ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/7/2021 11:03 AM
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. BRUCE WEST, an individual; HEALTH ALERT/IMMUNE SYSTEMS, INC., a California corporation; and DOES 1 through 50, inclusive, Defendants.	Case No.: 21CV001833 **COMPLAINT FOR PERMANENT INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF** (Bus. & Prof. Code §§ 17500, *et seq.* and 17200, *et seq.*)

Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, by and through Jeannine M. Pacioni, the District Attorney of the County of Monterey, alleges the following on information and belief:

INTRODUCTION

1. Plaintiff brings this action against BRUCE WEST, an individual; HEALTH ALERT/IMMUNE SYSTEMS, INC., a corporation; and DOES 1 through 50, inclusive; (hereinafter collectively referred to as "Defendants").

2. Defendants sell dietary supplements to consumers. In marketing the dietary supplements, Defendants make various statements regarding their efficacy. Many of these statements made by Defendants are unlawful because they are false, misleading, and lack adequate scientific substantiation.

3. Many of Defendants' advertisements also involve unapproved disease-related claims, which promise to prevent, mitigate, treat, and/or cure disease conditions such as cancer, Alzheimer's disease, heart disease, and diabetes. However, this is unlawful because none of the products sold by Defendants are approved to treat or cure these diseases.

4. BRUCE WEST is not a medical doctor, yet, in marketing materials, BRUCE WEST describes himself as "Dr. West," and he includes photographs of himself wearing a white medical coat and stethoscope. He has even solicited health information and blood-sample laboratory results from customers, and based on the results, subsequently recommended his dietary supplements to treat various ailments and diseases.

JURISDICTION, VENUE, AND TOLLING OF STATUTES OF LIMITATIONS

5. Pursuant to Business and Professions sections 17508, 17535, and 17536, the District Attorney may bring actions in the name of the People of the State of California in a superior court for a permanent injunction against any person who engages in false advertising and for civil penalties for such false advertising.

6. Pursuant to Business and Professions Code sections 17203, 17204, and 17206, the District Attorney may bring actions in the name of the People of the State of California in a superior court for a permanent injunction against any person who engages, had engaged, or proposes to engage in unfair competition and for civil penalties for such unfair competition.

7. Defendants do business from and within the State of California and the County of Monterey. The violations of law hereinafter described have been and are being carried out in and from this County and this State.

8. This Court has jurisdiction pursuant to Article 6, section 10 of the California Constitution.

9. On April 6, 2020, the Judicial Council of California adopted Emergency Rule No. 9 in response to the COVID-19 global health pandemic, which tolled statutes of limitations for civil causes

of action until 90 days after Governor Gavin Newsom lifted the current state of emergency. The Judicial Council of California subsequently amended Emergency Rule 9, effective May 29, 2020, providing that: "Notwithstanding any other law, the statutes of limitations and repose for civil causes of action that exceed 180 days are tolled from April 6, 2020, until October 1, 2020."

DEFENDANTS

10. BRUCE WEST, an individual, is an owner and founder of HEALTH ALERT/IMMUNE SYSTEMS INC.

11. HEALTH ALERT/IMMUNE SYSTEMS, INC., is a California corporation, with its principal place of business in Monterey County, California. HEALTH ALERT/IMMUNE SYSTEMS, INC. was formerly known as The Immune Systems Program.

12. BRUCE WEST resides in Monterey County, California.

13. Defendants' primary place of business is located at 30 Ryan Court, Suite 100, in Monterey, California.

14. Plaintiff is ignorant of the names and capacities of the Defendants sued herein as DOES 1 through 50, inclusive, and therefore sues such Defendants by fictitious names pursuant to California Code of Civil Procedure section 474. Plaintiff will amend this complaint to allege the true names and capacities of the fictitiously named Defendants once ascertained. Plaintiff is informed and believe that DOES 1 through 50, inclusive, are in some manner responsible for the actions alleged herein.

15. At all relevant times, Defendants were legally responsible for compliance with all state and local laws related to their business practices.

16. At all relevant times, Defendants, and each of them, were acting as the agents, servants, employees, joint venturers, and/or representatives of each other, and were acting within the course and scope of their agency, employment, and/or joint venture, with the full knowledge, consent, permission, authorization, and ratification, either express or implied, of each of the other Defendants in performing the acts alleged in this Complaint.

17. In this Complaint, when reference is made to any act or omission of Defendants, such allegations shall include the acts and omissions of its owners, officers, directors, agents, employees, contractors, vendors, affiliates, and representatives while acting within the course and scope of their

employment or agency on behalf of Defendants.

STATUTORY BACKGROUND

A. Overview of California's Drug Regulatory Scheme

18. In 1943, California's legislature passed the Sherman Food, Drug and Cosmetic Law ("Sherman Law"), codified in Health and Safety Code section 109875, *et seq.*

19. The Sherman Law defines a "Drug," as "an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease;" or, as "an article other than food intended to affect the structure or any function of the body." What the marketer "intended" is determined by an objective review of all evidence, including the label, promotional materials, and any other sources. (Health & Saf. Code § 109925.)

20. As a result, a dietary supplement becomes regulated as a Drug pursuant to the Sherman Law if it is marketed to diagnose, cure, mitigate, treat, or prevent disease.

21. The Sherman Law prohibits the sale of "misbranded" Drugs, which are defined as a product whose label or marketing is "false or misleading in any particular." (Health & Saf. Code §§ 111330, 110390, 110395, 110398.)

