

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

FEDERAL TRADE COMMISSION,
600 Pennsylvania Avenue, N.W.
Washington, DC, 20580,

Plaintiff,

v.

7734956 CANADA INC., also d/b/a
MEILLEUERS SÉLECTIONS DU GLOBE,
also d/b/a/ FREEDOM CENTER AGAINST
OBESITY

228 Ste-Marie, Suite 205
La Prarie, Quebec, Canada J5R 4L6,

and

MANON FERNET,
228 Ste-Marie, Suite 205
La Prarie, Quebec, Canada J5R 4L6,

Defendants.

Case No.

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

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

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, in connection with the labeling, advertising, marketing, distribution, and sale of Double Shot Weight Regulator capsules (“Double Shot”), a dietary supplement that purportedly causes

substantial weight loss.

JURISDICTION AND VENUE

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

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

PLAINTIFF

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

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

DEFENDANTS

6. Defendant 7734956 CANADA INC., also doing business as Meilleures Sélections Du Globe ("MSDG") and as Freedom Center Against Obesity, is a Canadian corporation. MSDG's principal place of business is 228 Ste-Marie, Suite 205, La Prairie, Quebec, Canada J5R 4L6. MSDG transacts or has transacted business throughout the United States. At all times material to this Complaint, acting alone or in concert with others, MSDG has labeled, advertised, marketed, distributed,

or sold Double Shot to consumers throughout the United States.

7. Defendant Manon Fernet (“Fernet”) is the sole officer, director, and owner of MSDG. At all times material to this Complaint, acting alone or in concert with others, Fernet has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Fernet, in connection with the matters alleged herein, transacts or has transacted business throughout the United States.

COMMERCE

8. 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.

DEFENDANTS’ BUSINESS ACTIVITIES

9. Since at least 2012, Defendants have labeled, advertised, marketed, distributed, and sold Double Shot, a dietary supplement product. Defendants have advertised Double Shot through direct mail advertisements. Defendants have represented, among other things, that the solicitations are from a Dr. Joseph Breechman, the “Director of Weight Loss Research for the Freedom Center Against Obesity,” that Dr. Breechman, “guarantee[s] you will lose a minimum of 20 pounds per week without doing any diet or exercise!,” that the marketed “BLUE capsule, tracks down and eliminates the fat that you have already accumulated,” the marketed “RED Capsule reduces up to 90% of the calories you eat!,” and that the product is “Medically PROVEN!” An “EXTRA STRONG SUPPLY of DOUBLE SHOT to lose up to 30 lbs.” costs \$79.

10. Defendants obtained from a United States list broker the names and addresses of consumers who had previously purchased weight loss products.

11. Defendants' direct mail advertisements for Double Shot were based upon an advertisement created in Europe. Defendants received that advertisement from an individual in France and modified it for the U.S. market. Defendants did not conduct any testing or analysis of the product, but relied upon the individual in France for all claims, the product formulation, and the creative aspects of Double Shot advertising.

12. To induce consumers to purchase Double Shot, Defendants have disseminated, or caused to be disseminated, over 1.28 million direct mail advertisements for Double Shot, including, but not limited to, the attached Exhibit A. These advertisements contain the following statements and depictions, among others:

A. Excerpts from Double Shot direct mail advertisement (Exhibit A):

[Depiction of man with stethoscope]

Dr. Joseph Breechman, Director of Weight Loss Research for the Freedom Center Against Obesity: His offices in Vienna, Austria are waiting list only, due to the surprising discovery that he has just made... In fact, Dr. Breechman has pinpointed and perfected the exact way to lose all your excess weight while continuing to eat whatever you want - and without exercising. Today, you can try his astonishing discovery Risk-Free, but for a limited time only so act now! (See below).

Dr. Joseph Breechman

Director of Weight Loss Research
for the Freedom Center Against Obesity

I guarantee you will lose a minimum of 20 pounds per week without doing any diet or exercise! Dr. Joseph Breechman [in handwriting]

The Secret?
These 2 capsules give you a
ONE-TWO PUNCH AGAINST FAT!

