

Matthew J. Smith (SBN 240353)
Tauler Smith LLP
626 Wilshire Blvd., Suite 510
Los Angeles, CA 90017
(310) 492-5129
matt.smith@taulersmith.com

Attorneys for Plaintiff
OUTLAW LABORATORY, LP

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County of San Diego
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

OUTLAW LABORATORY, LP a Texas
Limited Partnership,

Plaintiff,

vs.

SAN DIEGO OUTLET INC. dba V
OUTLET, a California Corporation,
CONVENIENT CORNERS, INC. dba KEG
N BOTTLE LIQUOR, a California
Corporation, ROLLING J'S SMOKE SHOP,
a California Entity Form Unknown,
SMOKE N STUFF SMOKE SHOP, a
California Entity Form Unknown, ROMA
MIKHA, INC. dba BOBAR, a California
Corporation, 2 LIQUOR STORE, a
California Entity Form Unknown,
MIDWAY M3, INC. dba SHELL GAS
STATION, a California Corporation,
GOODFELLAS SMOKE SHOP, LLC, a
California Limited Liability Company,
EBM JR MARKET, a California Entity
Form Unknown, YOUHANNA INC dba EL
GUAPO MARKET, a California
Corporation, KALYANA INC. dba
FARMERS LIQUOR STORE, a California
Corporation, SMOKEY J TOBACCO
SHOP, a California Entity Form Unknown,
ROCK CITY INC. dba ROCK CITY
MARKET, a California Corporation, BIG
CITY LIQUOR, a California Entity Form
Unknown, HH EAGLES MARKET dba
EAGLE MARKET, a California
Corporation, APPLE TREE MARKET, a
California Entity Form Unknown, LITTLE
BROWN JUG LIQUOR, a California Entity

CASE NO. 37-2018-00037278-CU-BT-CTL

COMPLAINT FOR:

**1) UNFAIR COMPETITION (Bus. & Prof.
Code § 17200, et seq.)**

**2) FALSE ADVERTISING (Bus. & Prof.
Code § 17500, et seq.)**

**3) FALSE ADVERTISING (Section
43(a)(1)(B) of the Lanham Act)**

[REQUEST FOR A JURY TRIAL]

Form Unknown, BLAZE SMOKE SHOP, a
California Entity Form Unknown, MA
SMOKE SHOP, a California Entity Form
Unknown, HAPPY DAZE LIQUOR, INC.,
a California Corporation, SONNY'S
LIQUOR MARKET, a California Entity
Form Unknown, MIDWAY CIGARS &
SMOKE SHOP, a California Entity Form
Unknown, POINT LOMA LIQUOR, INC.,
a California Corporation, STARS AND
STRIPE'S MART, INC., a California
Corporation, NEWPORT FARMS
MARKET & LIQUOR, a California Entity
Form Unknown, SUNSET MINI MART,
INC., a California Corporation, SMOKE &
SNACKS, a California Entity Form
Unknown, PARAS NEWS LLC, a
California Limited Liability Company,
SMOKERS SMOKE SHOP, a California
Entity Form Unknown, SERVALL
MARKET, INC., a California Corporation,
ANDY'S SMOKE SHOP, INC., a California
Corporation, HILLCREST NEWS, a
California Entity Form Unknown,
HILLCREST SMOKE SHOP, a California
Entity Form Unknown, CDK BUSINESS
ENTERPRISE, INC. dba CITY LIQUOR
HOUSE, a California Corporation, MAGIC
MARKET, a California Entity Form
Unknown, CRISCOLA'S LIQUOR STORE,
a California Entity Form Unknown, F&F
FOOD BARGAIN, INC. dba FOOD
BARGAIN MARKET, a California
Corporation, DIVISION MARKET, INC., a
California Corporation, GREENE CAT
LIQUORS, a California Entity Form
Unknown, BEL AIR MARKET, a
California Entity Form Unknown, IDEAL
MARKET, a California Entity Form
Unknown, MEGA DOLLAR STORES,
INC., a California Corporation, CARDIFF
GAS, INC. dba VALERO, a California
Corporation, FUEL TEAM INC. dba
THRIFTY GAS STATION, a California
Corporation, 5109 IMPERIAL AVENUE,
LLC dba ARCO GAS STATION, a
California Limited Liability Company, 76
GAS STATION LOCATED AT 9609
AERO DRIVE, SAN DIEGO, CA 92123, a
California Entity Form Unknown, ARCO
GAS STATION LOCATED AT 3860 OLD
TOWN AVE, SAN DIEGO, CA 92110, a
California Entity Form Unknown, VALERO
GAS STATION LOCATED AT 3150
ADAMS AVE., SAN DIEGO, CA 92116, a

