



**MOSS**

*Workplace Guidance  
and Solutions*

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October 8, 2002

**BY FACSIMILE**

Rick Green, Esquire  
Law Offices of Green & Associates  
101 Hays Street, Suite 414  
Dripping Springs, Texas 78620

**Re: Focus Factor Testimonial/Endorsement**

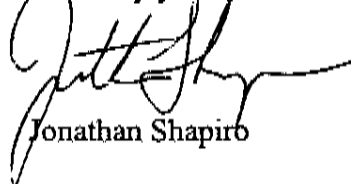
Dear Rick:

As you requested, I enclose a copy of the Standard "On-Air" Release and Affidavit (the "Release") you signed in connection with your Focus Factor endorsement/testimonial.

On behalf of Vital Basics, Inc. (formerly known as Talk America, Inc.), I also want to confirm that, as set forth in (2) of the second paragraph of the Release, Vital Basics, Inc. did not compensate you in any way for your endorsement/testimonial.

Do not hesitate to call me if you have any questions.

Sincerely yours,



Jonathan Shapiro

cc: Vital Basics, Inc.

## STANDARD "ON-AIR" RELEASE AND AFFIDAVIT

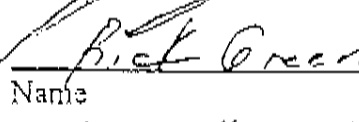
For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, I hereby give Talk America, Inc. its representatives and assigns, employees, or any person, persons, corporation or corporations acting under its permission or authority, or any person, persons, corporation or corporations for whom it might be acting, the right and permission to publish, reproduce, distribute and/or otherwise use any still or moving photographic or sound recording of me, in whole or in part (the "Performance"),

~~Not limited~~ limited to any statement or endorsement (including any letter or photograph), or any portions thereof (the "Testimonial"), made by me regarding or related to the products known as "Focus Factor" in such manner, for such purposes and with such frequency as it shall determine in its sole discretion without further compensation or consideration to me and without further authorization by me. I further acknowledge that the Performance and/or Testimonial shall constitute the sole property of Talk America, Inc.

I also affirm (1) that my statements or endorsements made by me in the Performance and/or Testimonial are factually accurate and represent my honest opinions, findings, beliefs, or experiences, (2) that I was not compensated in exchange for my endorsement, (3) that there exists no material connection between myself and Talk America.

I hereby waive all rights of inspection or approval with regard to any recording, taping, reproduction, proposed printed, audio or video publication and/or other use of the Performance and/or Testimonial. I also hereby release, discharge and agree to hold harmless Talk America, Inc., its shareholders, directors, officers, employees, representatives, assigns or any person, persons, corporation or corporations for whom it might be acting, including, any person, persons, corporation or corporations distributing or disseminating advertising for "Focus Factor" from and against any and all liability resulting from its use of the Performance and/or Testimonial or related to my use of the products.

I hereby warrant that I am over eighteen years of age, and competent to contract in my own name. I have read this release and affidavit before affixing my signature below, and warrant that I fully understand the contents thereof.

  
 Name Rick Green Date 5/25/00  
 Address 2795 Hwy 290 W.  
 City Dripping Springs, TX State TX Zip 78620  
 Telephone 512 858-0974

Witness \_\_\_\_\_

Date \_\_\_\_\_