

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

OUTLAW LABORATORY, LP, a
Texas limited partnership,

Plaintiff,

vs.

US 1 NOVELTIES LLC, a Georgia
limited liability company,
ABCDP INCORPORATION, a
Georgia Corporation, EK ONKAR
INC, a Georgia Corporation,; STAR
CASCADE SHELL FOOD MART,
LLC, a Georgia limited liability
company, LADHANI INC., a Georgia
Corporation, ABAD ENTERPRISES
LLC, a Georgia limited liability
company, FARESWEL
ENTERPRISES, INC., a Georgia
Corporation, KHUSHRESH, INC., a
Georgia Corporation, OM SAI
ENTERPRISE, INC., a Georgia
Corporation; SOIRA, INC., a Georgia
Corporation, STATION SERVICES,
INC, a Georgia corporation,
JONESBORO MART LLC, a
Georgia limited liability company,
FARAH ENTERPRISES, INC., a
Georgia corporation, WINDER
VENTURE LLC, a limited liability
company, SERENA GROUP, INC., a
Georgia corporation, ROSWELL
FOOD MART ENT, INC., a Georgia

CASE NO.

COMPLAINT FOR:

**(1) FALSE ADVERTISING IN
VIOLATION OF THE
LANHAM ACT § 43 (a)(1)(B))**

[DEMAND FOR A JURY TRIAL]

1 corporation, JARINA BUSINESS
2 LLC, a Georgia limited liability
3 company, DAV PROPERTIES, INC.,
4 a Georgia corporation, BEST
5 GROCERY LLC, a limited liability
6 company, Y-MAN TIRES LLC, a
7 limited liability company, SHANIL
8 CORPORATION, a Georgia
9 corporation, CASH ALWAYS INC.,
10 a Georgia corporation, and DOES 1
11 through 100, inclusive,

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Defendants.

10 Plaintiff Outlaw Laboratory, LP, a Texas limited partnership (“OLP” or
11 “Plaintiff”), by and through its undersigned attorneys, submits this Complaint
12 against defendants US 1 NOVELTIES LLC, a Georgia limited liability company,
13 ABCDP INCORPORATION, a Georgia Corporation, EK ONKAR INC, a Georgia
14 Corporation; STAR CASCADE SHELL FOOD MART, LLC, a Georgia limited
15 liability company, LADHANI INC., a Georgia Corporation, ABAD
16 ENTERPRISES LLC, a Georgia limited liability company, FARESWEL
17 ENTERPRISES, INC., a Georgia Corporation, KHUSHRESH, INC., a Georgia
18 Corporation, OM SAI ENTERPRISE, INC., a Georgia Corporation, SOIRA, INC.,
19 a Georgia Corporation, STATION SERVICES, INC, a Georgia corporation,
20 JONESBORO MART LLC, a Georgia limited liability company, FARAH
21 ENTERPRISES, INC., a Georgia corporation, WINDER VENTURE LLC, a
22 limited liability company, SERENA GROUP, INC., a Georgia corporation,
23 ROSWELL FOOD MART ENT, INC., a Georgia corporation, JARINA
24 BUSINESS LLC, a Georgia limited liability company, DAV PROPERTIES, INC.,
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1 a Georgia corporation, BEST GROCERY LLC, a limited liability company, Y-
2 MAN TIRES LLC, a limited liability company, SHANIL CORPORATION, a
3 Georgia corporation, CASH ALWAYS INC., a Georgia corporation, and DOES 1
4 through 100, inclusive (collectively, the “Defendants”), and in support thereof
5 avers as follows:

6 INTRODUCTION

7 1. Defendants are engaged in a scheme to distribute and sell “male
8 enhancement” pills containing undisclosed pharmaceuticals to the general public.
9 Specifically, Defendants offer for sale various sexual enhancement products,
10 including but not limited to, Rhino 25K 15000, Rhino 7 Platinum 5000, Rhino 12
11 Titanium 6000, GoldReallas, Libigrow XXXXTREME, S.W.A.G, Stiff Nights,
12 Goldreallas Original, Libigirl, FX3000, Rhino 8 Platinum 8000, Black Panther,
13 Grande X 5800, Herb Viagra, Black Mamba Premium, Triple Green, Boss-Rhino
14 Gold X-tra Strength and Black Ant King, (collectively, the “Enhancement
15 Products”). All of the Enhancement Products have been the subject of laboratory
16 testing and public announcements by the FDA, which found these products to
17 contain hidden drug ingredients such as sildenafil (a prescription drug), desmethyl
18 carbodenafil (an analogue of sildenafil), dapoxetine (an unapproved anti-
19 depressant drug) and tadalafil (a prescription drug), among other dangerous
20 undisclosed ingredients.