1 California Entity Form Unknown, EAGLE'S
2 NEST PROPERTY MANAGEMENT, LLC
3 dba SAN DIEGO GASOLINE, a California
4 Limited Liability Company, ARCO GAS
5 STATION LOCATED AT 5401
6 UNIVERSITY AVE., SAN DIEGO, CA
7 92105, a California Entity Form Unknown,
8 ARCO GAS STATION LOCATED AT
9 4357 EL CAJON BLVD, SAN DIEGO, CA
10 92105, a California Entity Form Unknown,
11 and DOES 1 through 100, inclusive
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Defendants.

1 Plaintiff Outlaw Laboratory, LP, a Texas limited partnership (“OLP” or “Plaintiff”), by and
2 through its undersigned attorneys, submits this Complaint against defendants SAN DIEGO OUTLET
3 INC dba V OUTLET, a California Corporation, CONVENIENT CORNERS, INC. dba KEG N
4 BOTTLE LIQUOR, a California Corporation, ROLLING J'S SMOKE SHOP, a California Entity Form
5 Unknown, SMOKE N STUFF SMOKE SHOP, a California Entity Form Unknown, ROMA MIKHA,
6 INC. dba BOBAR, a California Corporation, 2 LIQUOR STORE, a California Entity Form Unknown,
7 MIDWAY M3, INC. dba SHELL GAS STATION, a California Corporation, GOODFELLAS SMOKE
8 SHOP, LLC, a California Limited Liability Company, EBM JR MARKET, a California Entity Form
9 Unknown, YOUHANNA INC dba EL GUAPO MARKET, a California Corporation, KALYANA INC.
10 dba FARMERS LIQUOR STORE, a California Corporation, SMOKEY J TOBACCO SHOP, a
11 California Entity Form Unknown, ROCK CITY INC. dba ROCK CITY MARKET, a California
12 Corporation, BIG CITY LIQUOR, a California Entity Form Unknown, HH EAGLES MARKET dba
13 EAGLE MARKET, , a California Corporation, APPLE TREE MARKET, a California Entity Form
14 Unknown, LITTLE BROWN JUG LIQUOR, a California Entity Form Unknown, BLAZE SMOKE
15 SHOP, a California Entity Form Unknown, MA SMOKE SHOP, a California Entity Form Unknown,
16 HAPPY DAZE LIQUOR, INC., a California Corporation, SONNY'S LIQUOR MARKET, a California
17 Entity Form Unknown, MIDWAY CIGARS & SMOKE SHOP, a California Entity Form Unknown,
18 POINT LOMA LIQUOR, INC., a California Corporation, STARS AND STRIPES MART, INC., a
19 California Corporation, NEWPORT FARMS MARKET & LIQUOR, a California Entity Form
20 Unknown, SUNSET MINI MART, INC., a California Corporation, SMOKE & SNACKS, a California
21 Entity Form Unknown, PARAS NEWS LLC, a California Limited Liability Company, SMOKERS
22 SMOKE SHOP, a California Entity Form Unknown, SERVALL MARKET, INC., a California
23 Corporation, ANDYS SMOKE SHOP, INC., a California Corporation, HILLCREST NEWS, a
24 California Entity Form Unknown, HILLCREST SMOKE SHOP, a California Entity Form Unknown,
25 CDK BUSINESS ENTERPRISE, INC. dba CITY LIQUOR HOUSE, a California Corporation,
26 CRISCOLA'S LIQUOR STORE, a California Entity Form Unknown, F&F FOOD BARGAIN, INC.
27 dba FOOD BARGAIN MARKET, a California Corporation, DIVISION MARKET, INC., a California
28

