



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of

NATIVE ESSENCE HERB COMPANY,
a corporation,

MARK J. HERSHISER, individually, d/b/a Native
Essence Herb Company, and as an officer of the
corporation, and

MARIANNE HERSHISER, individually, d/b/a Native
Essence Herb Company, and as an officer of the
corporation.

DOCKET NO. 9328

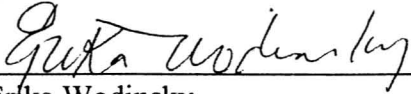
PUBLIC DOCUMENT

**JOINT MOTION TO WITHDRAW MATTER FROM ADJUDICATION
FOR PURPOSE OF CONSIDERING A PROPOSED CONSENT AGREEMENT**

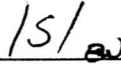
Complaint Counsel and Respondents, pursuant to Commission Rules of Practice 3.25(b) and (c), move that the above-captioned matter be withdrawn from adjudication for the purpose of considering a proposed consent agreement. The proposed consent agreement has been executed by Complaint Counsel and Respondents and has been approved by the Director of the Bureau of Consumer Protection. The proposed consent agreement, which conforms to the requirements of Commission Rule of Practice 2.32, is attached to this motion. The proposed consent agreement, if accepted by the Commission, would resolve this matter in its entirety.

The parties respectfully request that the Secretary, pursuant to Rule 3.25(c), enter the attached order withdrawing this matter from adjudication and staying all proceedings before the Administrative Law Judge pending a determination by the Commission with respect to the proposed consent agreement. Pursuant to Rule 3.25(b), the parties further request that the proposed consent agreement not be placed on the public record unless and until it is accepted by the Commission.

Respectfully submitted,



Erika Wodinsky
Matthew D. Gold
Western Region
Federal Trade Commission
901 Market Street, Suite 570
San Francisco, CA 94103
Counsel Supporting the Complaint



Richard A. Jaffe, Esq
Law Offices of Richard A. Jaffe
Phoenix Tower
3200 Southwest Freeway, Suite 3200
Houston, TX 77027
Counsel for Respondents

Dated: January 28, 2009

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of

NATIVE ESSENCE HERB COMPANY,
a corporation,

MARK J. HERSHISER, individually, d/b/a Native
Essence Herb Company, and as an officer of the
corporation, and

MARIANNE HERSHISER, individually, d/b/a Native
Essence Herb Company, and as an officer of the
corporation.

DOCKET NO. 9328

NON-PUBLIC DOCUMENT

AGREEMENT CONTAINING CONSENT ORDER

[Redacted from Public Version]

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: William E. Kovacic, Chairman
Pamela Jones Harbour
Jon Leibowitz
J. Thomas Rosch

In the Matter of

NATIVE ESSENCE HERB COMPANY,
a corporation,

MARK J. HERSHISER, individually, d/b/a Native
Essence Herb Company, and as an officer of the
corporation, and

MARIANNE HERSHISER, individually, d/b/a Native
Essence Herb Company, and as an officer of the
corporation.

DOCKET NO. 9328

**ORDER WITHDRAWING MATTER FROM ADJUDICATION
FOR THE PURPOSE OF CONSIDERING A PROPOSED CONSENT AGREEMENT**

Complaint Counsel and Respondents, having jointly moved that this matter be withdrawn from adjudication to enable the Commission to consider a proposed consent agreement; and

Complaint Counsel and Respondents having submitted a proposed consent agreement containing a proposed order, executed by the Respondents and by Complaint Counsel and approved by the Director of the Bureau of Consumer Protection, which, if accepted by the Commission, would resolve this matter in its entirety;

IT IS ORDERED, pursuant to Rule 3.25(c) of the Commission Rules of Practice, 16 C.F.R. § 3.25(c), that this matter in its entirety be and it hereby is withdrawn from adjudication, and that all proceedings before the Administrative Law Judge be and they hereby are stayed pending a determination by the Commission with respect to the proposed consent agreement, pursuant to Rule 3.25(f), 16 C.F.R. § 3.25(f); and

IT IS FURTHER ORDERED, pursuant to Rule 3.25(b) of the Commission Rules of Practice, 16 C.F.R. § 3.25(b), that the proposed consent agreement not be placed on the public record unless and until it is accepted by the Commission.

By the Commission.

Donald S. Clark
Secretary

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2009, I caused the parties' Joint Motion to Withdraw Matter from Adjudication for Purpose of Considering A Proposed Consent Agreement (Public Version) to be served and filed as follows:

(1) the original and two (2) paper copies filed by hand, and one (1) electronic copy via email to:

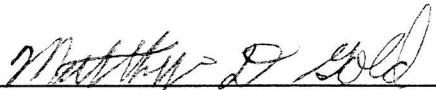
Donald S. Clark, Secretary
Federal Trade Commission
600 Penn. Ave., N.W., Room H-159
Washington, D.C. 20580

(2) two (2) paper copies served by overnight courier and one (1) electronic copy via email to:

The Honorable D. Michael Chappell
Administrative Law Judge
600 Penn. Ave., N.W., Room H-104
Washington, D.C. 20580

(3) one (1) electronic copy via email and one (1) paper copy by first class mail to:

Richard A. Jaffe, Esq.
Law Offices of Richard A. Jaffe
Phoenix Tower
3200 Southwest Freeway, Suite 3200
Houston, TX 77027
(713) 626-3550
(713) 626-9420 (fax)
rickjaffeesq@aol.com
Counsel for Respondents


Matthew D. Gold
Complaint Counsel