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15 Attorneys for Plaintiff

16 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**  
17

18 FEDERAL TRADE COMMISSION,  
19

20 Plaintiff,

21 v.

22 CRYSTAL EWING, individually and as a director  
or officer of Classic Productions, LLC;

23 CLASSIC PRODUCTIONS, LLC, a Nevada  
24 limited liability corporation;

25 HEALTH NUTRITION PRODUCTS, LLC, a  
26 Delaware limited liability company, also d/b/a

Case No. \_\_\_\_\_

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

1 HNP LLC, d/b/a W8-B-Gone, and d/b/a Quick &  
2 Easy;

3 HOWARD RAFF, a/k/a HOWARD BRUCE,  
4 individually and as an officer or director of Health  
Nutrition Products, LLC;

5 DAVID RAFF, individually and as a *de facto*  
6 officer or director of Health Nutrition Products,  
LLC;

7 OMNI PROCESSING CENTER, a Nevada  
8 company;

9 MBE MANAGEMENT LLC, a Nevada limited  
10 liability company;

11 SHIRLEY MURPHY, individually and as a  
12 director or officer of Omni Processing Center;

13 and

14 RONALD BOYDE, individually and as a director  
15 or officer of Omni Processing Center and a *de*  
16 *facto* director or officer of MBE Management  
LLC,

17 Defendants.

18  
19 Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

20 1. The FTC brings this action under Section 13(b) of the Federal Trade Commission  
21 Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain permanent injunctive relief, rescission of  
22 contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other  
23 equitable relief for Defendants’ acts or practices in violation of Sections 5(a) and 12 of the FTC  
24 Act, 15 U.S.C. §§ 45(a) and 52, in connection with the advertising, marketing, and sale of  
25 purported weight loss pills “W8-B-Gone” and/or “Quick & Easy.”  
26

1 **JURISDICTION AND VENUE**

2 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a),  
3 and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

4 3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1), (b)(2), (c)(1),  
5 (c)(2), and 15 U.S.C. § 53(b).

6 **PLAINTIFF**

7 4. The FTC is an independent agency of the United States Government created by  
8 statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),  
9 which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also  
10 enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for  
11 food, drugs, devices, services, or cosmetics in or affecting commerce.  
12

13 5. The FTC is authorized to initiate federal district court proceedings, by its own  
14 attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be  
15 appropriate in each case, including rescission or reformation of contracts, restitution, the refund  
16 of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. § 53(b).

17 **DEFENDANTS**

18 6. Defendant Crystal Ewing, a Las Vegas, Nevada resident, in her individual  
19 capacity and as the sole officer of Defendant Classic Productions, LLC, played a significant role  
20 in the W8-B-Gone operation, including but not limited to registering and operating  
21 123w8bgone.com and w8-b-gone.com (collectively “the W8-B-Gone website”). Defendant  
22 Ewing also had signatory authority over Classic Production’s bank accounts. Defendants Ewing,  
23 Boyde, Murphy, and Classic Productions opened W8-B-Gone’s PO Box in Las Vegas, Nevada,  
24  
25  
26

1 and maintained the box with Defendant Omni. At times relevant to this Complaint, Defendant  
2 Ewing, acting alone or in concert with others, formulated, directed, or controlled, had authority  
3 to control, or participated in the acts or practices set forth herein. Defendant Ewing, in  
4 connection with the matters alleged herein, transacts or has transacted business in this district  
5 and throughout the United States.

6  
7 7. Defendant Classic Productions, LLC, was, or is, until at least October 2011 a  
8 Nevada limited liability company with its principal place of business at 4330 West Cheyenne  
9 Avenue, North Las Vegas, Nevada 89032. Classic Productions played a significant role in the  
10 W8-B-Gone operation, including, but not limited to, registering the 123w8bgone.com website  
11 and also received money for W8-B-Gone sales. At times material to this Complaint, acting alone  
12 or in concert with others, Classic Productions transacted business in this district and throughout  
13 the United States.