21 2. The Enhancement products are distributed by individuals and business
22 entities, including, without limitation, US 1 NOVELTIES LLC (the “Supplier
23 Defendants”) through the retail stores named herein as co-defendants (the “Retail
24 Defendants”). Plaintiff has sent letters to each of the Retail Defendants making
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1 demands that they cease and desist from the illicit activity. The Retail Defendants
2 have not complied with the demands.

3 3. The Retail Defendants profit from the sale of the Enhancement
4 Products by disseminating false statements including that the Enhancement
5 Products are “all natural,” contain “no harmful synthetic chemicals,” “no
6 prescription necessary,” and have limited side effects. Aside from these patently
7 false statements, Defendants have failed to disclose the true nature of the
8 Enhancement Products to their customers, even though they are aware of the
9 dangerous secret ingredients.

10 4. Plaintiff is the manufacturer of competing products called “TriSteel”
11 and “TriSteel 8hour,” which are DSHEA-compliant male enhancement products
12 made in the USA and distributed for sale in all 50 US States.

13 5. The proliferation of mislabeled male enhancement pills has grown in
14 the shadows of intermittent enforcement of nutritional supplement laws. In this
15 regard, the FDA has issued several public notices regarding the use of sildenafil in
16 over the counter “male enhancement” supplements, but has only taken action on a
17 handful of cases. The Supplier Defendants and the Retail Defendants have taken
18 full advantage of this regulatory landscape, making significant profits selling
19 dangerous products while openly engaging in illicit activity.

20 6. Thus, Plaintiff’s only recourse is a civil action to protect the
21 commercial interests recognized by the Lanham Act and to expose the scheme
22 detailed herein. As such, Defendants have knowingly and materially participated
23 in a false and misleading advertising campaign to promote and sell its
24 Enhancement Products, giving consumers the false impression that these products
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1 are safe when in reality, Defendants are well aware that the Enhancement Products
2 contain hidden drug ingredients.

3 7. Defendants' false and misleading statements and advertising pose
4 extreme health risks to consumers in at least two ways. First, Defendants mislead
5 consumers into believing that the advice and authorization of a licensed medical
6 professional is not required to mitigate or avoid the potentially life-threatening side
7 effects, drug interactions and contraindications of the sildenafil and other drug
8 ingredients hidden in the Enhancement Products. Second, by failing to inform
9 consumers that the Enhancement Products contain sildenafil, consumers who know
10 that their medical history and drug prescriptions make sildenafil consumption
11 dangerous may nevertheless consume the Enhancement Products because they are
12 not made aware they contain sildenafil.

13 8. Defendants have knowingly and materially participated in false and
14 misleading marketing, advertising, dissemination and labeling to promote and sell
15 the Enhancement Products, giving consumers the false impression that these
16 products are safe and natural dietary supplements when in reality Defendants know
17 that the Enhancement Products contain synthetic prescription drug ingredients that
18 pose serious health dangers when taken without the supervision of a licensed
19 medical professional.

20 9. Such false and misleading marketing and advertising is dangerous to
21 individual consumers and harmful to the dietary supplement industry as a whole.
22 Defendants have created an illegitimate marketplace of consumers seeking to
23 enhance their sexual performance but who are not informed, or who are
24 misinformed, of the serious dangers of using Defendants' Enhancement Products.
25 Consumers of the Enhancement Products have little or no incentive to use natural,
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1 legitimate and safe sexual performance enhancement products, such as Plaintiff's
2 TriSteel or TriSteel 8hour, until they are harmed or Defendants' Enhancement
3 Products are taken off of the shelves. Defendants' continuing false, misleading,
4 and deceptive practices have violated the Lanham Act and have unjustly enriched
5 Defendants at the expense of Plaintiff, and have harmed Plaintiff's commercial
6 interests, including but not limited to, loss of revenue, disparagement and loss of
7 goodwill.

8 10. Among other things, this action seeks to enjoin Defendants from the
9 marketing and sale of any and all of the Enhancement Products, disgorgement of
10 Defendants' profits, treble damages, punitive damages and attorneys' fees provided
11 by the Lanham Act.

