

1 Management Co. (“JOL Management”), G.B. Data Systems, Inc. (“G.B. Data
2 Systems”), Gero Vita International, Inc. (“GVI”), and Theraceuticals, Inc.
3 (“Theraceuticals”) – all of which are hereinafter collectively referred to as the
4 “Braswell Common Enterprise.”

5 6. Defendant Braswell is or has been an officer, director, and sole
6 shareholder of G.B. Data Systems, GVI, and Theraceuticals. At all times relevant
7 to the complaint, acting individually or in concert with others, he has formulated,
8 directed, controlled, or participated in the policies, acts, or practices of the
9 Braswell Common Enterprise, including the acts or practices alleged in this
10 complaint. He transacts or has transacted business in this district and throughout
11 the United States.

12 7. Defendant G.B. Data Systems is a California corporation with offices
13 located at 330 Washington Boulevard, Marina Del Rey, California. G.B. Data
14 Systems is part of the Braswell Common Enterprise and performs all management,
15 order processing, and marketing activities for the Defendants. All of the Braswell
16 Common Enterprise’s bank accounts are or were maintained in G.B. Data
17 Systems’ name, and the wages of all employees of the common enterprise are or
18 were paid through G.B. Data Systems. G.B. Data Systems is headquartered or has
19 its principal place of business in this district and transacts and has transacted
20 business in this district and throughout the United States. In January 2003, G.B.
21 Data Systems changed its name to JOL Management Co.

22 8. Defendant GVI is a Nevada or Florida corporation with offices
23 located at 520 Washington Boulevard, Marina Del Rey, California. Defendants’
24 website is conducted under the Gero Vita International name and many of
25 Defendants’ products are marketed under the Gero Vita International brand name.
26 GVI is part of the Braswell Common Enterprise. GVI is headquartered or has its
27 principal place of business in this district and transacts and has transacted business
28 in this district and throughout the United States.

1 sold, and distributed a variety of dietary supplements and other health-related
2 products to the public throughout the United States. Defendants’ enterprise is one
3 of the largest direct marketers of such products in the United States, with total sales
4 since 1998 exceeding \$798 million.

5 14. Defendants use direct mail solicitations to generate business. They
6 purchase or rent consumer names and addresses from brokers, targeting persons
7 aged 40 to 60, and mail advertising to these consumers. New and repeat
8 purchasers receive multi-page advertisements that describe various medical
9 conditions and detail various remedies – often purportedly based on “scientific
10 breakthroughs” or “long lost but newly discovered” formulas. Defendants claim
11 that their products will cure, treat, or alleviate these conditions. These glossy,
12 multi-page brochures typically feature “expert” medical or scientific endorsers,
13 consumer testimonials, and frequent references to “scientific” evidence that
14 purports to substantiate the efficacy and benefits of Defendants’ products.
15 Purchasers also receive a “subscription” to the *Journal of Longevity*, which
16 appears to be a legitimate medical journal with scientific articles written by medical
17 professionals but which is, in fact, promotional advertising prepared and
18 disseminated by Defendants. Consumers can purchase the advertised products
19 via mail order, telephone, or electronically on Defendants’ website, www.gvi.com.

20 15. Defendants’ advertisements contain a return address in Toronto,
21 Canada, suggesting that the company is either located or headquartered in Canada.
22 Consumers who purchase products by mail likewise send their orders to the
23 Canadian address. In fact, Defendants have no employees in Canada and all such
24 mail orders are sent from the Canadian mail drop address to Defendants’ offices in
25 the United States for fulfillment.

26 16. Among the products that Defendants have advertised, labeled, offered
27 for sale, sold, and distributed in recent years are: Lung Support Formula, Gero Vita
28 G.H.3, and Testorex, all marketed since at least 1998; ChitoPlex, marketed since at

1 least 1999; AntiBetic Pancreas Tonic, marketed since at least 2000; and
2 Theraceuticals GH3 Romanian Youth Formula, marketed since at least 2001. Like
3 their other products, Defendants advertise and offer these products for sale through
4 direct mail advertising, including the *Journal of Longevity*, and through their
5 website, www.gvi.com.

6 **Lung Support Formula**

7 17. Lung Support Formula (“Lung Support”) is or was promoted as a
8 remedy for respiratory ailments, including allergies, bronchitis, emphysema, asthma,
9 and smoking damage, among others. According to the labeling and advertising,
10 Lung Support contains herbs such as ginseng extract root and ginkgo biloba
11 extract, among others, and Vitamin A, Vitamin C, magnesium, and zinc. The cost
12 to consumers for Lung Support ranges from \$29.95 for a one-month supply to
13 \$109.95 for a six-month supply. Since 1998, sales of Lung Support Formula have
14 exceeded \$37 million.

15 18. To induce consumers to purchase Lung Support, Defendants have
16 widely disseminated, or caused to be disseminated, direct mail and Internet
17 advertisements, including but not limited to the attached Exhibits A through C.
18 These advertisements contain, among other things, the following statements and
19 depictions:

20 a. **Doctors Discover 100% NATURAL Remedy That Restores**
21 **Youth**
22 **and Power To Your Lungs!**
23 **Breath easier and end...**

24 ...shortness of breath

25 ...smoking damage

26 ...chest congestion

27 ...heart problems

28 ...sinus problems