COMPLAINT

1 Corporation, GREENE CAT LIQUORS, a California Entity Form Unknown, BEL AIR MARKET, a
2 California Entity Form Unknown, IDEAL MARKET, a California Entity Form Unknown, FOOD CITY
3 MARKET, a California Entity Form Unknown, MEGA DOLLAR STORES, INC., a California
4 Corporation, CARDIFF GAS, INC. dba VALERO, FUEL TEAM INC. dba THRIFTY GAS STATION,
5 a California Corporation, 5109 IMPERIAL AVENUE, LLC dba ARCO GAS STATION, a California
6 Limited Liability Company, 76 GAS STATION LOCATED AT 9609 AERO DRIVE, SAN DIEGO,
7 CA 92123, a California Entity Form Unknown, ARCO GAS STATION LOCATED AT 3860 OLD
8 TOWN AVE, SAN DIEGO, CA 92110, a California Entity Form Unknown, VALERO GAS STATION
9 LOCATED AT 3150 ADAMS AVE., SAN DIEGO, CA 92116, a California Entity Form Unknown,
10 EAGLE'S NEST PROPERTY MANAGEMENT, LLC dba SAN DIEGO GASOLINE, a California
11 Limited Liability Company, ARCO GAS STATION LOCATED AT 5401 UNIVERSITY AVE., SAN
12 DIEGO, CA 92105, a California Entity Form Unknown, ARCO GAS STATION LOCATED AT 4357
13 EL CAJON BLVD, SAN DIEGO, CA 92105, a California Entity Form Unknown, and DOES 1 through
14 100, inclusive (collectively, the "Defendants"), and in support thereof avers as follows:

15 **INTRODUCTION**

16
17 1. Defendants are engaged in a scheme to distribute and sell "male enhancement" pills
18 containing undisclosed pharmaceuticals to the general public. Specifically, Defendants offer for sale
19 various sexual Rhino Products, including but not limited to, Rhino 7 Platinum 5000, Rhino 12 Titanium
20 6000, Rhino 7 Platinum 3000, Rhino 8 Platinum 8000, Rhino 7 Blue 9000, Rhino 69 Platinum 9000,
21 Rhino 12 Titanium 6000, (collectively, the "Rhino Products"). All of the Rhino Products have been the
22 subject of laboratory testing and public announcements by the FDA, which found these products to
23 contain hidden drug ingredients such as sildenafil (a prescription drug), desmethyl carbodenafil (an
24 analogue of sildenafil), dapoxetine (an unapproved anti-depressant drug) and tadalafil (a prescription
25 drug), among other dangerous undisclosed ingredients.

26 2. The Rhino Products are distributed by unknown suppliers (the "Supplier Defendants")
27 through retail stores which are named herein as co-defendants (the "Retail Defendants"). Plaintiff has
28 sent letters to each of the Retail Defendants making demands that they cease and desist from the illicit

1 activity. The Retail Defendants have not complied with the demands and in some case provided forged
2 FDA documents (attached to this Complaint as Exhibit A) in their defense indicating that the FDA has
3 in fact approved the Rhino Products for use, when in reality the documents provided were created by
4 manipulating a publicly available FDA template for the export of certain goods
5 (<https://www.fda.gov/downloads/Food/NewsEvents/ConstituentUpdates/UCM541793.pdf>) attached
6 hereto as Exhibit B.

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

13 4. Plaintiff is the manufacturer of competing products called “TriSteel” and “TriSteel
14 8hour,” which are DSHEA-compliant male enhancement products made in the USA and distributed for
15 sale in all 50 US States.

