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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 FEDERAL TRADE COMMISSION,

11 Plaintiff,

12 v.

13 BIOPULSE INTERNATIONAL, INC.,  
14 BIOPULSE, INC.,  
15 JONATHAN NEVILLE, and  
LORAN SWENSON,

16 Defendants.  
17

**COMPLAINT FOR  
PERMANENT INJUNCTION  
AND OTHER EQUITABLE  
RELIEF**

**Case No:**

18 Plaintiff, the Federal Trade Commission ("FTC" or "Commission" ), by its undersigned  
19 attorneys, for its complaint alleges:

20 1. This is an action under Section 13(b) of the Federal Trade Commission Act ("FTC  
21 Act"), 15 U.S.C. § 53(b), to secure injunctive relief and other equitable relief against Defendants for  
22 their deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C.  
23 §§ 45(a) and 52.

24 **JURISDICTION AND VENUE**

25 2. This Court has subject matter jurisdiction over plaintiff's claims pursuant to 15 U.S.C.  
26 §§ 45(a) and 53(b), and 28 U.S.C. §§ 1331, 1337(a), and 1345.

27 3. Venue in the United States District Court for the Northern District of California is

1 proper under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b) and (c).

2 **THE PARTIES**

3 4. **Plaintiff FTC** is an independent agency of the United States Government created by  
4 statute. 15 U.S.C. §§ 41 - 58. The FTC enforces Sections 5(a) and 12 of the FTC Act, 15 U.S.C.  
5 §§ 45(a) and 52, which prohibit, respectively, deceptive acts or practices, and false advertisements for  
6 food, drugs, devices, services, or cosmetics, in or affecting commerce. The FTC is authorized under  
7 Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to initiate federal district court proceedings to enjoin  
8 violations of the FTC Act, and to secure such equitable relief as may be appropriate in each case.

9 5. **Defendant BioPulse International, Inc. (“BioPulse”)** is a Nevada corporation with  
10 its registered office located at 1555 E. Flamingo, Suite 155, Las Vegas, Nevada 89119, and its  
11 principal place of business at 416 West San Ysidro Blvd., L-583, San Ysidro, California 92173. It  
12 markets, manages, and provides health and medical services that purportedly treat cancer and other  
13 serious diseases. It also develops and markets dietary supplements and develops tests that purportedly  
14 detect cancer. It transacts, or has transacted, business in the Northern District of California.

15  
16 6. **Defendant BioPulse, Inc. (“BI”)** is a Utah corporation with its principal place of  
17 business at 416 West San Ysidro Blvd., L-583, San Ysidro, California 92173. It is or was a wholly-  
18 owned subsidiary of BioPulse.

19 7. **Defendant Jonathan Neville (“Neville”)** is, or was at the time of the acts  
20 complained of in this complaint, an officer and director of BioPulse. His business address is, or was,  
21 the same as that of BioPulse. Individually, or in concert with others, Neville directed, controlled,  
22 formulated, or participated in the acts and practices complained of below. Individually, or in concert  
23 with others, Neville transacts, or has transacted, business in the Northern District of California.

24 8. **Defendant Loran Swenson (“Swenson”)** is, or was at the time of the acts  
25 complained of in this complaint, an officer and director of BioPulse. His business address is, or was,  
26 the same as that of BioPulse. Individually, or in concert with others, Swenson directed, controlled,  
27 formulated, or participated in the acts and practices complained of below. Individually, or in concert

1 with others, Swenson transacts, or has transacted, business in the Northern District of California.

2 **COMMERCE**

3 9. Defendants' course of trade is in or affecting commerce, within the meaning of Section  
4 4 of the FTC Act, 15 U.S.C. § 44.

5 **DEFENDANTS' BUSINESS PRACTICES**

6 10. Since at least March, 2001, and continuing thereafter, Defendants have advertised,  
7 promoted, and/or marketed to consumers throughout the United States health and medical services,  
8 including but not limited to:

9 a. Insulin-induced hypoglycemic sleep therapy, also known as induced  
10 hypoglycemic treatment or IHT ("IHT"), which involves injecting insulin into cancer patients,  
11 purportedly, among other things, to "starve" cancer tumors. This treatment has ranged in cost from  
12 approximately \$5,250 per week to \$5,700 per week and has been administered for from three weeks  
13 to seven weeks per patient, for a total cost per patient ranging from approximately \$15,750 to  
14 \$39,900; and

15 b. Acoustic lightwave treatment ("ALW"), which involves having patients sit in  
16 front of a light source, purportedly to receive treatment for a variety of diseases and conditions.

