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10
11 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 LATINOS GROUP PROMOTIONS, and

16 JORGE CARPINTEYRO,
17 individually and as President
18 of Latinos Group Promotions,

19 Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE
AND OTHER EQUITABLE
RELIEF**

20 Plaintiff, the Federal Trade Commission ("FTC"), through
21 its undersigned attorneys, alleges as follows:

22 1. Plaintiff FTC brings this action under Section 13(b)
23 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C.
24 § 53(b), to secure a permanent injunction, rescission of
25 contracts, restitution, disgorgement of ill-gotten gains, and
26 other equitable relief against the Defendants for engaging in

1 deceptive acts or practices in connection with the advertising,
2 marketing, and sale of the dietary supplement products Arcomig
3 and Essiac Formula, which purport to treat, cure, prevent, or
4 lower the risk of numerous serious diseases and health
5 conditions, including cancer, diabetes, lupus, and tinnitus, in
6 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§
7 45(a) and 52.

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9 **JURISDICTION AND VENUE**

10 2. This Court has subject matter jurisdiction over this
11 matter pursuant to 15 U.S.C. §§ 45(a), 52, and 53(b), and 28
12 U.S.C. §§ 1331, 1337(a), and 1345.

13 3. Venue in the Northern District of California is proper
14 under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).

15
16 **THE PARTIES**

17 4. Plaintiff, the Federal Trade Commission, is an
18 independent agency of the United States Government created by
19 statute. See 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a)
20 of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or
21 deceptive acts or practices in or affecting commerce. The FTC
22 also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which
23 prohibits false advertisements for food, drugs, devices,
24 services, or cosmetics in or affecting commerce. The FTC may
25 initiate federal district court proceedings, through its
26 attorneys, to enjoin violations of the FTC Act and to secure

1 such equitable relief, including rescission of contracts,
2 restitution, and disgorgement of ill-gotten gains, as may be
3 appropriate in each case. 15 U.S.C. § 53(b).

4 5. Defendant Latinos Group Promotions ("Latinos Group")
5 is a closely-held California corporation located at 1318 Maine
6 Avenue, Baldwin Park, California. At all times relevant to this
7 Complaint, acting alone or in concert with others, Latinos Group
8 has marketed, distributed, and sold Arcomig and Essiac Formula
9 to consumers throughout the United States. Latinos Group is
10 incorporated in California and does business in the Northern
11 District of California.

12 6. Defendant Jorge Carpinteyro is president of Latinos
13 Group. At all times relevant to this Complaint, acting
14 individually or in concert with others, Jorge Carpinteyro has
15 formulated, directed, controlled or participated in the acts and
16 practices of Latinos Group, including the various acts and
17 practices set forth herein. Jorge Carpinteyro resides at 1741
18 East Oakridge Circle, West Covina, California, and transacts or
19 has transacted business in the Northern District of California.

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21
22 **COMMERCE**

23 7. The acts and practices of the Defendants, as alleged
24 herein, have been in or affecting commerce, as "commerce" is
25 defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

1 DEFENDANTS' COURSE OF CONDUCT

2 8. Since at least 2001, Defendants have advertised,
3 distributed, and sold Arcomig and Essiac Formula, purported
4 cure-all products, nationwide through, but not necessarily
5 limited to, a 30-minute television infomercial and/or Internet
6 websites, including: *www.arcomig.tv*, *arcomig.homestead.com*,
7 *latinosgroup.com*, and *latinosgp.homestead.com*.

8 **Arcomig**

9 9. Arcomig is a liquid dietary supplement that purports
10 to contain, among other ingredients, angelica, alfalfa, garlic,
11 shaved grass, chamomile, spices, citric acid, English plantain,
12 licorice, echinacea, and sodium benzoate. The Defendants offer
13 three bottles of Arcomig for \$189 directly to consumers
14 primarily through a toll-free telephone number.

15 **Defendants' Advertisements for Arcomig**

16 10. To induce consumers to purchase Arcomig, the Defendants
17 have disseminated or caused to be disseminated advertisements for
18 Arcomig through a 30-minute television infomercial and on
19 Internet websites, including: *www.arcomig.tv*,
20 *arcomig.homestead.com*, *latinosgroup.com*, and
21 *latinosgp.homestead.com*. These advertisements, including but not
22 necessarily limited to the attached Exhibits A through C, contain
23 the following statements and depictions, among others:

1 **a. Excerpts from Internet Website www.arcomig.tv**

2 Many people have health problems such as DIABETES, HIGH
3 CHOLESTEROL, MIGRAINES, ARTHRITIS and diseases as serious
4 as CANCER.... Fortunately, there is now a product that can
5 help solve these and many other health problems: ARCOMIG.

