

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,
Plaintiff,

v.

NEXTGEN NUTRITIONALS, LLC, a limited
liability company,

STRICTLY HEALTH CORPORATION, LLC, a
limited liability company,

CYBER BUSINESS TECHNOLOGY, LLC, a
limited liability company,

ANNA MCLEAN, individually and as an officer or
manager of NEXTGEN NUTRITIONALS,
LLC, STRICTLY HEALTH
CORPORATION, LLC, AND CYBER
BUSINESS TECHNOLOGY, LLC,

and

ROBERT MCLEAN, individually and as an officer
or manager of NEXTGEN
NUTRITIONALS, LLC, STRICTLY
HEALTH CORPORATION, LLC, AND
CYBER BUSINESS TECHNOLOGY, LLC,

Defendants.

Case No. _____

**COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER
EQUITABLE RELIEF**

Injunctive Relief Sought

Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the

advertising, labeling, promotion, offering for sale, sale, or distribution of BioMazing HCG Full-Potency Weight-Loss Drops, Hoodoba, Fucoidan Force, Immune Strong, and VascuVite.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(1), (b)(2), (c)(1), (c)(2), and (d), and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b) and 56(a)(2)(A).

DEFENDANTS

6. Defendant NextGen Nutritionals, LLC (“NextGen”) is a limited liability company registered in Delaware with its principal place of business at 795 Commerce Drive,

Unit 1, Venice, Florida. NextGen transacts or has transacted business in this district and throughout the United States.

7. Defendant Strictly Health Corporation, LLC (“Strictly Health”) is a limited liability company registered in Delaware with its principal place of business at 795 Commerce Drive, Unit 1, Venice, Florida. Strictly Health transacts or has transacted business in this district and throughout the United States.

8. Defendant Cyber Business Technology, LLC (“CBT”) is a limited liability company registered in Delaware with its principal place of business at 5020 Clark Road, Sarasota, Florida. CBT transacts or has transacted business in this district and throughout the United States.

9. Defendants Anna A. McLean and Robert G. McLean are husband and wife. Robert McLean is the sole owner of NextGen and CBT. Anna McLean is the sole owner of Simply Health. Anna and Robert McLean split the day-to-day management and operating responsibilities for NextGen, Strictly Health, and CBT (collectively, “Corporate Defendants”). At all times material to this Complaint, acting alone or in concert with others, Anna and Robert McLean have formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Corporate Defendants, including the acts and practices set forth in this Complaint. Defendants Anna and Robert McLean reside in this district and, in connection with the matters alleged herein, transact or have transacted business in this district and throughout the United States.

COMMON ENTERPRISE

10. Corporate Defendants have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. At all times material to this Complaint, they have conducted the business practices described below through an interrelated network of companies that have a common business purpose, as well as common officers, managers, and products. Because these Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. Defendants Anna and Robert McLean have formulated, directed, controlled, had the authority to control, or participated in the acts and practices of the Corporate Defendants that constitute the common enterprise.

COMMERCE

11. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS’ BUSINESS ACTIVITIES

12. Defendants have labeled, advertised, marketed, distributed, and sold BioMazing HCG Full-Potency Weight-Loss Drops (“BioMazing HCG”), Hoodoba, Fucoidan Force, Immune Strong, VascuVite, and other products. These products were sold through numerous websites operated by Defendants, including, but not limited to: www.biomazinghcg.com, www.hoodobadiet.com, www.fucoidanforce.com, www.makemyimmunesystemstrong.com, www.vascuvite.com, www.nextgennutritionals.com, and www.strictlyhealth.com. Defendants sold their products

on both wholesale and retail bases.

13. BioMazing HCG is a liquid containing *Irvingia gabonensis* seed extract, L-arginine, L-ornithine, L-carnitine, chaste tree berry extract, wild ram root extract, black cohosh root extract, dong quai root extract, maca root extract, beta alanine, tribulus terrestris fruit, rhodiola rosea root extract, alpha-lipoic acid, and aspartic acid. The retail cost for a two-ounce bottle of BioMazing HCG is \$84.

14. Hoodoba is a capsule purportedly containing 750 mg of *hoodia gordonii* powder. The retail cost of a 60-capsule container of Hoodoba is \$54.

15. Fucoidan Force is a capsule containing 400 mg of Super-U-100™ Wild Hand-Harvested Atlantic Wakame (*Undaria pinnatifida*) and 250 mg of Reishi Mushroom (*Ganoderma lucidum*) extract. The retail cost for a 60-capsule container of Fucoidan Force is \$67.

