

**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; and

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

Defendants.

Case No. 2:23-CV-00026

**COMPLAINT FOR PERMANENT
INJUNCTION, CIVIL
PENALTIES, MONETARY
RELIEF, AND OTHER RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. Plaintiff brings this action under Sections 5(a)(1), 5(m)(1)(A), 12, 13(b), 16(a), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 52, 53(b), 56(a), and 57b, and Section 8023 of the Opioid Addiction Recovery Fraud Prevention Act of 2018 (“Opioid Act”), 15 U.S.C. § 45d, to obtain a permanent injunction, civil penalties, and other relief for violations of the FTC Act and the Opioid Act committed by Defendants Dalal A. Akoury, Dalal Akoury MD, PLLC, and AWAREmed Wholistic Urgent Care, PLLC.

2. Defendants operate the AWAREmed Health and Wellness Resource Center (“AWAREmed”), which purports to offer medical and other treatment services to those suffering from addiction (including substance use disorders), cancer, and chronic illnesses such as

Parkinson's disease and Alzheimer's disease. Since at least early 2018, 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 AWAREmed's 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 unsubstantiated claims in connection with advertising. Nevertheless, Defendants continued to disseminate misleading advertising claims. Therefore, Plaintiff files this lawsuit to recover civil penalties and to permanently halt the Defendants' deceptive advertising.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355, because it involves claims arising under federal laws regulating commerce and is commenced by the United States.

4. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and 1395(a), as well as 15 U.S.C. § 53(b), because Defendants transact business in this District and a substantial part of the events or omissions giving rise to the claims occurred in this District.

DEFENDANTS

5. Defendant Dalal A. Akoury, also doing business as AWAREmed, has a primary business address of 1604 Lamons Lane, #202, Johnson City, Tennessee. Akoury's previous business address was 4710 Oleander Drive, Myrtle Beach, South Carolina. Akoury transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with others, Akoury has advertised AWAREmed treatment services for those suffering from addiction (including substance use disorders), cancer, Parkinson's disease, and Alzheimer's disease, within this District and throughout the United

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 *awaremed.com* 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 decision-making authority over Akoury PLLC and AWAREmed PLLC, and upon information and

belief, both companies play integral parts in AWAREmed's business. Akoury PLLC pays AWAREmed clinic expenses and receives clinic receipts. AWAREmed PLLC lends its name to AWAREmed's 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 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 which is likely 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. 115-271, 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 product. 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(a) 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 or deceptive acts or practices.

DEFENDANTS’ UNLAWFUL CONDUCT

15. Since at least early 2018, Defendants have advertised medical and other treatment services to patients suffering from addiction (including substance use disorders), cancer, and other chronic diseases, including Parkinson’s disease and Alzheimer’s disease. Defendants have promoted these services, which are provided by AWAREmed, through the *awaremed.com* website, YouTube videos, social media, and paid media interviews.

16. To induce prospective customers to use AWAREmed services, Defendants’ have claimed that virtually every patient treated for any condition at AWAREmed improves under Akoury’s care. Alongside those claims, Defendants provide pricing information and encourage viewers to contact AWAREmed to schedule a consultation.

17. As set forth below, Defendants asserted their advertising claims without any reasonable basis for believing they were true at the time the claims were made. Moreover, Defendants continued to disseminate their misleading claims despite warnings from the FTC that making false and unsubstantiated claims in connection with advertising is unlawful.

Addiction Recovery Advertising

18. Defendants have advertised the AWAREmed addiction treatment program through various advertising platforms, including through the *awaremed.com* website and YouTube videos embedded on that website. The core message of this advertising is that AWAREmed’s addiction

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

19. Defendants' *awaremed.com* 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 the "Most Effective Medical Clinic . . . Anywhere" with "a 98%* Improvement Rate Treating Just About . . . Anything." Ex. A 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." *Id.* 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." *Id.* at 3.

d. That the AWAREmed addiction treatment program allowed patients to "Detox without pain, illness, sleep-loss, or anxiety." *Id.* 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." *Id.*

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." *Id.*

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

20. Defendants’ website also embedded YouTube videos from “others just like you who have completed the program.” *Id.* at 6. One of those videos was captioned “2 Year Methadone Addict Painless Withdraw [sic] in 1 Day, Recovers in Just 1 Week.” *Id.* 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.

Cancer Treatment Advertising

21. Defendants have also advertised the AWAREmed cancer treatment program through various advertising platforms, including through the *awaremed.com* website and YouTube videos embedded on that website. The core message of this advertising is that nearly every AWAREmed cancer patient improves significantly, with many—including patients with Stage IV cancer—becoming cancer-free.

