

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

FEDERAL TRADE COMMISSION,)
)
)
 Plaintiff,) **Case No.**
)

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(a), 45(l), 53(b), and 56(a).

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1), (b)(2), (c)(1), (c)(2), and (d) and 1395(a) and 15 U.S.C. § 53(b).

DEFENDANTS

4. Defendant Lou Lentine (“Lentine”) is the president and owner of Viatek Consumer Products Group (“Viatek”), with his principal place of business at 6011 Century Oaks Drive, Chattanooga, Tennessee 37416. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts or practices of Defendant Viatek, including the acts and practices set forth in this Complaint. Defendant Lentine, in connection with the matters alleged herein, transacts or has transacted business in this district. Under the Commission Order, Defendant Lentine, individually and as an officer of Lentek International, Inc. (“Lentek”), is enjoined from making any representation about the benefits, performance, or efficacy of any product, unless, at the time the representation is made, he is in compliance with the Commission Order. Defendant Lentine, individually and as an officer of Lentek International, Inc. (“Lentek”), is enjoined from making any representation about the benefits, performance, or efficacy of any product, unless, at the time the representation is made, he is in compliance with the Commission Order.

COMMERCE

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IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, i

claims that the product “[k]eeps bugs and flying insects away” and “Protects Against Mosquitoes!” (Exhibit B).

14. Defendants have disseminated, or caused to be disseminated, product brochures that make representations about Viatek Mosquito Shield Bands, including, but not limited to, the following:

GREAT FOR ALL OUTDOOR ACTIVITIES
Vapor barrier protects up to 5 feet. Apply to wrist, ankle, bag or stroller. Safe and effective for up to 120 hours ...

Simply place on wrist, ankle, belt, stroller or walker [sic] One size fits all
Keeps ~~it~~ away

Protects Against: Mosquitoes, No See-ums, Biting Flies and more!

SCIENTIFICALLY PROVEN TO REPEL MOSQUITOS ...[.]


(Exhibits C and D).

15. On Viatek’s website, www.viatekproducts.com, Defendants made various representations about Viatek Mosquito Shield Bands, including, but not limited to, the following claims:

Mosquito Shield Bands are great for all outdoor activities. Scientifically proven to repel mosquitoes, ticks, flies, gnats, and other annoying insects. Vapor barrier protects up to a 5-foot radius. Apply to wrist, ankle, bag, or stroller. Safe and effective for up to 120 hours, even when wet.

Protects against mosquitoes, no see-ums, and other biting flies.

(Exhibits E and F).

18. In the post  , <http://viatekblogspot.com/2012/06/gardening-tips.html> (June 14, 2012, 9:57 a.m.), Viatek asserts:

Tip #4: Protect Yourself From Annoying Insects!
Mosquitoes carry threatening diseases! Rid yourself of potential illness by ordering your set of Viatek Mosquito Bands.

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26. Therefore, the making of the representations as set forth in Paragraph 24 of this Complaint constitutes a deceptive act or practice in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

27. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the Commission Order and 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, reap unjust enrichment, and harm the public interest.

CIVIL PENALTIES AND EQUITABLE RELIEF

28. Each representation Defendants have made in violation of the Commission Order constitutes a separate violation for which Plaintiff may seek civil penalties.

29. Each day Defendants have made, or have continued to make, representations in violation of the Commission Order constitutes a separate violation for which Plaintiff may seek civil penalties.

30. Section 5(l) of the FTC Act, 15 U.S.C. § 45(l), as modified by Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, and Section 1.98(c) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(c), authorizes the Court to award monetary civil penalties of up to \$16,000 for each such violation of the Commission Order.

31. Sections 5(l) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(l) and 53(b), empower

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

32. WHEREFORE, Plaintiff Federal Trade Commission, pursuant to Sections 5(a) 5(l), 13(b), and 16(a) of the FTC Act, 15 U.S.C. §§ 45(a), 45(l), 53(b), and 56(a), and the Court's own equitable powers, requests that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act and the Commission Order by Defendants;

B. Award Plaintiff monetary civil penalties from Defendants for each violation of the Commission Order alleged in this Complaint;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the Commission Order and Section 5 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

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

DATED: _____

Respectfully submitted,

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