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

22 6. Thus, Plaintiff’s only recourse is a civil action to protect the commercial interests
23 recognized by California Bus. And Prof. C. Section 17200 (the “UCL”), 17500 (the “FAL”), and the
24 Lanham Act and to expose the scheme detailed herein. As such, Defendants have knowingly and
25 materially participated in a false and misleading advertising campaign to promote and sell its Rhino
26 Products, giving consumers the false impression that these products are safe when in reality, Defendants
27 are well aware that the Rhino Products contain hidden drug ingredients.
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1 7. Defendants' false and misleading statements and advertising pose extreme health risks to
2 consumers in at least two ways. First, Defendants mislead consumers into believing that the advice and
3 authorization of a licensed medical professional is not required to mitigate or avoid the potentially life-
4 threatening side effects, drug interactions and contraindications of the sildenafil and other drug
5 ingredients hidden in the Rhino Products. Second, by failing to inform consumers that the Rhino
6 Products contain sildenafil, consumers who know that their medical history and drug prescriptions make
7 sildenafil consumption dangerous may nevertheless consume the Rhino Products because they are not
8 made aware they contain sildenafil.

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

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

24 10. Among other things, this action seeks to enjoin Defendants from the marketing and sale
25 of any and all of the Rhino Products, disgorgement of Defendants' profits, treble damages, punitive
26 damages and attorneys' fees provided by the UCL, FAL, and the Lanham Act.
27
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1 11. Among other things, this action seeks to enjoin Defendants from the marketing and sale
2 of any and all of the Rhino Products, and pursue the full range of damages available to it under

3 **JURISDICTION AND VENUE**

4 12. This Court has personal jurisdiction over Defendants because they have, directly or
5 through their intermediaries (including manufacturers, distributors, retailers, and others), developed,
6 licensed, manufactured, shipped, distributed, offered for sale, sold, and advertised their products in the
7 United States, the State of California, and this district, including but not limited to, the Rhino Products.
8 Defendants have purposefully and voluntarily placed these products into the stream of commerce with
9 the expectation that they will be purchased in this district.

10 13. Venue is proper in this judicial district because a substantial amount of the events
11 described occurred in this district.

12 **PARTIES**

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

15 15. Upon information and belief, defendant SAN DIEGO OUTLET INC dba V OUTLET is
16 a California Corporation, which lists as its principal place of business: 940 Fifth Avenue, San Diego,
17 California 92101.

18 16. Upon information and belief, defendant CONVENIENT CORNERS, INC. dba KEG N
19 BOTTLE LIQUOR is a California Corporation, which lists as its principal place of business: 6060 El
20 Cajon Blvd., San Diego, California 92115.

21 17. Upon information and belief, defendant ROLLING J'S SMOKE SHOP is a California
22 Entity Form Unknown, which lists as its principal place of business: 658 Hollister Street, San Diego,
23 California 92154.

24 18. Upon information and belief, defendant SMOKE N STUFF SMOKE SHOP is a
25 California Entity Form Unknown, which lists as its principal place of business: 1542 Palm Avenue, San
26 Diego, California 92154.

1 19. Upon information and belief, defendant ROMA MIKHA, INC. dba BOBAR 2 LIQUOR
2 STORE is a California Corporation, which lists as its principal place of business: 1777 Palm Avenue,
3 San Diego, California 92154.

4 20. Upon information and belief, defendant MIDWAY M3, INC. dba SHELL GAS
5 STATION is a California Corporation, which lists as its principal place of business: 3425 Midway
6 Drive, San Diego, California 92110.

7 21. Upon information and belief, defendant GOODFELLAS SMOKE SHOP, LLC is a
8 California Limited Liability Company which lists as its principal place of business: 4247 El Cajon
9 Blvd., San Diego, California 92105.

10 22. Upon information and belief, defendant EBM JR MARKET is a California Entity Form
11 Unknown, which lists as its principal place of business: 3638 El Cajon Blvd., Ste D, San Diego,
12 California 92104.