6 ***

7 It removes all the cholesterol, deposits, uric acid,
8 toxins, free radicals and malignant cells in a natural and
9 permanent way.

10 ARCOMIG is a registered product and has been approved by
11 the F.D.A. in the United States of America.

12 ***

13 WHAT IS ARCOMIG FOR?

14 ARCOMIG has proven to be very effective in the treatment of
15 DEGENERATIVE DISEASES, such as ARTHRITIS, HIGH CHOLESTEROL,
16 MIGRAINES, DIABETES, AND URIC ACID, and there are also many
17 registered cases of CANCER AND LEUKEMIA.

18 In addition to this, ARCOMIG has been used to treat
19 diseases such as ASTHMA, DIGESTIVE PROBLEMS, LIVER,
20 KIDNEYS, by eliminating the cause of these diseases as well
21 as the symptoms, Aches, Dizziness, Ringing in the ear,
22 Weakness, Exhaustion, Circulatory problems, Blurry Vision,
23 Sexual impotence, etc.

24 ***

25 3. ARCOMIG is not just a juice extracted from exotic
26 fruits, ARCOMIG is the product of serious investigation.
27 The production costs are very high, but the results are
28 very effective, as you will see for yourself. They have
29 been proven through scientific studies performed at
30 prestigious universities.

31 4. Any medical treatment for DIABETES, CANCER, MIGRAINES,
32 ARTHRITIS, CIRCULATORY PROBLEMS, or any other disease can
33 cost THOUSANDS OF DOLLARS AND MONTHS OF ILLNESS. Your
34 investment in ARCOMIG is very small in comparison, and you
35 will be surprised by the results.

1 - Exhibit A, portions of website
2 www.arcomig.tv (original in Spanish and
3 English)

4 **b. Excerpts from Internet Websites arcomig.homestead.com,**
5 **latinosgrp.homestead.com, and latinogroup.com**

6 ARCOMIG, 100% natural product, with extracts of 27 roots
7 and plants. Natural treatment for CHOLESTEROL, DIABETES,
8 ARTHRITIS, CANCER.

9 ARCOMIG. THOUSANDS ARE SEEING THE MARVELOUS RESULTS . . .
10 DON'T WAIT ANY LONGER!!

11 ARTHRITIS, DIABETES, CANCER, LEUKEMIA, MIGRAINES, LUPUS,
12 POOR CIRCULATION, NUMBNESS OF THE EXTREMITIES, INDIGESTION,
13 FATIGUE, DEPRESSION, UNEXPLAINED PAIN, TINNITUS

14 HOW LONG HAVE YOU SUFFERED WITH THIS ILLNESS?

15 HOW MUCH HAVE YOU SPENT ON DOCTORS AND TREATMENTS, WITHOUT
16 RESULTS?

17 DID YOU KNOW THAT THE PHARMACEUTICALS DON'T WANT YOU TO BE
18 COMPLETELY CURED?

19 HOW LONG DO YOU WANT TO KEEP ON SUFFERING WITH THAT
20 ILLNESS?

21 We know there are thousands of natural products that
22 promise to help you with that illness. But ARCOMIG is the
23 only 100% natural treatment, PROVEN THROUGH SCIENTIFIC
24 STUDIES at prestigious Cornell University in New York, that
25 GUARANTEES that your life will not be the same after
26 treatment with ARCOMIG.

27 ***

ALL THESE TESTIMONIALS ARE ACTUAL CASES

BONE CANCER
ARTHRITIS AND DIABETES

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1 morning, I was in so much pain. All these problems
2 disappeared thanks to ARCOMIG, the doctors performed other
3 examinations on me after the treatment with ARCOMIG, not
4 knowing what I was taking, and they were surprised when
5 they concluded that I no longer had lupus and that I was
6 very well. My son David also had an undiagnosed illness, he
7 couldn't run, his throat hurt, he felt as though he had
8 worms on his skin biting his arms. The doctors prescribed
9 lots of penicillin but he didn't improve. I decided to give
10 him ARCOMIG since it had done me so much good and, thank
11 God, it helped him, too. In a short time all his symptoms
12 were gone forever."

