

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**K W TECHNOLOGY INC., a New York
corporation;**

**K W TECHNOLOGY NV INC., a Nevada
corporation;**

**GARY KONG, individually and as president of
K W TECHNOLOGY INC. and co-owner and
president of K W TECHNOLOGY NV INC.;**

**TIMOTHY WETZEL, individually and as
chief executive officer and chief technology
officer of K W TECHNOLOGY INC. and co-
owner of K W TECHNOLOGY NV INC.,**

Defendants

Case No. 23-cv-06633-MKB-CLP

**STIPULATED ORDER FOR PERMANENT INJUNCTION, MONETARY
JUDGMENT, CIVIL PENALTY JUDGMENT, AND OTHER RELIEF AGAINST
K W TECHNOLOGY INC., K W TECHNOLOGY NV INC., AND GARY KONG**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”) filed its Complaint for Permanent Injunction, Monetary Relief, Civil Penalties, and Other Relief (“Complaint”) in this matter for a permanent injunction, monetary relief, civil penalties, and other relief, pursuant to Sections 5(a)(1), 5(m)(1)(A), 12, 13(b), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 52, 53(b), , and 57b, and Section 1401 of the COVID-19 Consumer Protection Act of the 2021 Consolidated Appropriations Act (“CCPA”), Pub. L. No. 116-260, 134 Stat. 1182, 3275-76 (2020). Settling Defendants have waived service

of the summons and the Complaint. The Commission and Settling Defendants stipulate to the entry of this Stipulated Order for Permanent Injunction, Monetary Judgment, Civil Penalty Judgment, and Other Relief (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Settling Defendants engaged in unfair or deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and disseminated false advertisements in or affecting commerce for the purpose of inducing, or which were likely to induce, the purchase of devices in violation of Section 12 of the FTC Act, 15 U.S.C. § 52, in connection with the sale of the 1 Virus Buster Invisible Mask.
3. Under the CCPA, for the duration of the ongoing novel coronavirus (COVID-19) public health emergency, it is unlawful for any person, partnership, or corporation to engage in a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), that is associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19. CCPA, § 1401(b)(1).
4. A violation of Section 1401(b)(1) of the CCPA is treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under Section 18(a)(1)(B) of the FTC Act, 15 U.S.C. § 57a(a)(1)(B). CCPA, § 1401(c)(1).
5. Settling Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Settling Defendants admit the facts necessary to establish jurisdiction.

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

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

DEFINITIONS

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

A. **“Clear and conspicuous”** means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

1. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means.
2. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

3. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
 4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.
 5. On a product label, the disclosure must be presented on the principal display panel.
 6. The disclosure must appear in each language in which the representation that requires the disclosure appears.
 7. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.
 8. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.
 9. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable members of that group.
- B. **“Covered Product(s)”** means all products, including the 1 Virus Buster Invisible Mask.
- C. **“Settling Defendants”** means K W Technology Inc., K W Technology NV Inc., and Gary Kong, individually or collectively or in any combination.
- i. **“Corporate Settling Defendants”** means K W Technology Inc. and K W Technology NV Inc., and their successors and assigns.
 - ii. **“Individual Settling Defendant”** means Gary Kong.

ORDER

I. BAN AGAINST COVID-19 PREVENTION OR TREATMENT CLAIMS

IT IS ORDERED that Settling Defendants, Settling Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product, are permanently restrained and enjoined from making any representation that such product prevents or reduces the likelihood of infection with, or community transmission of, the SARS-CoV-2 virus, or otherwise cures, mitigates, or treats COVID-19, unless the Food and Drug Administration has specifically approved the representation.

II. PROHIBITED REPRESENTATIONS: HEALTH-RELATED CLAIMS REQUIRING HUMAN CLINICAL TESTING FOR SUBSTANTIATION

IT IS FURTHER ORDERED that Settling Defendants, Settling Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, are permanently restrained and enjoined from making, or assisting others in making, expressly or by implication, any representation, other than representations covered under the Section of this Order titled "Ban Against COVID-19 Prevention or Treatment Claims," that such product prevents, cures, mitigates, or treats any disease, unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon competent and reliable scientific evidence substantiating that the representation is true.

For purposes of this Section, competent and reliable scientific evidence must consist of human clinical testing of the Covered Product that is sufficient in quality and quantity based on standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. Such testing must be: (1) randomized, double-blind, and placebo-controlled; and (2) conducted by researchers qualified by training and experience to conduct such testing. In addition, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as described in the Section titled “Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies” must be available for inspection and production to the Commission.

