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JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

RAZER, INC., a Cayman Islands  
Corporation;  
RAZER (Asia-Pacific) Pte., Ltd., a  
Singapore Limited Liability Company;  
RAZER USA, Ltd., a Delaware  
Corporation;  
RAZER HEALTH Pte., Ltd., a Singapore  
Limited Liability Company; and  
RAZER ONLINE, Pte., Ltd., a Singapore  
Limited Liability Company,  
Defendants.

) Case No.: 8:24-cv-00907-JVS(AGR<sub>x</sub>)  
) **STIPULATED ORDER FOR**  
) **PERMANENT INJUNCTION,**  
) **MONETARY JUDGMENT CIVIL**  
) **PENALTY JUDGMENT, AND**  
) **OTHER RELIEF [3]**

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Plaintiff, the United States of America, acting upon notification and referral to the Attorney General by the Federal Trade Commission (“FTC” or “Commission”) filed its Complaint for Permanent Injunction, Monetary Judgment, Civil Penalty

1 Judgment, and Other Relief (“Complaint”) , pursuant to Sections 5(a)(1),  
2 5(m)(1)(A), 12, 13(b), 16(a)(1), and 19 of the Federal Trade Commission Act (“FTC  
3 Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 52, 53(b), 56(a)(1), and 57b, and Section  
4 1401 of the COVID-19 Consumer Protection Act of the 2021 Consolidated  
5 Appropriations Act (“CCPA”), Pub. L. No. 116-260, 134 Stat. 1182, 3275-76 (2020).  
6 Defendants have waived service of the summons and the Complaint. Plaintiff and  
7 Defendants stipulate to the entry of this Stipulated Order for Permanent Injunction,  
8 Monetary Judgment, Civil Penalty Judgment, and Other Relief (“Order”) to resolve  
9 all matters in dispute in this action between them.

10 **THEREFORE, IT IS ORDERED** as follows:

11 **FINDINGS**

- 12 1. This Court has jurisdiction over this matter.
- 13 2. The Complaint charges that Defendants participated in deceptive acts or  
14 practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in the  
15 dissemination of false advertisements in or affecting commerce for the purpose of  
16 inducing, or which were likely to induce, the purchase of devices in violation of  
17 Section 12 of the FTC Act, 15 U.S.C. § 52, in connection with the sale of a “wearable  
18 air purifier” face mask called the Razer Zephyr ( the “Razer Zephyr” or “Zephyr”).
- 19 3. The CCPA made it unlawful, for the duration of the novel coronavirus  
20 (COVID-19) public health emergency, for any person, partnership, or corporation to  
21 engage in a deceptive act or practice in or affecting commerce in violation of Section  
22 5(a) of the FTC Act, 15 U.S.C. § 45(a), that is associated with the treatment, cure,  
23 prevention, mitigation, or diagnosis of COVID-19. CCPA, § 1401(b)(1).
- 24 4. A violation of Section 1401(b)(1) of the CCPA is treated as a violation  
25 of a rule defining an unfair or deceptive act or practice prescribed under Section  
26 18(a)(1)(B) of the FTC Act, 15 U.S.C. § 57a(a)(1)(B). CCPA, § 1401(c)(1).
- 27 5. Defendants neither admit nor deny any of the allegations in the

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1 Complaint, except as specifically stated in this Order. Only for purposes of this  
2 action, Defendants admit the facts necessary to establish jurisdiction.

3 6. Defendants waive any claim that they may have under the Equal Access  
4 to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through  
5 the date of this Order, and agree to bear their own costs and attorney fees.

6 7. Defendants and Plaintiff waive all rights to appeal or otherwise  
7 challenge or contest the validity of this Order.

### 8 **DEFINITIONS**

9 For the purpose of this Order, the following definitions apply:

10 A. **“Defendants”** means RAZER, INC., a Cayman Islands Corporation,  
11 RAZER (Asia-Pacific) Pte., Ltd., a Singapore Limited Liability Company, RAZER  
12 USA, Ltd., a Delaware Corporation, RAZER HEALTH Pte., Ltd., a Singapore  
13 Limited Liability Company, RAZER ONLINE, Pte., Ltd., a Singapore Limited  
14 Liability Company, individually or collectively or in any combination.