13 ***

14 POOR CIRCULATION

15 "I had a lot of pain in my legs, arms, and head, I looked
16 like a little old lady. I was living on pain pills, was
17 nauseated, and my vision was a little blurred; I was also
18 having a lot of hot flashes. But since I started taking
19 ARCOMIG, I no longer need pills. I even used to take them
20 to sleep, and now I don't suffer from insomnia; I sleep
21 peacefully. I'm healthy now thanks to ARCOMIG."

22 ***

23 OSTEOPOROSIS

24 "My severe cramping was relieved, I couldn't even get down
25 on my knees because I couldn't stand up again. My legs,
26 bones, and arms hurt . . . everything hurt!! After taking
27 ARCOMIG I went to the doctor for a check-up and he x-rayed
my bones. He told me he didn't know how, but my
osteoporosis had completely disappeared, now thanks to God
and ARCOMIG there's nothing wrong with me."

DIABETES

"I recommend ARCOMIG because two years ago I suffered a
diabetic coma since I didn't know I had diabetes and I was
released from the hospital on the seventh day after being
in intensive care. I was injected with 70 units of insulin;
35 in the morning and 35 in the evening, but I learned
about ARCOMIG through a cousin and I took it. Now I don't
use any insulin, just ARCOMIG."

1 ***

2 DEFORMING ARTHRITIS

3 "I was confined to bed for two years with severe RHEUMATIC
4 ARTHRITIS . . . After having been written off by the
5 doctors because, according to them, there was nothing that
6 could cure me, one day at the clinic I met a lady who had
7 the same thing I did, but I was surprised to see that she
8 could walk normally. She told me that she was completely
9 cured because she had taken a product called ARCOMIG. She
10 gave me the information about how to get it and I took A
11 TOTAL OF 12 GALLONS and, thanks to God and ARCOMIG, I am
12 now healthy and giving this testimonial."

9 ***

10 POOR CIRCULATION

11 "I was very depressed. My legs and hands would fall
12 asleep, I had tinnitus, tachycardia, head pain, and
13 insomnia. I suffered from severe constipation and felt
14 very nauseated all day long, as if I were drunk. A sister
15 told me about a product she saw on television, so I bought
16 it and even though it seemed a little expensive they
17 convinced me that it would work. I took 8 GALLONS in all,
18 and now I'm completely healthy, I feel like new, I do not
19 regret having invested in my health. Thanks to ARCOMIG."

16 ***

17 RHEUMATISM

18 Mrs. Maria.

19 "I recommend it to everyone who is suffering from the pain
20 of RHEUMATISM and EXHAUSTION . . ."

21 ***

22 Thousands are finding a REAL SOLUTION to their problems
23 with ARTHRITIS, HIGH CHOLESTEROL, DIABETES, and even
24 CANCER, LEUKEMIA with this extraordinary natural product .
25 . .

26 ***

27 7. You invest less than \$4.00 A DAY to feel much better,
protect your health, and even probably avoid fatal
consequences.

1 ***

2 TESTIMONIALS
3 of LIFE, OF HEALTH ...
4 THANKS TO ARCOMIG!!

5 [ARTHRITIS] [CANCER] [LEUKEMIA] [DIABETES] [TUMORS] [SEXUAL
6 IMPOTENCE] [LEUKEMIA] [RHEUMATISM] [EXHAUSTION] [BRONCHIAL
7 ASTHMA] [POOR CIRCULATION] [EMBOLISM] [BONE PAIN]
8 [TINNITUS] [BURNING FEET]

9 ARCOMIG has proven to be a great help in the lives of
10 people with degenerative diseases such as those presented
11 below. The treatments have varied from person to person,
12 some people have taken three bottles, others up to 12, what
13 is true is that their quality of life has improved up to
14 90%.

15 ***

16 "Two years ago I was diagnosed with DIABETES and a year ago
17 I started taking ARCOMIG and the truth is that the results
18 have been very good. I stopped taking pills and I have felt
19 fine."

20 ***

21 "I had a THYROID TUMOR and they were going to operate on
22 me. While they were preparing for surgery, I started taking
23 ARCOMIG, then I went to the doctor and he said to me:
24 'Ma'am, what are you taking, the tumors were cancerous and
25 they are disappearing,' he gave me another two weeks and
26 when I returned he could no longer take the biopsy because
27 the tumors had disappeared..."