16. Immune Strong is sold in 100-capsule containers. One serving (two capsules) contains 305 mg astragalus root; 300 mg reishi mushroom; 130 mg asian ginseng; 100 mg schisandra fruit concentrate; 100 mg agaricus (whole mushroom) concentrate; 65 mg agaricus blazei murill; 65 mg lycium concentrate; 45 mg dong quai root; 25 mg epimedium leaf; 25 mg bai-zhu atractylodes; 25 mg achyranthes; 25 mg chinese peony root; 25 mg eucommia bark; 25 mg grapefruit, lemon, and lime peel; 10 mg ligustrum fruit; 10 mg ophiopogon root; 10 mg polygala root; 10 mg poria; and 10 mg rehmannia root concentrate. The retail cost for a 100-capsule container of Immune Strong is \$49.

17. VasuVite is sold in 60-tablet containers. The recommended two-tablet serving contains 500 mg olive leaf extract; 300 mg hawthorn leaf and flower extract; 300 mg

grape seed extract; 250 mg calcium; 150 mg celery seed extract; 100 mg convolvulus pluricalis whole plant extract; 100 mg terminalia arjuna bark extract; 40 mg magnesium; 20 mg pomegranate fruit extract; 10 mg l-taurine; and 5.75 mg of zinc acetate. The retail cost of a 60-tablet container of VascuVite is \$47.

DEFENDANTS' ADVERTISING AND MARKETING

18. To induce consumers to purchase their products, Defendants disseminated or caused to be disseminated advertisements and promotional materials, including, but not limited to, the attached Exhibits A through K. These advertisements and promotional materials have contained the following representations or statements, among others:

i. Weight Loss Products

A. BioMazing HCG:

Why Biomazing

hCG Drops?

- Safe for Men & Women
- The Weight Stays Off!

FULL-POTENCY

BURN 1500-4000 CALORIES/DAY

YOU WON'T FEEL HUNGRY

Finally – a safe, effective and pain-free method that forces your body to feed off its existing fat reserves BioMazing™ HCG is the powerful and affordable premium weight-loss alternative to frequent and expensive HCG Injections. BioMazing™ HCG diet drops delivers the same 1-2 pounds daily weight loss by forcing your body to feed off current fat reserves.



* * *

How Does BioMazing™ HCG Work?

* * *

Once in the body, the drops signal the brain’s hypothalamus to burn current body fat stores. This reaction means you will burn 1,500 to 4,000 calories of excess fat per day – that’s 1 to 2 pounds of fat loss!

* * *

What is HCG?

Human Chorionic Ganodotropin (hCG) is a glycoprotein hormone that is naturally produced in large quantities during pregnancy to provide nourishment to the growing fetus. When a pregnant mother’s caloric intake becomes too low, hCG is released to trigger the brain’s hypothalamus to burn current fat stores

The same “fat burning” effect is generated when BioMazing™ HCG drops are ingested for weight loss. . . . Even more, BioMazing™ full-potency hCG drops [sic] resets your metabolism and prevents your body from storing excess fat in the future.

Exhibit A, www.biomazinghcg.com.pdf

The hcg diet involves three phases that if followed thoroughly and merged with BioMazing™ HCG weight loss drops, can help customers shed up to eighty pounds inside of 40 days. BioMazing™ HCG drops or hcg shot users are expected to follow either a 21 or 40 day protocol . . . during which they are only permitted to ingest approximately five hundred calories each day. But whilst five hundred calories may seem like not enough . . . individuals do not feel famished

or fatigued whatsoever . . . given that BioMazing™ HCG is actively getting rid of body fat through the diet plan, the body is really obtaining 1000s of calories each day . . .

Exhibit B, www.biomazinghcg.com.pdf

Jim S.

Was ~~233 pounds~~

NOW ONLY 198 pounds!

* * *

“In 25 days, I lost 30 pounds.”

Janet P.

Was ~~217 pounds~~

NOW ONLY 158 pounds!

* * *

“The first day, I lost 3 pounds! The next day I lost 2 pounds, and on day three I lost 1½ pounds. . . Over a 3 and a half month period I went from 217 to 158 pounds. All told, I lost just under 60 pounds!

Nicole R.

Was ~~166.5 pounds~~

NOW ONLY 136 pounds!

* * *

And in just 6 weeks I had become a slender and elegant woman . . .

