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11 **UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 LATINOS GROUP PROMOTIONS, and

16 JORGE CARPINTEYRO,  
17 individually and as President  
of Latinos Group Promotions,

18 Defendants.  
19

Case No.

**COMPLAINT FOR INJUNCTIVE  
AND OTHER EQUITABLE  
RELIEF**

20 Plaintiff, the Federal Trade Commission ("FTC"), through  
21 its undersigned attorneys, alleges as follows:

22 1. Plaintiff FTC brings this action under Section 13(b)  
23 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C.  
24 § 53(b), to secure a permanent injunction, rescission of  
25 contracts, restitution, disgorgement of ill-gotten gains, and  
26 other equitable relief against the Defendants for engaging in

1 deceptive acts or practices in connection with the advertising,  
2 marketing, and sale of the dietary supplement products Arcomig  
3 and Essiac Formula, which purport to treat, cure, prevent, or  
4 lower the risk of numerous serious diseases and health  
5 conditions, including cancer, diabetes, lupus, and tinnitus, in  
6 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§  
7 45(a) and 52.

8  
9 **JURISDICTION AND VENUE**

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

13 3. Venue in the Northern District of California is proper  
14 under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).

15  
16 **THE PARTIES**

17 4. Plaintiff, the Federal Trade Commission, is an  
18 independent agency of the United States Government created by  
19 statute. See 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a)  
20 of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or  
21 deceptive acts or practices in or affecting commerce. The FTC  
22 also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which  
23 prohibits false advertisements for food, drugs, devices,  
24 services, or cosmetics in or affecting commerce. The FTC may  
25 initiate federal district court proceedings, through its  
26 attorneys, to enjoin violations of the FTC Act and to secure

1 such equitable relief, including rescission of contracts,  
2 restitution, and disgorgement of ill-gotten gains, as may be  
3 appropriate in each case. 15 U.S.C. § 53(b).

4 5. Defendant Latinos Group Promotions ("Latinos Group")  
5 is a closely-held California corporation located at 1318 Maine  
6 Avenue, Baldwin Park, California. At all times relevant to this  
7 Complaint, acting alone or in concert with others, Latinos Group  
8 has marketed, distributed, and sold Arcomig and Essiac Formula  
9 to consumers throughout the United States. Latinos Group is  
10 incorporated in California and does business in the Northern  
11 District of California.

12 6. Defendant Jorge Carpinteyro is president of Latinos  
13 Group. At all times relevant to this Complaint, acting  
14 individually or in concert with others, Jorge Carpinteyro has  
15 formulated, directed, controlled or participated in the acts and  
16 practices of Latinos Group, including the various acts and  
17 practices set forth herein. Jorge Carpinteyro resides at 1741  
18 East Oakridge Circle, West Covina, California, and transacts or  
19 has transacted business in the Northern District of California.

20  
21  
22 **COMMERCE**

23 7. The acts and practices of the Defendants, as alleged  
24 herein, have been in or affecting commerce, as "commerce" is  
25 defined in Section 4 of the FTC Act, 15 U.S.C. § 44.





1 - Exhibit A, portions of website  
2 www.arcomig.tv (original in Spanish and  
3 English)

4 **b. Excerpts from Internet Websites arcomig.homestead.com,**  
5 **latinosgrp.homestead.com, and latinogroup.com**

6 ARCOMIG, 100% natural product, with extracts of 27 roots  
7 and plants. Natural treatment for CHOLESTEROL, DIABETES,  
8 ARTHRITIS, CANCER.

9 ARCOMIG. THOUSANDS ARE SEEING THE MARVELOUS RESULTS . . .  
10 DON'T WAIT ANY LONGER!!

11 ARTHRITIS, DIABETES, CANCER, LEUKEMIA, MIGRAINES, LUPUS,  
12 POOR CIRCULATION, NUMBNESS OF THE EXTREMITIES, INDIGESTION,  
13 FATIGUE, DEPRESSION, UNEXPLAINED PAIN, TINNITUS