"Our sex life was revived, in my case as a man I could
respond to my partner again thanks to ARCOMIG helping me
with the sexual impotence while it improved my circulation"

"They told me I had a CYST ON MY right KIDNEY, I took
ARCOMIG and after three weeks I went back for another test
and the cyst had disappeared, I also had tinnitus and that
went away as well..."

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c. Excerpts from Television Infomercial

If you have a serious problem, you need a serious product to help you.

GUARANTEED

WITH SCIENTIFIC STUDIES*

Arcomig is the only natural product that has been studied in tests run by prestigious universities with results indicating a one hundred percent natural product that renews and purifies your blood, sweeps away uric acid deposits, eliminates toxins and cholesterol, cleans and

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For people who suffer from depression, for people who cannot sleep, for people who suffer from pain, for people whose hair is even in pain, for people who feel pain even when they breathe, try it. Don't say anything; just try it. I travel constantly to the United States. If a person tries this and doesn't feel a radical change, if you find me in the streets, swear at my mother, but try it.

Arcomig penetrates and destroys those uric acid deposits, eliminating the pain and the principal cause of arthritis.

That's right, well, just as you say, there are in fact universities in the United States that, well, in fact are already showing an interest and are already studying it and well, they have seen that, that product, independently from alleviating arthritis, diabetes, has also helped cure, umm, some people of cancer, right?

So, there are twenty-eight kids that couldn't be cured with chemotherapy and seven have taken this product and have been saved from cancer, is that right? ... That's right. They were hopeless children that had come to us by means of other people, of friends of ours that have, that have, umm, done us this favor, what I consider a favor. Because it's a great thing for me to be able to help these children, hopeless kids that came to us. Thank God now, now they are becoming healthy and they are doing well, all the children, umm, and we are going to continue to fight for them . . . We are also aware that Arcomig is being studied in different universities in the United States, and that it has already been approved and supported by many of them.

-Exhibit C, portions of TV Infomercial
(attached in storyboard and video format)

1 **Essiac Formula**

2 11. Essiac Formula is a powdered tea that purports to
3 contain burdock root, sheep sorrel, rhubarb root, and slippery
4 elm bark. The Defendants offer five bottles of Essiac Formula
5 for \$169 directly to consumers primarily through a toll-free
6 telephone number.
7

8 **Defendants' Advertisements for Essiac Formula**

9 12. To induce consumers to purchase Essiac Formula, the
10 Defendants have disseminated or caused to be disseminated
11 advertisements for Essiac Formula through Internet websites,
12 including *latinosgp.homestead.com*. These advertisements,
13 including but not necessarily limited to the attached Exhibit D,
14 contain the following statements and depictions, among others:
15

16 **a. Excerpts from Internet Website *latinosgrp.homestead.com***

17 FORMULA ESSIAC . . . Cleanse your arteries and Veins!!!
18 Lose Weight Constantly!!! Free yourself of Toxins and
19 Microbes!!! Combat constant Illness and Pain!!! Prevent
and Eliminate CANCEROUS TUMORS!!

20 ***

21 Some of the main benefits you will receive when taking this
22 Formula are:
Prevent fat deposits from forming in veins and arteries
(CHOLESTEROL)

23 ***

24 Improves the function of the Pancreas by better utilizing
25 Insulin in DIABETES problems.
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ITS VALUABLE ASSISTANCE FOR PEOPLE WITH DIFFERENT TYPES OF
CANCER HAS BEEN DEMONSTRATED.

You can take this formula to DETOXYFY YOUR BODY, PREVENT
DEGENERATIVE DISEASES, REDUCE CHOLESTEROL, REDUCE DIABETES,
and in general to ENERGIZE YOUR BODY and provoke a feeling
of general wellbeing produced by toxins in the blood [sic].

LOSE WEIGHT BY ELIMINATING ACCUMULATED FAT QUICKLY AND
PERMANENTLY!!

SURPRISING TESTIMONIALS TALK ABOUT THE DISAPPEARANCE OF
CANCEROUS TUMORS

What does it do?

The components of Dr. Brusck's Essiac formula interact and
produce a wonderful effect of wellbeing MORE ENERGY,
DETOXYFYING EFFECT, and STRESS REDUCTOR in the human body,
as well as PREVENTING DEGENERATIVE DISEASES.

