



Monetary Relief Judgment, and Civil Penalty Judgment (“

6. Defendants and Plaintiff waive all rights to appeal or otherwise challenge or contest the validity of this Order.

### **DEFINITIONS**

For the purpose of this Order, the following definitions apply:

A. “**Clear(ly) and Conspicuous(ly)**” means that a required disclosure is difficult to miss ( , easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means.

2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.

4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.

5. On a product label, the disclosure must be presented on the principal display panel.
6. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears.
7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable

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**ORDER**

**I.  
PROHIBITION AGAINST MISREPRESENTATIONS  
REGARDING U.S.-ORIGIN CLAIMS**

**IT IS ORDERED**

receive actual notice of this Order, whether acting directly or indirectly, in connection with promoting or offering for sale any good or service, are permanently restrained and enjoined from making any representation, expressly or by implication, including: (1) any representation regarding the country of origin of any good or service; or (2) any representation regarding: (a) the treatment, cure, prevention, mitigation, or diagnosis of COVID-19, or (b) any government benefit related to COVID-19, unless the representation is non-misleading, including that, at the time such representation is made, Defendants possess and rely upon a reasonable basis for the representation.

Counsel on May 4, 2022;

2. The Financial Statement of Corporate Defendant Axis LED Group, LLC signed by Adam J. Harmon on April 21, 2022, submitted to Commission Counsel Julia Solomon Ensor on May 6, 2022, including the attachments submitted to Commission Counsel on May 4, 2022;

3. The Financial Statement of Corporate Defendant ALG-Health LLC signed by Adam J. Harmon on April 21, 2022, submitted to Commission Counsel Julia Solomon Ensor on May 6, 2022, including the attachments submitted to Commission Counsel on May 4, 2022; and

4. The additional documentation submitted by Defendants' counsel Jonathan Slotter to Commission Counsel Julia Solomon Ensor dated April 5, 2022, and May 4, 2022, including bank statements and checks.

C. The suspension of the judgment will be lifted as to any Defendant if, upon motion by the Commission or Plaintiff, the Court finds that Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the Financial Attestations identified above.

D. If the suspension of the judgment is lifted, the judgment becomes immediately due as to that Defendant in the amount specified in Subsection A above (which the parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

**IV.  
MONETARY JUDGMENT FOR CIVIL PENALTY**

**IT IS FURTHER ORDERED** that:

- A. Judgment in the amount of One Hundred Fifty-Seven Thousand Six Hundred Eighty-Three Dollars and Thirty-Seven Cents (\$157,683.37) is entered in favor of Plaintiff against the Individual Defendant and the Corporate Defendants, jointly and severally, as a civil penalty.
- B. Defendants are ordered to pay to Plaintiff, by making payment to the Treasurer of the United States, One Hundred Fifty-Seven Thousand Six Hundred Eighty-Three Dollars and Thirty-Seven Cents (\$157,683.37), which, as Defendants stipulate, their undersigned counsel holds in escrow for no purpose other than payment to Plaintiff. Such payment must be made within 7 days of entry of this Order by electronic fund transfer in accordance with instructions previously provided by a representative of Plaintiff.

**V.  
ADDITIONAL MONETARY PROVISIONS**

**IT IS FURTHER ORDERED** that:

- A. Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.
- B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order.
- C. Defendants agree that the civil penalty judgment represents a civil penalty owed to the government of the United States, is not compensation for actual pecuniary loss, and, therefore, as to the Individual Defendant, it is not subject to discharge under the Bankruptcy Code pursuant to



11 U.S.C. § 523(a)(7).

D. Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Number or Employer Identification Numbers), which Defendants must submit to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.

E. All money received by the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for consumer relief, such as redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after such redress is completed, the Commission may apply any









information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission and Plaintiff are also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Commission and Plaintiff are authorized to communicate directly with each Defendant. Defendants must permit representatives of the Commission or Plaintiff to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission and Plaintiff may use all other lawful means, including posing through its representatives as consumers, suppliers, or other individuals or entities, to Defendants or any

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~~FOR DEPENDANTS~~

PLAS  
Te B. S. Hall

Date: 5/1/22