12 **JURISDICTION AND VENUE**

13 11. This Court has subject matter jurisdiction over this action pursuant to
14 15 U.S.C. § 1121 and 28 U.S.C. § 1331 (federal question jurisdiction).

15 12. This Court has personal jurisdiction over Defendants because they
16 have, directly or through their intermediaries (including distributors, retailers, and
17 others), developed, licensed, manufactured, shipped, distributed, offered for sale,
18 sold, and advertised their products, including but not limited to the Enhancement
19 Products, in the United States, the State of Georgia and this district. Defendants
20 have purposefully and voluntarily placed these products into the stream of
21 commerce with the expectation that they will be purchased in this district.

22 13. Venue is proper in this judicial district pursuant to 28 U.S.C. §
23 1391(b)(2) because a substantial part of the events or omissions which gave rise to
24 the claim occurred in this district and the Retail Defendants are all located in this
25 district.

PARTIES

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2 14. Plaintiff Outlaw Laboratory, LP is a Texas limited partnership
3 organized under the laws of the State of Texas.

4 15. Defendant US 1 Novelties LLC, is a Georgia limited liability
5 company located at 775 Dekalb Industrial Way, Decatur, GA 30033. US 1
6 Novelties may be served through its registered agent, Hiren Desai, at 775 Dekalb
7 Industrial Way, Decatur, GA, 30033

8 16. Defendant ABCDP Corporation, is a Georgia Corporation, 11720
9 Alpharetta Hwy, with its principal place of business at 653 Citation Trl.,
10 Alpharetta, GA, 30004. ABCDP Corporation may be served through its registered
11 agent, Dhvani Shah, at 653 Citation Trl, Alpharetta, GA, 30004.

12 17. Defendant EK Onkar Inc. is a Georgia Corporation located at 520
13 Cobb Pkwy N., Marietta, GA, 30062. EK Onkar, Inc. may be served through its
14 registered agent, Gurdial Singhm at 520 North Cobb Parkway, Marietta, GA,
15 30062

16 18. Star Cascade Shell Food Mart, LLC is a Georgia limited liability
17 company with its principal place of business at 5630 Fulton Industrial Blvd SW,
18 Atlanta, Georgia 30336. Star Cascade Shell Food Mart, LLC may be served
19 through its registered agent, Amin Tejani, at 11000 Kemp Rd., Johns Creek, Fulton
20 County, Georgia, 30024.

21 19. Defendant Ladhani Inc. is a Georgia Corporation with its principal
22 place of business located at 356 Moreland Avenue SE, Atlanta, Georgia 30316.
23 Ladhani Inc. may be served through its registered agent, Alnoor Gulamhussain, at
24 356 Moreland Ave, Atlanta, Fulton County, Georgia, 30316.

1 20. Defendant Abad Enterprises LLC is a Georgia limited liability
2 company with its principal place of business located at 2585 Cruse Rd NW D,
3 Lawrenceville, Georgia 30044. Abad Enterprises LLC may be served through its
4 registered agent, Dilshad A. Bachlani, at 2585 Cruse Rd, Suite D, Lawrenceville,
5 Gwinnett County, Georgia, 30044.

6 21. Defendant Fareswel Enterprises, Inc. is a Georgia corporation with its
7 principal place of business located at 1452 N. Hairston Road, Stone Mountain,
8 Georgia 30083. Fareswel Enterprises, Inc. may be served through its registered
9 agent, Burch B. Snyder, at 1277 Saffold Court SW, Lilburn, Gwinnett County,
10 Georgia, 30047-2443.

11 22. Defendant Khushresh, Inc. is a Georgia Corporation with its principal
12 place of business located at 3409 Chamblee Tucker Road, Atlanta, Georgia 30341.
13 Khushresh, Inc. may be served through its registered agent, Sonny Roshan, at 3341
14 #4 Chamblee Tucker Rd., Chamblee, Dekalb County, Georgia, 30341.

15 23. Defendant Om Sai Enterprise, Inc., a Georgia Corporation with its
16 principal of business located at 2000 Flat Shoals Rd, Atlanta, GA 30316. Om Sai
17 Enterprise may be served through its registered agent, Ajay D. Patel, at 2000 Flat
18 Shoals Rd, Atlanta, GA 30316.

19 24. Defendant Soira, Inc. is a Georgia Corporation with its principal of
20 business located at 2995 N Druid Hills Rd NE, Atlanta, Georgia 30329. Soira, Inc.
21 may be served through its registered agent, Aynalem Araya, at 2995 N. Druid Hills
22 Rd, Atlanta Dekalb County, Georgia, 30329.