14  
15 8. Defendant Health Nutrition Products, LLC (“HNP”), also doing business as HNP  
16 LLC, W8-B-Gone, and Quick & Easy, is a Delaware company with its principal place of  
17 business at 7434 Viale Caterina, Delray Beach, Florida 33446. HNP paid for Quick & Easy and  
18 W8-B-Gone direct mail advertisements and also received consumers’ money for these products.  
19 From 2010 through 2013, HNP’s PayPal account received over \$1,344,000 in online purchases  
20 of W8-B-Gone. At times material to this Complaint, acting alone or in concert with others, HNP  
21 transacts or has transacted business in this district and throughout the United States.

22  
23 9. Defendant Howard Raff, a/k/a Howard Bruce, is a Florida resident and a manager  
24 of Defendant HNP. Through HNP, Howard Raff has participated significantly in the W8-B-  
25 Gone and Quick & Easy operation, including but not limited to operating the PayPal account to  
26

1 which certain W8-B-Gone sales revenues are deposited. He also is the sole signatory on HNP's  
2 bank accounts where some W8-B-Gone and Quick & Easy consumer checks were cashed. At  
3 times relevant to this Complaint, Defendant Howard Raff, acting alone or in concert with others,  
4 formulated, directed, or controlled, had authority to control, or participated in the acts or  
5 practices set forth herein. Defendant Howard Raff, in connection with the matters alleged  
6 herein, transacts or has transacted business in this district and throughout the United States.  
7

8 10. Defendant David Raff is a Florida resident and a *de facto* officer and principal of  
9 Defendant HNP. Certain public filings identify David Raff as HNP's Secretary, sole  
10 shareholder, and/or HNP's contact person. Defendant David Raff also received—on an ongoing  
11 basis and immediately prior to their closure—significant sums of money from certain HNP  
12 accounts that were used to deposit consumers' W8-B-Gone and Quick & Easy checks. At times  
13 relevant to this Complaint, Defendant David Raff, acting alone or in concert with others,  
14 formulated, directed, or controlled, had authority to control, or participated in the acts or  
15 practices set forth herein. Defendant David Raff, in connection with the matters alleged herein,  
16 transacts or has transacted business in this district and throughout the United States.  
17

18 11. Defendant Omni Processing Center ("Omni") is a Nevada company with its  
19 principal place of business at 3550 West Cheyenne Avenue, North Las Vegas, Nevada 89032.  
20 Omni's only two employees are its officers, Defendants Murphy and Boyde. Among other  
21 things, Omni paid for and operated both W8-B-Gone's PO Box and W8-B-Gone's telephone  
22 number. The W8-B-Gone number appeared on W8-B-Gone print advertisements, the W8-B-  
23 Gone website, and on W8-B-Gone bottle labels. Omni fielded consumer calls to this number and  
24 then made misrepresentations concerning the status of consumers' refunds, for which HNP gave  
25  
26

1 Omni the funds. HNP also paid Omni for similar tasks involving Quick & Easy, including  
2 handling customer calls and order fulfillment. At times material to this Complaint, acting alone  
3 or in concert with others, Omni transacts or has transacted business in this district and throughout  
4 the United States.

5  
6 12. Defendant MBE Management LLC (“MBE”) was, or is, a Nevada limited liability  
7 company with its principal place of business at 320 Stanford Street, Las Vegas, Nevada 89107.  
8 Defendant MBE acts or acted as the public face of W8-B-Gone on direct mail advertisements  
9 and collected consumers’ money for their W8-B-Gone purchases. At times material to this  
10 Complaint, acting alone or in concert with others, MBE transacts or has transacted business in  
11 this district and throughout the United States.