13 23. Upon information and belief, defendant YOUHANNA INC dba EL GUAPO MARKET
14 is a California Corporation which lists as its principal place of business: 4511 El Cajon Blvd., San
15 Diego, California 92115.

16 24. Upon information and belief, defendant KALYANA INC. dba FARMERS LIQUOR
17 STORE is a California Corporation which lists as its principal place of business: 2045 University
18 Avenue, San Diego, California 92104

19 25. Upon information and belief, defendant SMOKEY J TOBACCO SHOP is a California
20 Entity Form Unknown which lists as its principal place of business: 5971 University Ave Ste 311, San
21 Diego, California 92115.

22 26. Upon information and belief, defendant ROCK CITY INC. dba ROCK CITY MARKET,
23 which lists as its principal place of business: 5231 University Avenue, San Diego, California 92105.

24 27. Upon information and belief, defendant BIG CITY LIQUOR is a California Entity Form
25 Unknown, which lists as its principal place of business: 4749 University Avenue, San Diego, California
26 92105.

1 28. Upon information and belief, defendant HH EAGLES MARKET dba EAGLE MARKET
2 is a California Corporation which lists as its principal place of business: 4651 University Avenue, San
3 Diego, California 92105.

4 29. Upon information and belief, defendant APPLE TREE MARKET is a California Entity
5 Form Unknown, which lists as its principal place of business: 4404 University Avenue, San Diego,
6 California 92105.

7 30. Upon information and belief, defendant LITTLE BROWN JUG LIQUOR is a California
8 Entity Form Unknown, which lists as its principal place of business: 4245 University Avenue, San
9 Diego, California 92105.

10 31. Upon information and belief, defendant BLAZE SMOKE SHOP is a California Entity
11 Form Unknown which lists as its principal place of business: 4175 University Avenue, San Diego,
12 California 92105.

13 32. Upon information and belief, defendant MA SMOKE SHOP is a California Entity Form
14 Unknown which lists as its principal place of business: 3543 University Avenue, San Diego, California
15 92104.

16 33. Upon information and belief, defendant HAPPY DAZE LIQUOR, INC. is a California
17 Corporation, which lists as its principal place of business: 3392 University Avenue, San Diego,
18 California 92104.

19 34. Upon information and belief, defendant SONNY'S LIQUOR MARKET is a California
20 Entity Form Unknown, which lists as its principal place of business: 3604 Midway Drive, San Diego,
21 California 92110.

22 35. Upon information and belief, defendant MIDWAY CIGARS & SMOKE SHOP is a
23 California Entity Form Unknown, which lists as its principal place of business: 3555 Rosecrans Street,
24 Ste 105B, San Diego, California 90210.

25 36. Upon information and belief, defendant POINT LOMA LIQUOR, INC., is a California
26 Corporation which lists as its principal place of business: 1507 Rosecrans St., San Diego, CA 92106.
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1 37. Upon information and belief, defendant STARS AND STRIPES MART, INC. is a
2 California Corporation which lists as its principal place of business: 2907 Shelter Island Drive, Ste 111,
3 San Diego, California 92106.

4 38. Upon information and belief, defendant NEWPORT FARMS MARKET & LIQUOR is a
5 California Entity Form Unknown, which lists as its principal place of business: 5004 Newport Avenue,
6 San Diego, California 92107.

7 39. Upon information and belief, defendant SUNSET MINI MART, INC. is a California
8 Corporation, which lists as its principal place of business: 4799 Voltaire Street, San Diego, California
9 92107.

10 40. Upon information and belief, defendant SMOKE & SNACKS is a California Entity Form
11 Unknown, which lists as its principal place of business: 1400 Garnet Avenue, San Diego, California
12 92109.

13 41. Upon information and belief, defendant MISSION BAY LIQUOR is a California Entity
14 Form Unknown, which lists as its principal place of business: 1580 Garnet Avenue, San Diego,
15 California 92109.

16 42. Upon information and belief, defendant PARAS NEWS LLC is a California Limited
17 Liability Company, which lists as its principal place of business: 3911 30th Street, San Diego,
18 California 92104.