14 HOW LONG HAVE YOU SUFFERED WITH THIS ILLNESS?

15 HOW MUCH HAVE YOU SPENT ON DOCTORS AND TREATMENTS, WITHOUT  
16 RESULTS?

17 DID YOU KNOW THAT THE PHARMACEUTICALS DON'T WANT YOU TO BE  
18 COMPLETELY CURED?

19 HOW LONG DO YOU WANT TO KEEP ON SUFFERING WITH THAT  
20 ILLNESS?

21 We know there are thousands of natural products that  
22 promise to help you with that illness. But ARCOMIG is the  
23 only 100% natural treatment, PROVEN THROUGH SCIENTIFIC  
24 STUDIES at prestigious Cornell University in New York, that  
25 GUARANTEES that your life will not be the same after  
26 treatment with ARCOMIG.

27 \*\*\*

ALL THESE TESTIMONIALS ARE ACTUAL CASES

BONE CANCER  
ARTHRITIS AND DIABETES

...

1 OSTEOPOROSIS  
2 DEFORMING ARTHRITIS  
3 LUNG CANCER  
4 LUPUS  
5 ...  
6 DIABETES

7 \*\*\*

8 WHAT THE SPECIALISTS THINK:

9 Dr. Gonzalo Juárez  
10 Graduate of the National Technical Institute of Mexico,  
11 specializing in Family Medicine with 27 years of experience  
12 in medicine says this about ARCOMIG:  
13 "In my life as a doctor I have seen countless very special  
14 cases which, unfortunately, have ended in death. I refer to  
15 victims of cancer, diabetes, leukemia, arthritis, uric  
16 acid, and cholesterol, just to mention a few. Until I  
17 learned about ARCOMIG, there was nothing that could be done  
18 for these terrible diseases, .... I learned about ARCOMIG  
19 from a patient whom I had not seen for more than a year,  
20 who had stomach cancer, and I say "had" because when I saw  
21 him again he told me that a relative had sent him ARCOMIG  
22 from Los Angeles, and after just 10 gallons his pain and  
23 discomfort had disappeared. I was skeptical, and he got me  
24 a few gallons of ARCOMIG for some patients with different  
25 diseases, and I am truly amazed at the great, curative  
26 wonders of this sensational product. ARCOMIG IS THE TRUE  
27 SOLUTION OF THIS CENTURY.

19 Dr. Carlos Ibarra de la Toba  
20 Graduate of the University of Houston, TX, says this about  
21 ARCOMIG:  
22 "Good news for the 37,000,000 Americans who suffer pain and  
23 inflammation of the joints due to ARTHRITIS, which is  
24 supposedly an "incurable" autoimmune disease; .... So  
25 terrible diseases such as arthritis, which are a torment in  
26 the lives of thousands of young people, adults, and  
27 seniors, can finally be controlled by this exclusive  
naturale [sic] product called ARCOMIG."

26 Dr. José de Jesús Mondragón García  
27 Graduate of the National Autonomous University of Mexico

1 (UNAM), 15 years in studies and research of patients with  
2 DIABETES MELLITUS. He says:  
3 "Before I found out about ARCOMIG, I was sure there was no  
4 cure for diabetes.... Now I can tell all my patients that I  
5 no longer prescribe medicine for them, now they use only  
6 ARCOMIG and I can say that ARCOMIG is the solution to  
7 Diabetes Mellitus.

8 \*\*\*

9 BONE CANCER

10 "I suffered from bone cancer, the doctors had given up on  
11 me.... After I took FOUR GALLONS OF ARCOMIG, the doctor  
12 did a routine examination and was surprised that my  
13 cancerous cells were disappearing, only I knew why. I kept  
14 taking [it] until I finished 12 gallons of ARCOMIG and my  
15 cancer totally disappeared, thanks to God and as the  
16 doctors certify. Today I can run, play soccer, and I feel  
17 fine."

18 \*\*\*

19 LUNG CANCER

20 "The doctor told me I had cancer in my thyroid and right  
21 lung. They operated on my Thyroid and were going to perform  
22 a biopsy in three months for the lung. I took ARCOMIG  
23 beforehand. When the time for the biopsy for the lung  
24 operation came around, the Doctor told me that they were  
25 now clean and the operation was unnecessary. ARCOMIG had  
26 dissolved the lung tumor. I also had chronic arthritis that  
27 caused inflammation in my fingers to the point where I  
couldn't even knit. Now, thanks to God and ARCOMIG, I can  
knit again, whereas before I couldn't even close my hands.  
Now I'm very active and can walk a lot without pain. I  
RECOMMEND ARCOMIG."