Exhibit C, www.biomazinghcg.com.pdf

B. Hoodoba Diet Pills:



Understanding Hoodia:

It's possible that the San Bushmen of the Kalahari Desert in South Africa might have just struck lightning in a bottle in the form of powerful appetite suppressant called Hoodia gordonii. Hoodia is embraced by many because it actually works...with no adverse side effects.

Dubbed the miracle plant, Hoodia gordonii which is indigenous to South Africa is said to contain a powerful molecule that mimics glucose called P57, which signals your brain into thinking you are full and don't need to eat.

This finding has the potential of literally bringing an end to obesity within the entire population, an achievement that would benefit more than 40% of the English-speaking world who are classified as overweight to chronically obese.

* * *

Scientific double blind laboratory tests have proven Hoodia's effectiveness in both rats and humans. The rat study confirmed that when given Hoodia, they no longer had the urge or desire to eat therefore they lost weight.

In an unprecedented human-trial study, morbidly obese people were sequestered in a controlled study room. They were not permitted to exercise. They were allowed an unlimited amount of time to read, watch television and eat throughout the day.

Half the controlled study group used Hoodia while the remainder was given a placebo. The study findings revealed that after 14 days the Hoodia members markedly reduced their average intake by 1050 calories per day.

Exhibit D, www.hoodobadiet.com

Real Life Success Stories from People Using Hoodoba® Hoodia Gordonii Pills

* * *

Stephanie, Peoria, IL.

“Of all the diet pills I’ve tried, natural and otherwise there is nothing that comes even close. I can surely say Hoodoba® diet pill is my savior. I lost 44 pounds in 10 weeks”



* * *

Elaine, Vancouver, Canada

Just wanted to share with everyone how I lost over 100 pounds in just 6 months. That's right, for all you skeptics (I know because I was one for a long time), this is not a typo, 110 lbs to be exact using Hoodoba hoodia diet pills, they worked like a charm”

* * *

Charlene, Bridgeport CT

“It is hard to start believing in yourself again when you look in the mirror and see a blimp. . . . I felt like there was no point in trying to lose so much weight. . . . Then came the new Hoodoba® diet pill which changed EVERYTHING! In less than 5 months I dropped a whopping 84 pounds.

* * *

Yvonne, Virginia Beach, VA

“I gained almost 50 pounds in the last three years despite my efforts to lose weight. . . . Then a friend pleaded with me to try the new Hoodoba® diet pills. . . . They literally fooled my stomach into thinking it was full. . . . It took just 3 month [sic] to lose all the weight I had gained in 3 years.”

[right hand side of page shows “before” and “after” photos of purported Hoodoba® users]

Exhibit E, www.hoodobadiet.com

ii. Disease Fighting and Immune Support Products

C. Fucoidan Force:

What is Fucoidan?

Pronounced “Foo – Koy – Den,” this substance is a string of complex sugar molecules (also called a dietary fiber). While it does have wonderful fat-burning and blood pressure-reducing qualities, Fucoidan has been researched extensively mostly because of its unique anti-viral, anti-cancer, and immunomodulating qualities.

Fucoidan naturally occurs in the cell walls of certain forms of brown seaweed, brown algae, and a few species of marine animal life (including sea snails, sea cucumbers, and urchins). No land-based animal has been known to possess this amazing molecular compound, and it is likely this reason that Fucoidan’s health benefits have only just come to light.

* * *

Health Benefits

This naturally occurring health supplement can be an incredibly effective health aid once it has been extracted from the seaweed.

* * *

Below are some of the amazing health benefits that Fucoidan has to offer that have been researched and proven to be effective:

- *Helps fight off viral infections
- *Reduces cholesterol
- *Relieves HIV, HSV, and Hepatitis C & D symptoms
- *Removes the threat of free radicals
- *Reduces high blood pressure
- *Improves liver health
- *Contains anti-cancer properties
- *Relieves harmful chemotherapy & radiation side effects

* * *

Fucoidan is a natural chemical, and therefore does not have the harmful side effects of synthetic chemicals. It does not introduce unnatural chemicals into the body to fight off your infections for you. Instead, the Fucoidan stimulates your own immune system into defending you the way it is meant to.

HSV/HIV/Hepatitis & Antiviral Health

Some diseases, such as the herpes simplex virus, HIV, and Hepatitis C & D are inhibited by the immune-boosting effects of Fucoidan. These diseases are insidious – they hide within the remains of healthy cells so white blood cells cannot find them. Fucoidan helps the immune system by improving it and helping it seek out cells infected by the virus. There is no true cure for any of these viruses, but Fucoidan can help reduce the chance of outbreaks for HSV sufferers, and can help improve quality of life for those suffering from other viral diseases.

