

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALAL A. AKOURY, also d/b/a AWAREmed
Health and Resource Center

DALAL AKOURY MD , PLLC, a South
Carolina limited liability company, also d/b/a
AWAREmed Health and Resource Center

AWAREMED WHOLISTIC URGENT CARE,
PLLC, a South Carolina limited liability
company, also d/b/a AWAREmed Health and
Resource Center,

Parkinson's disease and Alzheimer's disease. Since at least early 2016, Defendants have used several advertising platforms to recruit prospective patients, misleadingly claiming, among other things, that virtually every patient treated for any condition improves under AWAREmeds care. In reality, Defendants lacked any reasonable basis for making these advertising claims to the public. Defendants were warned by the FTC on multiple occasions that it is unlawful to make false and

States. Akoury is the sole proprietor of and medical provider for AWAREmed, which operated in South Carolina until 2020 when it was relocated to Tennessee. Akoury has the sole responsibility for reviewing and evaluating health claims made on the website, and on social media such as the AWAREmed Facebook page.

6. Defendant Dalal Akoury MD, PLLC ("Akoury PLLC"), is a professional limited liability company organized by Akoury in the state of South Carolina. Akoury is its sole officer and owner. At all times material to the allegations in this Complaint, acting alone or in concert with others, Akoury PLLC has also done business as AWAREmed. Akoury has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Akoury PLLC, including the acts and practices set forth in this Complaint. In connection with the matters alleged herein, Akoury PLLC transacts or has transacted business in this District and throughout the United States.

7. Defendant AWAREmed Wholistic Urgent Care, PLLC ("AWAREmed PLLC") is a professional limited liability company organized by Akoury in the state of South Carolina. Akoury and her husband, Samy Akoury, are the sole officers and owners of AWAREmed PLLC. Upon information and belief, at all times material to the allegations in this Complaint, acting alone or in concert with others, AWAREmed PLLC has also done business as AWAREmed. Akoury has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of AWAREmed PLLC, including the acts and practices set forth in this Complaint. In connection with the matters alleged herein, AWAREmed PLLC transacts or has transacted business in this District and throughout the United States.

8. At all times material to the allegations in this Complaint, Akoury has had all decisionmaking authority over Akoury PLLC and AWAREmed PLLC, and upon information and

belief, both companies play integral parts in AWAREmeds business. Akoury PLLC pays AWAREmedclinic expenses and receives clinic receipts. AWAREmed PLLC lends its name to AWAREmeds advertising and website.

COMMERCE

9. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

THE FTC ACT

10. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or practices in or affecting commerce”

11. Misrepresentations or deceptive omissions of a material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

12. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or ~~wholly~~ to induce, the purchase of food, drugs, devices, services, or cosmetics. The offering for sale and sale of Defendants’ purported disease treatments are “services” for purposes of Section 12.

THE OPIOID ACT

13. The Opioid Act, Pub.L. No. 115271, 15 U.S.C § 45d, was enacted on October 24, 2018. The Opioid Act prohibits unfair or deceptive acts or practices with respect to any substance use disorder treatment service or substance use disorder treatment ~~15 U.S.C. § 45d(a)~~ Section 8022 of the Opioid Act defines “substance use disorder treatment service” as a service that purports to provide referrals to treatment, treatment, or recovery housing for people diagnosed

with, having, or purporting to have a substance use disorder, including an opioid use disorder
Pub. L.No. 115-271 § 8022.

14. Pursuant to 15 U.S.C. § 45d(b)(1), a violation of 15 U.S.C. § 45d(e) is treated as a
violation of an FTC rule under Section 18(a) of the FTC Act, 15 U.S.C. § 57a(a), regarding unfair

treatment program provides quick, painless recovery with greater success and at less cost than traditional addiction treatment programs

19. Defendants' website contained numerous implicit or explicit claims regarding AWAREmed's effectiveness at treating addiction generally and substance use disorders in particular. For example, Defendants claimed

a. Alongside the phrase "Addiction Recovery," that AWAREmed was "Most Effective Medical Clinic . . . Anywhere" with "a 98% Improvement Rate Treating Just About . . . Anything." ExA at 1.

b. That "There IS Light at the End of the Tunnel" and that prospective patients could "Experience Rapid, Painless Detox and Recovery From ANY Addiction" including "Drugs, Alcohol, Food, Sex, Gambling." at 2.

c. That AWAREmed had a "painless detox outpatient program" allowing patients to return "back to work in 3 days for severe addictions of drug, alcohol, food, sex, and gambling." at 3.

d. That the AWAREmed addiction treatment program allowed patients to "Detox without pain, illness, sleepless, or anxiety." at 4.

e. That the AWAREmed addiction treatment program allowed for "Rapid Recovery" where patients could "Attain work ready functionality in only 3 days" and "Return home again in only 10 days."

f. That the AWAREmed addiction treatment program was "Affordable" and patients could "Get better results in 1/3 the time, at comparable or less cost than other 'traditional' risky, painful, lower success 30 day programs."

g. That AWAREmed “Offer[s] the ONLY Highly-Discreet 10 Day Outpatient Program with a 90% Improvement Rate” at 5.