23 25. Defendant Station Services, Inc. is a Georgia corporation with its
24 principal place of business located at 3408 Chamblee Tucker Road, Atlanta,
25 Georgi 30341. Station Services, Inc. may be served through its registered agent,
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1 Rafiq Devji, at 3408 Chamblee Tucker Rd., Chamblee, Dekalb County, Georgia,
2 30341.

3 26. Defendant Jonesboro Mart LLC is a Georgia limited liability company
4 with its principal place of business located at 7903 Jonesboro Road, Jonesboro,
5 Georgia 30236. Jonesboro Mart LLC may be served through its registered agent,
6 Odair Lozano, at 7903 Jonesboro Rd, Jonesboro, Clayton County, Georgia, 30236.

7 27. Defendant Farah Enterprises, Inc. is a Georgia corporation with its
8 principal place of business located at 215 Peachtree Industrial Blvd, Sugar Hill,
9 Georgia 30518. Farah Enterprises, Inc. may be served through its registered agent,
10 Kassamali N. Kassam, at 215 Peachtree Ind. Blvd., Sugar Hill, Gwinnett County,
11 Georgia, 30518.

12 28. Defendant Winder Venture LLC is a Georgia limited liability
13 company with its principal place of business located at 1233 Atlanta Hwy, Winder,
14 Georgia, 30680. Winder Venture LLC may be served through its registered agent,
15 Rambhai Patel, at 1233 Atlanta Hwy, Winder, Barrow County, Georgia, 30680.

16 29. Defendant Serena Group, Inc. is a Georgia limited liability company
17 with its principal place of business located at 7325 Roswell Rd. NE, Sandy Springs
18 Georgia
19 30350. Serena Group, Inc. may be served through its registered agent, Mehmood
20 Sohani, at 2754 North Decatur Road, Suite 105, Decatur, Decatur County, Georgia,
21 30033.

22 30. Defendant Jarina Business, LLC is a Georgia limited liability
23 company with
24 its principal place of business located at 875 Windy Hill Rd SE, Smyrna, Georgia
25 30080. Jarina Business LLC may be served through its registered agent, Amir
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1 Himani, at 6149 Bellewood Ash Lane, Tucker, Gwinnett County, Georgia, 30084-
2 0000.

3 31. Defendant Roswell Food Mart, Ent, Inc., a Georgia corporation with
4 its principal place of business located at 1253 Silver Trace Dr. SW, Lilburn, GA,
5 30047. Roswell Food Mark, Ent, Inc. may be served through its registered agent,
6 Rahul Jasani, at 1253 Silver Trace Dr. SW, Lilburn, GA, 30047, USA

7 32. Defendant Dav Properties, Inc. is a Georgia corporation with its
8 principal place of business located at 5401 Floyd Rd SW, Mableton, Georgia
9 30126 Dav Properties, Inc. may be served through its registered agent, Ms. Veena
10 Gouri, at 325 Lester Road, NW, Suite B, Snellville, Gwinnett County, Georgia,
11 30044..

12 33. Defendant Best Grocery LLC is a limited liability company with its
13 principal place of business located at 160 Miracle Lane, Fayetteville, Georgia,
14 30215. Best Grocery LLC may be served through its registered agent, Nizar
15 Punjani, at 160 Miracle Lane, Fayetteville, Fayette County, Georgia, 30215.

16 34. Defendant Y-Man Tires LLC is a Georgia corporation with its
17 principal place of business located at 6141 GA-85, Riverdale, Georgia 30274. Y-
18 Man Tires LLC may be served through its registered agent, Pamela Osayamen Ize-
19 Ogbomor, at 639 Garden Walk Blvd, College Park, Clayton County, Georgia,
20 30349.

21 35. Defendant Shanil Corporation is a Georgia corporation with its
22 principal place of business located at 5275 Old National Hwy, Atlanta, Georgia
23 30349. Shanil Corporation may be served through its registered agent, Shahnnaz
24 Surani, at 5275 Old National Hwy, College Park, Fulton County, Georgia, 30349.

1 36. Defendant Cash Always Inc. is a Georgia corporation with its
2 principal place of business located at 2383 Canton Hwy, Cumming, Georgia
3 30040. Cash Always Inc. may be served through its registered agent, Imran
4 Kanani, at 1608 Arbor Drive, Duluth, Gwinnett County, Georgia, 30096.