\*\*\*

LUPUS

"I had LUPUS in my blood and no doctor could cure me. Then  
it went to my bones. I heard about ARCOMIG on the radio and  
decided to buy it. About three weeks after I started taking  
it I began to feel fine, and after a month there was  
nothing wrong with me. I had inflamed muscles, bone pain, I  
had skinn [sic] ulcers, my throat was always inflamed, and  
I could barely walk. It took me an hour to get up in the



1 morning, I was in so much pain. All these problems  
2 disappeared thanks to ARCOMIG, the doctors performed other  
3 examinations on me after the treatment with ARCOMIG, not  
4 knowing what I was taking, and they were surprised when  
5 they concluded that I no longer had lupus and that I was  
6 very well. My son David also had an undiagnosed illness, he  
7 couldn't run, his throat hurt, he felt as though he had  
8 worms on his skin biting his arms. The doctors prescribed  
9 lots of penicillin but he didn't improve. I decided to give  
10 him ARCOMIG since it had done me so much good and, thank  
11 God, it helped him, too. In a short time all his symptoms  
12 were gone forever."

13 \*\*\*

14 POOR CIRCULATION

15 "I had a lot of pain in my legs, arms, and head, I looked  
16 like a little old lady. I was living on pain pills, was  
17 nauseated, and my vision was a little blurred; I was also  
18 having a lot of hot flashes. But since I started taking  
19 ARCOMIG, I no longer need pills. I even used to take them  
20 to sleep, and now I don't suffer from insomnia; I sleep  
21 peacefully. I'm healthy now thanks to ARCOMIG."

22 \*\*\*

23 OSTEOPOROSIS

24 "My severe cramping was relieved, I couldn't even get down  
25 on my knees because I couldn't stand up again. My legs,  
26 bones, and arms hurt . . . everything hurt!! After taking  
27 ARCOMIG I went to the doctor for a check-up and he x-rayed  
my bones. He told me he didn't know how, but my  
osteoporosis had completely disappeared, now thanks to God  
and ARCOMIG there's nothing wrong with me."

\*\*\*

DIABETES

"I recommend ARCOMIG because two years ago I suffered a  
diabetic coma since I didn't know I had diabetes and I was  
released from the hospital on the seventh day after being  
in intensive care. I was injected with 70 units of insulin;  
35 in the morning and 35 in the evening, but I learned  
about ARCOMIG through a cousin and I took it. Now I don't  
use any insulin, just ARCOMIG."

1 \*\*\*

2 DEFORMING ARTHRITIS

3 "I was confined to bed for two years with severe RHEUMATIC  
4 ARTHRITIS . . . After having been written off by the  
5 doctors because, according to them, there was nothing that  
6 could cure me, one day at the clinic I met a lady who had  
7 the same thing I did, but I was surprised to see that she  
8 could walk normally. She told me that she was completely  
9 cured because she had taken a product called ARCOMIG. She  
10 gave me the information about how to get it and I took A  
11 TOTAL OF 12 GALLONS and, thanks to God and ARCOMIG, I am  
12 now healthy and giving this testimonial."

9 \*\*\*

10 POOR CIRCULATION

11 "I was very depressed. My legs and hands would fall  
12 asleep, I had tinnitus, tachycardia, head pain, and  
13 insomnia. I suffered from severe constipation and felt  
14 very nauseated all day long, as if I were drunk. A sister  
15 told me about a product she saw on television, so I bought  
16 it and even though it seemed a little expensive they  
17 convinced me that it would work. I took 8 GALLONS in all,  
18 and now I'm completely healthy, I feel like new, I do not  
19 regret having invested in my health. Thanks to ARCOMIG."

16 \*\*\*

17 RHEUMATISM

18 Mrs. Maria.

19 "I recommend it to everyone who is suffering from the pain  
20 of RHEUMATISM and EXHAUSTION . . ."