22. The Sherman Law also prohibits the sale of a Drug unless it has been approved by the Food and Drug Administration ("FDA") and/or the California Department of Public Health as either a new drug or as a generic of an approved drug. (Health & Saf. Code §§ 110110, 111550.)

23. Moreover, it is specifically unlawful to advertise that a Drug has a specific curative or therapeutic effect on cancer, diabetes, heart and vascular disease, and high blood pressure, among other diseases and conditions, unless that Drug has been preapproved and cleared for marketing for that specific curative or therapeutic effect by the FDA, pursuant to Health & Saf. Code §§ 110403, 110405.

B. State Laws Pertaining to the Practice of Medicine and the Advertisement Thereof

24. Business and Professions Code section 2052 prohibits the unlicensed practice of medicine, as follows:

> …any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing

> a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense….

25. Business and Professions Code section 2054(a) prohibits the use of the words "doctor" or "Dr." in advertisements by those who are not certified as a physician, as follows:

> Any person who uses in any sign, business card, or letterhead, or, in an advertisement, the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D.," or any other terms or letters indicating or implying that he or she is a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, or that he or she is entitled to practice hereunder, or who represents or holds himself or herself out as a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor.

26. Title 16 of the California Code of Regulations section 310.2 prohibits the use of the words "doctor" or "Dr." by unlicensed chiropractors, as follows:

> No person shall engage in the practice of chiropractic, as defined in Section 302, without holding a license which is in an active status, issued by the Board. Any person who advertises or promotes, in any manner, the words "doctor" or "chiropractor", the letters, prefixes or suffixes "Dr." or "D.C.", or any other word, title or letters indicating or implying that he or she is engaged in the practice of chiropractic, or who represents or holds himself or herself out as a doctor of chiropractic without having, at the time of so doing, a valid, unrevoked, or unsurrendered license, is in violation of the Chiropractic Initiative Act.

C. The False Advertising Law

27. The False Advertising Law ("FAL"), found at Business and Professions Code section 17500, states:

> It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement, concerning that real or personal property or those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or

> for any person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell that personal property or those services, professional or otherwise, so advertised at the price stated therein, or as so advertised.

28. Pursuant to Business and Professions Code section 17536, "any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction."

D. The Unfair Competition Law

29. The Unfair Competition Law ("UCL"), found at Business and Professions Code section 17200, states, in part: "[u]nfair competition shall mean and include any unlawful, unfair, or fraudulent business act or practice and unfair."

30. Business and Professions Code section 17203 provides that "[a]ny person performing or proposing to perform an act of unfair competition within this state may be enjoined in any court of competent jurisdiction."

31. Business and Professions Code section 17206(a) provides that any person violating section 17200 "shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney." Under section 17205, these penalties are "cumulative to each other and to the remedies or penalties available under all other laws of this statute."

32. Business and Professions Code section 17206.1 provides that any person who violates section 17200 and the act or acts of unfair competition are perpetrated against one or more senior citizens or disabled persons (as defined in section 17206.1[b]), may be liable for a civil penalty up to $2,500.00. This penalty is cumulative to all other civil penalties, pursuant to section 17205.

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FACTUAL ALLEGATIONS

A. Overview of Bruce West's Operation of Health Alert

33. From 1984 until the present, Defendants have created, sold, and distributed a monthly periodical, titled "*Health Alert – When All Other Treatments Fail,*" which promotes Defendants' sale of dietary supplements. Defendants also distribute "quarterly health eBulletins" via email, in addition to other periodic emails, which promote Defendants' sale of dietary supplements.

34. Defendants operate a website, found at www.healthalert.com, (hereinafter, "Website") that sells and markets dietary supplements.

35. All periodicals, emails, and the Website, in addition to all other advertising statements made by Defendants, are hereinafter collectively referred to as, "Marketing Materials."

36. The Marketing Materials repeatedly refer to BRUCE WEST as "Dr. Bruce West," and depict him with a white medical coat and stethoscope, as seen in the below image taken from the Marketing Materials:

37. BRUCE WEST was issued Chiropractor License Number 11036 on January 1, 1973. This license expired on December 31, 1983, and has not been active since that date.

38. BRUCE WEST has never been issued a physician's license and has never been authorized to practice medicine outside the chiropractic field in the State of California.

B. Dietary Supplements Sold by Defendants

39. Dietary supplements sold by Defendants are referred to hereinafter as, "Dietary Supplements." Defendants sell the Dietary Supplements through their Website, by mail, and by telephone. The Dietary Supplements, include but are not limited to, the following: Turmeric Forte, Cardio-Plus® 330T, Butter Oil, Celtic Sea Salt, Digestive and Urinary Tonic, Cataplex A-C, Cataplex ACP, Cataplex B, Cataplex C, Cataplex D, Cataplex E, and Cruciferous Complete.

C. Untrue or Misleading Statements in Marketing Materials

40. Defendants create and distribute the Marketing Materials, and have done so for decades. The Marketing Materials have a professional medical appearance, and the content centers on the purported curative value of the Dietary Supplements sold by Defendants. Printed Marketing Materials often include a mail-in Health Alert order form for the Dietary Supplements.

41. The Marketing Materials repeatedly claim that certain Dietary Supplements can cure, mitigate, treat, prevent, or otherwise have an effect on numerous diseases, disease conditions, symptoms of disease, and/or abnormal health conditions (hereinafter, collectively, "Disease Claims"), including but not limited to, Alzheimer's disease, diabetes, heart disease, and various forms of cancer.

42. Defendants also include specific "Protocols" in its Marketing Materials, which detail daily dosages of the Dietary Supplements consumers should take to treat serious illnesses such as cancer, heart disease, and Alzheimer's.