17 11. In the course of advertising, promoting, and/or marketing IHT and ALW, Defendants  
18 made the following statements (all punctuation in the original):

19 a. ***BIOPULSE REJUVENATION CENTERS***

20 **FEATURING THE UNIQUE INDUCED SLEEP THERAPY FOR CANCER**

21 Cancer will strike nearly 1/3 of all Americans at some point in their lives.  
22 Traditional medicine treats most cancers with surgery, radiation, and/or chemotherapy,  
23 often with the side effects of nausea, hair and weight loss and a weakened immune  
system. Many people turn to alternative cancer treatments such as nutritional  
supplements, which can be effective, especially for prevention.

24 But for many patients, neither traditional medicine or standard alternative  
25 treatments can accomplish the twin goals of eliminating cancerous tumors and restoring  
the immune system.

26 The BioPulse induced sleep therapy is a new alternative treatment that can  
27 accomplish these goals.

1 At the BioPulse clinic in Tijuana, patients have seen tumors decrease  
2 substantially or even disappear from the brain, lung, bone, prostate, liver and breast.

3 ***“The cancer treatment of the millennium!”*** **Alternative Medicine magazine**

4 **SAMPLE CASE**

5 [Depiction of three x-rays or other medical scans of a human body, purporting to show  
6 cancer tumors, with the greatest number of tumors depicted in the scan marked 17  
7 December 1998, fewer in the scan marked 16 July 1999, and the fewest in the scan  
8 marked 20 August 1999.]

9 This 51-year-old female was diagnosed with breast cancer metastasized to the bone.  
10 After unsuccessful traditional therapy, she came to BioPulse in a wheel chair, on  
11 morphine, with deteriorating health.

12 After three treatments of induced sleep, she stopped using morphine. After five  
13 treatments, she no longer needed the wheelchair. Over the course of seven weeks of  
14 induced sleep therapy, her tumors decreased substantially (74% reduction), and she  
15 continued to enjoy significantly improved health and reduced pain.

16 — Exhibit A [Print Advertisement]

17 **b. Induced Hypoglycemic Treatment for Cancer**

18 **It is well-known that no matter what organ they arise in, cancer cells consume**  
19 **glucose at approximately 20 times the rate of normal tissue. For example, this**  
20 **characteristic makes possible the PET scan (positron emission tomography)**  
21 **that is used to diagnose certain cancers.**

22 ***Background***

23 BioPulse has pioneered the modern use of insulin-induced hypoglycemic sleep therapy  
24 as an aggressive cancer treatment. This therapy uses a regulated level of insulin and  
25 other medications to induce a sleeping state in the patient. The induced sleep state is a  
26 carefully regulated and safe procedure. Patients are continually monitored by a  
27 registered nurse throughout the procedure, using standard hospital monitoring  
28 equipment and medicine to maintain safety. During the procedure, the attending  
physician regulates blood oxygen levels, body temperature, and Ph levels to target the  
cancerous tumors. At the conclusion of the procedure (which normally lasts about one  
hour), the patients are brought out of the sleep stage.

\* \* \*

**Insulin-induced hypoglycemic treatment works in five ways:**

1. Starves cancerous cells of glucose (tumors consume enormous amounts of glucose).
2. Raises the pH of the blood to an alkaline state that is hostile to tumors.
3. Increases the blood oxygen saturation significantly (tumors are largely anaerobic).
4. Cleanses the body through sweating.

1 5. Restores the body's energy levels and increases appetite.

2 \* \* \*

3 After two weeks of therapy, patients commonly show signs of a flu-like illness, which  
4 indicates the tumors are fighting back. In the third week, many patients show a marked  
5 decrease in tumor size, leading to the eventual elimination of the tumors.