21 \*\*\*

22 Thousands are finding a REAL SOLUTION to their problems  
23 with ARTHRITIS, HIGH CHOLESTEROL, DIABETES, and even  
24 CANCER, LEUKEMIA with this extraordinary natural product .  
25 . .

26 \*\*\*

27 7. You invest less than \$4.00 A DAY to feel much better,  
protect your health, and even probably avoid fatal  
consequences.

1 \*\*\*

2 TESTIMONIALS  
3 of LIFE, OF HEALTH ...  
4 THANKS TO ARCOMIG!!

5 [ARTHRITIS] [CANCER] [LEUKEMIA] [DIABETES] [TUMORS] [SEXUAL  
6 IMPOTENCE] [LEUKEMIA] [RHEUMATISM] [EXHAUSTION] [BRONCHIAL  
7 ASTHMA] [POOR CIRCULATION] [EMBOLISM] [BONE PAIN]  
8 [TINNITUS] [BURNING FEET]

9 ARCOMIG has proven to be a great help in the lives of  
10 people with degenerative diseases such as those presented  
11 below. The treatments have varied from person to person,  
12 some people have taken three bottles, others up to 12, what  
13 is true is that their quality of life has improved up to  
14 90%.

15 \*\*\*

16 "Two years ago I was diagnosed with DIABETES and a year ago  
17 I started taking ARCOMIG and the truth is that the results  
18 have been very good. I stopped taking pills and I have felt  
19 fine."

20 \*\*\*

21 "I had a THYROID TUMOR and they were going to operate on  
22 me. While they were preparing for surgery, I started taking  
23 ARCOMIG, then I went to the doctor and he said to me:  
24 'Ma'am, what are you taking, the tumors were cancerous and  
25 they are disappearing,' he gave me another two weeks and  
26 when I returned he could no longer take the biopsy because  
27 the tumors had disappeared..."

\*\*\*

"Our sex life was revived, in my case as a man I could  
respond to my partner again thanks to ARCOMIG helping me  
with the sexual impotence while it improved my circulation"

\*\*\*

"They told me I had a CYST ON MY right KIDNEY, I took  
ARCOMIG and after three weeks I went back for another test  
and the cyst had disappeared, I also had tinnitus and that  
went away as well..."

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"Now, after taking ARCOMIG, I am healthy, I am cured, and I no longer inject insulin for DIABETES thanks to God and ARCOMIG."

\*\*\*

"I started taking ARCOMIG for ARTHRITIS, and then they diagnosed my son with ASTHMA and I started giving it to him and the crises started going away. I truly recommend ARCOMIG with all my heart."

\*\*\*

"I was very sick in the hospital, I had an EMBOLISM, I couldn't see well, my vision was blurred, and now, taking ARCOMIG, after God [sic], I see everything more clearly"

\*\*\*

"Only someone who suffers with this disease of ARTHRITIS knows that it is very serious and very painful. That's why I recommend that anyone with ARTHRITIS try ARCOMIG, which helped me a lot."

\*\*\*

These are some children from the City of Guadalajara, Mexico, who, after the doctors gave up on them because of LEUKEMIA (CANCER OF THE BLOOD), received treatment with ARCOMIG thanks to the organization CADENA POR LA VIDA, sponsored by various artists and singers.

The results have been more than surprising, since these children were condemned to death by this terrible disease and after a year they have not only returned to their homes but have resumed their regular activities thanks to ARCOMIG.

- Exhibit B, portions of websites  
*arcomig.homestead.com, latinosgrp.homestead.com*  
and *latinosgroup.com* (originals in Spanish)



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For people who suffer from depression, for people who cannot sleep, for people who suffer from pain, for people whose hair is even in pain, for people who feel pain even when they breathe, try it. Don't say anything; just try it. I travel constantly to the United States. If a person tries this and doesn't feel a radical change, if you find me in the streets, swear at my mother, but try it.

\*\*\*

Arcomig penetrates and destroys those uric acid deposits, eliminating the pain and the principal cause of arthritis.

\*\*\*

That's right, well, just as you say, there are in fact universities in the United States that, well, in fact are already showing an interest and are already studying it and well, they have seen that, that product, independently from alleviating arthritis, diabetes, has also helped cure, umm, some people of cancer, right?