43. Examples of the Disease Claims found in Defendants' Marketing Materials, are described more thoroughly below, and are false and misleading within the meaning of the Sherman Law, FAL, and UCL.

44. No competent and reliable scientific evidence exists to support these Disease Claims, and even if such evidence did exist, which it does not, the Dietary Supplements have not been approved by the FDA and/or California Department of Public Health for the diagnosis, cure, mitigation, treatment, or prevention of any disease or disease condition.

45. The Marketing Materials also encourage customers to disregard the medical advice of their treating physicians, claiming that prescription medications and approved medical treatments are ineffective and dangerous, particularly in comparison to the Dietary Supplements.

46. For example, the following claims were made in Defendants' "Winter 2017" "Health Today" newsletter, attached in relevant part as Exhibit 1, and which are representative of other false and misleading claims made by Defendants during the relevant period:

a. "Dr. Bruce West, whose amazing new phytoceuticals were healing people with hopeless conditions… restoring vitality and vigor to thousands … and even saving lives…." (p. 1)

b. "To date, Dr. West has used this amazing new weapon in the war on pain and disease to safety treat more than 100,000 people with more than 200 different medical issues, including: Heart Disease,… Diabetes, Osteoporosis, … High Blood Pressure, Cancer, Memory Loss, Cholesterol Problems…" (p. 1)

c. "**Statistic #1: 92,697 grateful patients**…During the past 35 years, Dr. West has successfully treated more than 90,000 people with a wide range of health problems: ATRIAL FLUTTER/FIBRILLATION…CLOGGED ARTERIES…CONGESTIVE HEART FAILURE…CYSTITIS…DIABETES…SEIZURES…" (p. 2)

d. "Dr. West has helped close to 90,000 people with a personal reply to their health questions. The service is free to subscribers to Dr. West's newsletter *Health Alert*…**It's the most unique (and potentially most valuable) health service on the planet – priceless personalized service even your own doctor can't provide!** *Health Alert* subscribers who are unable to find the help they need in the newsletter can write to Dr. West for assistance. He'll either address the problem in a subsequent issue of the newsletter or send a personal reply with the requested information. 'Over the years,' Dr. West says, 'I've helped thousands of people obtain the relief they sought when they had nowhere else to turn.' **This personalized health service is completely free to *Health Alert* subscribers.**" (p. 11)

e. "**FACT: Dr. West has helped more heart patients than any other doctor in America, including big-name cardiologists**. 'That one tablet did more for my patient's heart than any prescription drug or surgical procedure could ever do,' Dr. West recalls." (p. 12-13)

f. "And although patients with heart problems continue to dominate his practice (which is understandable since heart disease is the #1 killer of Americans), Dr. West has used

phytoceuticals to treat people with a broad range of health problems, including individuals who were at death's door." (p. 13)

g. "**What everyone 65 and older must know now – new FREE service from Dr. Bruce West**…Subscribers can write to Dr. West for assistance with any health problem they can't find an answer for. He will then send a personal reply with the requested information or address the problem in an upcoming issue of the newsletter." (p. 13)

47. For example, the following claims were made in Defendants' 2018 mailer, attached in relevant part as Exhibit 2, and which are representative of other false and misleading claims made by Defendants during the relevant period:

a. "**EXTREME MEDICAL ALERT**: This issue of *Health Alert* contains my article about the greatest breakthrough in healthcare in 25 years or longer. My article describes how you can win the battle with ***Alzheimer's, memory loss, dementia, type 2 diabetes, and chronic pain*** by using ***Turmeric Forte*** daily." (p. 1)

b. "The highlights are: ***Alzheimer's***: Specially activated ***curcumin*** found in Turmeric Forte not only stopped the progression of Alzheimer's, but it also ***dramatically improved memory in 100% of medical-study subjects***. And even more remarkably, it actually began reversing the plaque found in the specific areas of the brain where the plaque causes Alzheimer's! There was ***245x more free curcumin in the brain*** (a pharmaceutical level) with Turmeric Forte!" (p. 1)

c. "***Diabetes***: The same product was tested with people diagnosed with ***pre-diabetes, or metabolic syndrome***. In the medical studies, ***100% of people in this situation did not become diabetic!*** None (zero) of the people taking activated curcumin (Turmeric Forte) progressed to type 2 diabetes. And the same product can help you actually ***reverse type 2 diabetes*** if you already have it." (p. 1)

d. "If you suffer from memory loss, dementia, Alzheimer's, pre-diabetes, metabolic syndrome, type 2 diabetes, or if you are in chronic pain, there is finally ***a real medical breakthrough***. And it is not diabetes drugs, Alzheimer's drugs, or opioids – of which do not work, or are too dangerous to take. It is Turmeric Forte. And if you are suffering, you should

start taking Turmeric Forte immediately! I do! Two tablets daily is a good starting dose…Dr. Bruce West, Founder, Health Alert." (p. 1)