[Depiction of two pill capsules and a logo that says "Medically Proven! Medically"]

The BLUE capsule, tracks down and eliminates the fat that you have already

accumulated, the RED Capsule reduces up to 90% of the calories you eat!

You know, if you want to lose your extra weight you have two things to do:

1. Exercise (1 hour per day- minimum).
2. Eat less.

However, it is very difficult to find the time to exercise and it is even harder to eat less.

It is based on these observations that I have created an absolutely unique weight loss concept, which will make it work for you. This revolutionary concept is presented in the form of two capsules.

1. **The BLUE capsule** targets and burns the fat you already have stored as if you had exercised one hour per day, but in reality you need not get out of your chair . . .

2. **The RED capsule** eliminates up to 90% of the calories you absorb, just as if you were following a strict diet, but no need to change your eating habits . . .

Result: With this unique combination found in DOUBLE SHOT you will lose up to 20 pounds per week without having to do any physical exercise or change any of your eating habits!

And all this is medically and scientifically proven.

But allow me to introduce myself . . .

* * *

My name is Joseph Breechman and I am a physician and Director of Weight Loss research specializing in obesity. * * * [A]fter more than 10 years of research I created a revolutionary weight loss concept that will do all the strenuous work for you!

**You don't have to do a thing to lose your extra pounds.
These two DOUBLE SHOT capsules will do all the work for you!
DOUBLE SHOT GIVES YOU A ONE-TWO PUNCH AGAINST UNWANTED POUNDS!**

* * *

The molecule in the RED capsule removes up to 90% the calories you eat!

[Depiction: Plate of spaghetti]

WITHOUT Dr. Breechman's revolutionary discovery, when you eat this plate of spaghetti you consume 720 calories ... **WITH** the help of Dr. Breechman's method, when you eat **the same plate** of spaghetti, you only absorb ... 72 calories! That's 90 % LESS! You **LOSE WEIGHT!** (See page 2).

With this second molecule, whenever you eat, you don't absorb 100% of the calories but you will absorb only 10%! Yes, it eliminates up to 90% of the calories you eat! It is exactly as if you were following a strict diet but without any constraints, and most importantly, without changing your eating habits or eating smaller portions!

But let me give you a concrete example . . .

This plate of spaghetti has 720 calories!

But when you take DOUBLE SHOT you will only absorb... 72 calories!

If you eat this plate of spaghetti without using my method you will be consuming 720 calories ... But by taking the 2 DOUBLE SHOT capsules, the plate of spaghetti will only have... 72 calories! Imagine the difference? [sic] You will lose weight!

And it works for all food and all beverages...

A hamburger has 490 calories, take the 2 DOUBLE SHOT capsules and you absorb only ... 49 calories! A pizza contains 297 calories, but you only absorb 29 calories! And it is the same for all fattening foods and all sugary soft drinks ...

The caloric intake for a woman should be around 1800 to 2200 calories per day. If you limit yourself to these calories you will not gain weight, but you won't lose weight either. To lose weight, you must consume less than 2000 calories per day!

So this is what I suggest!

With the combination of 2 DOUBLE SHOT capsules, you will not only track down and eliminate all the fat that you have stored in your body, but you will reduce your daily calories from 2000 to only 200 calories! And this without any effort on your part, and without cutting out anything that you are used to eating!

That is why with my discovery you are FORCED to lose weight! It is medically and scientifically proven.

YOU CAN'T FAIL!

After receiving the necessary authorization from the medical boards allowing me to market my discovery, I began to offer DOUBLE SHOT to my own patients.

All my patients who I have prescribed this treatment, I mean all, have lost their excess weight at a rate of 15 to 20 lbs. per week in absolutely record time. Plus, thus far not one failure has been recorded.

Here, chosen randomly, is the testimonial from Patricia, one of my ex-patients...