Therapeutic effects of the Essiac Formula package:

REDUCES AND ELIMINATES CANCEROUS TUMORS

Prevents the formulation of fat deposits in arterial walls,
heart, kidneys and liver.

Regulates cholesterol levels, transforming sugars and fats
into energy.

Stops diarrhea, internal hemorrhage and constipation.

Counter the detrimental effects of heavy metal poisoning
such as aluminum, lead, and mercury.

Liberates the liver of its toxins.

Assists the liver in the production of lecithin, which is
part of the myelin layer, a fat material that envelops
nerve fibers.

Reduces and eliminates heavy metal deposits in the tissues.
(Especially those that surround the joints) to reduce
swelling.

Improves pancreatic and vessel function, increasing the
effectiveness of insulin.

Purifies the blood.

1 Increases the production or red blood cells.
2 Increases the body's ability to utilize oxygen, increasing
3 the levels of oxygen in cellular tissues.
4 Maintains the potassium-sodium balance in the body in order
5 for fluids to be regulated inside and out of each cell.
6 This way cells are nourished and cleansed.
7 Regulates the amount of oxalic acid send [sic] to the
8 kidneys, this way the risk of bladder, kidney, and urinary
9 tract stones is reduced.

10 ***

11 Increases the production of antibodies such as T cells and
12 lymphocytes in the thymus gland, which is in charge of the
13 defense of our immune system.
14 Protects cells against free radicals.
15 And lastly a factor X that makes it possible for the
16 curative effects of these components to produce the
17 positive results that you expect.

18 - Exhibit D, portions of website
19 *latinosgrp.homestead.com* (original in
20 Spanish)

21 **DEFENDANTS' VIOLATIONS OF THE FTC ACT**

22 13. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),
23 prohibits unfair or deceptive acts or practices in or affecting
24 commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a),
25 prohibits the dissemination of any false advertisement in or
26 affecting commerce for the purpose of inducing, or which is
27 likely to induce, the purchase of food, drugs, devices,
services, or cosmetics. For the purposes of Section 12 of the
FTC Act, 15 U.S.C. § 52, Arcomig and Essiac Formula are "food"
or "drugs" pursuant to Section 15(d) of the FTC Act, 15 U.S.C.

1 § 55(d). As set forth below, the Defendants have engaged and
2 are continuing to engage in such unlawful practices in
3 connection with the marketing and sale of Arcomig and Essiac
4 Formula.

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6
7 **COUNT I**

8 **False Disease Claims for Arcomig**

9 14. Through the means described in Paragraph 10, including
10 through the statements contained in the advertisements attached
11 as Exhibits A through C, Defendants have represented, expressly
12 or by implication, that Arcomig:

- 13 a. Significantly lowers serum cholesterol levels
14 without any change in the user's diet.
15
16 b. Treats, causes remission in, or cures cancer,
17 including but not limited to, leukemia, bone
18 cancer, lung cancer, stomach cancer, and tumors.
19
20 c. Treats or cures diabetes.
21
22 d. Treats or cures lupus.
23
24 e. Treats or cures tinnitus.
25
26 f. Makes conventional treatments unnecessary for
27 persons with serious diseases, such as cancer and
diabetes.

- 1 15. In truth and in fact Arcomig does not:
2 a. Significantly lower serum cholesterol levels
3 without any change in the user's diet.
4 b. Treat, cause remission in, or cure cancer,
5 including but not limited to, leukemia, bone
6 cancer, lung cancer, and tumors.
7 c. Treat or cure diabetes.
8 d. Treat or cure lupus.
9 e. Treat or cure tinnitus.
10 f. Make conventional treatments unnecessary for
11 persons with serious diseases, such as cancer and
12 diabetes.
13

14 Therefore, Defendants' representations as set forth in Paragraph
15 14 are false or misleading and constitute deceptive acts or
16 practices, and the making of false advertisements, in or
17 affecting commerce, in violation of Sections 5(a) and 12 of the
18 FTC Act, 15 U.S.C. §§ 45(a) and 52.
19
20

21 **COUNT II**

22 **False Clinical Studies Claims for Arcomig**

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24 16. Through the means described in Paragraph 10, including
25 through the statements contained in the advertisements attached
26 as Exhibits A through C, Defendants have represented, expressly
27

1 or by implication, that scientific studies prove that Arcomig
2 successfully treats numerous serious diseases, including cancer
3 and diabetes.