6 – Exhibit B [Portion of a website located at [www.biopulse.com](http://www.biopulse.com)]

7 c. **Acoustic Lightwave (ALW)**

8 (*Cellular Stimulation*)

9 As long ago as the 1930's scientists discovered that living organisms have identifiable  
10 and unique vibrations or frequencies. A targeted organism can be destroyed by  
11 applying the corresponding frequency. This means that a non-invasive frequency,  
12 which we call an Acoustic Lightwave or ALW, can be used to target pathogens inside  
13 the body. It is based on the work of Royal Rife, although BioPulse has added certain  
14 new features and technology.

15 This treatment has been effective for a variety of afflictions, including arthritis, candida  
16 yeast, diabetes, flu, headaches, parasites, lyme disease, pneumonia, and even some  
17 types of cancer. BioPulse has refined these concepts and methods by using modern  
18 electronic circuitry and controls that are easily programmed to attack a variety of  
19 specific pathogens. The ALW is emitted from a special light source. The subject  
20 merely sits in front of the light source for the specified duration to receive the treatment.

21 — Exhibit C [Portion of a website located at [www.biopulse.com](http://www.biopulse.com)]

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

23 **COUNT I (IHT — Unsubstantiated Claims)**

24 12. Through the means set forth in Paragraph 11, among others, Defendants have  
25 represented, expressly or by implication, that:

- 26 a. IHT is a safe procedure;  
27 b. IHT is an effective treatment for cancer; and  
28 c. IHT reduces or eliminates cancer tumors.

13. Defendants did not possess and rely upon a reasonable basis that substantiated the  
representations set forth in Paragraph 12 at the time the representations were made.

14. Therefore, the making of the representations set forth in Paragraph 12 was, and is,  
deceptive, and constitutes false advertising for a service in violation of Sections 5(a) and 12 of the FTC

1 Act, 15 U.S.C. §§ 45(a) and 52.

2 **COUNT II (ALW — Unsubstantiated Claims)**

3 15. Through the means set forth in Paragraph 11, among others, Defendants have  
4 represented, expressly or by implication, that:

- 5 a. ALW is an effective treatment for arthritis;
- 6 b. ALW is an effective treatment for candida yeast infection;
- 7 c. ALW is an effective treatment for diabetes;
- 8 d. ALW is an effective treatment for influenza;
- 9 e. ALW is an effective treatment for headaches;
- 10 f. ALW is an effective treatment for parasites;
- 11 g. ALW is an effective treatment for lyme disease;
- 12 h. ALW is an effective treatment for pneumonia; and
- 13 i. ALW is an effective treatment for some types of cancer.

14 16. Defendants did not possess and rely upon a reasonable basis that substantiated the  
15 representations set forth in Paragraph 15 at the time the representations were made.

16 17. Therefore, the making of the representations set forth in Paragraph 15 was, and is,  
17 deceptive, and constitutes false advertising for a service in violation of Sections 5(a) and 12 of the FTC  
18 Act, 15 U.S.C. §§ 45(a) and 52.

19 **CONSUMER INJURY**

20 18. Defendants' violations of Section 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and  
21 52, have injured and will continue to injure consumers, and Defendants will be unjustly enriched as a  
22 result of their unlawful practices. Absent injunctive relief by the Court, Defendants are likely to continue  
23 to injure consumers, reap unjust enrichment, and harm the public interest.

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

25 19. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant  
26 injunctive and other ancillary equitable relief, including consumer redress, disgorgement and restitution,  
27 to prevent and remedy any violations of any provision of law enforced by the FTC.

1 **PRAYER FOR RELIEF**

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

4 (1) Permanently enjoin Defendants from violating the Federal Trade Commission Act as  
5 herein declared;

6 (2) Award such relief as the Court finds necessary to redress injury to consumers resulting  
7 from Defendants' violations of the FTC Act, including, but not limited to, refund of monies paid,  
8 rescission of contracts, and disgorgement of unlawfully obtained monies; and

9 (3) Award plaintiff the cost of bringing this action as well as such additional equitable relief  
10 as the Court may determine to be just and proper.

11 Respectfully submitted,

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