5 37. Plaintiff is ignorant of the true names and capacities of defendants
6 sued herein as Does 1-100, inclusive, and therefore sued these defendants by such
7 fictitious names. Plaintiff will amend this Complaint to allege their true names and
8 capacities when ascertained. Plaintiff is informed and believes and thereon alleges
9 that each of these fictitiously named defendants is responsible in some manner for
10 the occurrences herein alleged, and that Plaintiff's injuries as herein alleged were
11 proximately caused by the aforementioned defendants.

12 FACTUAL ALLEGATIONS

13 Sildenafil

14 38. The FDA has approved sildenafil for treatment of erectile dysfunction.
15 However, because of known side effects, drug interactions and contraindications,
16 the FDA has deemed sildenafil to be a prescription drug that can only be
17 administered under the supervision of a medical professional.

18 39. The serious side effects of sildenafil include, for example, priapism
19 (i.e., prolonged penile erections leading to tissue death and potential permanent
20 erectile dysfunction), severe hypotension (i.e., low blood pressure), myocardial
21 infarction (i.e., heart attack), ventricular arrhythmias, stroke, increased intraocular
22 pressure (i.e., increased eye fluid pressure), anterior optic neuropathy (i.e.,
23 permanent optic nerve damage), blurred vision, sudden hearing loss, and dizziness.

24 40. The serious negative drug interactions of sildenafil include, for
25 example, (i) interacting with alkyl nitrites and alpha-1 blockers to cause angina and
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1 life-threatening hypotension, (ii) interacting with protease inhibitors to increase the
2 incidence and severity of side effects of sildenafil alone, and (iii) interacting with
3 erythromycin and cimetidine to cause prolonged plasma half-life levels.

4 41. In addition to these risks, contraindications of sildenafil include
5 underlying cardiovascular risk factors (such as recent heart surgery, stroke or heart
6 attack) since consumption of sildenafil by individuals with these conditions can
7 greatly increase the risk of heart attack.

8 42. Because of these dangerous side effects, drug interactions and
9 contraindications, the advice and authorization of appropriate licensed medical
10 professionals is absolutely crucial for the safe consumption of sildenafil. Without
11 such safeguards, the consequences can be dire; the sale of mislabeled sildenafil in
12 similar circumstances has led to multiple deaths reported in the media.

13 **Defendants' Scheme**

14 43. The Supplier Defendants are wholesale suppliers and distributors of
15 various sexual enhancement supplements, which are often imported from China,
16 rarely disclose any manufacturer information on their packaging and contain
17 hidden drug ingredients. The Enhancement Products are generally sold in single-
18 pill form. The Supplier Defendants distribute the Enhancement Products through a
19 network of Retail Defendants, detailed herein, who own and operate independent
20 businesses selling the Enhancement Products, disseminate false claims about the
21 Enhancement Products, and profit from the sale of dangerous products to
22 consumers at a large markup on each pill.

23 44. The Supplier Defendants contact retailers such as the Retail
24 Defendants and offer the Enhancement Products for sale. The Enhancement
25 Products are high-margin products and as such are situated at or near the checkout
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1 counter. The Enhancement Products are all subject to FDA public announcements
2 regarding their illicit contents; however, the Retail Defendants still participate in
3 their sale, due to their profitability.

4 **Defendants' False Statements Regarding The Enhancement Products**

5 45. Defendant US 1 NOVELTIES LLC, (the "Supplier Defendants")
6 imports, sells, and distributes the Enhancement Products to the Retail Defendants
7 below as detailed above.

8 46. Defendant ABCDP INCORPORATION operates a retail location at
9 11720 Alpharetta Hwy, Roswell, GA 30075, which advertises and offers for sale
10 various sexual enhancement products, including without limitation, Rhino
11 Platinum 5000, Rhino 8 Platinum 8000, Goldreallas Original.

12 47. Defendant EK ONKAR owns and operates a Shell located at 520
13 Cobb Pkwy N., Marietta, GA, 30062, which advertises and offers for sale various
14 sexual enhancement products, including without limitation, Black King
15 Kong, Libigrow, Libigrow, XXXXTREME, Rhino 8 Platinum 8000, New Stiff Nights
16 Platinum 10K, Goldreallas Original.

17 48. Star Cascade Shell Food Mart, LLC owns and operates the retail
18 location at 5630 Fulton Industrial Blvd SW, Atlanta, Georgia 30336, which
19 advertises and offers for sale various sexual enhancement supplements, including
20 without limitation, Rhino 25K 15000.