III. PROHIBITED REPRESENTATIONS: OTHER CLAIMS

IT IS FURTHER ORDERED that Settling Defendants, Settling Defendants’ officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, are permanently restrained and enjoined from making, expressly or by implication, any representation, other than any representations covered under the Sections of this Order titled “Ban Against COVID-19 Prevention or Treatment Claims” and “Prohibited Representations: Health-Related Claims Requiring Human Clinical Testing For Substantiation,” about the health benefits, performance, efficacy, safety, or side effects of any Covered Product, unless the representation is non-misleading, and, at the time of making such representation, they possess and rely upon a reasonable basis for the representation, including competent and reliable scientific evidence that is sufficient in quality and quantity based on

standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true.

For purposes of this Section, “competent and reliable scientific evidence” means tests, analyses, research, or studies: (1) that have been conducted and evaluated in an objective manner by experts in the relevant disease, condition, or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results; and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the Covered Product, when such experts would generally require such human clinical testing to substantiate that the representation is true. In addition, when such tests or studies are human clinical tests or studies, all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing as set forth in the Section titled “Preservation of Records Relating to Competent and Reliable Human Clinical Tests or Studies” must be available for inspection and production to the Commission.

IV. PRESERVATION OF RECORDS RELATING TO COMPETENT AND RELIABLE HUMAN CLINICAL TESTS OR STUDIES

IT IS FURTHER ORDERED that, with regard to any human clinical test or study (“test”) upon which Settling Defendants rely to substantiate any claim covered by this Order, Settling Defendants must secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, including:

A. all protocols and protocol amendments, reports, articles, write-ups, or other accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or any other person not employed by the research entity;

B. all documents referring or relating to recruitment; randomization; instructions, including oral instructions, to participants; and participant compliance;

C. documents sufficient to identify all test participants, including any participants who did not complete the test, and all communications with any participants relating to the test; all raw data collected from participants enrolled in the test, including any participants who did not complete the test; source documents for such data; any data dictionaries; and any case report forms;

D. all documents referring or relating to any statistical analysis of any test data, including any pretest analysis, intent-to-treat analysis, or between-group analysis performed on any test data; and

E. all documents referring or relating to the sponsorship of the test, including all communications and contracts between any sponsor and the test's researchers.

Provided, however, the preceding preservation requirement does not apply to a reliably reported test, unless the test was conducted, controlled, or sponsored, in whole or in part by:

(1) Settling Defendants; (2) Settling Defendants' officers, agents, representatives, or employees; (3) any other person or entity in active concert or participation with Settling Defendants; (4) any person or entity affiliated with or acting on behalf of Settling Defendants; (5) any supplier of any ingredient contained in the product at issue to any of the foregoing or to the product's manufacturer; or (6) the supplier or manufacturer of such product.

For purposes of this Section, "reliably reported test" means a report of the test has been published in a peer-reviewed journal, and such published report provides sufficient information about the test for experts in the relevant field to assess the reliability of the results.

V. PROHIBITED MISREPRESENTATIONS REGARDING TESTS, STUDIES, OTHER RESEARCH, OR INGREDIENTS

IT IS FURTHER ORDERED that Settling Defendants, Settling Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, are permanently restrained and enjoined from misrepresenting, in any manner, expressly or by implication:

- A. that the performance or benefits of any Covered Product are scientifically or clinically proven or otherwise established; or
- B. the existence, contents, validity, results, conclusions, interpretations of any test, study, or other research, or ingredients.

VI. PROHIBITED MISREPRESENTATIONS REGARDING MAKING GOVERNMENT-APPROVED CLAIMS

IT IS FURTHER ORDERED that Settling Defendants, Settling Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any Covered Product, or through the use of the governmental entity's logo, are permanently restrained and enjoined from misrepresenting, in any manner, expressly or by implication:

- A. A governmental entity's approval for Settling Defendants to make the products, or approval of any efficacy claims about Settling Defendants' products, or approval of Settling Defendants' facilities for making the products.

B. A governmental entity's approval, clearance, authorization, or review through the use or display of a registration certificate that was not issued by that governmental entity.

VII. JUDGMENT FOR MONETARY RELIEF

IT IS FURTHER ORDERED that:

A. Judgment in the amount of One Hundred Five Thousand Eight Hundred and Twenty-One Dollars (\$105,821.00) entered in favor of the Commission against Settling Defendants as monetary relief.

B. Settling Defendants are ordered to pay to the Commission by making payment to the Treasurer of the United States, One Hundred Five Thousand Eight Hundred and Twenty-One Dollars (\$105,821.00), which, as Settling Defendants stipulate, their undersigned counsel holds in escrow for no purpose other than payment to the Commission. Such payment must be made within 7 days of entry of this Order by electronic fund transfer in accordance with instructions previously provided by a representative of the Commission.