The randomly chosen testimony of Patricia Torres:

« Thank you Doctor! Thanks to you I've lost 60 pounds without any effort and WITHOUT FOLLOWING A DIET! »

* * *

The next day taking my 2 capsules I felt really good ... and thinner! Getting onto my scale I noticed in amazement that I had lost 3 lbs! But how was it possible? Especially, since that night we had a birthday dinner and I ate more than usual and even had 2 pieces of the birthday cake! This loss gave me confidence in myself and I continued with the treatment. Every day my scale showed a weight loss of between 3 and 5 lbs! I could not believe my eyes and the rest of my family was speechless! We had to believe the obvious: although I continued to eat as usually did, instead of getting fat, I was losing weight!

After 3 and a half weeks, I lost 60 lbs, without any deprivation or the slightest amount of exercise!

After returning to your office, and passing my examination, you told me that I had reached my ideal weight for my height and we decided that I should stop treatment. It's been 3 months and I have not put on an ounce of weight!

* * *

I will remind you that the only thing you have to do to lose up to 20 pounds per week, without diet or exercise, is to take 1 BLUE capsule, and 1 RED capsule each morning. Do not change your eating habits. Eat everything that you're used to. Do not exercise or play sports if you are not accustomed to exercise or do not want to participate. And I can promise you that by following these tips you'll actually lose the extra weight and never put it back on such as shown with all the people who have used my treatment.

Thank you for reading my letter and I look forward to hearing from you.

Yours very truly,

Dr. Joseph Breechman [signature]

Dr. J Breechman

* * *

PS: Treatment with DOUBLE SHOT has shown no failure. I am so sure that it will work for you too, I am offering you my 100% Lifetime Guarantee. I have authorized that this new and exclusive weight loss treatment come to you with a 100% Lifetime Guarantee, right now. In other words: Lose 20 lbs. in 7 days with DOUBLE SHOT regardless of the supply you order, or it's all free for you! Yes, you read it right! Lose 2 lbs. per day, or 20 lbs. in 7 days max, while eating your favorite meals and doing no exercise. This is my incredible proposal and formal guarantee. If for whatever improbable reason you do not lose 20 lbs. in 7 days, let me know and

you will be immediately reimbursed without discussion. You will have thus tried DOUBLE SHOT free of charge. It will not have cost you a single penny.

* * *

"To lose weight and lose weight permanently you must remove any requirement for willpower!" And that's what he did!

Following Dr. Breechman's approach, you can eat everything you want! No diet to follow, no calorie counting, no foods to avoid. You can even continue to snack between meals!

You do not need to exercise or play sports ... And yet, day after day, you will lose your excess weight, one pound after the other, at a rate of 15 to 20 pounds a week ...

Dr. Breechman's treatment consists of 2 capsules:

1. The BLUE capsule will target and burn the fat you already have stored as if you had exercised one hour per day, but in reality you need not get out of your chair...
2. The RED capsule will eliminate up to 90% of the calories you absorb, just as if you were following a strict diet, but no need to change your eating habits...

It is thanks to this amazing combination that you will quickly and permanently lose from 15 to 20 pounds per week without any effort on your part.

* * *

**Case #1: Marisa P
40lbs in 13 days!**

"Marisa P is a young 32 year old woman. After the birth of her second child she could not lose her extra weight. Her ideal weight relative to her height was 130 lbs so I proposed she follow the "Active" treatment that I felt was appropriate. 13 days later she had found her ideal weight, the same weight she had before her marriage..."

* * *

**Case #2: Jackie F.
35bs!**

"Jackie is an engaging, vibrant woman. Her problem: she loves chocolate and she snacks all day! She couldn't follow a diet and she hated sports. Jackie lost 35 pounds and found her cute little figure in just 2 weeks without changing her eating habits and continued with her "snacks"! Today, Jackie decided (by herself!) to take up tennis with her husband!