15 B. **“Personal Protective Equipment”** means protective clothing, helmets,  
16 gloves, face shields, goggles, facemasks, respirators, or other equipment designed,  
17 intended, or represented to protect the wearer from the spread of infection or illness,  
18 including any accompanying accessories.

19 C. **“Protective Goods and Services”** means any good or service designed,  
20 intended, or represented to detect, treat, prevent, mitigate, or cure COVID-19 or any  
21 other infection or disease, including, but not limited to, Personal Protective  
22 Equipment, hand sanitizer, and thermometers.

### 23 **ORDER**

#### 24 **I. BAN AGAINST COVID-19 PREVENTION OR TREATMENT CLAIMS**

25 **IT IS ORDERED** that Defendants, in connection with the manufacturing,  
26 labeling, advertising, promotion, offering for sale, sale, or distribution of any product,  
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1 are permanently restrained and enjoined from making any express or implied  
2 representation that such product prevents or reduces the likelihood of infection with,  
3 or community transmission of, the SARS-CoV-2 virus, or otherwise cures, mitigates,  
4 or treats COVID-19, unless the Food and Drug Administration has specifically  
5 approved the representation.

6 **II. PROHIBITED REPRESENTATIONS CONCERNING**  
7 **UNSUBSTANTIATED CLAIMS**

8 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents,  
9 employees, and attorneys, and all other persons in active concert or participation with  
10 any of them, who receive actual notice of this Order, whether acting directly or  
11 indirectly, in connection with the promoting or offering for sale of Protective Goods  
12 and Services, are permanently restrained and enjoined from making any  
13 representation, expressly or by implication, about the health benefits, performance,  
14 efficacy, safety, or side effects of Protective Goods and Services, unless the  
15 representation is non-misleading, including that, at the time such representation is  
16 made, Defendants possess competent and reliable scientific evidence substantiating  
17 that the representation is true. For purposes of this Provision, competent and reliable  
18 scientific evidence shall consist of testing of the product that is sufficient in quality  
19 and quantity based on standards generally accepted by experts in the field of the  
20 relevant good or service, when considered in light of the entire body of relevant  
21 scientific evidence, to substantiate that the representation is true. Such testing must be  
22 conducted by researchers qualified by training and experience to conduct such  
23 testing.

24 **III. PROHIBITED MISREPRESENTATIONS, INCLUDING**  
25 **GOVERNMENT-APPROVED CLAIMS**

26 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents,  
27 employees, and attorneys, and all other persons in active concert or participation with  
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1 any of them, who receive actual notice of this Order, whether acting directly or  
2 indirectly, in connection with the manufacturing, labeling, advertising, promotion,  
3 offering for sale, sale, or distribution of any Protective Goods and Services, are  
4 permanently restrained and enjoined from misrepresenting, in any manner, expressly  
5 or by implication:

6 A. That any Protective Goods and Services are affiliated with, endorsed,  
7 certified, cleared, authorized, approved by, registered, or otherwise connected to any  
8 government entity, including through the use of government logos or trademarks;

9 B. That any Protective Goods and Services meet certification standards  
10 established by any governmental entity when they have not been certified by that  
11 governmental entity; and

12 C. Any other fact material to consumers concerning any Protective Goods  
13 and Services such as: the total costs; any material restrictions, limitations, or  
14 conditions; or any material aspect of its performance, efficacy, nature, or central  
15 characteristics.

16 **IV. JUDGMENT FOR CIVIL PENALTY**

17 **IT IS FURTHER ORDERED** that:

18 A. Judgment in the amount of One-Hundred Thousand Dollars (\$100,000)  
19 is entered in favor of Plaintiff against Defendants, jointly and severally, as a civil  
20 penalty. Defendants are ordered to pay to Plaintiff, by making payment to the  
21 Treasurer of the United States, One-Hundred Thousand Dollars (\$100,000). Such  
22 payment must be made within 7 days of entry of this Order by electronic fund  
23 transfer in accordance with instructions to be provided by a representative of Plaintiff  
24 upon the Court's issuance of this Order.