19 43. Upon information and belief, defendant SMOKERS SMOKE SHOP is a California
20 Entity Form Unknown, which lists as its principal place of business: 4663 Park Blvd., San Diego,
21 California 92116.

22 44. Upon information and belief, defendant SERVALL MARKET, INC. is a California
23 Corporation, which lists as its principal place of business: 1279 University Avenue, San Diego,
24 California 92103.

25 45. Upon information and belief, defendant ANDYS SMOKE SHOP, INC. is a California
26 Corporation, which lists as its principal place of business: 550 University Avenue, San Diego, California
27 92103.
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1 46. Upon information and belief, defendant HILLCREST NEWS, a California Entity Form
2 Unknown, which lists as its principal place of business: 529 University Avenue, San Diego, California
3 92103.

4 47. Upon information and belief, defendant HILLCREST SMOKE SHOP is a California
5 Entity Form Unknown, which lists as its principal place of business: 141 University Avenue, San Diego,
6 California 92103.

7 48. Upon information and belief, defendant CDK BUSINESS ENTERPRISE, INC. dba
8 CITY LIQUOR HOUSE is a California Corporation, which lists as its principal place of business: 1801
9 5th Avenue, San Diego, California 92101.

10 49. Upon information and belief, defendant MAGIC MARKET is a California Entity Form
11 Unknown, which lists as its principal place of business: 4825 Cass Street, San Diego, California, 92109.

12 50. Upon information and belief, defendant CRISCOLA'S LIQUOR STORE is a California
13 Entity Form Unknown, which lists as its principal place of business: 4641 Mission Blvd., San Diego,
14 California 92109.

15 51. Upon information and belief, defendant F&F FOOD BARGAIN, INC. dba FOOD
16 BARGAIN MARKET is a California Corporation, which lists as its principal place of business: 6261
17 Imperial Avenue, San Diego, California 92114.

18 52. Upon information and belief, defendant DIVISION MARKET, INC. is a California
19 Corporation, which lists as its principal place of business: 5402 Division Street, San Diego, California
20 92114.

21 53. Upon information and belief, defendant GREENE CAT LIQUORS is a California Entity
22 Form Unknown, which lists as its principal place of business: 5102 Imperial Avenue, San Diego,
23 California 92114.

24 54. Upon information and belief, defendant BEL AIR MARKET is a California Entity Form
25 Unknown, which lists as its principal place of business: 4473 Logan Avenue, San Diego, California
26 92113.

1 55. Upon information and belief, defendant IDEAL MARKET is a California Entity Form
2 Unknown, which lists as its principal place of business: 3101 National Avenue, San Diego, California
3 92113.

4 56. Upon information and belief, defendant MEGA DOLLAR STORES, INC. is a California
5 Corporation, which lists as its principal place of business: 3539 Adams Avenue, San Diego, California
6 92116.

7 57. Upon information and belief, defendant CARDIFF GAS, INC. dba VALERO GAS
8 STATION, which lists as its principal place of business: 1050 Cardiff Street, San Diego, California
9 92114.

10 58. Upon information and belief, defendant FUEL TEAM INC. dba THRIFTY GAS
11 STATION is a California Corporation, which lists as its principal place of business: 2502 Imperial
12 Avenue, San Diego, California 92102.

13 59. Upon information and belief, defendant 5109 IMPERIAL AVENUE, LLC dba ARCO
14 GAS STATION, which lists as its principal place of business: 5109 Imperial Avenue, San Diego,
15 California 92114.

16 60. Upon information and belief, defendant 76 GAS STATION LOCATED AT 9609 AERO
17 DRIVE, SAN DIEGO, CA 92123 is a California Entity Form Unknown, which lists as its principal
18 place of business: 9609 Aero Drive, San Diego, California 92123.

19 61. Upon information and belief, defendant ARCO GAS STATION LOCATED AT 3860
20 OLD TOWN AVE, SAN DIEGO, CA 92110 is a California Entity Form Unknown, which lists as its
21 principal place of business: 3860 Old Town Avenue, San Diego, California 92110.