12  
13 13. Defendant Shirley Murphy, a Las Vegas, Nevada resident, was Defendant Classic  
14 Productions’ long-time office manager and is Defendant Omni’s Secretary. Murphy,  
15 individually and through Omni as one of its only two officers, participated significantly in the  
16 W8-B-Gone and Quick & Easy operation, including but not limited to operating W8-B-Gone’s  
17 PO Box. At times relevant to this Complaint, Defendant Murphy, acting alone or in concert with  
18 others, formulated, directed, or controlled, had authority to control, or participated in the acts or  
19 practices set forth herein. Defendant Murphy, in connection with the matters alleged herein,  
20 transacts or has transacted business in this district and throughout the United States.

21  
22 14. Defendant Ronald Boyde, a Las Vegas, Nevada, resident, is Defendant MBE’s  
23 registered agent and Defendant Omni’s President. Boyde, a long-time employee of Defendant  
24 Classic Productions, individually and through MBE and Omni, participated significantly in the  
25 W8-B-Gone and Quick & Easy operation. Among other things, Boyde had signatory authority  
26

1 for both MBE and Omni's bank accounts. Omni's accounts received money from both W8-B-  
2 Gone and Quick & Easy sales. At times relevant to this Complaint, Defendant Boyde, acting  
3 alone or in concert with others, formulated, directed, or controlled, had authority to control, or  
4 participated in the acts or practices set forth herein. Defendant Boyde, in connection with the  
5 matters alleged herein, transacts or has transacted business in this district and throughout the  
6 United States.

7  
8 **COMMON ENTERPRISE**

9 15. Defendants Classic Productions, HNP, Omni, and MBE (collectively, "Corporate  
10 Defendants") have operated as a common enterprise while engaging in the deceptive acts and  
11 practices regarding W8-B-Gone.

12 16. Corporate Defendants have seamlessly conducted the business practices described  
13 below through an interrelated network of companies that share contact information, including  
14 phone numbers, websites, and addresses; engage in unified advertising; sell the same products;  
15 and hold themselves out to consumers as being the same company.

17 17. Because these Corporate Defendants have operated as a common enterprise, each  
18 of them is jointly and severally liable for the acts and practices alleged below. Individual  
19 Defendants Ewing, Howard Raff, David Raff, Murphy, and Boyde formulated, directed,  
20 controlled, had the authority to control, and/or participated in the acts and practices of the  
21 Corporate Defendants that constitute the common enterprise.

23 18. Defendants HNP and Omni continued to act as a common enterprise with regard  
24 to Quick & Easy. Individual Defendants Howard Raff, David Raff, Boyde, and Murphy  
25 formulated, directed, controlled, had the authority to control, and/or participated in the acts and  
26

1 practices of HNP and Omni (collectively, with Defendants HNP and Omni, the “Quick & Easy  
2 Defendants”).

3 **COMMERCE**

4 19. At all times material to this Complaint, Defendants have maintained a substantial  
5 course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC  
6 Act, 15 U.S.C. § 44.  
7

8 **DEFENDANTS’ BUSINESS ACTIVITIES**

9 20. From at least January 2010 through November 2013, Defendants advertised,  
10 marketed, and sold weight loss pills using the name W8-B-Gone. Similarly, from at least  
11 November 2011 through November 2013, the Quick & Easy Defendants advertised, marketed,  
12 and sold weight loss pills using the name Quick & Easy. Both products used the same  
13 formulation. Defendants and Quick & Easy Defendants promised the products would quickly  
14 shrink consumers’ waistlines, but, in reality, they only shrunk consumers’ wallets. A bottle of  
15 W8-B-Gone or Quick & Easy containing four pills typically sold for \$26.95 plus shipping and  
16 handling, with the price per bottle dropping depending on the number of bottles a consumer  
17 ordered (i.e., two bottles ordered at once cost \$39.95, three cost \$45.95, and four cost \$54.95).  
18 Defendants sold over \$2 million of W8-B-Gone and the Quick & Easy Defendants sold over  
19 \$400,000 of Quick & Easy.  
20