\*\*\*

So, there are twenty-eight kids that couldn't be cured with chemotherapy and seven have taken this product and have been saved from cancer, is that right? ... That's right. They were hopeless children that had come to us by means of other people, of friends of ours that have, that have, umm, done us this favor, what I consider a favor. Because it's a great thing for me to be able to help these children, hopeless kids that came to us. Thank God now, now they are becoming healthy and they are doing well, all the children, umm, and we are going to continue to fight for them . . . We are also aware that Arcomig is being studied in different universities in the United States, and that it has already been approved and supported by many of them.

-Exhibit C, portions of TV Infomercial  
(attached in storyboard and video format)



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ITS VALUABLE ASSISTANCE FOR PEOPLE WITH DIFFERENT TYPES OF  
CANCER HAS BEEN DEMONSTRATED.

You can take this formula to DETOXYFY YOUR BODY, PREVENT  
DEGENERATIVE DISEASES, REDUCE CHOLESTEROL, REDUCE DIABETES,  
and in general to ENERGIZE YOUR BODY and provoke a feeling  
of general wellbeing produced by toxins in the blood [sic].

\*\*\*

LOSE WEIGHT BY ELIMINATING ACCUMULATED FAT QUICKLY AND  
PERMANENTLY!!

\*\*\*

SURPRISING TESTIMONIALS TALK ABOUT THE DISAPPEARANCE OF  
CANCEROUS TUMORS

\*\*\*

What does it do?

The components of Dr. Brusck's Essiac formula interact and  
produce a wonderful effect of wellbeing MORE ENERGY,  
DETOXYFYING EFFECT, and STRESS REDUCTOR in the human body,  
as well as PREVENTING DEGENERATIVE DISEASES.

\*\*\*

Therapeutic effects of the Essiac Formula package:  
REDUCES AND ELIMINATES CANCEROUS TUMORS  
Prevents the formulation of fat deposits in arterial walls,  
heart, kidneys and liver.  
Regulates cholesterol levels, transforming sugars and fats  
into energy.  
Stops diarrhea, internal hemorrhage and constipation.  
Counter the detrimental effects of heavy metal poisoning  
such as aluminum, lead, and mercury.

\*\*\*

Liberates the liver of its toxins.  
Assists the liver in the production of lecithin, which is  
part of the myelin layer, a fat material that envelops  
nerve fibers.  
Reduces and eliminates heavy metal deposits in the tissues.  
(Especially those that surround the joints) to reduce  
swelling.  
Improves pancreatic and vessel function, increasing the  
effectiveness of insulin.  
Purifies the blood.



1 Increases the production or red blood cells.  
2 Increases the body's ability to utilize oxygen, increasing  
3 the levels of oxygen in cellular tissues.  
4 Maintains the potassium-sodium balance in the body in order  
5 for fluids to be regulated inside and out of each cell.  
6 This way cells are nourished and cleansed.  
7 Regulates the amount of oxalic acid send [sic] to the  
8 kidneys, this way the risk of bladder, kidney, and urinary  
9 tract stones is reduced.

10 \*\*\*

11 Increases the production of antibodies such as T cells and  
12 lymphocytes in the thymus gland, which is in charge of the  
13 defense of our immune system.  
14 Protects cells against free radicals.  
15 And lastly a factor X that makes it possible for the  
16 curative effects of these components to produce the  
17 positive results that you expect.

18 - Exhibit D, portions of website  
19 *latinosgrp.homestead.com* (original in  
20 Spanish)

21 **DEFENDANTS' VIOLATIONS OF THE FTC ACT**

22 13. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),  
23 prohibits unfair or deceptive acts or practices in or affecting  
24 commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a),  
25 prohibits the dissemination of any false advertisement in or  
26 affecting commerce for the purpose of inducing, or which is  
27 likely to induce, the purchase of food, drugs, devices,  
services, or cosmetics. For the purposes of Section 12 of the  
FTC Act, 15 U.S.C. § 52, Arcomig and Essiac Formula are "food"  
or "drugs" pursuant to Section 15(d) of the FTC Act, 15 U.S.C.