22. Defendants’ website contained numerous implicit or explicit claims regarding AWAREmed’s effectiveness at treating cancer. For example, Defendants claimed:

a. Alongside the phrase “Cancer Remission,” that AWAREmed was the “Most Effective Medical Clinic . . . Anywhere” with “a 98%* Improvement Rate Treating Just About . . . Anything.” Ex. B at 1.

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 cancers” and “This is why many so [sic] doctors send their patients to AWAREmed, when everything else has failed to help.” *Id.*

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.” *Id.*

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

23. Defendants’ website also embedded YouTube videos, including one captioned “Advanced Cancer VS. Advanced Treatment. CANCER LOOSES [sic] . . . Now CANCER FREE!” *Id.* at 3. The video features a conversation between Akoury and several individuals who purport to be former patients. One individual states that he is resuming work and global travel, while mentioning two other success stories from the AWAREmed program. Another individual describes a successful Stage IV cancer patient at the clinic who has resumed her regular work and social engagements. Among other things, the video includes the following testimonials:

Male Patient: Particularly when you have two success stories sitting here.

Akoury: Tons!

Male Patient: More than two, right? Yeah. Tons all over the world, I’m sure. Other people that--

Akoury: we’ve had here, you’ve seen six or eight within two months--

Female Patient: Six weeks

Akoury: Six weeks you’ve been here. I mean, the six or eight people that have been

here, but every single one of them is better. So, somehow better. 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: How can you go wrong? So many people don't even have a clue that there is another option. Because when you go to the oncologist, when you're first diagnosed there is such a spirit of fear that comes over the entire room.

24. In another embedded YouTube video captioned "Healing Breast Cancer After a 'Cancer Dream,'" Akoury interviews a woman who claims she has just completed her cancer treatment and who thanks AWAREmed's clinic for her success and endorses AWAREmed's treatment over conventional chemotherapy for breast cancer. *Id.* at 4. Among other things, the video includes the following testimonial:

Patient: I've been the other route. I went conventional the first time and it didn't work.

Akoury: But do you really think this is helping you, emotionally, mentally, physically? Do you -- do you feel improvement?

Patient: Yeah. I feel improvement. I can tell a difference.

Akoury: Tell me something that would make people want to do it. Why? Is it the love that is in offices like ours? Is it the treatments? Is it the less side effects? What is it?

Patient: All of it. All of those together, really. The less side effects helps. Having -- Not having the caustic poisons going into your system. That's a big thing for me.

Alzheimer's Disease and Parkinson's Disease Advertising

25. Defendants have also advertised AWAREmed's chronic disease and pain treatment program through various advertising platforms, including through the *awaremed.com* 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 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 Parkinson's [disease and] Alzheimer's [disease]" and "This is why many so [sic] doctors send their patients to AWAREmed, when everything else has failed to help." Ex. C at 1.

b. Alongside the phrase "Chronic Disease & Pain," that viewers could "Eliminate, reduce pain, Heart/cardio, diabetes, cortisol, fiber myalgia [sic], high blood pressure, obesity, insomnia, gastro, Parkinson's [disease] and Alzheimer's [disease]." *Id.* at 2.

c. Alongside the phrase "Chronic Disease & Pain," that AWAREmed is the "Most Effective Medical Clinic . . . Anywhere" with "a 98%* Improvement Rate Treating Just About . . . Anything." *Id.* at 3.

Paid Television Advertising

27. Akoury has also paid to appear in numerous news segments on a FOX-affiliated local Myrtle Beach television station, WFXB. Those segments featured Akoury being interviewed by a news reporter and lasted approximately three to five minutes.

28. The segments appeared to be objective news interviews or public information spots and were not identifiable as commercial advertising. *See* Ex. D at 1. At the end of each segment, Akoury gave viewers her AWAREmed contact information.

29. These segments were paid advertisements, but at no point in any of them does the station, the interviewer, or Akoury clearly and prominently disclose this fact.

Defendants' Treatment Claims Are Unsubstantiated

30. Defendants lack any reasonable basis to support their express and implied claims regarding the effectiveness of AWAREmed's treatments. Defendants do not possess any competent and reliable scientific studies assessing the efficacy of AWAREmed's treatments, including their ability to cure, treat, or mitigate addiction (including substance use disorders), cancer, Alzheimer's disease, or Parkinson's disease.

31. Furthermore, there are no competent and reliable scientific studies in the scientific literature establishing that Defendants' treatments are effective to cure, treat, or mitigate addiction (including substance use disorders), cancer, Alzheimer's disease, or Parkinson's disease

Defendants Refusal to Cease Deceptive Advertising

32. In or around April 2020, AWAREmed received a warning letter from the FTC in connection with its COVID-19 treatment and prevention advertising. That letter stated:

It is unlawful under the FTC Act, 15 U.S.C. § 41 *et seq.*, to advertise that a product can prevent, treat, or cure human disease unless you possess competent and reliable scientific evidence, including, when appropriate, well-controlled human clinical studies, substantiating that the claims are true at the time they are made.