21 49. Ladhani Inc. owns and operates the retail location at 356 Moreland
22 Avenue SE, Atlanta, Georgia 30316, which advertises and offers for sale various
23 sexual enhancement supplements, including without limitation, Rhino 7 Platinum
24 5000, Libigrow XXX Extreme, and Rhino 12 Titanium 6000.

1 50. Abad Enterprises LLC owns and operates the retail location at 2585
2 Cruse Rd NW D, Lawrenceville, Georgia 30044, which advertises and offers for
3 sale various sexual enhancement supplements, including without limitation, Rhino
4 8 Platinum 8000, Rhino 7 Platinum 5000, Black Panther, S.W.A.G, and Rhino 11
5 Platinum 11000.

6 51. Fareswel Enterprises, Inc. owns and operates the retail location at
7 1452 N. Hairston Road, Stone Mountain, Georgia 30083, which advertises and
8 offers for sale various sexual enhancement supplements, including without
9 limitation, Rhino 7 Platinum 5000, Goldreallas Original, and Herb Viagra.

10 52. Khushresh, Inc. owns and operates the retail location at 3409
11 Chamblee Tucker Road, Atlanta, Georgia 30341, which advertises and offers for
12 sale various sexual enhancement supplements, including without limitation,
13 Libigrow XXXTREME, and Black Mamba Premium.

14 53. Om Sai Enterprise, Inc., owns and operates the retail location at 2000
15 Flat Shoals Rd, Atlanta, GA 30316, which advertises and offers for sale various
16 sexual enhancement supplements, including without limitation, S.W.A.G.

17 54. Soira, Inc. owns and operates the retail location at 2995 N Druid Hills
18 Rd NE, Atlanta, Georgia 30329, which advertises and offers for sale various sexual
19 enhancement supplements, including without limitation, Goldreallas Original,
20 S.W.A.G, and Black Panther.

21 55. Station Services, Inc. owns and operates the retail location at 3408
22 Chamblee Tucker Road, Atlanta, Georgia 30341, which advertises and offers for
23 sale various sexual enhancement supplements, including without limitation, Rhino
24 7 Platinum 5000, and Libigrow XXX Extreme.

1 56. Jonesboro Mart LLC owns and operates the retail location at 7903
2 Jonesboro Road, Jonesboro, Georgia 30236, which advertises and offers for sale
3 various sexual enhancement supplements, including without limitation, Libigrow
4 XXXXTREME, and Triple Green.

5 57. Farah Enterprises, Inc. owns and operates the retail location at 215
6 Peachtree Industrial Blvd, Sugar Hill, Georgia 30518, which advertises and offers
7 for sale various sexual enhancement supplements, including without limitation,
8 Rhino 8 Platinum 8000, Goldreallas XXX, Goldreallas Original, and Libigrow
9 XXXXTREME.

10 58. Winder Venture, LLC owns and operates the retail location at 1233
11 Atlanta Hwy, Winder, Georgia, 30680, which advertises and offers for sale various
12 sexual enhancement supplements, including without limitation, FX3000.

13 59. Serena Group, Inc. owns and operates the retail location at 215
14 Peachtree Industrial Blvd, Sugar Hill, Georgia 30518, which advertises and offers
15 for sale various sexual enhancement supplements, including without limitation,
16 Rhino 8 Platinum 8000, Goldreallas XXX, Goldreallas Original and Libigrow
17 XXXXTREME.

18 60. Defendant Roswell Food Mart, Ent, Inc., owns and operates the retail
19 location at 5645 Roswell Rd NE, Atlanta, Georgia 30342, which advertises and
20 offers for sale various sexual enhancement supplements, including without
21 limitation, Libigirl, S.W.A.G, Libigrow, Libigrow XXXXTREME, Goldreallas
22 Original, Goldreallas XXX.

23 61. Jarina Business, LLC owns and operates the retail location at 875
24 Windy Hill Rd SE, Smyrna, Georgia 30080, which advertises and offers for sale
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1 various sexual enhancement supplements, including without limitation, Rhino 25K
2 15000, Libigrow XXXXTREME, Goldreallas Original, Grande X 5800.

3 62. Dav Properties, Inc. owns and operates the retail location at 5401
4 Floyd Rd SW, Mableton, Georgia 30126, which advertises and offers for sale
5 various sexual enhancement supplements, including without limitation, Goldreallas
6 Original, Rhino 7 Platinum 5000.

