



**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter pursuant to 15 U.S.C. §§ 45(a), 52, 53(b)

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3. Venue in the United States District Court for the Northern District of Illinois is proper under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391 (b) and (c).

**PLAINTIFF**

formulated, directed, controlled, or participated in the acts or practices of Sili Neutraceuticals, LLC set forth in this Complaint. McDaid also does business as Kaycon, Ltd.

8. "Defendants" means Sili Neutraceuticals, LLC and Brian McDaid. Defendants have transacted business in the Northern District of Illinois within the meaning of 15 U.S.C. § 53(b).

**COMMERCE**

or service (including the content on an Internet website operated for commercial purposes). 15 U.S.C. § 7702(2).

to an electronic mail message, including the originating domain name and originating electronic mail address, and any other information that appears in the line identifying, or purporting to identify a person initiating the message. 15 U.S.C. § 7702(8)

14. **“Initiate,”** when used with respect to a commercial email message, means to originate or transmit such message or to procure the origination or transmission of such message. 15

by Defendants under a variety of different names such as HoodiaHerbal and Hoodia

Maximum Strength purports to contain hoodia gordonii and cause substantial weight loss

by suppressing appetite (the "Hoodia Products"). Defendants also have marketed

"[redacted]" products they claim cause the body to produce human growth hormone using a

## About HoodiaHerbal™

If you haven't heard of HoodiaHerbal™ yet, you soon will because it is being touted

23. To induce recipients to visit the Web sites and purchase Defendants' Hoodia Products, commercial email messages promoting Web sites operated by Defendants or their agents make various claims, including claims that:

Hoodia is the most advanced (and by far the most successful) weight loss formula ever created, for one simple reason . . . it simply causes you to have less of an appetite, and eat

average of 1-3 pounds per week, but as high as 20-40 pounds a month in many participants.

\* \* \*

Ingredients stimulates your pituitary gland to naturally increase your own growth hormone level.

Q. What benefits will I first see and how long will it take?

A. That of course depends on you. Most people feel an increase in energy right away. We have customers who report dramatic decreases in high blood pressure after only one week; Significant weight loss in only two weeks; Grey hair returning to it's natural color in three to four weeks; Many also report unbelievable relief from chronic pain in less than



28. Defendants have initiated commercial email messages containing materially false or misleading header information. In many instances, the email contains an originating email address that was not assigned by the email service provider or was used without the authorization of the subscriber who obtained the email address from the email service operator. In other instances, the email message fails to identify accurately the protected

\_\_\_\_\_ to initiate the message because the email message was relayed on

retransmitted through another protected computer for purposes of disguising its origin.

29. \_\_\_\_\_ to induce consumers to open and read their commercial emails. Defendants have

(c).

As set forth below, Defendants have engaged in unlawful practices in violation of

d. \_\_\_\_\_ scientific research does not establish that the Hoodia Products cause substantial

36. Therefore, Defendants' representations as set forth in Paragraph 34 above are false or



COUNT IV

Unsubstantiated Claims for the HGH Products

42. Through the means described in Paragraphs 18-20, 24, and 25 above, Defendants have

46. Section 5(a)(6) of CAN-SPAM, 15 U.S.C. § 7704(a)(6), states:

For purposes of [section 5(a)(1)], the term “materially”, when used with respect to false or misleading header information, includes the alteration or concealment of header information in a manner that would impair the ability of an Internet access service processing the message on behalf of a recipient, a person alleging a violation of this section, or a law enforcement agency to identify, locate, or respond to a person who initiated the electronic mail message or to investigate the alleged violation or the ability of a recipient of the

message to respond to a person who initiated the electronic message.

47. Section 5(a)(2) of CAN-SPAM, 15 U.S.C. § 7704(a)(2), states:

It is unlawful for any person to initiate the transmission to a

electronic mail messages from that sender at the electronic mail address where the message was received; and

(ii) remains capable of receiving such messages or communications for no less than 30 days after the transmission of the original message.

50. Section 5(a)(5)(A) of CAN-SPAM, §. 7704(a)(5)(A) states:

It is unlawful for any person to initiate the transmission of any commercial electronic mail message to a protected computer unless the message provides:

(ii) [redacted] appropriate and conspicuous notice of the opportunity under Section 5(a)(2) to

likely to mislead a recipient, acting reasonably under the circumstances, about a material

~~Continuation of the contents on subject matter of the message~~



COUNT VIII

58. In numerous instances, Defendants have initiated the transmission, to protected computers, of commercial email messages that advertise or promote Defendants' Internet Web sites, products or services and do not include the senders' valid physical postal

59. Defendants' acts or practices, as described in paragraph 58 above, violate 15 U.S.C.

CONSUMER INJURY

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff FTC, pursuant to Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, Section 7(a) of CAN-SPAM, 15 U.S.C. § 7706(a), and the Court's own equitable powers, requests that the Court:

necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including, but not limited to, temporary and preliminary injunctions and an order freezing assets;

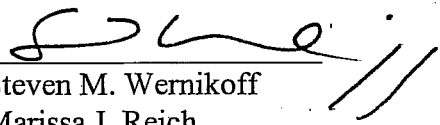
2. Enter a permanent injunction to prevent future violations of the FTC Act and the CAN-SPAM Act by defendants;

3. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act and the CAN-SPAM 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

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

Respectfully submitted,

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