VIII. JUDGMENT FOR CIVIL PENALTY

IT IS FURTHER ORDERED that:

A. Judgment in the amount of Forty-four Thousand One Hundred Seventy-Nine Dollars (\$44,179.00) is entered in favor of the Commission against Settling Defendants, as a civil penalty.

B. Settling Defendants are ordered to pay to the Commission, by making payment to the Treasurer of the United States, Forty-four Thousand One Hundred Seventy-Nine Dollars (\$44,179.00) which, as Settling Defendants stipulate, their undersigned counsel holds in escrow for no purpose other than payment to the Commission. Such payment must be made within 7 days of entry of this Order by electronic fund transfer in accordance with instructions previously provided by a representative of the Commission.

IX. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

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

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

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

D. Settling Defendants agree that the civil penalty judgment represents a civil penalty owed to the government of the United States, is not compensation for actual pecuniary loss, and, therefore, as to Individual Settling Defendants, it is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. § 523(a)(7).

E. Settling Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Settling Defendants previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

F. All money received by the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for consumer relief, such as redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially

impracticable or money remains after such redress is completed, the Commission may apply any remaining money for such related relief (including consumer information remedies) as it determines to be reasonably related to Settling Defendants' practices alleged in the Complaint. Any money not used for relief is to be deposited to the U.S. Treasury as an additional civil penalty. Settling Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

X. NOTICE TO CONSUMERS

IT IS FURTHER ORDERED that Settling Defendants must post a clear and conspicuous notice on all websites and social media accounts (including private accounts and private group accounts) that Settling Defendants control and use or have used to promote the 1 Virus Buster Invisible Mask. Unless a representative of the Commission directs otherwise in writing, such notice must state, "We paid \$150,000 to settle an FTC lawsuit that alleged we made deceptive claims about the 1 Virus Buster Invisible Mask. The 1 Virus Buster Invisible Mask does not prevent COVID-19. Learn more:" and provide a link to the Commission's press release announcing this Order. The notice must not contain any material other than the content specified in this Section. The notice must be posted in accordance with the applicable time period specified in Subsection A or B:

A. For websites and social media accounts active as of the date of this Order's entry, the notice must be posted no later than 7 days after entry of this Order and thereafter for at least 1 year.

B. For any new websites or social media accounts created within 1 year of this Order's entry, or for any currently inactive websites or social media accounts that become active within 1 year of this Order's entry, the notice must be posted immediately upon creation or activation and thereafter for at least 1 year. For purposes of this Section, "active" describes a

website or social media account that is accessible to anyone other than Settling Defendants and “inactive” describes a website or social media account that is inaccessible to anyone other than Settling Defendants.

XI. NOTICE TO MARKETERS, ADVERTISERS, SELLERS AND DISTRIBUTORS

IT IS FURTHER ORDERED that no later than 7 days after entry of this Order, Settling Defendants must send a notice in the form shown in Attachment A to each marketer, advertiser, seller, and distributor of the 1 Virus Buster Invisible Mask, or similar products, as of the entry date of this Order: (i) via email; and (ii) via the primary electronic means in which they communicated with the marketers, advertisers, sellers, and distributors of the 1 Virus Buster Invisible Mask products, if other than email. Unless a representative of the Commission directs otherwise in writing, the subject line of the communication(s) containing the notice must read: “Notice of Settlement of FTC Deceptive Advertising Case.” The communication(s) containing the notice should otherwise contain no other document, enclosure, or text other than that specified in Attachment A.

XII. COOPERATION

IT IS FURTHER ORDERED that Settling Defendants must fully cooperate with representatives of the Commission in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Settling Defendants must provide truthful and complete information, evidence, and testimony. Such Individual Settling Defendants must appear and such Corporate Settling Defendants must cause Settling Defendants’ officers, employees, representatives, or agents to appear for interviews, depositions, discovery, hearings, trials, and any other proceedings that a Commission representative may reasonably request upon reasonable notice, at such places and times as a Commission representative may reasonably request upon 5 days written notice, or other

reasonable notice, at such places and times as a Commission representative may designate, without the service of a subpoena.