7 63. Best Grocery LLC owns and operates the retail location at, which
8 advertises and offers for sale various sexual enhancement supplements, including
9 without limitation, S.W.A.G Platinum 33K.

10 64. Y-Man Tires LLC, owns and operates the retail location at 6141 GA-
11 85, Riverdale, Georgia 30274, which advertises and offers for sale various male
12 enhancement supplements, including without limitation, Libigirl and S.W.A.G.

13 65. Shanil Corporation owns and operates the retail location at 5275 Old
14 National Hwy, College Park, Georgia 30349, which advertises and offers for sale
15 various male enhancement supplements, including without limitation, Goldreallas
16 Original and Rhino 7 Platinum 3000.

17 66. Cash Always Inc. owns and operates the retail location at 2383
18 Canton Hwy, Cumming, Georgia 30040, which advertises and offers for sale
19 various male enhancement supplements, including without limitation, Goldreallas
20 XXX and Goldreallas Original.

21 67. The Defendants commercially market, advertise, distribute,
22 disseminate, offer for sale and profit from the Enhancement Products. The
23 Enhancement Products claim that they are "ALL NATURAL," a "NATURAL
24 FORMULA," with "NO HARMFUL synthetic chemicals" and "NO
25 PRESCRIPTION necessary." They also claim to offer "NO HEADACHE" and to
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1 have limited side effects. However, such claims are materially false and
2 misleading. Contrary to Defendants' statements, recent FDA laboratory analyses
3 have confirmed that the Enhancement Products contain sildenafil, a synthetic
4 pharmaceutical with profound side effects, among other hidden drug ingredients.

5 68. Defendants' false statements and advertising pose extreme health risks
6 to consumers in at least two ways. First, by stating that no prescription is
7 necessary to consume the Enhancement Products, Defendants mislead consumers
8 into believing that the advice and authorization of a licensed medical professional
9 is not required to mitigate or avoid the potentially life-threatening side effects, drug
10 interactions and contraindications of sildenafil hidden in the Enhancement
11 Products. Second, by failing to inform consumers that the Enhancement Products
12 contain sildenafil, consumers who know that their medical history and drug
13 prescriptions make sildenafil consumption dangerous may nevertheless consume
14 the Enhancement Products because they are unaware that they contain sildenafil.

15 69. Accordingly, Defendants' false and misleading advertising is
16 dangerous to individual consumers and harmful to the dietary supplement industry
17 as a whole. Defendants have created an illegitimate marketplace of consumers
18 seeking to enhance their sexual performance but who are not informed, or who are
19 misinformed, of the serious dangers of using Defendants' Enhancement Products.
20 The ubiquity of the Enhancement Products, their relatively low cost to manufacture
21 in comparison to natural products, and their dramatic pharmacologic effects makes
22 it so that legitimate sexual performance enhancement products, such as TriSteel or
23 TriSteel 8hour, are at a huge disadvantage in their efforts to obtain market share.

1 **Plaintiff's Dietary Supplements: TriSteel and TriSteel 8hour**

2 70. Plaintiff OLP is a manufacturer of DSHEA-compliant dietary
3 supplements. Plaintiff manufactures and offers for sale TriSteel and TriSteel
4 8hour, male sexual performance enhancement supplements that promote increased
5 sexual desire and stamina. The ingredients in TriSteel are Epimedium Extract
6 (leaves), Yohimbe Extract (8mg Yohimbine Alkaloids), Xanthoparmelia Scarbrosa
7 Extract (Lichen), Gamma Amino Butyric Acid (GABA), L-Arginine, Gelatin,
8 Cellulose, Magnesium Stearate and Silica. Plaintiff sells TriSteel and TriSteel
9 8hour in all 50 states through its website, as well as through many other online and
10 storefront retail locations.

11 **CLAIM FOR RELIEF**

12 **(False Advertising in Violation of Section 43(a)(1)(B) of the Lanham Act)**

13 71. Plaintiff incorporates the allegations contained in the foregoing
14 paragraphs as though fully set forth herein in their entirety.

