

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**In the Matter of**

**VANILLA CHIP LLC, a limited liability  
company, also d/b/a TRUHEIGHT;**

**EDEN STELMACH, individually and as an  
officer of VANILLA CHIP LLC; and**

**JUSTIN RAPOPORT, individually and as an  
officer of VANILLA CHIP LLC**

**FILE NO. 242-3093**

**AGREEMENT CONTAINING  
CONSENT ORDER**

The Federal Trade Commission (“Commission”) has conducted an investigation of certain acts and practices of Vanilla Chip LLC, a limited liability company, and Eden Stelmach and Justin Rapoport, individually and as officers of Vanilla Chip LLC (collectively “Proposed Respondents”). The Commission’s Bureau of Consumer Protection (“BCP”) has prepared a draft of an administrative Complaint (“draft Complaint”). BCP and Proposed Respondents, individually or through their duly authorized officers, enter into this Agreement Containing Consent Order (“Consent Agreement”) to resolve the allegations in the attached draft Complaint through a proposed Decision and Order to present to the Commission, which is also attached and made a part of this Consent Agreement.

**IT IS HEREBY AGREED** by and between Proposed Respondents and BCP, that:

1. The Proposed Respondents are:
  - a. Proposed Respondent Vanilla Chip LLC (“Vanilla Chip”), also doing business as TruHeight, is a Nevada limited liability company with its principal place of business at 5573 San Florentine Avenue, Las Vegas, NV 89141.
  - b. Proposed Respondent Eden Stelmach (“Stelmach”) is the co-founder, co-owner, and co-Chief Executive Officer of Vanilla Chip. At all times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Vanilla Chip described in this Complaint. Proposed Respondent Stelmach’s responsibilities at Vanilla Chip include creating and developing TruHeight Products, developing and executing advertising, marketing, and sales strategies for TruHeight Products, and developing, researching, and evaluating substantiation for TruHeight’s advertising claims. His principal office or place of business is the same as that of Vanilla Chip.

c. Proposed Respondent Justin Rapoport (“Rapoport”) is the co-founder, co-owner, and co-Chief Executive Officer of Vanilla Chip. At all times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Vanilla Chip described in this Complaint. Proposed Respondent Rapoport’s responsibilities at Vanilla Chip include creating and developing TruHeight Products, developing and executing advertising, marketing, and sales strategies for TruHeight Products, and developing, researching, and evaluating substantiation for TruHeight’s advertising claims.

2. Proposed Respondents neither admit nor deny any of the allegations in the Complaint, except as specifically stated in the Decision and Order. Only for purposes of this action, Proposed Respondents admit the facts necessary to establish jurisdiction.

3. Proposed Respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission’s Decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order issued pursuant to this Consent Agreement.

4. This Consent Agreement will not become part of the public record of the proceeding unless and until it is accepted by the Commission. If the Commission accepts this Consent Agreement, it, together with the draft Complaint, will be placed on the public record for 30 days and information about them publicly released. Acceptance does not constitute final approval, but it serves as the basis for further actions leading to final disposition of the matter. Thereafter, the Commission may either withdraw its acceptance of this Consent Agreement and so notify each Proposed Respondent, in which event the Commission will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and decision in disposition of the proceeding, which may include an Order. *See* Section 2.34 of the Commission’s Rules, 16 C.F.R. § 2.34 (“Rule 2.34”).

5. If this agreement is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to Rule 2.34, the Commission may, without further notice to Proposed Respondents: (1) issue its Complaint corresponding in form and substance with the attached draft Complaint and its Decision and Order; and (2) make information about them public. Proposed Respondents agree that service of the Order may be effected by its publication on the Commission’s website (ftc.gov), at which time the Order will become final. *See* Rule 2.32(d). Proposed Respondents waive any rights they may have to any other manner of service. *See* Rule 4.4.

6. When final, the Decision and Order will have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other Commission orders.

7. The Complaint may be used in construing the terms of the Decision and Order. No agreement, understanding, representation, or interpretation not contained in the Decision and Order or in this Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

8. Each Proposed Respondent agrees to comply with the terms of the proposed Decision and Order from the date that Proposed Respondent signs this Consent Agreement. Proposed Respondents understand that they may be liable for civil penalties and other relief for each violation of the Decision and Order after it becomes final.

**VANILLA CHIP LLC**

**FEDERAL TRADE COMMISSION**

By: \_\_\_\_\_  
Eden Stelmach  
Chief Executive Officer

By: \_\_\_\_\_  
Robert Van Someren Greve  
Katherine Campbell  
Attorneys, Bureau of Consumer Protection

Date: \_\_\_\_\_

**EDEN STELMACH**

**APPROVED:**

By: \_\_\_\_\_  
Eden Stelmach, individually and as  
an officer of Vanilla Chip LLC

\_\_\_\_\_  
Janice L. Kopec  
Acting Associate Director of Advertising Practices

Date: \_\_\_\_\_

**JUSTIN RAPOPORT**

\_\_\_\_\_  
Christopher Mufarrige  
Director  
Bureau of Consumer Protection

By: \_\_\_\_\_  
Justin Rapoport, individually and as  
an officer of Vanilla Chip LLC

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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Ryan M. Poteet, Esq.  
Gordon Rees Scully Mansukhani  
Attorneys for Proposed Respondents