Cancer, Tumors, and Liver Fibrosis

Fucoidan can even help mitigate the effects of very severe conditions. In research studies, this natural substance has displayed the ability to combat cancer by inducing cancer cell apoptosis (cell death). In addition to apoptosis of existing cells, Fucoidan also protects healthy cells to reduce their chances of being overcome with the virus. Similarly, Fucoidan can be taken to reduce the size of tumors and decrease their chances of growing. If taken preventatively, it can even help reduce the chance of developing more tumors.

Hepatitis C is a common cause of liver fibrosis. Liver fibrosis occurs when the liver's healthy tissue is replaced with scar tissue, interrupting healthy liver function. Studies have shown that taking Fucoidan can help reduce the amount of fibrotic tissue in the liver, and can also prevent more fibrosis from occurring.

Exhibit F, www.fucoidanextract.com/fucoidan-overview



Exhibit G, www.fucoidanextract.com/fucoidan-health-benefits

How Fucoidan Works Against HIV/AIDS

* * *

With its powerful antiviral properties, fucoidan works to relieve and prevent the chronic symptoms caused by incurable infections. HIV/AIDS is a deadly viral infection that causes some of the most discomforting and life-threatening symptoms. Not only can fucoidan help to control the virus and sooth existing health conditions caused by the infection, it works to prevent uninfected individuals from contracting the virus Results from one study showed that fucoidan works against HIV/AIDS by protecting healthy cells from being infected. This means that fucoidan has the ability to protect non-infected persons from the virus and keep the infection from spreading to healthy cells in those already infected.

Exhibit H, www.fucoidanextract.com/fucoidan-health-benefits

D. IMS Immune Strong with Agaricus:

Super-Charge Your Immune System — Defeat the Common Cold, Flu, Viruses & Deadly Diseases

1-800-701-4556

There are a lot of ways to fall victim to deadly disease-causing agents. Every day we fight a new war against germs, toxins, viruses, bacteria, fungal infections and tumor cells. The fact that we survive at all is a miracle, you need a super-charged immune system to protect you from these assaults. Regrettably, most people have completely overlooked this critical factor and have left themselves exposed to major attacks on their health. But when you fortify your immune system with **Immune Strong™**, it's like shielding your health with an impregnable armour.

Rock-Solid Science

Find out now >>

Click the button above to see scientific proof of the power **Immune Strong™** has to boost the immune system

Ultimate Immune System Booster

Immune Strong™ with Agaricus:

- ✓ Works Wonders against Colds, Flu (Influenza) and Viruses.
- ✓ Offers an Easier Way to Stop the Wheezing, Sneezing and Hacking Fast!
- ✓ Helps prevent postnasal-drip triggered Sore Throats, Hoarseness & Infections.
- ✓ Keeps the Sniffles at bay. Helps prevent Cold & Flu related Congestion.
- ✓ Reduces health-related time-off from Work by a Whopping 97%.
- ✓ Combats deadly Ailments and Diseases including MS, HIV, AIDS and Cancer.



Buy 6 Get 2 FREE - \$299.70

Add to Cart

Immune Strong™ delivers...

- Serious Immune Protection from Seasonal & Daily Immune distress

Lifetime Money Back Guarantee
FREE Delivery US Orders over \$75



Exhibit I, www.makemyimmunesystemstrong.com

iii. Hypertension Treatment

E. VascuVite:




High blood pressure puts you at risk for heart disease and stroke
the leading causes of death in the United States

* * *

Do It Now Before It's Too Late

Proactive blood pressure management is key. High blood pressure increases the risk of heart attack or stroke as we age. Considering all the dangers it's important to start managing your blood pressure now. VascuVite™ can be a powerful ally. It is a one-of-a-kind broad spectrum formula that provides key bio-active compounds needed on a daily basis to help safeguard cardiovascular health.

* * *

—  Backed by the Latest Scientific Research

The VascuVite™ proprietary blend of ingredients is backed by new and relevant scientific research. Today's research. Today's Results! We use only peer-reviewed scientific research from respected medical journals to show the benefits of our ingredients.

Exhibit J, www.vascuvite.com

What Are Your Blood Pressure Numbers?