21 21. Defendants expressly claimed in direct mail advertisements and on the W8-B-  
22 Gone website that consumers can expect to lose five pounds of fat every four days per pill  
23 ingested, all without dieting or exercising. Defendants also promised—and failed to deliver—a  
24 no-strings-attached refund to unsatisfied consumers.  
25  
26



1           22. To induce consumers to purchase over \$2 million of W8-B-Gone, Defendants  
2 disseminated, or caused to be disseminated, advertisements, including, but not limited to, a direct  
3 mail advertisement, attached as Exhibit A, that contains the following statements, among others:

- 4
- 5           • “The INCREDIBLE **‘5 pounds per capsule’**  
6           Molecular weight-loss formula from SWEDEN!” Ex. A at 1  
7           (emphasis in original);
- 8           • “**W8-B-Gone’s 4 Hi-Potency ‘4 pack’ lets**  
9           **you lose 20 pounds GUARANTEED**” Id.  
10           (emphasis in original);
- 11           • W8-B-Gone “achieves these CLINICALLY-PROVEN results:
  - 12           ○ Take just **one capsule and lose up to 5 pounds in 4 days**
  - 13           ○ Take another capsule and in 4 more days lose 5 more pounds  
14           **(10 pounds total)**
  - 15           ○ Take a third capsule and in 4 more days lose 5 more pounds  
16           **(15 pounds total)**
  - 17           ○ With the convenient **W8-B-Gone 4-capsule pack**, you can lose  
18           **up to 20 pounds in only 16 days!**” Id. at 4 (emphasis in  
19           original);
- 20           • “[I]t works without dieting! You continue to eat your favorite foods.”  
21           Id.;
- 22           • “**Amazing RAPID FAT meltdown diet program**  
23           **with scientifically proven capsule ATTACKS and**  
24           **MELTS AWAY years of BUILT UP FAT and**  
25           **CELLULITE**” Id. at 5 (emphasis in original);
- 26           • “With no dieting – eat as you always have, knowing W8-B-Gone is at  
work, ‘around the clock’ attacking the fat in your body.” Id.; and
- “**W8-B-Gone always works!**” Id. at 6 (emphasis in original).

1           23.     A consumer visiting 123w8bgone.com was immediately redirected to w8-b-  
2 gone.com. Through the W8-B-Gone website, a copy of which is attached as Exhibit B,  
3 Defendants disseminated, or caused to be disseminated, the following statements, among others:

- 4                     •     “With W8-B-Gone you can be sure that a single capsule is capable of  
5 dislodging all localized fat deposits.” Ex. B at 1;
- 6                     •     “Never before has ONE HIGH POTENCY CAPSULE had the power  
7 to bring about a 5-pound weight loss. Only W8-B-Gone achieves  
8 this.” Id. (emphasis added); and
- 9                     •     “W8-B-Gone takes weight off automatically whatever the cause of  
10 your weight problem by acting directly on fat deposits in muscle areas  
(belly, thighs, and hips) removing and expelling the fat day after day.”  
11 Id.

12           24.     The Quick & Easy Defendants disseminated, or caused to be disseminated,  
13 substantially similar claims in their direct mail advertisements, inducing consumers to purchase  
14 over \$400,000 of Quick & Easy, including, but not limited to, claims in the attached Exhibits C  
15 and D.

16           25.     For instance, the Quick & Easy Defendants’ direct mail advertisements contain  
17 the following statements, among others:

- 18                     a.     Ex. C (emphasis in original)
- 19                             •     “**Quick & Easy’s high potency 4 pack lets you lose 20 pounds –**  
20                             **that’s an incredible 5 pounds per capsule – with no dieting & no**  
21                             **strenuous exercise.”** Ex. C. at 1;
- 22                             •     “**Each single Quick & Easy capsule is guaranteed to melt away up**  
23                             **to 5 pounds of built-up fat every 4 days. You will lose up to 20**  
24                             **pounds in just 16 days!”** Id.;
- 25                             •     “**It’s the only way to lose up to 20 pounds in 16 days with absolute**  
26                             **certainty.”** Id.;

1 • “**Amazing Rapid Fat Meltdown Diet Program with**  
2 **Scientifically Proven Capsule Attacks and Melts**  
3 **Away Years of Built Up Fat and Cellulite” Id. at 2; and**

4 • “Never before has one high potency capsule had the power to bring  
5 about a 5-pound weight loss. Only Quick & Easy achieves this.” Id.