20. Defendants’ website also embedded YouTube videos from “others just like you who have completed the program.” at 6. One of those videos was captioned “2 Year Methadone Addict Painless Withdraw [sic] in 1 Day Recovers in Just 1 Week” The video features a conversation between Akoury and an individual who reports suffering from methadone addiction before being treated at AWAREmed. Among other things, the video includes the following testimonial about that individual’s first day at AWAREmed:

Patient: That was a tough day. But that was the only tough day that I ever had. By the next day I was a lot better.

Akoury : Really? It took just one day and the craving was gone?

Patient: The craving was gone. And within a few days there were no side effects. The chills were gone, the aches were gone.

b. That “Virtually everyone, at any stage of illness or condition improves moderately to significantly after visiting [AWAREmed’s] clinic. This includes remission of illnesses considered by most to be ‘incurable’ such as . . . terminal cancer.” This is why many so [sic] doctors send their patients to AWAREmed, when everything else has failed to help.”

c. That AWAREmed’s “treatments are so fast and effective that the total treatment cost is typically a fraction of the typical ‘slow bleed’ approach used by most other clinics and hospitals.”

d. Alongside the phrase “Cancer Remission,” that AWAREmed offers “State of the art treatment, with compassion” so that prospective patient could “Improve [their] condition or extend [their] life and regain [their] quality of living, pain-free.” at 2.

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here, but every single one of them is better. So, somehow ~~Set~~ somewhere better.
I mean, we have that young lady, a friend of ours, that graduated so long ago and she's still doing great.

Female Patient She's wonderful.

Akoury : Stage four Much better, right?

Female Patient She's great She had a wonderful Christmas, and parties at her house. And

Akoury : And she's working.

Female Patient She's working full time.

Akoury : She is!

Female Patient

Alzheimer's Disease and Parkinson's Disease Advertising

25. Defendants have also advertised AWAREmed chronic disease and pain treatment program through various advertising platforms including through the website and YouTube videos embedded on that website. The core message of this advertising is that AWAREmed effectively treats, among other things, Parkinson's disease and Alzheimer's disease.

26. Defendants' website contained numerous implicit or explicit claims regarding AWAREmed's effectiveness at treating Parkinson's disease and Alzheimer's disease. For example, Defendants claimed:

a. That "Virtually everyone, at any age of illness or condition improves moderately to significantly after visiting [AWAREmed] clinic. This includes remission of

36. The representations set forth in Paragraphs 35 are false or were not substantiated at the time the representations were made.

37. Therefore, the making of the representations as set forth in Paragraphs 35 constitutes a deceptive act or practice with respect to a substance use disorder treatment service or substance use disorder treatment product in violation of Section 8023(a) of the Opioid Act, 15 U.S.C. § 45d(a).

38. Defendants violated the Opioid Act with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A)

40. The representations set forth in Paragraphs 39 are false or were not substantiated at the time the representations were made.

41. Therefore, the making of the representations as set forth in Paragraphs 39 constitutes a deceptive act or practice and the making of false advertisements in violation of Sections 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT 3

Deceptive Cancer Treatment Advertising

42. In numerous instances, Defendants have represented, expressly or by implication, that AWAREmed's cancer treatment program:

- a. Successfully treats all forms of cancer; and
- b. Is more effective than conventional chemotherapy for

COUNT 4

relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THE COURT'S POWER TO GRANT RELIEF

52. Section 13(b) of the FTC Act, 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 any provision of law enforced by the FTC, including the FTC Act and the Opioid Act.

53. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74 § 701, 129 Stat. 599 (2015), and Section 1.98(d) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of not more than \$50,420 per violation of the Opioid Act committed with actual knowledge or knowledge fairly implied.

54. Each dissemination of an advertisement in which Defendants violated the Opioid Act by making one or more of the deceptive representations described occurring on or after October 24, 2018, constitutes a separate violation for which Plaintiff seeks monetary civil penalties.

55. Section 19(b) of the FTC Act, 15 U.S.C. § 57b(b), and Section 8023(b) of the Opioid Act, 15 U.S.C. § 45d(b), authorize this Court to grant such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the Opioid Act, including rescission or reformation of contracts, the refund of money or return of property, the payment of damages, and public notification respecting Defendants' violations, or unfair or deceptive acts or practices.

PRAYER FOR RELIEF

Wherefore, Plaintiff requests that the Court:

- A. Enter judgment against Defendants in favor of Plaintiff for each violation of the FTC Act and the Opioid Act alleged in this Complaint;
- B. Enter a permanent injunction to prevent future violations of the FTC Act and the Opioid Act by Defendants;
- C. Award Plaintiff monetary civil penalties from Defendants for each violation of the Opioid Act alleged in this Complaint;
- D. Award monetary and other relief within the Court's power to grant; and
- E. Award any additional relief the Court determines to be just and proper.

