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14
15 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
16 **WESTERN DIVISION**

17 FEDERAL TRADE COMMISSION,

18 Plaintiff,

19 v.

20 MEDIA MAVERICK, INC.,
21 d/b/a MAVERICK MARKETING GROUP,
22 d/b/a MAVERICK MEDIA,
23 d/b/a BALANCE BRACELET USA,
MARK JONES, and
CHARLES CODY,

24 Defendants.

Case No.

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

25
26 Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), through
27 its undersigned attorneys, alleges as follows:
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1 advertising, marketing, and sale of the Balance Bracelet via the dissemination of a
2 television infomercial aired on U.S. media outlets, identical Internet sites
3 www.balanceusa.com and www.balancebraceletusa.com, and through the
4 distribution of the product.

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1 Bracelet is something that's worth trying because of the money that
2 you can spend on chiropractic visits or regular doctor visits. . . . And
3 for the investment that I made with the Balance Bracelet, by far the
4 best investment I've made for my body. . . .

5 ***

6 MALE NARRATOR: If you or someone you know is looking for an
7 all-natural way to help reduce pain . . . call the 800 number on your
8 screen right now and experience for yourself the difference a Balance
9 Bracelet can make in your life. . . . Take advantage of the chance to
10 enjoy life's activities without pain and discomfort by simply wearing
11 a Balance Bracelet. Order yours now. All you have to lose is your
12 pain.

13 ***

14 JOE DEPANTILIS: The first 15 minutes I put the bracelet on, I felt
15 the tingling up the arm and I went and ended up playing golf that
16 afternoon, felt great. The next day I played golf again and noticed
17 substantially less pain than I went through normally.

18 ***

19 MALE NARRATOR: Only the Balance Bracelet with its patented
20 design and technology can deliver the unmatched style and
21 performance you'd expect from the genuine article.

22 ***

23 GARY CECIL: [B]eing an ex-athlete, I have a lot of inflammation in
24 the knees, elbows, a lot of lower back pain. I was going to the
25 chiropractor twice a month. It's been nine months now. I haven't had
26 to go to the chiropractor. The pain level has dropped, which, for me,
27 that, in itself, is priceless. . . . The Balance Bracelet is something that
28 is worth trying because of the money that you can spend on

1 chiropractic visits or regular doctor visits.

2 ***

3 PAM TORRES: My lifestyle was very limited, very limited. And for
4 me to try something like this, I did not want another surgery, and it
5 worked [.]

6 ***

7 KIMI PENNINGTON: I have full use of my hand and my arm and
8 I'm not getting the shooting pains that are waking me up at night
9 anymore. So, it's been really great.

10 ***

11 UNIDENTIFIED MALE: You got to try the Balance Bracelet, it
12 really does work. It takes away some of those aches and pains[.]

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1 produce pain and discomfort in different areas of the body.”

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3 *Coco d’Este, Actress*: “I have tried so many things to relieve my pain
4 . . . things help for a little while, but nothing really worked until I
5 tried the Balance Bracelet . . . [T]ry the Balance Bracelet – you have
6 nothing to lose except the pain.”

7 – Exhibit C (printed excerpts from
8 www.balancebraceletusa.com Internet site)
9 at pp. 1 and 4.

10 11. The television infomercial provides ordering information, a
11 telephone number, and also directs consumers to the Defendants’ website,
12 www.balanceusa.com, to order. To further induce consumers to purchase the
13 Balance Bracelet, Defendants’ infomercial advertises a 30-day risk-free money-
14 back guarantee that allows customers to return the Balance Bracelet within 30 days
15 for a full refund of the purchase price, if they are not satisfied.

16 **DEFENDANTS’ VIOLATIONS OF THE FTC ACT**

17 12. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or
18 deceptive acts or practices in or affecting commerce. Section 12(a) of the FTC
19 Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or
20 affecting commerce for the purpose of inducing, or which is likely to induce, the
21 purchase of food, drugs, devices, services, or cosmetics. For purposes of Section
22 12 of the FTC Act, 15 U.S.C. § 52, the Balance Bracelet is a “device” as defined in
23 Section 15 of the FTC Act, 15 U.S.C. § 55.

24 13. As set forth below, Defendants have violated Sections 5(a) and 12(a)
25 of the FTC Act in connection with the marketing and sale of the Balance Bracelet.

1 **COUNT ONE**

2 **(Unlawful Claim for the Balance Bracelet)**

3 14. Through the means described in Paragraph 10, Defendants have
4 represented, expressly or by implication, that the Balance Bracelet relieves various
5 types of pain, including, but not limited to, arthritis pain, joint pain, back pain, and
6 injury-related pain.

7 15. The representation set forth in Paragraph 14, above, is false or was
8 not substantiated at the time the representation was made. Clinical testing shows
9 that ionized bracelets are no better than a placebo (non-ionized) bracelet at
10 relieving musculoskeletal pain. Therefore, the making of the representation set
11 forth in Paragraph 14 constitutes a deceptive practice, and the making of false
12 advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of
13 the Federal Trade Commission Act, 15 U.S.C. §§ 45(a) and 52.

14 **CONSUMER INJURY**

15 16. Defendants' law violations have injured consumers and will continue
16 to injure consumers throughout the United States. In addition, Defendants have
17 been unjustly enriched as a result of their unlawful practices. Absent injunctive
18 relief by this Court, Defendants are likely to continue to injure consumers, reap
19 unjust enrichment, and harm the public interest.

20 17. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this
21 Court to grant injunctive and other relief as the Court may deem appropriate to
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1 powers:

2 (1) Enjoin Defendants permanently from violating Sections 5(a) and 12
3 of the FTC Act, as alleged herein, in connection with the offer, sale, advertising, or
4 other promotion or distribution of pain-relief products, or any food, drugs, devices,
5 cosmetics, or services;

6 (2) Award such equitable relief as the Court finds necessary to redress
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