

**IN THE MATTER OF
THE FAIR TRADING ACT**

THIS UNDERTAKING is made pursuant to Section 152 of the Fair Trading Act.

BY: **Roger Foster and Angela Foster**
 operating as Alberta Consumer Protection Authority and
 Intellibed Sleep Wellness Center and
 Intellilife Solutions Inc.
 of 1715 102 Street NW, Edmonton, Alberta

(hereinafter called the "Suppliers")

TO: The **DIRECTOR OF FAIR TRADING,**

(hereinafter called the "Director")

WHEREAS:

- (A) The Suppliers are in the business of marketing and selling mattresses and adjustable beds to consumers.
- (B) The Suppliers, in the ordinary course of their business, through their agents, employees, or representatives did represent that they were an "Alberta Consumer Protection Authority".
- (C) The Suppliers, in the ordinary course of their business, through their agents, employees, or representatives did WARN consumers in the Telus Yellow Pages Directories and corresponding internet advertisements about the risks of buying adjustable beds or mattresses before first reading their company reports contrary to Section 6 of the Fair Trading Act.
- (D) The Suppliers, in the ordinary course of their business, through their agents, employees, or representatives conducted their advertisements in a manner that might reasonably mislead and deceive the public.
- (E) The Director asserts that he has reason to believe that the acts or practices of the Suppliers described in recitals (A), (B), (C) and (D) constitute breaches of the Fair Trading Act.
- (F) The Director acknowledges that the Suppliers have informed the Department that they understand the issues and circumstances surrounding this Undertaking and will forthwith ensure future compliance with the Section 6 provisions of the Fair Trading Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

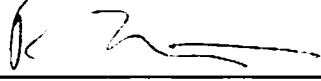
1. The Suppliers acknowledge and admit that they failed to comply with the provisions of the Fair Trading Act and undertake to the Director that these Suppliers will not, at any time hereafter, engage in acts or practices similar to those described in recitals (A), (B), (C) and (D).
2. The Suppliers shall immediately dissolve the tradename of Alberta Consumer Protection Authority and register a new name that complies with legislation.
3. The Suppliers shall immediately remove any and all connections or links they have to Alberta Consumer Protection Authority or its derivatives on the websites including but not limited to YellowPages.ca and PagesJaunes.ca on the internet.
4. The Suppliers shall remove any and all of their advertisements under Alberta Consumer Protection Authority in the next directory publications of Telus' Yellow Pages and Page Jaunes.
5. The Suppliers shall immediately change any and all of their phone numbers, facsimiles and other references to Alberta Consumer Protection Authority.
6. The Suppliers will, to the best of their ability, ensure that all of their officers, partners, employees, representatives and agents are forthwith acquainted with the requirements of the Fair Trading Act.
7. The Suppliers will provide written confirmation to the Department by October 31, 2008 that they have taken the actions under (2), (3), (4), (5) and (6).
8. This Undertaking will be binding upon the Suppliers and their successors and assigns unless:
 - a. terminated by the Director or varied with the consent of the Suppliers;
 - b. varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking;
 - c. terminated by an Order of a Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Suppliers have undertaken to refrain from engaging in was not unfair;

however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to termination or variance.

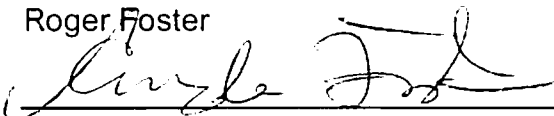
9. The Supplier acknowledges that the Director may, upon breach by the Suppliers of any terms of the Undertaking, institute such proceedings and take such action under the Fair Trading Act as he may consider necessary.

IN WITNESS WHEREOF the Suppliers, have on the *28* day of *October*, 2008 caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

**Roger Foster and Angela Foster
operating as Alberta Consumer Protection
Authority and
Intellibed Sleep Wellness Center and
Intellilife Solutions Inc.**

PER: 

Roger Foster

PER: 

Angela Foster

ACCEPTED by the Director of Fair Trading this *1st* day of *December*, 2008.



DIRECTOR OF FAIR TRADING