6 b. Ex. D (emphasis in original)

7 • “**Quick & Easy** was originally developed in Sweden. A super  
8 powerful high potency molecular formula that removes fat from the  
9 system instantly, removing and expelling it naturally over a period of  
10 just four days.” Ex. D at 1; and

11 • “[Quick & Easy] **achieves these Clinically Proven results:**

12 ○ Take just **one capsule** and lose up to 5 pounds in 4 days

13 ○ Take **another capsule** and in 4 more days lose 5 more pounds  
14 (10 pounds total)

15 ○ Take **a third capsule** and in 4 more days lose 5 more pounds  
16 (15 pounds total)

17 ○ With the convenient **Quick & Easy 4-capsule** pack, you can  
18 lose up to 20 pounds in only 16 days!” Id. at 2.

19 26. On numerous direct mail advertisements, Defendants claim that Dr. Brantley  
20 Juergen, W8-B-Gone’s purported creator and “Sweden’s most famous and respected weight-loss  
21 specialist,” endorses the product. On both the W8-B-Gone website and certain direct mail  
22 advertisements, Defendants prominently feature a picture of a smiling Dr. Juergen, language  
23 attributed to the purported doctor, and purported consumer testimonials thanking him for his  
24 miracle cure. Ex. A at 1-2, 6, Ex. B at 2-3. Defendants attribute the following false and  
25 unsubstantiated statements, among others, to Dr. Juergen:

26 • “I have all the results of tests conducted in Sweden and across Europe  
on individuals of both sexes and all ages. All of them automatically  
lost between 4 and 6 pounds over the 4 days, making an average

1 weight loss of 5 pounds. That is how we can safely claim this figure.  
2 It simply corresponds to the facts.” Ex. A at 6, Ex. B at 2.

- 3 • “I actively discourage [a special diet] . . . simply due to the fact that  
4 if you follow a restrictive diet at the same time you take W8-B-Gone,  
5 you could mistakenly believe the weight loss is due to the diet. So  
6 continue to eat as you normally do, and you will observe daily  
7 progress in terms of weight loss.” Id.

8 27. In fact, Dr. Juergen—purportedly “Sweden’s most famous and respected weight-  
9 loss specialist”—does not exist. The purported photograph of “Juergen” is actually a stock photo  
10 using a picture of a model.

11 28. Despite Defendants’ claims that its products are supported by European tests  
12 demonstrating average weight loss of 5 pounds every four days, there are no such studies, and  
13 W8-B-Gone does not work as advertised.

14 29. The Quick & Easy Defendants similarly claim that “Sweden’s most famous and  
15 respected weight-loss specialist” created the product. Depending on the advertisement, the  
16 Quick & Easy Defendants name either Dr. Edvard Johansson or Dr. Juergen as the pill’s creator.  
17 Ex. C at 1, Ex. D. at 1. The Quick & Easy Defendants use a picture of the same person for both  
18 Doctors Johansson and Juergen. Id. In both pictures, the photographed doctor is wearing a lab  
19 coat with someone else’s name on it. The Quick & Easy Defendants attribute the following false  
20 and unsubstantiated statements, among others, to Juergen:

- 21 • “I have all the results of tests conducted in Sweden and across Europe  
22 on individuals of both sexes and all ages. All of them automatically  
23 lost between 4 and 6 pounds over the 4 days, making an average  
24 weight loss of 5 pounds. That is how we can safely claim this figure.  
25 It simply corresponds to the facts.” Ex. C at 1; and  
26 • “I actively discourage [a special diet] . . . simply due to the fact that  
if you follow a restrictive diet at the same time you take Quick &  
Easy, you could mistakenly believe the weight loss is due to the diet.