25 **V. JUDGMENT FOR MONETARY RELIEF**

26 **IT IS FURTHER ORDERED** that:

27 A. Judgment in the total amount of One Million Seventy-One Thousand  
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1 Two-Hundred Fifty-Four Dollars and Thirty-Three Cents (\$1,071,254.33) is entered  
2 in favor of Plaintiff against Defendants, jointly and severally, as monetary relief, in  
3 the installments set forth below:

4 1. Defendants are ordered to pay to Plaintiff, by making payment to  
5 the Treasurer of the United States, Five-Hundred Seventy-One Thousand  
6 Two-Hundred Fifty-Four Dollars and Thirty-Three Cents (\$571,254.33),  
7 which, as Defendants stipulate, their undersigned counsel holds in  
8 escrow for no purpose other than payment to Plaintiff. Such payment  
9 must be made within 7 days of entry of this Order by electronic fund  
10 transfer in accordance with instructions to be provided by a  
11 representative of Plaintiff upon the Court's issuance of this Order.

12 2. Defendants are also ordered to pay to Plaintiff, by making  
13 payment to the Treasurer of the United States, Five-Hundred Thousand  
14 Dollars (\$500,000). Such payment must be made within 7 days of entry  
15 of this Order by electronic fund transfer in accordance with instructions  
16 to be provided by a representative of Plaintiff upon the Court's issuance  
17 of this Order.

18 B. The United States shall send this monetary relief to the Commission to  
19 be deposited into a fund administered by the Commission or its designee to be used  
20 for consumer relief, such as redress and any attendant expenses for the administration  
21 of any redress fund. If a representative of the Commission decides that direct redress  
22 to consumers is wholly or partially impracticable or money remains after such redress  
23 is completed, the Commission may apply any remaining money for such related relief  
24 (including consumer information remedies) as it determines to be reasonably related  
25 to Defendants' practices alleged in the Complaint. Any money not used for relief is to  
26 be deposited to the U.S. Treasury as an additional civil penalty. Defendants have no  
27 right to challenge any actions the Commission or its representatives may take  
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1 pursuant to this Subsection.

2 **VI. ADDITIONAL MONETARY PROVISIONS**

3 **IT IS FURTHER ORDERED** that:

4 A. Defendants relinquish dominion and all legal and equitable right, title,  
5 and interest in all assets transferred pursuant to this Order and may not seek the return  
6 of any assets.

7 B. The facts alleged in the Complaint will be taken as true, without further  
8 proof, in any subsequent civil litigation by Plaintiff or the Commission, including in a  
9 proceeding to enforce its rights to any payment or monetary judgment pursuant to this  
10 Order, such as a nondischargeable complaint in any bankruptcy case.

11 C. The facts alleged in the Complaint establish all elements necessary to  
12 sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the  
13 Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral  
14 estoppel effect for such purposes.

15 D. Defendants acknowledge that their Taxpayer Identification Numbers  
16 (Employer Identification Numbers), which Defendants must submit to the  
17 Commission, may be used for collecting and reporting on any delinquent amount  
18 arising out of this Order, in accordance with 31 U.S.C. § 7701.

19 **VII. CUSTOMER INFORMATION**

20 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
21 employees, and attorneys, and all other persons in active concert or participation with  
22 any of them, who receive actual notice of this Order, are permanently restrained and  
23 enjoined from directly or indirectly:

24 A. failing to provide sufficient customer information to enable the  
25 Commission to efficiently administer consumer redress. If a representative of the  
26 Commission requests in writing any information related to redress, Defendants must  
27 provide it, in the form prescribed by the Commission, within 14 days.

1 B. disclosing, using, or benefitting from customer information, including  
2 the name, address, telephone number, email address, social security number, other  
3 identifying information, or any data that enables access to a customer’s account  
4 (including a credit card, bank account, or other financial account) that any Defendant  
5 obtained prior to entry of this Order in connection with the sale of a “wearable air  
6 purifier” face mask called the Razer Zephyr; and

7 C. failing to destroy such customer information in all forms in their  
8 possession, custody, or control within 30 days after receipt of written direction to do  
9 so from a representative of the Commission.