48. For example, the following claims were made in Defendants' July 2018, Volume 35, Issue 7 newsletter, attached in relevant part as Exhibit 3, and which are representative of other false and misleading claims made by Defendants during the relevant period:

a. "Improve your memory and ***finally prevent and even treat Alzheimer's with a phytoceutical (Turmeric Forte) that is safe, proven effective, inexpensive, drug-free, and simple***. Imagine, in 18 months or less, you can experience ***better*** memory instead of worse. ***There is nothing on the market that can do this for you now – especially not toxic Alzheimer's drugs***." (p. 3)

b. "Virtually ***all*** the study subjects had improved memory in 18 months or less! Compare that to worsening memory loss in virtually 100% of Alzheimer's patients in 18 months or less." (p. 3)

c. "***Turmeric Forte – A Real Game Changer*** … It's been a long time since I've had a game changer of this magnitude to reveal to you. The fact that it can help you with an incurable condition for which medicine has ***zero effective treatments*** is even more amazing. It is not called the heartbreak of Alzheimer's for nothing. When the one you love one day does not know who you are, it is worse that heartbreaking. Now you can do something, even for those who already have Alzheimer's. And you can definitely do something for those who may get it or who are beginning to get it." (p. 3-4)

49. For example, the following claims were made in Defendants' September 2018, Volume 35, Issue 9 newsletter, attached in relevant part as Exhibit 4, and which are representative of other false and misleading claims made by Defendants during the relevant period:

> ***Every Adult Should Be Using Turmeric Forte***…Thanks to genius in the fields of phytoceuticals and phytonutrients at Standard Process, we now have Turmeric Forte. The take-home message is to start taking Turmeric Forte. Then get to your doctor to flush the drugs that cause memory loss and Alzheimer's. Gradually do the same with pain pills and opioids. Here are guidelines:
>
> - Take 1 daily if you have no problem at all.

- Take 2 (1x2) daily if you are beginning to experience any memory loss or have prediabetes (metabolic syndrome).
- Take 4 (2x2) daily if you already have memory loss, dementia, Alzheimer's, or type 2 diabetes…

There are no side effects It is proven effective when ***there is nothing at all medically that will help in these conditions***. (p. 5)

50. For example, the following claims were made in Defendants' December 2018, Volume 35, Issue 12 newsletter, attached in relevant part as Exhibit 5, and which are representative of other false and misleading claims made by Defendants during the relevant period:

a. "In dozens of top-quality studies, turmeric root has proven helpful to people with bladder, bone, brain, breast, colon, kidney, liver, pancreas, prostate, and ovarian cancer as well as leukemia. It has been proven to kill cancer cells without hurting normal cells. Studies have shown that it slows or stops tumor growth and metastasis, and slows or stops cell mutation from normal to cancerous." (p. 8)

b. "Standard Process has produced an ***activated turmeric/curcumin supplement*** by infusing the curcumin-rich turmeric into highly digestible and usable seed fiber from Fenugreek plants. The end result of this phytoceutical magic is ***Turmeric Forte***, a supplement that is metabolized and utilized in your body from 24.6 to 45.6 times greater than normal. And perhaps best yet, the turmeric plant material with curcumin actually passes through your blood/brain barrier to get into your brain ***in pharmacological levels!***" (p.8)

c. "***Use Turmeric Forte to Prevent and Treat Way More than Just Cancer***…So, if you have cancer or you are prone to cancer; or you have memory loss, dementia or Alzheimer's; or if you have chronic pain; prediabetes or type 2 diabetes; or ***if you just want to prevent these problems and diseases*** (what an idea!); be sure to use the super-activated turmeric supplement, ***Turmeric Forte***. For prevention, you can take 1 tablet morning and night. If you are prediabetic, have type 2 diabetes, or suffer with any type of chronic pain or memory loss, take 2 tablets morning and night." (p. 8)

51. For example, the following claims were made in Defendants' July 2019, Volume 36, Issue 7 newsletter, attached in relevant part as Exhibit 6, and which are representative of other false and misleading claims made by Defendants during the relevant period:

a. "The only way to kill cancer stem cells is with natural treatments." (p. 3)

b. "[C]***ancer stem cells are actually strengthened and stimulated*** by the 'gold standard' treatments!" [referring to "surgery, chemotherapy, and/or radiation.] (p. 3)

c. "***Curcumin is proven to kill cancer stem cells*** while leaving natural stem cells unharmed." (p. 3)

d. "[Standard Process's] curcumin product, ***Turmeric Forte***, is absorbed 25 to 45x greater than normal. And Turmeric Forte passes through your blood/brain barrier to get into your brain circulation in pharmacological amounts—about 240x greater than normal." (p. 3)

e. "This form of curcumin [Turmeric Forte] actually helps people with Alzheimer's, dementia, and memory loss to ***improve their memory***." (p. 4)

f. "[Turmeric Forte] also will help you maintain better blood sugar control, with or without type 2 diabetes."

g. "In studies, 100% of subjects with prediabetes (an epidemic in the U.S.) did not progress to type 2 diabetes [after taking Turmeric Forte]."

h. "Activated free curcumin will help you maintain health heart function and circulation as it feeds and heals the linings of your blood vessels."

i. "[A]ctivated curcumin also helps your body to ***end inflammation naturally*** once healing takes place."

j. "In studies, 100% of Alzheimer's sufferers taking Turmeric Forte for 18 months halted their Alzheimer's progression and enjoyed ***improved memory***—a medical impossibility." (p. 6)

52. For example, the following claims were made on page 4 of Defendants' September 2019, Volume 36, Issue 9 newsletter, attached in relevant part as Exhibit 7, and which are representative of other false and misleading claims made by Defendants during the relevant period:

PROTOCOL FOR PEOPLE WITH OR PREVENTING CANCER

For prevention...
Turmeric Forte: 1 daily
Cruciferous Complete: 2 daily
For those with a family history of cancer, especially female cancer...
Turmeric Forte: 2 daily
Cruciferous Complete: 3 daily
For those diagnosed with cancer, especially female cancer...
Turmeric Forte: 4 (2x2) daily
Cruciferous Complete: 4 daily (6 daily with female cancer)
Take Turmeric Forte with food that contains a little fat for best absorption and bioavailability
See "Cancer: Huge Cancer/Alzheimer's Breakthrough—Cancer Stem Cells Killed by Turmeric" (at www.healthalert.com)