1 So continue to eat as you normally do, and you will observe daily  
2 progress in terms of weight loss.” Id.

3 30. In fact, despite the Quick & Easy Defendants’ claims of “astonishing clinical tests  
4 [that] prove [Quick & Easy] really is ‘**miracle capsule**!’” there are no such studies and Quick &  
5 Easy does not work as advertised. Ex. D at 2 (emphasis in original).

6 31. Finally, in both print and online advertisements, Defendants promise consumers a  
7 no strings attached refund:

8 You risk absolutely nothing when you order. Your  
9 decision to try this revolutionary breakthrough weight loss  
10 program is backed by a 100%, no-strings-attached, money-  
11 back guarantee. If after 20 days, you are not satisfied by all  
12 the weight you have lost, return it and you will get a 100%  
13 refund of your purchase price (minus shipping), absolutely  
14 guaranteed.

15 Ex. A at 5, Ex. B at 1.

16 32. The Quick & Easy Defendants make the same guarantee to their customers. Ex.  
17 C at 2, Ex. D at 4.

18 33. Despite these guarantees, in numerous instances, there were many “strings”  
19 attached to customers obtaining refunds. Defendants and Quick & Easy Defendants provided  
20 refunds only after their customers made repeated demands, sometimes over the course of many  
21 months, and/or filed complaints with the Better Business Bureau. Defendants and Quick & Easy  
22 Defendants paid a total of less than \$90,000 in refunds for products that do not work as  
23 advertised.

### 24 **VIOLATIONS OF THE FTC ACT**

25 34. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts  
26 or practices in or affecting commerce.”

1 35. Misrepresentations or deceptive omissions of material fact constitute deceptive  
2 acts or practices prohibited by Section 5(a) of the FTC Act.

3 36. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any  
4 false advertisement in or affecting commerce for the purpose of inducing, or which is likely to  
5 induce, the purchase of food, drugs, devices, services, or cosmetics.  
6

7 37. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, W8-B-Gone and  
8 Quick & Easy are either a “food” or “drug” as defined in Section 15(b) and (c) of the FTC Act,  
9 15 U.S.C. § 55(b), (c).

10 **COUNT I (ALL DEFENDANTS)**

11 **FALSE OR MISLEADING CLAIMS**

12 38. Through the means described in Paragraphs 20-33, Defendants have represented,  
13 directly or indirectly, expressly or by implication, that:  
14

15 a. W8-B-Gone causes rapid and substantial weight loss including but not  
16 limited to:

- 17 • “5 pounds per capsule”
- 18 • “W8-B-Gone’s 4 Hi-Potency ‘4 pack’ lets you lose 20 pounds  
19 GUARANTEED”
- 20 • “Amazing RAPID FAT meltdown diet program with scientifically  
21 proven capsule ATTACKS and MELTS AWAY years of BUILT UP  
22 FAT and CELLULITE”
- 23 • “With W8-B-Gone you can be sure that a single capsule is capable of  
24 dislodging all localized fat deposits.”
- 25 • “Never before has ONE HIGH POTENCY CAPSULE had the power  
26 to bring about a 5-pound weight loss. Only W8-B-Gone achieves  
this.”

b. Consumers taking W8-B-Gone as directed did not need to diet or exercise  
to achieve the promised rapid and substantial weight loss;

- 1 c. Defendants would refund 100% of the purchase price with no strings  
2 attached to unsatisfied consumers; and
- 3 d. Dr. Brantley Juergen is “Sweden’s most famous and respected weight-loss  
4 specialist,” W8-B-Gone’s creator, and endorsed its use for rapid and  
substantial weight loss.

