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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 FEDERAL TRADE COMMISSION,

12 Plaintiff,

13 v.

14 SEVILLE MARKETING, LTD., a British
Columbia, Canada, corporation, and

15 GREGORY STEPHEN WONG, individually
16 and as the owner and principal of Seville
Marketing, Ltd.,

17 Defendants.

Case No.

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

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19 Plaintiff Federal Trade Commission (“FTC” or “Commission”) for its Complaint against
20 Seville Marketing, Ltd. (“Seville”), and Gregory Stephen Wong, Seville’s owner and principal
21 (collectively “defendants”), alleges:

22 1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act,
23 (“FTC Act”), 15 U.S.C. § 53(b), to secure injunctive relief and other equitable relief against defendants
24 for their deceptive acts and practices and false advertising in violation of Sections 5(a) and 12 of the
25 FTC Act, 15 U.S.C. §§ 45(a) and 52.
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1 **JURISDICTION AND VENUE**

2 2. This Court has subject matter over plaintiff’s claim pursuant to 15 U.S.C. §§ 45(a), 52,
3 and 53(b), and 28 U.S.C. §§ 1331, 1337(a) and 1345.

4 3. Venue in the Western District of Washington is proper under 15 U.S.C. § 53(b) and 28
5 U.S.C. § 1391(b), (c), and (d).

6 **PLAINTIFF**

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8 4. Plaintiff Federal Trade Commission is an independent agency of the United States
9 Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Sections 5(a) and 12 of the
10 FTC Act, 15 U.S.C. §§ 45(a) and 52, which prohibit, respectively, deceptive acts or practices and false
11 advertisements for food, drugs, devices, services, or cosmetics, in or affecting commerce. The FTC is
12 authorized under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to initiate federal district court
13 proceedings to enjoin violations of the FTC Act, and to secure such equitable relief as may be
14 appropriate in each case.

15 **DEFENDANTS**

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17 5. Defendant Seville Marketing, Ltd. (“Seville”) is a British Columbia, Canada
18 corporation, located at 3017 Mountain Highway, North Vancouver, British Columbia, Canada, with its
19 registered office located at 1199 Lynn Valley Road, North Vancouver, British Columbia, Canada.
20 Seville has advertised, marketed, promoted, offered for sale, distributed, or sold products that
21 purportedly test humans for infection with the human acquired immunodeficiency virus (“HIV”).
22 Seville transacts or has transacted business in the Western District of Washington and throughout the
23 United States.

24 6. Defendant Gregory Stephen Wong is the owner and principal of Seville, and resides in
25 North Vancouver, British Columbia, Canada. Individually, or in concert with others, Wong directs,
26 controls, formulates, or participates in the acts and practices set forth in this Complaint. He transacts
27 or has transacted business in the Western District of Washington and throughout the United States.

1 **COMMERCE**

2 7. Defendants’ course of trade is in or affecting commerce, within the meaning of Section
3 4 of the FTC Act, 15 U.S.C. § 44.

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5 **DEFENDANTS’ BUSINESS PRACTICES**

6 8. Since at least June 2001, and continuing thereafter, defendants have marketed “Discreet
7 HIV/AIDS Tests” (“HIV test kits”) via the Internet to consumers throughout the United States. These
8 HIV test kits purportedly test for infection with the human immunodeficiency virus (“HIV”) in
9 humans. HIV is the virus that causes acquired immunodeficiency syndrome (“AIDS”), an infectious
10 disease characterized by immune system failure.

11 9. The defendants market their HIV test kits via two interconnected Internet web sites,

12 [FTC’s Complaint Against Seville Marketing, Ltd., et al. - Page 3](#)

COUNT II

16. Defendants have represented, expressly or by implication, that tests prove that the Discreet HIV test kits are 99.4% accurate at detecting the presence or absence of H

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1 (a) Permanently enjoin defendants from violating Sections 5(a) and 12 of the FTC Act, 15
2 U.S.C. §§ 45(a) and 52, in connection with the offer, sale, advertising, or other promotion or
3 distribution of HIV test kits;

4 (b) Award the Commission all temporary and preliminary injunctive and ancillary relief that
5 may be necessary to avert the likelihood of consumer injury during the pendency of this action, and to
6 preserve the possibility of effective final relief, including, but not limited to, preliminary injunctive
7 relief;

8 (c) Award such equitable relief as the Court finds necessary to redress injury to consumers
9 resulting from the Defendants' violations of Sections 5(a) and 12 of the FTC Act, including, but not
10 limited to, rescission of contracts and restitution, and the disgorgement of ill-gotten gains; and

11 (d) Award the Plaintiff the costs of bringing this action, and such other equitable relief as
12 the Court may determine to be just and proper.

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15 DATED: May 14, 2004

Respectfully submitted,

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