33. On April 27, 2021, and again on May 10, 2021, Akoury was notified in writing that making false, misleading, or unsubstantiated claims concerning addiction recovery services also violates the Opioid Act and may be subject to civil penalties. Specifically, the FTC advised Akoury:

Our purpose is to determine whether the Company, as defined in the enclosed CID Schedule, you, or other unidentified persons or entities, have made false, misleading, or unsubstantiated representations in violation of . . . Section 8023 of the Opioid Addiction Recovery Fraud Prevention Act (“OARFPA”) of 2018, 15 U.S.C. § 45d, in connection with the advertising, marketing, or sale of addiction recovery services . . . and whether Commission action to obtain monetary relief, including civil penalties under OARFPA, would be in the public interest.

34. Despite the FTC’s warnings, Defendants continued to disseminate false and unsubstantiated advertisements until at least June 16, 2022.

COUNT 1

Deceptive Substance Use Disorder Treatment Advertising

35. In numerous instances, Defendants have represented, expressly or by implication, that:

- a. AWAREmed’s addiction treatment program successfully treats every type of substance use disorder, including drug and alcohol addiction;
- b. Patients with substance use disorders who enter AWAREmed’s addiction treatment program will be ready to return to work in only 3 days, and will be free of their addiction in 10 days;
- c. AWAREmed’s addiction treatment program enables individuals with substance use disorders to detoxify in 3 days without pain, illness, sleep loss, or anxiety;
- d. Ninety percent of the individuals with substance use disorders who go through AWAREmed’s 10-day addiction treatment program recover from their addiction; and
- e. AWAREmed’s 10-day addiction treatment program produces better results at less cost for individuals with substance use disorders than conventional 30-day recovery programs.

36. The representations set forth in Paragraph 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 Paragraph 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), and are therefore liable for civil penalties.

COUNT 2

Deceptive Addiction Treatment Advertising

39. In numerous instances, Defendants have represented, directly or indirectly, expressly or by implication, that:

a. AWAREmed's addiction treatment program successfully treats every type of addiction, including addiction to drugs and alcohol;

b. Patients who enter AWAREmed's addiction treatment program will be ready to return to work in only 3 days, and will be free of their addiction in 10 days;

c. AWAREmed's addiction treatment program enables individuals to detoxify in 3 days without pain, illness, sleep loss, or anxiety;

d. Ninety percent of individuals who go through AWAREmed's 10-day addiction treatment program recover from their addiction during that program; and

e. AWAREmed's 10-day addiction treatment program produces better results at less cost than conventional 30-day recovery programs.

40. The representations set forth in Paragraph 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 Paragraph 39 constitutes a deceptive act or practice and the making of false advertisements in violation of Sections 5(a) and 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 patients with breast cancer.

43. In numerous instances, Defendants have also represented, expressly or by implication, that 98 percent of AWAREmed's cancer patients, including those with advanced or Stage 4 cancer:

- a. Will have their cancer go into remission; or
- b. Will at least experience improved quality and length of life after leaving AWAREmed, including being able to resume work and engage in regular social activities.

44. The representations set forth in Paragraphs 42 and 43 are false or were not substantiated at the time the representations were made.

45. Therefore, the making of the representations as set forth in Paragraphs 42 and 43 constitutes a deceptive act or practice and the making of false advertisements in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT 4

Deceptive Alzheimer's Disease and Parkinson's Disease Advertising

46. In numerous instances, Defendants have represented, expressly or by implication, that AWAREmed can successfully treat patients who suffer from Alzheimer's disease and from Parkinson's disease.

47. The representation set forth in Paragraph 46 is false or was not substantiated at the time the representation was made.

48. Therefore, the making of the representation as set forth in Paragraph 46 constitutes a deceptive act or practice and the making of false advertisements in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

COUNT 5

Deceptively Formatted Advertising

49. In numerous instances, Defendants have represented, expressly or by implication, that some of Akoury's appearances on local FOX news television station WFXB were objective news or informational programming.

50. In truth and in fact, in numerous instances, Akoury's television appearances were not objective news or informational programming; they were paid commercial advertising. Therefore, the making of the representation set forth in Paragraph 49 constitutes a deceptive act or practice and the making of false advertisements in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

CONSUMER INJURY

51. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act and the Opioid Act. Absent injunctive

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. No. 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 \$50,120 for each 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 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.

Dated: March 16, 2023

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