, but rather through a current political and economic climate that may give the FTC far more leverage to force its will.

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Trending Video this Issue

[What Is the Importance of the Burnlounge Appeals Decision for Direct Selling?](#)



In the aftermath of the seminal Burnlounge Appeal Decision (FTC v. Burnlounge, June 2, 2014, U.S. Court of Appeals, Ninth Circuit), the combatants retreated to their respective corners. The FTC claimed

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victory, as it should have, because the Appeals Court affirmed its lower court victory. Watch this video by expert MLM Attorney, Jeff Babener, to learn more about the importance of the Burnlounge Decision.

[Watch now](#)

FTC v. Herbalife Settlement: First Take



A Settlement is Reached

On July 14, 2016, the FTC and Herbalife concluded a multiyear investigation with a Stipulated Settlement that both, brought the investigation to a close, and delineated a going forward set of rules by which Herbalife would conduct its direct selling business. Given the fact that Herbalife is one of the largest global direct selling companies, the direct selling industry is quite focused on the meaning of the settlement to the industry, both short-term and long-term. And given the immense power of the FTC, the direct selling industry will wonder how much regulation it can withstand before it suffers irreparable harm.

[Read more](#)

Did you know?

Inc buys \$47,749,312 stake in Tupperware Brands Corporation(TUP)

YoungevityInternational Announces Agreement for Strategic Acquisition of Legacy for Life

STRICTLYCOSMETIC? Beauty product safety is unregulated

NeriumInternational Announces Australia Expansion Coming Soon

Rebirthof a sales firm: Lessons from Amway's Turnaround

MannatechSettles Arbitration Proceedings with Co-Founder Sam Caster (NASDAQ:MTEX)

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Jeffrey Babener, Editor, MLM News Global

Jeffrey A. Babener, of Portland, Oregon, www.mllegal.com is the principal attorney in the law firm of Babener & Associates. He represents leading U.S. and foreign companies in the direct selling industry. He has been a key advisor to such companies as Avon, Herbalife, Discovery Toys, Nikken, Shaklee NuSkin, Excel, Usana, Fuller Brush, Cell Tech, Enagic, Sunrider, Melaleuca, Nerium International, etc. He is a frequent lecturer and has been interviewed on the industry, and published, in such publications as Money, Inc., Atlantic Monthly, Success, Entrepreneur, Kiplinger's Personal Finance, Home Office Computing, Business Start-Ups, Direct Selling News Magazine, and Money Maker's Monthly. He is editor of the industry



publication, Direct Sales Legal line. Mr. Babener is also the author of the books; Tax Guide for MLM/Direct Selling Distributors, Network Marketers Guide to Success, The MLM Corporate Handbook, Network Marketing: Window of Opportunity, and Network Marketing: What You Should Know (used as the college curriculum textbook at Utah Valley State course on network marketing). He is editor of one of most frequented network marketing educational websites, www.mllegal.com. He has served as Chair of more than 70 national conferences on starting and running the direct selling company. He serves on the Lawyers Council and Government Relations Committees of the Direct Selling Association (DSA), and he has served as General Counsel and on the board of the MLMIA (Multilevel Marketing International Association). He has lectured at major industry trade meetings and at such educational institutions as the Univ. of Illinois, University of Texas, University of Houston, etc. He is a graduate of the University of Southern California Law School where he served as an editor of the USC Law Review, followed by the appointment as a law clerk to Hon. David Williams, U.S. District Court for the Central District of California.

A number of Babener & Associates client companies have been success stories over the last several decades, including several billion dollar and NYSE companies such as Avon, Herbalife, NuSkin, USA na.

Mr. Babener has served as lead trial counsel for multiple cases on direct selling throughout the U.S. Further background material on direct selling will be found at the website, www.mllegal.com

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