

## A Personal Message from Jan Marini

You are among our extremely valued customers and we wanted to notify you regarding the recent government announcement.

The FDA has issued a press release announcing the seizure of our DISCONTINUED "Age Intervention Eyelash" product. As you know, this product was embargoed because of labeling issues in September 2006 and has not been manufactured or distributed since then (14 months). We released our reformulated product, "Age Intervention Eyelash Conditioner" in February 2007.

We were surprised and disheartened by the FDA's action for three reasons. First, we offered to voluntarily dispose of the product at JMSR's expense. Second, the FDA's safety concerns have never been substantiated and we believe are without merit. The FDA has not identified a single user whose eyes have been damaged by our product, and among tens of thousands of users, Jan Marini Skin Research is not aware of any. JMSR has numerous and excellent safety studies that clearly demonstrate the safety of both the discontinued and new product. Third, there are other brands that are currently marketed, using the same ingredient as in our discontinued product with "drug" claims for eyelash growth, and the FDA has taken no enforcement action.

Please see our media response to the FDA announcement below.

This is a trying event to say the least and we truly appreciate your loyalty and support. Please be assured that we are here to assist you.

Warmest regards,

**Jan Marini**  
Jan Marini Skin Research, Inc.

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*For Immediate Release*  
November 16, 2007

### **Jan Marini Skin Research, Inc. Responds to FDA Seizure of Discontinued Eyelash Product**

The Food and Drug Administration ("FDA") issued a press release today, Nov. 16, announcing the seizure of a discontinued product, Age Intervention Eyelash, which Jan Marini Skin Research, Inc. ("JMSR") has not manufactured or marketed for more than one year.

The FDA asserts that it has safety concerns about JMSR's discontinued product, but those concerns are not substantiated by any study or analysis that JMSR is aware of, and are certainly not substantiated by any study or analysis offered by the FDA. We are not aware of any instances where JMSR's eyelash product has damaged any user's vision or caused optic nerve damage, blindness, macular edema, or uveitis and the FDA has not informed JMSR of any. The FDA press release purporting to warn consumers about such risks has no factual support we know of.

The FDA's glaring failure to take action against other eyelash products containing the same ingredient undermines its stated safety concerns. The FDA was notified months ago that several other companies have copied JMSR's discontinued product and continue to market their competing products with "drug" claims for eyelash growth, but the FDA has taken no enforcement action to remove those products from the market.

JMSR has conducted numerous safety tests on both its original and reformulated products, far beyond those ordinarily required for a cosmetic product, and the test results showed that both products are safe. JMSR also conducted additional safety studies at the request of the regulators and the results of those studies also showed the products are safe.

The discontinued product was stored in JMSR's warehouse since September 2006, when it was embargoed by the California Department of Health Services' Food and Drug Branch at the FDA's request. JMSR offered to destroy the product voluntarily, but the FDA recently informed JMSR that it preferred to seize the product so that it could issue a press release announcing the seizure.

JMSR reformulated its eyelash product in late 2006 to eliminate the marketing claims and the ingredient questioned by the FDA. JMSR's new Age Intervention Eyelash Conditioner does not contain bimatoprost or any other prescription drug ingredient. A new ingredient was substituted to confer similar benefits and JMSR released its reformulated product in February 2007. JMSR's current product has not been seized or embargoed.

JMSR has distributed Age Intervention Eyelash Conditioner to tens of thousands of satisfied customers with only a few instances of reported minor irritation and no reports of lasting adverse side effects.