53. For example, the following claims were made on page 5 of Defendants' October 2019, Volume 36, Issue 10 newsletter, attached in relevant part as Exhibit 8, and which are representative of other false and misleading claims made by Defendants during the relevant period:

PROTOCOL FOR PEOPLE WITH OR PREVENTING ALZHEIMER'S OR DEMENTIA

For prevention...
Turmeric Forte: 1 daily
For those with a family history of cancer, especially female cancer...
Turmeric Forte: 2 daily
For those already beginning to lose memory, have prediabetes, pain, or early heart disease...
Turmeric Forte: 3 daily
For those diagnosed with cancer (especially female cancer), type 2 diabetes, Alzheimer's/dementia, chronic pain, or heart disease...
Turmeric Forte: 4 (2x2) daily
Take Turmeric Forte with food that contains a little fat for best absorption and bioavailability.

54. Additionally, the following claims were made in Defendants' October 2019, Volume 36, Issue 10 newsletter, attached in relevant part as Exhibit 8, and which are representative of other false and misleading claims made by Defendants during the relevant period:

a. "And perhaps most important of all, Turmeric Forte ***kills cancer stem cells***--making it a premiere anticancer agent that can be helpful to anyone at risk of or suffering from cancer." (p. 2)

b. "When it comes to preventing and fighting Alzheimer's/dementia, the most powerful poly-phenol of all is ***curcumin*** from ***turmeric root***. To date it is the only known compound that has been proven to improve Alzheimer's patients…Until now curcumin has been extremely difficult for your body to absorb and utilize…Fortunately, we have curcumin from turmeric root that has been ***activated for dramatically enhanced absorption***. This activated curcumin is found in the product ***Turmeric Forte***." (p. 4)

c. "For people with typical heart problems, like an enlarged and weak heart, any of the long list of heart arrhythmias, congestive heart failure, a pounding heart, and constant fatigue or exhaustion, take Cardio-Plus® (6 tablets daily), Cataplex® B (3 tablets daily), Cataplex® G (4 tablets daily), Cataplex® F (3 tablets daily), and Min-Tran® (6 tablets daily). Follow this protocol for six to nine months or until your heart begins to improve. Then schedule another appointment with your cardiologist to discuss ***weaning from heart medications*** that are no longer needed." (p. 3 of *Heart: Greatest Heart Secret You'll Never Be Told* Insert)

d. "If your heart beats too fast, your blood pressure is too high, and/or you are always tense and under stress, change Cataplex® G to 6 tablets daily." (p. 3 of *Heart: Greatest Heart Secret You'll Never Be Told* Insert)

e. "If you have inflammation in your arteries (usually determined by an elevated C-Reactive Protein or CRP level in your blood), you also need Cyruta®-Plus (6 tablets daily)." (p. 3 of *Heart: Greatest Heart Secret You'll Never Be Told* Insert)

f. "If you have plaque in your arteries, add Blue Ice™ Fermented Cod Liver Oil (3 to 4 capsules daily) and ***X-Factor Gold™ High Vitamin Butter Oil*** (6 capsules daily) for its vitamin K2 content." (p. 3 of *Heart: Greatest Heart Secret You'll Never Be Told* Insert)

g. "And if you suffer from atrial fibrillation you would also need ***Calcium Lactate*** (6 tablets daily)." (p. 3 of *Heart: Greatest Heart Secret You'll Never Be Told* Insert)

55. The Marketing Materials contain repeated false and misleading claims that the Dietary Supplements sold by Defendants could cure and treat diseases and disease conditions, despite the absence of any competent and reliable scientific evidence.

D. Untrue or Misleading Marketing on Website

56. Beginning at a date unknown to Plaintiff, and continuing until the present, Defendants have maintained their Website.

57. The Website contains and has contained false advertising of Dietary Supplements. The Website has also contained Disease Claims for the Dietary Supplements, which renders such Dietary Supplements unapproved and misbranded Drugs, within the meaning of the Sherman Law.

58. The Website contains various articles on health-related topics which objectively communicated to consumers that the Dietary Supplements could diagnose, mitigate, treat, cure, or prevent numerous diseases.

59. Examples of unsubstantiated claims from Website include, but are not limited to, the following, which were observed on December 12, 2019 and existed for a period of time unknown to Plaintiff:

a. Butter Oil – As described on the Website: "is rich in vitamins A, D, K2 and the Wulzen (or Price) Factor, also known as Activator X. It is a critical nutrient-dense food for people with arthritis, osteoporosis, joint problems and pain, hardening of the arteries, hormone problems, and chronic stiffness. It is also critical for children who suffer from chronic colds and bronchitis."

b. Celtic Sea Salt – As described on the Website: "For anyone with heart or blood pressure problems, this is the salt you need to use."

c. Digestive and Urinary Tonic - As described on the Website: "This simple colloidal silver liquid is a must have when issues arise with bad food. It is also is [sic] a must with issues involving your gut and/or urinary tract. Antibiotics can be problematic for these problems because they harm your microbiome (healthy bacteria in your gut). When you need

help maintaining the proper gut balance, you need a natural approach like Digestive and Urinary Tonic™ (DUT). . . .No other silver colloid, silver hydrosol, silver citrate or mild silver protein works as well. When bad food or gut/urinary tract issues affect you, simply drink 1-2 oz of DUT on an empty stomach. Then repeat an hour later (also on an empty stomach). Proper balance is usually achieved overnight. If your issues persist, you can repeat the same procedure for up to five days. And be sure to see my articles on Digestive Issues on our website."