5 39. In truth and in fact:

- 6 a. W8-B-Gone does not cause rapid and substantial weight loss, including  
7 but not limited to:
- 8 • “5 pounds per capsule”
  - 9 • “W8-B-Gone’s 4 Hi-Potency ‘4 pack’ lets you lose 20 pounds  
10 GUARANTEED”
  - 11 • “Amazing RAPID FAT meltdown diet program with scientifically  
12 proven capsule ATTACKS and MELTS AWAY years of BUILT UP  
FAT and CELLULITE”
  - 13 • “With W8-B-Gone you can be sure that a single capsule is capable of  
14 dislodging all localized fat deposits.”
  - 15 • “Never before has ONE HIGH POTENCY CAPSULE had the power  
16 to bring about a 5-pound weight loss. Only W8-B-Gone achieves  
this.”
- 17 b. Consumers taking W8-B-Gone as directed cannot achieve the promised  
rapid and substantial weight loss without diet and/or exercise;
- 18 c. Defendants did not provide unsatisfied consumers with a no strings  
19 attached refund for 100% of the purchase price; and
- 20 d. Dr. Brantley Juergen, “Sweden’s most famous and respected weight-loss  
21 specialist,” does not exist.

22 40. Therefore, the making of the representations as set forth in Paragraph 38 of this  
23 Complaint constitutes a deceptive act or practice and the making of false advertisements, in or  
24 affecting commerce in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and  
25 52.

1 **COUNT II (ALL DEFENDANTS)**

2 **UNSUBSTANTIATED CLAIMS**

3 41. Through the means described in Paragraphs 20-33, Defendants have represented,  
4 directly or indirectly, expressly or by implication, that they possessed and relied upon a  
5 reasonable basis that substantiated the representations set forth in Paragraph 38(a) and (b) at the  
6 time the representations were made.

7  
8 42. In truth and in fact, Defendants did not possess and rely upon a reasonable basis  
9 that substantiated the representations set forth in Paragraph 38(a) and (b), at the time the  
10 representations were made.

11 43. Therefore, the making of the representations set forth in Paragraph 38(a) and (b)  
12 of this Complaint constitutes a deceptive act or practice and the making of false advertisements,  
13 in or affecting commerce in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a)  
14 and 52.

15  
16 **COUNT III (ALL DEFENDANTS)**

17 **FALSE PROOF CLAIMS**

18 44. Through the means described in Paragraphs 20-33, Defendants have represented,  
19 directly or indirectly, expressly or by implication, that clinical tests on W8-B-Gone conducted in  
20 Sweden and other European locales on men and women of all ages, show an average weight loss  
21 of 5 pounds every four days.

22  
23 45. The representation set forth in Paragraph 44 is false.



1           46.     Therefore, the making of the representations as set forth in Paragraph 44  
2 constitutes a deceptive act or practice and the making of false advertisements, in or affecting  
3 commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

4                                   **COUNT IV (QUICK & EASY DEFENDANTS ONLY)**

5   **FALSE OR MISLEADING CLAIMS**

6           47.     Through the means described in Paragraphs 20-33, the Quick & Easy Defendants  
7 have represented, directly or indirectly, expressly or by implication, that:  
8