1 § 55(d). As set forth below, the Defendants have engaged and  
2 are continuing to engage in such unlawful practices in  
3 connection with the marketing and sale of Arcomig and Essiac  
4 Formula.

5  
6  
7 **COUNT I**

8 **False Disease Claims for Arcomig**

9 14. Through the means described in Paragraph 10, including  
10 through the statements contained in the advertisements attached  
11 as Exhibits A through C, Defendants have represented, expressly  
12 or by implication, that Arcomig:

- 13 a. Significantly lowers serum cholesterol levels  
14 without any change in the user's diet.  
15  
16 b. Treats, causes remission in, or cures cancer,  
17 including but not limited to, leukemia, bone  
18 cancer, lung cancer, stomach cancer, and tumors.  
19  
20 c. Treats or cures diabetes.  
21  
22 d. Treats or cures lupus.  
23  
24 e. Treats or cures tinnitus.  
25  
26 f. Makes conventional treatments unnecessary for  
27 persons with serious diseases, such as cancer and  
diabetes.



1 or by implication, that scientific studies prove that Arcomig  
2 successfully treats numerous serious diseases, including cancer  
3 and diabetes.

4 17. In truth and in fact, scientific studies do not prove  
5 that Arcomig successfully treats numerous serious diseases,  
6 including cancer and diabetes. Therefore, Defendants'  
7 representation as set forth in Paragraph 16 is false or  
8 misleading and constitutes a deceptive act or practice, and the  
9 making of false advertisements, in or affecting commerce, in  
10 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§  
11 45(a) and 52.  
12

13  
14 **COUNT III**

15 **False Food and Drug Administration Claim for Arcomig**

16  
17 18. Through the means described in Paragraph 10, including  
18 through the statements contained in the advertisement attached  
19 as Exhibit A, Defendants have represented, expressly or by  
20 implication, that the United States Food and Drug Administration  
21 has approved, endorsed, or recommended Arcomig products.  
22

23 19. In truth and in fact, the United States Food and Drug  
24 Administration has not approved or endorsed Arcomig products.  
25 Therefore, Defendants' representation as set forth in Paragraph  
26 18 is false or misleading and constitutes a deceptive act or  
27

1 practice, and the making of false advertisements, in or  
2 affecting commerce, in violation of Sections 5(a) and 12 of the  
3 FTC Act, 15 U.S.C. §§ 45(a) and 52.

4  
5 **COUNT IV**

6 **Unsubstantiated Disease Claims for Arcomig**

7 20. Through the means described in Paragraph 10,  
8 Defendants have represented, expressly or by implication, that  
9 Arcomig:

- 10  
11 a. Is effective in the mitigation, treatment, prevention,  
12 or cure of arthritis, rheumatism, osteoporosis, uric  
13 acid, migraines, asthma, depression, impotence,  
14 diseases caused by poor blood circulation, diseases  
15 affecting the heart, liver, kidney or digestive  
16 system, or any illness which is affected by a lowered  
17 or weakened immune system.  
18  
19 b. Prevents degenerative diseases.

20 21. Defendants did not possess and rely upon a reasonable  
21 basis that substantiated the representations set forth in  
22 Paragraphs 14 and 20 at the time the representations were made.  
23 Therefore, the making of the representations set forth in  
24 Paragraphs 14 and 20 constitutes a deceptive act or practice,  
25 and the making of false advertisements, in or affecting  
26

1 commerce, in violation of Sections 5(a) and 12 of the FTC Act,  
2 15 U.S.C. §§ 45(a) and 52.

3  
4 COUNT V

5 **False Disease Claims for Essiac Formula**

6  
7 22. Through the means described in Paragraph 12, including  
8 through the statements contained in the advertisement attached  
9 as Exhibit D, Defendants have represented, expressly or by  
10 implication, that Essiac Formula:

- 11 a. Significantly lowers serum cholesterol levels  
12 without any change in the user's diet.  
13  
14 b. Treats, causes remission in, or cures cancer and  
15 tumors.  
16  
17 c. Treats diabetes.

17 23. In truth and in fact Essiac Formula does not:

- 18 a. Significantly lower serum cholesterol levels  
19 without any change in the user's diet.  
20  
21 b. Treat, cause remission in, or cure cancer and  
22 tumors.  
23  
24 c. Treat diabetes.