60. The Website also contains and has contained false, misleading, and unsubstantiated testimonials and endorsements for the Dietary Supplements, which objectively communicated to consumers that those dietary supplements could diagnose, mitigate, treat, cure, or prevent numerous diseases. The health claims made through these testimonials are not substantiated by any competent and reliable scientific evidence, and may not even be from actual consumers. These testimonials claimed, among other things, that the customers were "patients" of BRUCE WEST, that BRUCE WEST'S "protocols" treated, cured, and mitigated their diseases and disease conditions, and that the treatments/cures occurred after disregarding the medical advice of their licensed treating physicians.

61. For example, the following testimonials are representative of testimonials published on the Website, were observed on the Website on December 12, 2019, and existed for a period of time unknown to Plaintiff:

a. Peggy Foss, Wisconsin

DEFORMED AORTIC HEART VALVE

I have been your patient since 2006. In 1994 I was put in a study of 500 people to receive a human aortic heart valve. As you remember, I had a deformed heart valve, and you saved my life. I have never taken any of the toxic drugs, and have only followed your heart protocol.

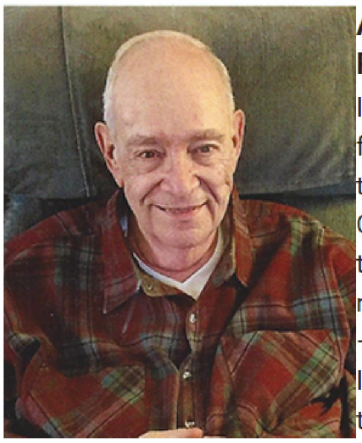
When I went in to my cardiologist this Spring (2017), he tried to convince me that I needed to have my heart valve replaced. I said how can this be when I feel so great. I went for a second opinion and found out that my heart and valve were very healthy, and that no surgery was needed.

It turns out that they finally admitted that I was the only one left in the study of 500 people, and ***in order to finish the study they needed to replace my heart valve***. And they were willing to do it even though my heart and valve were healthy!

I lead a very active life thanks to your protocol. You have truly saved my life. Thank you.

Peggy Foss, Wisconsin

b. Richard Hemsted, Kansas



ARTHRITIS/DIABETES/HEART/BLOOD PRESSURE

In my ignorance, I let my MD talk me into taking Lipitor for high cholesterol. That was before I found out how this drug can make you sick, and lower your level of CoQ10 and other compounds. Soon after I began taking Lipitor I subscribed to *Health Alert*. And as I read Dr. West's views on various ills, it dawned on me —the reason I felt so awful was ***the Lipitor!***

I stopped the drug and sent a letter with my symptoms to Dr. West. He answered right away and I followed his directions. That was over 10 years ago. And now:

- My Arthritis is amazingly better.
- My blood pressure is normal.
- My energy has improved tremendously...
- and my A1C (diabetes) is NORMAL!

I will be grateful to Dr. West for setting me on the right path! I am a healthy 82 year-old, and I continue on Dr. West's regimen.

Thank You Dr. West!

Richard Hemsted, Kansas

c. Lillian Weberbauer, Florida

CANCER

Years of estrogen prescribed by my doctor caused uterine cancer. I had a hysterectomy, followed by radiation. I was told I was cured. Six months later, however, the cancer had spread to my lungs. I was told that even with more surgery, radiation and chemotherapy I probably only had 6 months to a year to live. That's when I came to see you. You put me on my first treatment, and have monitored my progress ever since. That "6 months to a year" death sentence has now become 15 years of a normal life. I'm almost 80 now, and I feel wonderful. I have no problems and feel strong and healthy.

Thank you from the bottom of my heart.

Lillian Weberbauer, Florida

d. Esther Schomp, Florida

CANCER

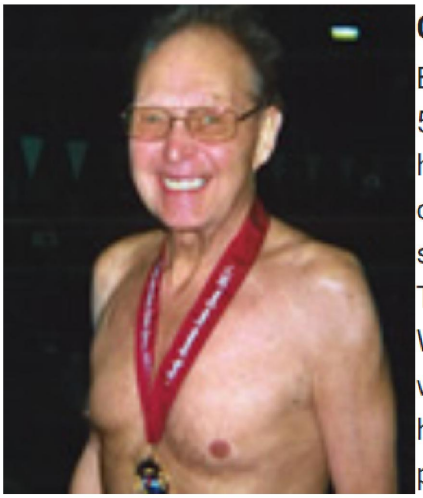
I had been helped by Dr. West a few years ago, so when I was diagnosed with lung cancer in April 2010, I wrote and asked again for help. I received a suggested protocol, but my doctors told me that I would die quickly and scheduled chemo. My second chemo treatment almost destroyed me and put me in the hospital for 18 days. I was totally dehydrated, had a white cell count below 1000, needed shock treatment for my heart, had an emergency ablation surgery on my heart, woke up on a ventilator from an allergic reaction to medication, lost all my hair and 30 pounds of weight, and came home in a wheelchair to die.

I told my family "no more chemo", and that I would like to start Dr. West's protocol. So here I am, 16 months later, feeling good, doing some housework, some shopping, driving my car and still taking the suggested supplements. I expect to celebrate my 85th birthday in December.

Do I recommend Dr. Bruce West...absolutely.

