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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DAVID L. WALKER, individually and d/b/a
DLW CONSULTING, INC.,

Defendant.

CIVIL ACTION NO.

COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER EQUITABLE
RELIEF

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), by its undersigned attorneys, alleges:

1. The FTC brings this action under Sections 5(a), 12, and 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 52, and 53(b), in connection with the marketing and sale to the public of a purported cancer treatment referred to as “CWAT-Treatment: BioResonance Therapy.” The “CWAT-Treatment: BioResonance Therapy” consists of various products that contain herbal formulas and other substances, and the “Molecular Enhancer,” an electrical device.

JURISDICTION AND VENUE

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

1 3. Venue in the United States District Court for the Western District of Washington is proper
2 under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).

3 **PLAINTIFF**

4 4. Plaintiff, the Federal Trade Commission, is an independent agency of the United States
5 Government created by statute. 15 U.S.C. §§ 41 *et seq.* The Commission enforces Sections 45(a) and 52
6 of the FTC Act, which prohibit unfair or deceptive acts or practices, including false advertising, in or affecting
7 commerce. The Commission may initiate federal district court proceedings to enjoin violations of the FTC
8 Act to secure such equitable relief as may be appropriate in each case, including restitution for injured
9 consumers. 15 U.S.C. § 53(b).

10 **DEFENDANT**

11 5. Defendant David L. Walker, d/b/a DLW Consulting, Inc. (“Walker”), resides at 8140
12 Urquhart NW, Olympia, Washington 98383-9678. Since at least 1998, defendant Walker has engaged in a
13 plan, program, or campaign to sell the “CWAT-Treatment: BioResonance Therapy,” a purported cancer
14 treatment consisting of various products that contain herbal formulas and other substances, and the “Molecular
15 Enhancer,” an electrical device. Defendant Walker transacts or has transacted business in the Western
16 District of Washington.

17 **COMMERCE**

18 6. At all times material to this complaint, defendant has maintained a substantial course of trade
19 in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

20 **DEFENDANT’S BUSINESS ACTIVITIES**

21 7. Since at least 1998, defendant Walker has engaged in the marketing, promoting, and selling of
22 the “CWAT-Treatment: BioResonance Therapy” (hereinafter “CWAT-Treatment”), a purported treatment
23 plan or program to treat or cure cancer. The CWAT-Treatment consists of various products, including “Bio-
24 X,” also known as “Indian Mud” or “Indian Herb,” an herbal mixture that purports to contain various herbal
25 ingredients that the consumer ingests orally or applies topically to tumors; “Sodium Mycelle,” also referred to
26 as “Life Line,” “Protoplasm Water,” or “Catalytic Water,” a liquid that purports to contain calcium,
27 magnesium, copper, iron, zinc, sodium, potassium, manganese, chromium, lithium, and calcium carbonate, and
28 that the consumer ingests orally; coffee enemas; and dietary supplements manufactured by Mannatech, Inc.

1 Each of these products is a “food or drug” within the meaning of Sections 12 and 15 of the FTC Act, 15
2 U.S.C. §§ 52 and 55.

3 8. The CWAT-Treatment also includes the use of the “Molecular Enhancer,” also referred to as
4 the “Bio-Resonance Oscillator.” The Molecular Enhancer is an electrical device that defendant instructs the
5 consumer to use for a specified period of time each day for the treatment of cancer. The Molecular Enhancer
6 is a “device” within the meaning of Sections 12 and 15 of the FTC Act, 15 U.S.C. §§ 52 and 55.

7 9. To induce consumers to purchase the CWAT-Treatment, defendant has disseminated or
8 caused to be disseminated, via the Internet and other means, advertisements and ordering information for the
9 CWAT-Treatment, including but not limited to, the attached Plaintiff’s Exhibits (“PXs”) 1 through 7. Some of
10 these advertisements purport to recite the personal experiences of consumers with the CWAT-Treatment
11 (hereinafter “testimonials”). These advertisements contain the following statements that were found at
12 defendant’s Internet web site, which he has named www.dlwconsulting.com, or are personal or third-party
13 testimonials that defendant disseminated or caused to be disseminated to consumers:

- 14 a. **“MY ALTERNATIVE CANCER TREATMENT**
15 100% Natural Alternative Cancer Treatment Products and Consulting with a 95%+ record of
16 success over the past 40 years of peer documented cases, for more information, please e-mail
and talk to this cancer survivor himself, while conducting clinical studies with world leaders in
Cancer research.” [PX 1; *see also* PX 2].
- 17 b. “The program you are about to read started out as an experiment on myself since I had no
18 future. . . After 8 months of chemotherapy the best they could do for me was maybe extend
19 my life for 2 to 3 years, I quit treatment at the end of the 8 months, Then I was told, if I don’t
20 continue, I will not last 6 to 18 months. This March of 2000 will be seven years ago. I went
on my own and this plan is the result of my research, studies and self implemented
experiments.” [PX 1; *see also* PX 2 and PX 3].
- 21 c. “I have tried and discarded many things to augment a complete treatment program. Today I
22 continue researching others as well. For treating breast, cancer, colon, brain, ovarian,
23 prostate, and most all soft tissue affliction’s including the brain . . . This information is an
accumulation of 6 years and beyond of successful products and testimonials.”[PX 1, PX 2;
see also PX 3 (“ . . .8 years and beyond of successful products and testimonials”)].
- 24 d. “To date, only 15 have not survived, out of over 745 to date.” [PX 1].
- 25 e. “What I have found and learned is nothing compared to what is left to learn. What I do know
is this, the treatment has had better results than anything anyone has done.” [PX 2].
- 26 f. “The statistics I post are 100% of the people to whom I have made this available. To date,
27 only 4 have not survived, out of 358 to date. Every tissue cancer has been successful so far,
regardless of the stages. One bone was a loss. I did adjust dosages and enzyme intake as
28 well as Molecular Enhancer longevity, and have been doing well with it, although bone and
liver are the hardest, I now have 20 success cases in each one.” [PX 2].

1 g. “The many previous cases that took this all had different treatments. Examples of two are as
2 follows: one from stage 2 or (class 2) and one 4th states, these are the two most extreme
3 cases, and are shared to give you a variation on results, (and there are many in between).
4 One took 5 months, 3 weeks to complete with testing with their Doctor every other month
5 mostly blood work ups. Stage 2 was done in 36 days and I suggested external treatment as
6 well. Both are cancer free today, including not only myself, but also my good friend and
7 neighbor as well. It was five years ago for her and seven years for me.” [PX 3].

8 h. The following testimonials from persons who purportedly used “Bio-X”, also known as
9 “Indian Herb,” and “Sodium Mycelle,” also known as “Lifeline Water,” both components of
10 the CWAT-Treatment, state:

- 11 (1) “**Lois Rolland** of Texas . . . had leukemia. Doctors told her it was incurable. She
12 states that when she gets up in the morning she take [sic] a dose of the Herbs [Indian
13 Herb] and drinks some LL [Lifeline Water]. I asked her if she eat [sic] breakfast
14 first and she said ‘no’. I asked if it upset her stomach and she said ‘no, but it cured
15 me!’” [PX 5].
- 16 (2) “**In 1987 our minister’s** mother was operated on for brain cancer. In 1988 it
17 started to grow again. They told her that all they could do was give hr [sic] ‘Chemo-
18 pills’. They upset her so badly she could not leave the house. She had no control
19 over her kidneys or bowels. At that time she was in North Carolina and her son Jim
20 Hollifield was there. He asked what they should do. I suggested that they put her on
21 the LL [Lifeline] water for three days and then begin the Indian Herbs. Within 30
22 days the doctors could find no trace of the cancer. She drove her own car fro [sic]
23 North Caroline to Felt Oklahoma by herself. . . In October, Craig Dunn of New
24 York called and stated that he had seen “Lupus” disappear as well as leukemia.” [PX
25 5].
- 26 (3) “**Von Keeth** came by in 1979 and took one gallon of LL [Lifeline Water] and a vial
27 of Indian Herb to his brother in Texas, he had lung cancer and was given 2-3 months
28 to live. Von said he thought he was not going to be able to get his brother to take
them because he was already going around and telling everyone good bye. He did
take them and 60 days later went to his doctor for a check-up. The doctor could not
find nothing [sic]. Louie said he would not tell them what he had done. He tells me
that he now take [sic] 21 doses twice a year and drinks the water all the time. ‘I’ll
never get in that condition again.’” [PX 5].
- (4) “Eight months ago **Joe Ruth** was told by his doctors that they had done all they
could do for lung and liver cancer. He asked if they could operate and remove the
infected parts . . . they said no. a [sic] neighbor who has LL [Lifeline Water] and the
Herbs [Indian Herb] for their own problems suggested that Joe try them. On Nov
13th Joe called to say that after being on the LL and Herbs for some time went to his
doctor for a check up and that he was free from the cancer.” [PX 5].
- (5) “My husband and I are so thrilled with the results of using the Indian Herb and the
Life-Line Water. As I had told you Denny has cancer of the throat which was
growing out of control. After taking the Indian Herb and the Life-Line Water for 2
weeks. [sic] The MRI showed that the cancer had stopped growing. We are very
positive that with continuing the Indian Herb and Life-line Water it will cure the
cancer. We will keep you informed of how he is doing. Everyone we talk to wants
to know what we are doing and we tell them about the Indian Herb and the Life-Line
Water. Thank you, Dianne Hale, Glendale, AZ.” [PX 6].