- 9           a.     Quick & Easy causes rapid and substantial weight loss including but not  
10                   limited to:
- 11                         •     “5 pounds per capsule”
  - 12                         •     “Quick & Easy’s high potency 4 pack lets you lose 20 pounds”
  - 13                         •     “Each single Quick & Easy capsule is guaranteed to melt away up to 5  
14                                   pounds of built-up fat every 4 days.
  - 15                         •     “Amazing Rapid Fat Meltdown Diet Program with Scientifically  
16                                   Proven Capsule Attacks and Melts Away Years of Built Up Fat and  
17                                   Cellulite”
  - 18                         •     “Never before has one high potency capsule had the power to bring  
19                                   about a 5-pound weight loss. Only Quick & Easy achieves this.”
- 20           b.     Consumers taking Quick & Easy as directed did not need to diet or  
21                   exercise to achieve the promised rapid and substantial weight loss;
- 22           c.     Defendants would refund 100% of the purchase price with no strings  
23                   attached to unsatisfied consumers;
- 24           d.     Dr. Brantley Juergen “is a well known authority on weight loss,” Quick &  
25                   Easy’s creator, and endorsed its use for rapid and substantial weight loss;  
26                   and
- 27           e.     Dr. Edvard Johansson is “Sweden’s most famous and respected weight-  
28                   loss specialist,” Quick & Easy’s creator, and endorsed its use for rapid and  
29                   substantial weight loss.

1 48. In truth and in fact:

2 a. Quick & Easy does not cause rapid and substantial weight loss, including  
3 but not limited to:

- 4 • “5 pounds per capsule”
- 5 • “Quick & Easy’s high potency 4 pack lets you lose 20 pounds”
- 6 • “Each single Quick & Easy capsule is guaranteed to melt away up to 5  
7 pounds of built-up fat every 4 days.
- 8 • “Amazing Rapid Fat Meltdown Diet Program with Scientifically  
9 Proven Capsule Attacks and Melts Away Years of Built Up Fat and  
10 Cellulite”
- 11 • “Never before has one high potency capsule had the power to bring  
12 about a 5-pound weight loss. Only Quick & Easy achieves this.”

13 b. Consumers taking Quick & Easy cannot achieve the promised rapid and  
14 substantial weight loss without diet and/or exercise;

15 c. Defendants did not provide unsatisfied consumers with a no strings  
16 attached refund for 100% of the purchase price;

17 d. Dr. Brantley Juergen, “Sweden’s most famous and respected weight-loss  
18 specialist,” does not exist; and

19 e. Dr. Edvard Johansson, “Sweden’s most famous and respected weight-loss  
20 specialist,” does not exist.

21 49. Therefore, the making of the representations as set forth in Paragraph 47 of this  
22 Complaint constitutes a deceptive act or practice and the making of false advertisements, in or  
23 affecting commerce in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and  
24

25 52.  
26

**COUNT V (QUICK & EASY DEFENDANTS ONLY)**

**UNSUBSTANTIATED CLAIMS**

1  
2  
3       50. Through the means described in Paragraphs 20-33, the Quick & Easy Defendants  
4 have represented, directly or indirectly, expressly or by implication, that they possessed and  
5 relied upon a reasonable basis that substantiated the representations set forth in Paragraph 47(a)  
6 and (b) at the time the representations were made.

7  
8       51. In truth and in fact, the Quick & Easy Defendants did not possess and rely upon a  
9 reasonable basis that substantiated the representations set forth in Paragraph 47(a) and (b), at the  
10 time the representations were made.

11       52. Therefore, the making of the representations set forth in Paragraph 47(a) and (b)  
12 of this Complaint constitutes a deceptive act or practice and the making of false advertisements,  
13 in or affecting commerce in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a)  
14 and 52.

15  
16       **COUNT VI (QUICK & EASY DEFENDANTS ONLY)**

17       **FALSE PROOF CLAIMS**

18       53. Through the means described in Paragraphs 20-33, the Quick & Easy Defendants  
19 have represented, directly or indirectly, expressly or by implication, that clinical tests on Quick  
20 & Easy conducted in Sweden and other European locales on men and women of all ages, show  
21 an average weight loss of 5 pounds every four days.

22       54. The representation set forth in Paragraph 53 is false.

23  
24  
25  
26



1 reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-  
2 gotten monies; and

3 C. Award Plaintiff the costs of bringing this action, as well as such other and  
4 additional relief as the Court may determine to be just and proper.  
5

6  
7 Respectfully submitted,

8 /s/ Roger W. Wenthe

9  
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15 Dated: May 1, 2014

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