Esther Schomp, Florida

e. Bengt Strom, Colorado



CLOGGED ARTERIES

Before I began your phytonutrient protocol, and after 5 hospital admissions, my physicians were unable to help me with a deteriorating cardiovascular condition. Because of the drugs prescribed, I suffered 2 mini-strokes. I had angioplasty and a Teflon coated stint installed—all to no avail.

When I started your protocol I could not walk a block without chest pain and weakness, and was having heart "events" regularly. Since beginning your protocol 2 ½ years ago I have had no cardiovascular events. I have a new lease on life. I have competed in the Rocky Mountain Senior Games and won gold medals 2 years in a row. I use only your protocol for my heart status and improvement.

Thank You.

Sincerely,

Bengt Strom, Colorado

f. W. Jesse Harber, Florida

ATRIAL FIBRILLATION

Well you did it! You have indeed cured me of Atrial Fibrillation. Thank you! Thank you! I was methodical in following your instructions and your specific phytonutrients. I have not had an episode of AF in months.

I've weaned off all prescription drugs, my blood pressure is normal, my pulse is normal, and my heart is doing great. What a wonderful feeling! I wish I could find adequate words to say more than just a plain 'thank you.' I'm just so very grateful.

W. Jesse Harber, Florida

62. Moreover, Defendants made the following false and misleading claims about BRUCE WEST on the Website, as depicted in the screenshot below, which was observed on the Website on December 12, 2019 and existed for a period of time unknown to Plaintiff:

Dr. Bruce West, DC

Treat the ***cause of the problem,*** not the ***symptoms.***

Dr. West is known as the most innovative doctor in America today. Instead of treating the symptoms of disease with drugs and surgery, Dr. West treats and corrects the underlying causes of disease—without drugs and surgery.

For over 3 decades Dr. West has been credited with one breakthrough after another—all based upon the fact that in order to get well, you have to address and cure the ***underlying cause*** of disease.

In 1984 Dr. West founded the health newsletter industry by publishing Health Alert—the first holistic health newsletter in America. Dr. West has developed phytonutrient treatments and protocols that are currently in use by physicians around the world. In fact over 20,000 doctors receive Health Alert monthly. Dr. West is considered the world's leading expert on the clinical use of therapeutic foods, plant and animal extracts, glandular extracts, and phytonutrients. He has helped and cured more patients than any other physician or doctor of any kind, living or dead.

Dr. West is an expert in clinical nutrition, kinesiology, pain control, and rehabilitation. His protocols for heart disease patients are world-renowned. And his success and results with heart patients are the best in the world. He has been trusted by more than 85,000 patients since 1974, and has written every word of Health Alert since it's inception in 1984—all based on his 30-plus years of research.

a. "Dr. Bruce West, D.C. - Treat the ***cause of the problem***, not the ***symptoms***."

b. "Dr. West is known as the most innovative doctor in America today. Instead of treating the symptoms of disease with drugs and surgery, Dr. West treats and corrects the underlying causes of disease—without drugs and surgery."

c. "For over 3 decades Dr. West has been credited with one breakthrough after another—all based upon the fact that in order to get well, you have to address and cure the ***underlying cause*** of disease."

d. "Dr. West has developed phytonutrient treatments and protocols that are currently in use by physicians around the world."

e. "Dr. West is considered the world's leading expert on the clinical use of therapeutic foods, plant and animal extracts, glandular extracts, and phytonutrients."

f. "He has helped and cured more patients than any other physician or doctor of any kind, living or dead."

g. "His protocols for heart disease patients are world-renowned. And his success and results with heart patients are the best in the world."

h. "He has been trusted by more than 85,000 patients since 1974 and has written every word of Health Alert since it's [sic] inception in 1984—all based on his 30-plus years of research."

E. Unauthorized Practice of Medicine

63. Throughout the Marketing Materials, BRUCE WEST is referred to as "Dr. Bruce West" and is depicted in a white physician's coat and stethoscope. He also refers to consumers as his "patients," and claims that he "has helped and cured more patients than any other physician or doctor of any kind, living or dead." He has even solicited information regarding customers' health histories, as well as blood-sample laboratory results, and based on this information, has subsequently recommended specific Dietary Supplements, at specific doses, to treat such customers' ailments and diseases.

64. By practicing, attempting to practice, advertising, and holding himself out as practicing "any system or mode of treating the sick or afflicted in this state" as well as treating and prescribing systems or modes of treating ailments, diseases, disorders, and other physical and mental conditions, within the meaning of Business and Professions Code section 2052(a), BRUCE WEST has unlawfully practiced medicine without a license.

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FIRST CAUSE OF ACTION
UNTRUE OR MISLEADING ADVERTISING
Business & Professions Code § 17500, *et seq.*
Against All Defendants

65. Plaintiff realleges and incorporates by reference paragraphs 1 through 64, inclusive, as though fully set forth herein.

66. Beginning at an exact date unknown to Plaintiff, but within three years prior to the discovery of the misconduct alleged in this Complaint pursuant to Code of Civil Procedure 338(h), plus the tolling periods, Defendants, with the intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, made or disseminated in this state statements concerning such property, services, or obligations which were untrue or misleading and which Defendants knew or reasonably should have known were untrue or misleading, as prohibited by Business and Professions Code section 17500.

67. Defendants' conduct is in continuing violation of the FAL, beginning at a time unknown to Plaintiff, and continuing to within three years of the filing of this Complaint.

68. Pursuant to Business and Professions Code section 17536, Defendants are liable for civil penalties of up to $2,500 for each violation of this section. This civil penalty is in addition to any other civil penalty imposed for a separate violation pursuant to any other provision of law. Defendants are also subject to injunctive relief and the payment of restitution, pursuant to Business and Professions Code section 17535.