15 72. Defendants have knowingly and purposely made false and misleading
16 descriptions of fact concerning the nature, characteristics and qualities of the
17 Enhancement Products by, without limitation, commercially marketing and
18 claiming that the Enhancement Products that they sell are safe and natural “dietary
19 supplements” that will enhance a consumer’s sexual performance without requiring
20 a doctor’s prescription, all while purposefully omitting that (a) the Enhancement
21 Products contain sildenafil and therefore cannot be “dietary supplements,” (b)
22 sildenafil is not naturally occurring, (c) sildenafil is a prescription drug requiring
23 the prior authorization and supervision of a licensed medical professional, and (d)
24 consumption of sildenafil without consultation and advice from a licensed medical
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1 professional poses extreme health risks, including without limitation, hypotension,
2 heart attack and death.

3 73. The use of such false, misleading and disingenuous marketing has the
4 tendency to deceive a substantial segment of the public and consumers, including
5 those in this district, into believing that they are purchasing a product with
6 different characteristics.

7 74. This deception is material because it is likely to influence a
8 consumer's purchasing decision, especially if the consumer (a) is looking for an
9 all-natural sexual enhancement dietary supplement, (b) is purchasing the
10 Enhancement Products out of an attempt to avoid Sildenafil because the consumer
11 knows that Sildenafil poses special health risks given such consumer's medical
12 history or current drug prescriptions, and/or (c) wants to avoid taking any
13 prescription drugs, generally, but especially without the supervision of a licensed
14 medical professional. The deception is also material because a consumer's
15 decision to purchase the Enhancement Products could lead to dangerous and
16 unanticipated health consequences of which consumers are not informed.

17 75. Defendants have introduced their false and misleading statements into
18 interstate commerce via marketing and advertising on product packages and labels,
19 and on display cases placed in retail locations in the state of Georgia. Defendants
20 sell or offer to sell the Enhancement Products to transient interstate travelers.

21 76. Plaintiff has been injured as a result of Defendants' false and
22 misleading statements. Specifically, Defendants' false and misleading advertising
23 concerning the Enhancement Products has negatively impacted Plaintiff's sales of
24 TriSteel and TriSteel 8hour because both products are intended for sexual
25 performance enhancement and target the same consumers. Thus, Plaintiff has
26
27

1 suffered both an ascertainable economic loss of money and reputational injury by
2 the diversion of business from Plaintiff to Defendants and the loss of goodwill in
3 Plaintiff's products. The ubiquity of the Enhancement Products, their relatively
4 low cost to manufacture in comparison to natural products (like TriSteel and
5 TriSteel 8hour), and their dramatic pharmacologic effects makes it so that
6 legitimate sexual performance enhancement products, such as TriSteel or TriSteel
7 8hour, struggle to obtain market share. Moreover, Defendants conduct has created
8 reputational damage in that Defendants' misconduct damages the marketplace as a
9 whole and has the tendency to disparage the goodwill associated with Plaintiff's
10 brand.

11 77. Defendants' actions, as described above, constitute false and
12 misleading descriptions and misrepresentations of fact in commerce that, in
13 commercial advertising and promotion, misrepresent the nature, characteristics,
14 and qualities of its products in violation of Section 43(a)(1)(B) of the Lanham Act.

15 **PRAYER**

16 Wherefore, plaintiff OLP prays for judgment against Defendants as follows:

17 78. For preliminary and permanent injunctive relief enjoining Defendant
18 from producing, licensing, marketing, and selling any of the Enhancement
19 Products, including but not limited to, Rhino 25K 15000, Rhino 7 Platinum 5000,
20 Rhino 12 Titanium 6000, GoldReallas, Libigrow XXXTREME, S.W.A.G, Stiff
21 Nights, Goldreallas Original, Libigirl, FX3000, Rhino 8 Platinum 8000, Black
22 Panther, Grande X 5800, Herb Viagra, Black Mamba Premium, Triple Green,
23 Boss-Rhino Gold X-tra Strength and Black Ant King;

24 79. For an award of compensatory damages to be proven at trial in
25 accordance with 15 U.S.C. § 1117;

1 80. For an award of any and all of Defendant's profits arising from the
2 foregoing acts in accordance with 15 U.S.C. § 1117 and other applicable laws;

3 81. For restitution of Defendant's ill-gotten gains;

4 82. For treble damages in accordance with 15 U.S.C. § 1117;

5 83. For punitive damages;

6 84. For costs and attorneys' fees; and

7 85. Any other relief the Court may deem appropriate.

8
9 Respectfully submitted this 10th day of May, 2018.

10 /s/ Wesley C. Taulbee

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1
2 **DEMAND FOR JURY TRIAL**
3

4 Plaintiff hereby demands a trial by jury.
5

6 DATED: May 10, 2018
7
8

9 /s/ Wesley C. Taulbee

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