* * *



* * *

**Maximum Blood Pressure – Systolic
Minimum Blood Pressure – Diastolic**



On occasion, our happy customers write us with their before and after blood pressure results. The changes can be dramatic. David Shelton, age 55, changed from 138/150 S/D to 116/79 S/D. Incredible!

* * *



Above: Julia Kowalski, Age 68, experienced a noticeable reduction in her blood pressure.

Exhibit K, www.vascuvite.com

iv. Certification Program

F. Ethical Site Seal:

Many of Defendants' websites including, but not limited to, those depicted in Exhibits A, E, and I, displayed an "ethical site" seal such as these:



The seals directed consumers to “click to verify.” Consumers who clicked on the seal would be taken to a website representing that the site in question has been “Verified to be Ethical & Trustworthy.” For example, the ethical site page for www.hoodobadiet.com contains the statements:

10/19/2016

Hoodoba Diet

A screenshot of a website banner. The top part is a dark blue bar with the "ethicalSite" logo in white and red, and the text "A Cyber Business Technology Company" below it. Below this is a white box with a dark blue border. Inside the white box, the text reads: "Hoodoba Diet Has Been Verified to be Ethical & Trustworthy" in bold dark blue font. Below that, in a smaller dark blue font, it says: "HoodobaDiet.com is an Approved Certified EthicalSite™ Member."

Our Mission:

EthicalOnlineBiz's mission is to be your key adviser and the most reliable evaluator of trust in the online business marketplace — we know if you're going to spend money, you want to make sure it's with people you're going to trust.

EthicalOnlineBiz™ accomplishes this mission by:

- « Creating a community of trustworthy online businesses
- « Setting standards of ethics for the online marketplace
- « Focusing on how ebusinesses should treat the public — fairly and honestly in all circumstances
- « Encouraging & supporting best practices — ensuring high standards for trust are set & maintained

* * *

To display the *EthicalSite™ Validation Seal* and maintain its accredited eBusiness status, <http://www.HoodobaDiet.com> has agreed to follow the EthicalSite™ Code of Ethics:

Tell the Truth

- A. Adequately represent products and services, including clear and candid disclosures of all material terms.
- B. Communicate to customers all material facts about the product or service being sold.
- C. Ensure that all written materials are readily available, clear, accurate and complete.

Exhibit L, www.ethicalonkinebiz.com/members/consumerphasephp&company

DEFENDANTS' VIOLATIONS OF THE FTC ACT

19. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or practices in or affecting commerce.”

20. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

21. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, BioMazing HCG, Hoodoba Pure, Fucoidan Force, Immune Strong, and VascuVite are “foods” or “drugs” as “food” and “drug” are defined in Sections 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and (c).

Count I: False or Unsubstantiated Claims for Weight Loss Products

22. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. BioMazing HCG forces your body to burn off 1500 to 4000 fat calories per day;
- B. BioMazing HCG safely causes, or assist in causing, users to rapidly lose substantial weight, such as 1-2 pounds per day; 80 pounds in 40 days, 59 pounds in 3½ months, 30 pounds in 25 days, or 30 pounds in 6 weeks;
- C. Consumers who use BioMazing HCG will not feel hungry while following a 500 calorie per-day diet;
- D. BioMazing HCG resets your metabolism and prevents your body from storing excess fat in the future;
- E. Hoodoba is an appetite suppressant that makes you feel full without eating; and
- F. Hoodoba causes, or assists in causing, users to rapidly lose substantial weight, such as 100 pounds in 6 months, 84 pounds in 5 months, 50 pounds in 3 months, or 44 pounds in 10 weeks, with no adverse side effects.

23. The representations set forth in Paragraph 22 are false or misleading, or were not substantiated, at the time the representations were made.

24. Therefore, the making of the representations as set forth in Paragraph 22 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§

45(a) and 52.

Count II: False Claims for Weight Loss Products

25. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. BioMazing HCG contains Human Chorionic Gonadotropin;
- B. Consumer testimonials contained in ads for BioMazing HCG represent the actual experience of consumers who have used the product;
- C. Tests prove that Hoodoba® brand Hoodia causes consumers to reduce average calorie intake by 1050 calories a day; and
- D. Consumer testimonials contained in ads for Hoodoba represent the actual experience of consumers who have used the product.

26. In truth and in fact,

- A. BioMazing HCG does not contain Human Chorionic Gonadotropin;
- B. Consumer testimonials contained in ads for BioMazing HCG do not represent the actual experience of consumers who have used the product;
- C. Tests do not prove that Hoodoba® brand Hoodia causes consumers to reduce average calorie intake by 1050 calories a day; and
- D. Consumer testimonials contained in ads for Hoodoba do not represent the actual experience of consumers who have used the product.