4 17. In truth and in fact, scientific studies do not prove
5 that Arcomig successfully treats numerous serious diseases,
6 including cancer and diabetes. Therefore, Defendants'
7 representation as set forth in Paragraph 16 is false or
8 misleading and constitutes a deceptive act or practice, and the
9 making of false advertisements, in or affecting commerce, in
10 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§
11 45(a) and 52.
12

13
14 **COUNT III**

15 **False Food and Drug Administration Claim for Arcomig**

16
17 18. Through the means described in Paragraph 10, including
18 through the statements contained in the advertisement attached
19 as Exhibit A, Defendants have represented, expressly or by
20 implication, that the United States Food and Drug Administration
21 has approved, endorsed, or recommended Arcomig products.
22

23 19. In truth and in fact, the United States Food and Drug
24 Administration has not approved or endorsed Arcomig products.
25 Therefore, Defendants' representation as set forth in Paragraph
26 18 is false or misleading and constitutes a deceptive act or
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1 practice, and the making of false advertisements, in or
2 affecting commerce, in violation of Sections 5(a) and 12 of the
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1 affecting commerce, in violation of Sections 5(a) and 12 of the
2 FTC Act, 15 U.S.C. §§ 45(a) and 52.

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5 **COUNT VI**

6 **Unsubstantiated Disease Claims for Essiac Formula**

7 24. Through the means described in Paragraph 12,
8 Defendants have represented, expressly or by implication, that
9 Essiac Formula:

- 10 a. Alleviates the effects of heavy metal poisoning,
11 including poisoning from aluminum, lead, or
12 mercury.
13
14 b. Is effective in the mitigation, treatment,
15 prevention, or cure of arthritis, kidney and
16 urinary tract stones, indigestion, diarrhea,
17 internal hemorrhaging, constipation, diseases
18 affecting the heart, lungs, liver, or digestive
19 system, or any illness which is affected by a
20 lowered or weakened immune system.
21
22 c. Prevents degenerative diseases.

23 25. Defendants did not possess and rely upon a reasonable
24 basis that substantiated the representations set forth in
25 Paragraphs 22 and 24 at the time the representations were made.
26 Therefore, the making of the representations set forth in

1 Paragraphs 22 and 24 constitutes deceptive acts or practices,
2 and the making of false advertisements, in or affecting
3 commerce, in violation of Sections 5(a) and 12 of the FTC Act,
4 15 U.S.C. §§ 45(a) and 52.
5

6
7 **COUNT VII**

8 **False Weight Loss Claims for Essiac Formula**

9 26. Through the means described in Paragraph 12, including
10 through the statements contained in the advertisement attached
11 as Exhibit D, Defendants have represented, expressly or by
12 implication, that Essiac Formula:

- 13 a. Causes rapid and substantial weight loss without
14 the need to increase exercise or reduce caloric
15 intake.
16
17 b. Causes permanent weight loss.

18 27. In truth and in fact Essiac Formula does not:

- 19 a. Cause rapid and substantial weight loss without
20 the need to increase exercise or reduce caloric
21 intake.
22
23 b. Cause permanent weight loss.

24 Therefore, Defendants' representations as set forth in Paragraph
25 26 are false or misleading and constitute deceptive acts or
26 practices, and the making of false advertisements, in or

THIS COURT'S POWER TO GRANT RELIEF

30. 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 the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including, but not limited to, rescission of contracts, restitution, and the disgorgement of ill-gotten gains, to prevent and remedy injury caused by Defendants' law violations.

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 this Court:

1. Permanently enjoin and restrain Defendants from violating Sections 5(a) and 12 of the FTC Act in connection with the advertising, distribution, or sale of food, drugs, dietary supplements, devices, cosmetics, or other health-related products, services, or programs.

2. Award such equitable relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of Sections 5(a) and 12 of the FTC Act, including, but not limited to, rescission of contracts,

1 restitution, and the disgorgement of ill-gotten gains by the
2 Defendants; and

3 3. Award Plaintiff such other equitable relief as the
4 Court may determine to be just and proper.
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7 Respectfully submitted,

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9 General Counsel

10
11 JEFFREY A. KLURFELD
12 Regional Director

13 DATED: _____, 2005

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