10 D. Provided, however, that customer information need not be disposed of,  
11 and may be disclosed, to the extent requested by a government agency or required by  
12 law, regulation, or court order.

13 **VIII. ORDER ACKNOWLEDGMENTS**

14 **IT IS FURTHER ORDERED** that Defendants obtain acknowledgments of  
15 receipt of this Order:

16 A. Each Defendant, within 7 days of entry of this Order, must submit to the  
17 Commission an acknowledgment of receipt of this Order sworn under penalty of  
18 perjury;

19 B. For 5 years after entry of this Order, each Defendant must deliver a copy  
20 of this Order to: (1) all principals, officers, directors, and corporate entity managers  
21 and members; (2) all employees having managerial responsibilities for conduct  
22 related to the subject matter of the Order and all agents and representatives who  
23 participate in conduct related to the subject matter of the Order; and (3) any business  
24 entity resulting from any change in structure as set forth in the Section titled  
25 “Compliance Reporting.” Delivery must occur within 7 days of entry of this Order  
26 for current personnel. For all others, delivery must occur before they assume their  
27 responsibilities.



1 C. From each individual or entity to which a Defendant delivered a copy of  
2 this Order, Defendant must obtain, within 30 days, a signed and dated  
3 acknowledgment of receipt of this Order.

4 **IX. COMPLIANCE REPORTING**

5 **IT IS FURTHER ORDERED** that Defendants make timely submissions to  
6 the Commission:

7 A. One year after entry of this Order, each Defendant must submit a  
8 compliance report, sworn under penalty of perjury:

- 9 1. Each Defendant must: (a) identify the primary physical,  
10 postal, and email address and telephone number, as designated points of  
11 contact, which representatives of the Commission and Plaintiff may use  
12 to communicate with Defendant; (b) identify all of Defendant's  
13 businesses by all of their names, telephone numbers, and physical,  
14 postal, email, and Internet addresses; (c) describe the activities of each  
15 business, including the goods and services offered, the means of  
16 advertising, marketing, and sales, and the involvement of any other  
17 Defendant; (d) describe in detail whether and how that Defendant is in  
18 compliance with each Section of this Order, and (e) provide a copy of  
19 each Order Acknowledgment obtained pursuant to this Order, unless  
20 previously submitted to the Commission.

21 B. For 5 years after entry of this Order, each Defendant must submit a  
22 compliance notice, sworn under penalty of perjury, within 14 days of any change in  
23 the following:

- 24 1. Defendant must report any change in: (a) any designated  
25 point of contact; or (b) the structure of any Corporate Defendant or any  
26 entity that Defendant has any ownership interest in or controls directly or  
27 indirectly that may affect compliance obligations arising under this  
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1 Order, including: creation, merger, sale, or dissolution of the entity or  
2 any subsidiary, parent, or affiliate that engages in any acts or practices  
3 subject to this Order.

4 C. Each Defendant must submit to the Commission notice of the filing of  
5 any bankruptcy petition, insolvency proceeding, or similar proceeding by or against  
6 such Defendant within 14 days of its filing.

7 D. Any submission to the Commission required by this Order to be sworn  
8 under penalty of perjury must be true and accurate and comply with 28 U.S.C. §  
9 1746, such as by concluding: “I declare under penalty of perjury under the laws of the  
10 United States of America that the foregoing is true and correct. Executed on: ” and  
11 supplying the date, signatory’s full name, title (if applicable), and signature.