27. Therefore, the making of the representations as set forth in Paragraph 25 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§

45(a) and 52.

**Count III: False or Unsubstantiated
Disease and Immune Support Claims**

28. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. Fucoidan Force fights cancer by causing cell death and reducing the size of tumors;
- B. Fucoidan Force can prevent persons not infected by HIV or AIDS from developing those diseases and can keep the infection from spreading to healthy cells in those already infected;
- C. Immune Strong prevents or reduces the risk of colds and flu;
- D. Immune Strong reduces health-related time-off from work by 97%; and
- E. Immune Strong combats deadly ailments and disease including multiple sclerosis, HIV, AIDS, and cancer.

29. The representations set forth in Paragraph 28 are false or misleading, or were not substantiated, at the time the representations were made.

30. Therefore, the making of the representations as set forth in Paragraph 28 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

Count IV: False Disease Claims

31. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. Fucoidan Force is proven to help fight off viral infections;
- B. Fucoidan Force is proven to reduce cholesterol;
- C. Fucoidan Force is proven to relieve the symptoms of HIV, herpes simplex, and Hepatitis C & D;
- D. Fucoidan Force is proven to reduce high blood pressure; and
- E. Fucoidan Force is proven to improve liver health by reducing the amount of fibrotic tissue, and preventing more fibrosis from occurring.

32. In truth and in fact,

- A. Fucoidan Force is not proven to help fight off viral infections;
- B. Fucoidan Force is not proven to reduce cholesterol;
- C. Fucoidan Force is not proven to relieve the symptoms of HIV, herpes simplex, and Hepatitis C & D;
- D. Fucoidan Force is not proven to reduce high blood pressure; and
- E. Fucoidan Force is not proven to improve liver health by reducing the amount of fibrotic tissue, and preventing more fibrosis from occurring.

33. Therefore, the making of the representations as set forth in Paragraph 31 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

Count V: False or Unsubstantiated Hypertension Treatment Claims

34. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. VascuVite reduces blood pressure; and
- B. VascuVite treats high blood pressure, returning it to normal or nearly normal levels.

35. The representations set forth in Paragraph 34 are false or misleading, or were not substantiated, at the time the representations were made.

36. Therefore, the making of the representations as set forth in Paragraph 34 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

Count VI: False Hypertension Treatment Claims

37. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. VascuVite is proven to lower blood pressure; and
- B. Consumer testimonials contained in ads for VascuVite represent the actual experience of consumers who have used the product.

38. In truth and in fact:

- A. VascuVite is not proven to lower blood pressure; and
- B. Consumer testimonials contained in ads for VascuVite do not represent the actual experience of consumers who have used the product.

39. Therefore, the making of the representations as set forth in Paragraph 37 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§

45(a) and 52.

Count VII: Ethical Seal Program

40. Through the means described in Paragraph 18, Defendants have represented, directly or indirectly, expressly or by implication, that:

- A. Sites displaying the Certified Ethical Site Seal have been verified by an independent, third-party certification program;
- B. Ethical Site™ has set standards of ethics for the online marketplace; and
- C. Ethical Site™ has independently verified that sites displaying the “Certified Ethical Site” seal are ethical and trustworthy.

41. In truth and in fact:

- A. Sites displaying the Certified Ethical Site Seal have not been verified by an independent, third-party certification program. Ethical Site™ is operated by Defendant Cyber Business Technology, owned and controlled by Defendants Anna and Robert McLean, who also own and control Defendants Strictly Health and NextGen, the companies running the sites displaying the Certified Ethical Site Seal;
- B. Ethical Site™ has not set standards of ethics for the online marketplace; and
- C. Ethical Site™ has not independently verified that sites displaying the Certified Ethical Site Seal are ethical and trustworthy.

42. Therefore, the making of the representations as set forth in Paragraph 40 of this Complaint constitutes a deceptive act or practice and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

CONSUMER INJURY

43. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, repeat unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

44. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

- A. Enter a permanent injunction to prevent further violations of the FTC Act by Defendants;
- B. Award such relief as the court finds necessary to redress injuries to consumers resulting from violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

C. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as this Court may determine to be just and proper.

Respectfully submitted,

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/s/ Janet Evans

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Dated: __11.17.17_____

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