1 (6) "In March a lady called from Missouri telling me her teenage daughter had been
2 diagnosed [sic] with an uncurable [sic] cancer. She put her on the herbs [Indian
3 Herb] and the Life-Line Water. She was calling me to say she was now cure [sic]
4 and :I [sic] just wanted you to know it: [sic] . . . I received a letter from Mrs. Vera
5 Thomas that her daughter who was told she had three months to live at most, is still
6 doing great after taking the herbs [Indian Herb] and water [Life Line Water] 19 years
7 ago. 3-20-98" [PX 7].

8 10. To further induce consumers to purchase the CWAT-Treatment, defendant has held in-
9 person presentations, seminars, and personal consultations for consumers nationwide to further disseminate
10 the CWAT-Treatment and to prepare individual treatment plans or programs and ongoing consultations to
11 consumers with cancer. In these presentations, seminars, and consultations, defendant has made
12 representations to consumers regarding the CWAT-Treatment, including, but not limited to, representations
13 that the CWAT-Treatment is effective in treating and curing cancer and that the CWAT-Treatment, when
14 used by persons with cancer, makes surgery, chemotherapy, and other conventional cancer treatments
15 unnecessary.

16 11. In addition to the representations detailed above, defendant has embedded specific disease
17 references in the "metatags" of defendant's Internet web site, "www.dlwconsulting.com." A metatag is a
18 word or words embedded in an Internet web site, which are not normally displayed visually to the consumer,
19 that may be used by an Internet search engine for the purpose of selecting sites in response to an Internet
20 user's search request. References in the metatags include, among others, the following terms: "Cancer,"
21 "Alternative Treatment," "Optimal health programs, including Alternative Cancer Treatment Programs," and
22 "Increase your chances of surviving Cancer." [PX 4]. Defendant's use of these metatag references increases
23 the likelihood that consumers who research these terms on the Internet will find information about defendant's
24 CWAT Treatment.

25 12. Defendant charges consumers between \$2,436 and \$5,220 for his consultation services and
26 the CWAT-Treatment described above.

27 **DEFENDANT'S VIOLATIONS OF THE FTC ACT**

28 13. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits deceptive acts or practices in or
affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any
false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the
purchase of food, drugs, devices, services, or cosmetics. As set forth below, defendant has engaged and is

1 continuing to engage in such unlawful practices in connection with the marketing and sale of the CWAT-
2 Treatment.

3 14. Through his advertising, promotional materials, in-person presentations, seminars, and
4 personal consultations, including, but not limited to, the representations set forth in Paragraphs 9 through 11
5 above, and through the use of his Internet web site, "www.dlwconsulting.com," defendant has represented
6 expressly or by implication that:

- 7 a. the CWAT-Treatment is effective in treating and curing cancer; and
- 8 b. the CWAT-Treatment, when used by persons with cancer, makes surgery,
9 chemotherapy, and other conventional cancer treatments unnecessary.

10 15. Defendant did not possess and rely upon a reasonable basis that substantiated the
11 representations set forth in Paragraph 14 above, at the time the representations were made. Therefore, the
12 making of the representations set forth in Paragraph 14 above is deceptive and constitutes false advertising for
13 a food, drug, service, or device in violation of the FTC Act, 15 U.S.C. §§ 45(a), 52, and 55.

14 **CONSUMER INJURY**

15 16. As a result of defendant's unlawful acts or practices, consumers throughout the United States
16 have suffered and continue to suffer monetary loss and possible injuries to their health. Defendant has also
17 been unjustly enriched as a result of his unlawful practices. Absent injunctive relief by this Court, the
18 defendant is likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

19 **THIS COURT'S POWER TO GRANT RELIEF**

20 17. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), authorizes this Court to grant injunctive
21 and other equitable relief, including consumer redress, disgorgement, and restitution, to prevent and remedy
22 any violations of any provision of law enforced by the FTC.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, plaintiff Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15
25 U.S.C. §§ 53(b), and the Court's own equitable powers, requests that this Court:

- 26 1. Award plaintiff such temporary and preliminary injunctive and ancillary relief as may be
27 necessary to avert the likelihood of consumer injury during the pendency of this action and to
28 preserve the possibility of effective final relief;

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- 2. Permanently enjoin defendant from violating the FTC Act as alleged herein;
- 3. Award such relief as the Court finds necessary to redress injury to consumers resulting from defendant's violations of the FTC Act, including 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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General Counsel

CHARLES A. HARWOOD
Regional Director

Dated: _____, 2002

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