SECOND CAUSE OF ACTION
UNFAIR COMPETITION
Business and Professions Code § 17200, *et seq.*
Against All Defendants

69. Plaintiff realleges and incorporates by reference paragraphs 1 through 68, inclusive, as though fully set forth herein.

70. Business and Professions Code section 17200 states, in part: "[u]nfair competition shall mean and include any unlawful, unfair, or fraudulent business act or practice and unfair."

71. Beginning at an exact date unknown to Plaintiff, but within four years prior to the filing of this Complaint, plus the tolling periods, Defendants engaged in a continuing course of conduct that constituted acts of unfair competition, as defined by Business and Professions Code section 17200, by committing the following acts and violations of law:

a. Disseminating unfair, deceptive, untrue, or misleading advertising statements in violation of Business and Professions Code section 17200;

b. Violating the following California laws:

i. Business and Professions Code section 17500, as set forth in the First Cause of Action;

ii. Business and Professions Code section 2052, by practicing medicine without a certificate;

iii. Business and Professions Code section 2054(a), by using the words "doctor" and "Dr." in advertisements by those who are not certified as a physician;

iv. Title 16 of the California Code of Regulations section 310.2, by using the words "doctor" and "Dr." and "D.C." in advertisements by those who are not licensed as a chiropractor;

v. Health and Safety Code section 110390, by disseminating false and misleading advertisements of a food or drug;

vi. Health and Safety Code section 110395, by selling, delivering, holding, and offering for sale a food or drug that is falsely advertised;

vii. Health and Safety Code section 110398, by advertising a food or drug that is misbranded;

viii. Health and Safety Code section 110400, by delivering or proffering for delivery a food or drug that is falsely advertised;

ix. Health and Safety Code 110403, by advertising a drug represented to have an effect on the following conditions, disorders, or diseases, including by not limited to, bone or joint diseases, cancer, diabetes, heart and vascular diseases,

high blood pressure, mental diseases, sinus infections, and diseases, disorders, and conditions of the immune system;

x. Health and Safety Code section 111440, by selling, delivering, holding, or offering to sell a drug that is misbranded;

xi. Health and Safety Code section 111445, by misbranding a drug;

xii. Health and Safety Code section 111450, by delivering or proffering for delivery a drug that is misbranded;

xiii. Health and Safety Code 111550 by selling, delivering, and giving away, a new drug without a new drug application approved by the FDA and/or the California Department of Public Health; and

xiv. Civil Code section 1770, subdivision (a)(5), by representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have, in a transaction intended to result or that results in the sale of goods or services to any consumer.

72. Pursuant to Business and Professions Code section 17206, Defendants are liable for civil penalties of up to $2,500 for each violation of the UCL. These penalties are in addition to other penalties provided by law, including without limitation, the FAL.

73. The unlawful claims in the Marketing Materials were also made to senior citizens or disabled persons. Business and Professions Code section 17206.1 provides that any person who violates section 17200 and the act or acts of unfair competition are perpetrated against one or more senior citizens or disabled persons (as defined in section 17206.1(b)), may be liable for an additional, separate civil penalty of up to $2,500 per violation. This penalty is in addition to any civil penalty imposed pursuant to section 17206, for a total civil penalty of up to $5,000 per violation perpetrated against a senior citizen or disabled person.

74. Defendants' conduct is in continuing violation of the UCL, beginning at a time unknown to Plaintiff, and continuing to within four years of the filing of this Complaint.

75. As a result of this conduct, Defendants are subject to civil penalties, pursuant to Business and Professions Code sections 17206 and 17206.1, and to injunctive relief and the payment of restitution, pursuant to Business and Professions Code sections 17203 and 17204.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

76. That pursuant to sections 17203 and 17535 of the Business and Professions Code, and the Court's inherent equitable powers, Defendants, and their principals, employees, agents, representatives, successors and all persons, corporations or other entities acting under, by, through or on behalf of Defendants, or acting in concert or participation them or for them with actual or constructive notice of the injunction, issued by this court, be temporarily, preliminarily, and thereafter permanently, restrained and enjoined from engaging in any of the acts and practices Defendants are alleged to have violated as set forth in the First through Second Causes of Action, above.

77. That Defendants be ordered to pay a civil penalty of up to $2,500 for each violation of the FAL as set forth in the First Cause of Action pursuant to Business and Professions Code section 17536, in an amount according to proof.

78. That Defendants be ordered to pay a civil penalty of up to $2,500 for each violation of the UCL as set forth in the Second Cause of Action pursuant to Business and Professions Code section 17206, in an amount according to proof.

79. That Defendants be ordered to pay an additional and separate civil penalty of up to $2,500 for each violation of the UCL as set forth in the Second Cause of Action pursuant to Business and Professions Code section 17206.1 perpetrated against a senior citizen (a person over 65 years of age) and disabled person (as defined in 17206.1), in an amount according to proof.

80. Penalties under 17536, 17206, and 17206.1 of the Business and Professions Code are cumulative to one another pursuant to 17535.5 and 17205.

81. That Plaintiff recover its costs of suit herein.

82. That Plaintiff be given such other and further relief as the nature of this case may require and this Court grant such other and further relief as the Court deems just and proper.

[The answer to this complaint must be verified. (See Code of Civil Procedure section 446(a))]

Respectfully Submitted,

Dated: June 7, 2021

JEANNINE M. PACIONI
Monterey County District Attorney

By: Christopher J. Judge
Deputy District Attorney