XIII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that each Settling Defendant obtain acknowledgments of receipt of this Order:

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

B. For 20 years after entry of this Order, Individual Settling Defendant for any business that such Settling Defendant, individually or collectively with any other Settling Defendant, is the majority owner or controls directly or indirectly, and each Corporate Settling Defendant, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all agents and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled “Compliance Reporting.” Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

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

XIV. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Settling Defendants make timely submissions to the Commission:

A. Ninety days after entry of this Order, each Settling Defendant must submit a compliance report, sworn under penalty of perjury:

1. Each Settling Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Settling Defendant; (b) identify all of Settling Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant, which Individual Settling Defendants must describe if they know or should know due to their own involvement; (d) describe in detail whether and how Settling Defendant is in compliance with each Section of this Order, including by providing (i) proof that the notices required by Sections X and XI were made, (ii) a list of websites and social media accounts (including private or group accounts) on which the notice required by Section X was made, and (iii) a list of all marketers, advertisers, sellers, and distributors who received the notice required by Section XI and a detailed explanation of any bouncebacks, replies, inability to reach any of Defendants' marketers, advertisers, sellers, or distributors, or other non-compliance with the provision; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

2. Additionally, Individual Settling Defendant must: (a) identify all telephone numbers and all physical, postal, email and Internet addresses,

including all residences; (b) identify all business activities, including any business for which such Settling Defendant performs services whether as an employee or otherwise and any entity in which such Settling Defendant has any ownership interest; and (c) describe in detail such Settling Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 20 years after entry of this Order, each Settling Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

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

2. Additionally, Individual Settling Defendant must report any change in: (a) name, including aliases or fictitious name, or residence address; or (b) title or role in any business activity, including any business for which such Settling Defendant performs services whether as an employee or otherwise and any entity in which such Settling Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

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

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

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

XV. RECORDKEEPING

IT IS FURTHER ORDERED that Settling Defendants must create certain records for 20 years after entry of the Order and retain each such record for 5 years. Specifically, for any business that each Corporate Settling Defendant and Individual Settling Defendant for any business that such Settling Defendant, individually or collectively with any other Defendants, is a majority owner or controls directly or indirectly, Settling Defendants must create and retain the following records:

- A. accounting records showing the revenues from all products sold;
- B. personnel records showing, for each person providing services, whether as an employee or otherwise, that person’s: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;

C. records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. all records necessary to demonstrate full compliance with each Section of this Order, including all submissions to the Commission and all records related to the notices required by Sections X and XI; and

E. a copy of each unique advertisement or other marketing material making any representation covered by Sections I, II, III, V, and VI of this Order.

XVI. COMPLIANCE MONITORING

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

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

B. For matters concerning this Order, the Commission is authorized to communicate directly with Settling Defendants. Settling Defendants must permit representatives of the Commission to interview any employee or other person affiliated with Settling Defendants who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Settling Defendants or any individual or entity affiliated with Settling Defendants, without the necessity of

identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Individual Settling Defendant, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

XVII. 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 _____ day of , 202_.

UNITED STATES DISTRICT JUDGE

SO STIPULATED AND AGREED:

FOR PLAINTIFF:

FEDERAL TRADE COMMISSION

Robin L. Rock

Date: 10/23/2023


ROBIN L. ROCK
Attorney
Southeast Region
Bureau of Consumer Protection
FEDERAL TRADE COMMISSION
233 Peachtree St, NE
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FOR DEFENDANTS:




K W TECHNOLOGY INC.

Date: 5/8/23



K W TECHNOLOGY NV INC.

Date: 5/8/23



GARY KONG

Date: 5/8/23

COUNSEL FOR DEFENDANTS K W TECHNOLOGY INC., K W TECHNOLOGY NV INC. AND GARY KONG:



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Date: J/16/23

ATTACHMENT A: NOTICE TO MARKETERS, ADVERTISERS, SELLERS AND DISTRIBUTORS

Subject: Notice of Settlement of FTC Deceptive Advertising Case

To all marketers, advertisers, and sellers of K W Technology's The 1 Virus Buster Invisible Mask:

The Federal Trade Commission (FTC), the nation's consumer protection agency, has sued us for deceptively advertising that certain products of K W Technology can prevent COVID-19.

Contrary to what we advertised, there is no competent and reliable scientific proof that these claims were true. Products marketed as the 1 Virus Buster Invisible Mask or similar products will not prevent or reduce the chances of contracting COVID-19. The 1 Virus Buster Invisible Mask, or similar products, have no known benefit related to COVID-19. As part of this settlement with the FTC, we agreed to stop making these claims.

You should not make any claims that the 1 Virus Buster Invisible Mask, or similar products, can prevent COVID-19, prevent or reduce the likelihood of infection with, or community transmission of, the SARS-CoV-2 virus, or otherwise cure, mitigate, or treat COVID-19. You should remove any posts, displays, or other materials on display that include any of the deceptive claims.

For more information about this lawsuit, visit [[link to the Commission's press release announcing this Order](#)].

You and your customers can also learn how to spot and avoid false and unproven COVID-19 product claims at ftc.gov/coronavirus.

Thank you for your attention and we greatly appreciate your cooperation in this matter.

Sincerely,

Gary Kong
K W Technology Inc.
K W Technology NV Inc.