**Case #3: Sarah J. Lost 85 lbs!
A record!**

"The case of Sarah moved me deeply. In fact, obese since adolescence she suffered every

day at high school as she was bullied and teased by her classmates. Very unhappy, Sarah took refuge from the pain by comforting herself with food. Binge eating as much as she could until finally putting her life and health at risk... It was obvious to me that even the slightest movement was impossible for her and an exercise program was out of the question! When she came to see me in my office she was very depressed... I therefore prescribed the "Complete" treatment for those needing to lose over 30 lbs and a few weeks later, a beautiful and sexy girl came into my office; a large smile on her face, beaming with confidence ... It was one of my greatest accomplishments as a doctor, having restored this girl's zest for life... "

**Case #4: Julie S.
Lost 25 lbs!**

"Julie is the proud owner of a bakery, but the problem was that each day's menu was: chocolate chip cookies, croissants, sandwiches, cakes etc. Result: many pounds to lose and no willpower! Impossible for her to resist all the delicious samples in her display cases... I advised she try the "Active" treatment and 2 weeks later Julie came into my office wearing a formfitting suit that you can see in this picture taken by my secretary... She had lost 25 pounds and has continued eating her excellent cakes and pastries... "

* * *

6 Questions for Dr. Joseph Breechman

* * *

Question 2: To get the results you guarantee that there is no diet to follow and no exercises to do. How is this possible?

Dr. Breechman: Because the 2 DOUBLE SHOT capsules that I developed will do all the tedious work for you. All you have to do is take 1 BLUE capsule and 1 RED capsule each morning. This is why my method is so effective and knows **no failure**, because **it doesn't require any willpower or effort to do.**

* * *

Question 4: We often gain our weight back, and sometimes put on much more. Will this happen with your method?

Dr. Breechman: I'll be very frank with you, it has never happened. All the people who have lost weight with DOUBLE SHOT have **never gained back any of their weight** because my method also acts as a **weight regulator!** But if this should happen, simply take your 2 DOUBLE SHOT capsules for 1 or 2 days and you'll find your ideal weight almost instantly.

13. Defendants hired a Connecticut fulfillment company to handle Double Shot product distribution and customer service. The address of the fulfillment company's California facility appeared

in Double Shot advertisements and on the Double Shot label as the address of the purported “Freedom Center Against Obesity.”

14. According to the Double Shot product label, the white/blue capsules contain chromium, acai fiber, apple pectin, chitosan, guarana, and garcinia cambogia, and the white/red capsules contain vitamin B6, zinc, meadowsweet extract, green tea extract, and prune concentrate.

15. Net sales of Double Shot in the United States from 2012 through October 2013 were approximately \$1.175 million.

VIOLATIONS OF THE FTC ACT

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

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

18. 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.

19. For the purposes of Section 12 of the FTC Act, Double Shot is either a “food” or “drug” as defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b), (c).

COUNT I

FALSE OR UNSUBSTANTIATED EFFICACY CLAIMS

20. Through the means described in Paragraph 12, Defendants have represented, directly or

indirectly, expressly or by implication, that:

- A. Double Shot causes rapid and substantial weight loss, including a minimum of 20 pounds of weight loss per week, without the need to diet or increase exercise;
- B. All users of Double Shot lose weight at a rate of 15 to 20 pounds per week;
- C. The Double Shot blue capsule burns fat already stored as if the user had exercised one hour per day;
- D. The Double Shot red capsule causes users to absorb only 10% of the calories eaten;
- E. A Double Shot user lost 60 pounds in three and one-half weeks without any deprivation or the slightest amount of exercise;
- F. Double Shot users can eat as much as they want of any food, do no exercise, and will still lose 15 to 20 pounds a week; and
- G. Double Shot causes permanent weight loss.

21. The representations set forth in Paragraph 20 are false or were not substantiated at the time the representations were made.

22. Therefore, the making of the representations as set forth in Paragraph 20 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.

COUNT II

FALSE PROOF CLAIMS

23. Through the means described in Paragraph 12, Defendants have represented, directly or

indirectly, expressly or by implication, that Double Shot is medically and scientifically proven to cause weight loss.

24. The representation set forth in Paragraph 23 is false.

25. Therefore, the making of the representation as set forth in Paragraph 23 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

26. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

27. Section 13(b) of the FTC Act, 15 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. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

- A. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;
- B. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and
- C. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

JONATHAN E. NUECHTERLEIN
General Counsel

Dated: 7/15/14



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