24 Therefore, Defendants' representations as set forth in Paragraph  
25 22 are false or misleading and constitute deceptive acts or  
26 practices, and the making of false advertisements, in or

1 affecting commerce, in violation of Sections 5(a) and 12 of the  
2 FTC Act, 15 U.S.C. §§ 45(a) and 52.

3  
4  
5 **COUNT VI**

6 **Unsubstantiated Disease Claims for Essiac Formula**

7 24. Through the means described in Paragraph 12,  
8 Defendants have represented, expressly or by implication, that  
9 Essiac Formula:

- 10 a. Alleviates the effects of heavy metal poisoning,  
11 including poisoning from aluminum, lead, or  
12 mercury.  
13  
14 b. Is effective in the mitigation, treatment,  
15 prevention, or cure of arthritis, kidney and  
16 urinary tract stones, indigestion, diarrhea,  
17 internal hemorrhaging, constipation, diseases  
18 affecting the heart, lungs, liver, or digestive  
19 system, or any illness which is affected by a  
20 lowered or weakened immune system.  
21  
22 c. Prevents degenerative diseases.

23 25. Defendants did not possess and rely upon a reasonable  
24 basis that substantiated the representations set forth in  
25 Paragraphs 22 and 24 at the time the representations were made.  
26 Therefore, the making of the representations set forth in

1 Paragraphs 22 and 24 constitutes deceptive acts or practices,  
2 and the making of false advertisements, in or affecting  
3 commerce, in violation of Sections 5(a) and 12 of the FTC Act,  
4 15 U.S.C. §§ 45(a) and 52.  
5

6  
7 **COUNT VII**

8 **False Weight Loss Claims for Essiac Formula**

9 26. Through the means described in Paragraph 12, including  
10 through the statements contained in the advertisement attached  
11 as Exhibit D, Defendants have represented, expressly or by  
12 implication, that Essiac Formula:

- 13 a. Causes rapid and substantial weight loss without  
14 the need to increase exercise or reduce caloric  
15 intake.  
16  
17 b. Causes permanent weight loss.

18 27. In truth and in fact Essiac Formula does not:

- 19 a. Cause rapid and substantial weight loss without  
20 the need to increase exercise or reduce caloric  
21 intake.  
22  
23 b. Cause permanent weight loss.

24 Therefore, Defendants' representations as set forth in Paragraph  
25 26 are false or misleading and constitute deceptive acts or  
26 practices, and the making of false advertisements, in or



1 affecting commerce, in violation of Sections 5(a) and 12 of the  
2 FTC Act, 15 U.S.C. §§ 45(a) and 52.

3  
4  
5 **COUNT VIII**

6 **Unsubstantiated Weight Loss Claims for Essiac Formula**

7 28. Defendants did not possess and rely upon a reasonable  
8 basis that substantiated the representations set forth in  
9 Paragraph 26 at the time the representations were made.  
10 Therefore, the making of the representations set forth in  
11 Paragraph 26 constitutes a deceptive act or practice, and the  
12 making of false advertisements, in or affecting commerce, in  
13 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§  
14 45(a) and 52.  
15

16  
17 **CONSUMER INJURY**

18 29. Consumers throughout the United States have suffered  
19 and continue to suffer substantial monetary loss and may suffer  
20 physical injury as a result of Defendants' unlawful acts and  
21 practices. In addition, Defendants have been unjustly enriched  
22 as a result of their unlawful practices. Absent injunctive  
23 relief by this Court, Defendants are likely to continue to  
24 injure consumers, reap unjust enrichment, and harm the public  
25 interest.  
26



1 restitution, and the disgorgement of ill-gotten gains by the  
2 Defendants; and

3 3. Award Plaintiff such other equitable relief as the  
4 Court may determine to be just and proper.  
5

6  
7 Respectfully submitted,

8 WILLIAM BLUMENTHAL  
9 General Counsel

10  
11 JEFFREY A. KLURFELD  
12 Regional Director

13 DATED: \_\_\_\_\_, 2005

14 \_\_\_\_\_  
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