12 E. Unless otherwise directed by a Commission representative in writing, all  
13 submissions to the Commission pursuant to this Order must be emailed to  
14 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:  
15 Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade  
16 Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject  
17 line must begin: *FTC v. Razer, Inc.*

## 18 X. RECORDKEEPING

19 **IT IS FURTHER ORDERED** that Defendants must create certain records for  
20 5 years after entry of the Order and retain each such record for 5 years. Specifically,  
21 each Defendant must create and retain the following records:

22 A. accounting records showing the revenues from all Protective Goods and  
23 Services sold;

24 B. records of all consumer complaints and refund requests concerning the  
25 Protective Goods and Services, whether received directly or indirectly, such as  
26 through a third party, and any response;

27 C. all records necessary to demonstrate full compliance with each provision  
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1 of this Order, including all submissions to the Commission; and

2 D. a copy of each unique advertisement or other marketing material making  
3 any representation covered by this Order.

4 **XI. COMPLIANCE MONITORING**

5 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendants'  
6 compliance with this Order:

7 A. Within 14 days of receipt of a written request from a representative of  
8 the Plaintiff or the Commission, each Defendant must: submit additional compliance  
9 reports or other requested information, which must be sworn under penalty of  
10 perjury; appear for depositions; and produce documents for inspection and copying.  
11 The Commission and Plaintiff are also authorized to obtain discovery, without further  
12 leave of court, using any of the procedures prescribed by Federal Rules of Civil  
13 Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

14 B. For matters concerning this Order, the Commission and Plaintiff are  
15 authorized to communicate directly with Defendants. Defendants must permit  
16 representatives of the Commission and Plaintiff to interview any employee or other  
17 person affiliated with Defendants who has agreed to such an interview. The person  
18 interviewed may have counsel present.

19 C. The Commission and Plaintiff may use all other lawful means, including  
20 posing, through its representatives as consumers, suppliers, or other individuals or  
21 entities, to Defendants or any individual or entity affiliated with Defendants, without  
22 the necessity of identification or prior notice. Nothing in this Order limits the  
23 Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the  
24 FTC Act, 15 U.S.C. §§ 49, 57b-1.

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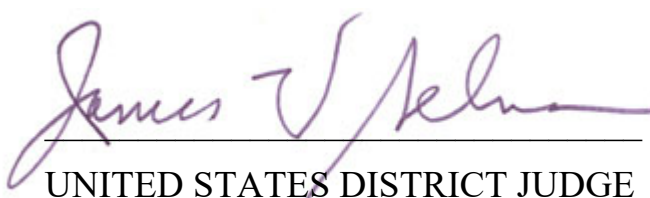
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**XII. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

**SO ORDERED** this 30<sup>th</sup> day of April 2024.

  
UNITED STATES DISTRICT JUDGE

1 **SO STIPULATED AND AGREED:**  
2 **FOR PLAINTIFF:**  
3 **THE UNITED STATES OF AMERICA**

4 BRIAN M. BOYNTON  
5 Principal Deputy Assistant Attorney General, Civil Division

6 ARUN G. RAO  
7 Deputy Assistant Attorney General

8 AMANDA N. LISKAMM  
9 Director, Consumer Protection Branch

10 LISA K. HSIAO  
11 Senior Deputy Director  
12 Consumer Protection Branch

13 ZACHARY A. DIETERT  
14 Assistant Director  
15 Consumer Protection Branch

16 /s/ Sean Z. Saper  
17 SEAN Z. SAPER  
18 Trial Attorney

Date: April 26, 2024

19 Consumer Protection Branch  
20 U.S. Department of Justice  
21 450 5th St. NW, Suite 6400-South  
22 Washington, DC 20001  
23 Telephone: 202-742-7116  
24 Email: sean.z.saper@usdoj.gov

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**FOR DEFENDANTS:**

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RAZER, INC. Date: \_\_\_\_\_

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RAZER (ASIA PACIFIC) PTE., LTD. Date: \_\_\_\_\_

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RAZER USA, LTD. Date: \_\_\_\_\_

\_\_\_\_\_  
RAZER HEALTH PTE., LTD. Date: \_\_\_\_\_

\_\_\_\_\_  
RAZER ONLINE PTE., LTD. Date: \_\_\_\_\_

**COUNSEL FOR DEFENDANTS:**

\_\_\_\_\_  
Date: \_\_\_\_\_  
Roxane Polidora, Esq.  
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