22 62. Upon information and belief, defendant VALERO GAS STATION LOCATED AT 3150
23 ADAMS AVE., SAN DIEGO, CA 92116 is a California Entity Form Unknown, which lists as its
24 principal place of business: 3150 Adams Avenue, San Diego, California 92116.

25 63. Upon information and belief, defendant EAGLE'S NEST PROPERTY
26 MANAGEMENT, LLC dba SAN DIEGO GASOLINE is a California Limited Liability Company,
27 which lists as its principal place of business: 4067 El Cajon Blvd., San Diego, California 92105.
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1 64. Upon information and belief, defendant ARCO GAS STATION LOCATED AT 5401
2 UNIVERSITY AVE., SAN DIEGO, CA 92105 is a California Entity Form Unknown, which lists as its
3 principal place of business: 5401 University Avenue, San Diego, California 92105.
4

5 65. Upon information and belief, defendant ARCO GAS STATION LOCATED AT 4357 EL
6 CAJON BLVD, SAN DIEGO, CA 92105 is a California Entity Form Unknown, which lists as its
7 principal place of business: 4357 El Cajon Blvd, San Diego, California 92105.
8

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

14 **FACTUAL ALLEGATIONS**

15 67. According to a recent public warning by the FDA, there is a growing trend in the
16 supplement industry of mislabeling "dietary supplements" that contain potentially harmful hidden drugs
17 and chemicals. Unscrupulous supplement manufacturers and retailers market and advertise these
18 products as enhancing sexual performance, weight loss, and bodybuilding, and misrepresent their
19 products as being "all natural." Contrary to their representations, these purported "dietary supplements"
20 actually contain potentially harmful hidden ingredients and drugs, and require a prescription from a
21 medical doctor for proper use. The FDA has approved sildenafil for treatment of erectile dysfunction.
22 However, because of known side effects, drug interactions and contraindications, the FDA has deemed
23 sildenafil to be a prescription drug that can only be administered under the supervision of a medical
24 professional.

25 68. The serious side effects of sildenafil include, for example, priapism (i.e., prolonged
26 penile erections leading to tissue death and potential permanent erectile dysfunction), severe
27 hypotension (i.e., low blood pressure), myocardial infarction (i.e., heart attack), ventricular arrhythmias,
28

1 stroke, increased intraocular pressure (i.e., increased eye fluid pressure), anterior optic neuropathy (i.e.,
2 permanent optic nerve damage), blurred vision, sudden hearing loss, and dizziness.

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

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

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

14 **Defendants' Conspiracy**

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

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

27 **Defendants and The Rhino Products**

1 74. Suppliers contract with importers of the Rhino Products from manufacturers and
2 distributes them through its own retail stores.

3 75. Defendants advertise and offer for sale various sexual enhancement supplements,
4 including but not limited to, Rhino 7 Platinum 3000, Rhino 7 Platinum 5000, Rhino 8 Platinum 8000,
5 Rhino Big Horn 3000, Rhino 12 Titanium 6000, Rhino 69 and Boss-Rhino Gold X-tra Strength (the
6 “Rhino Products”).

7 76. Defendants make numerous false and misleading representations regarding the Rhino
8 Products. For example, and without limitation, Defendants mislabel the Rhino Products as “dietary
9 supplements,” and advertise and promote such products as containing “no chemicals,” “all natural
10 herbal formula,” and “no prescription necessary,” among other misrepresentations.

11 77. Contrary to Defendants’ representations, recent laboratory analyses by the FDA and
12 otherwise have confirmed that the Rhino Products unlawfully contain hidden drug ingredients, such as
13 sildenafil. Sildenafil is the active ingredient in the FDA-approved prescription drug Viagra, which is
14 used to treat erectile dysfunction. Thus, the Rhino Products are not “dietary supplements” as a matter of
15 law, and Defendants’ representations to the contrary are false and misleading for this reason alone.

16 78. Moreover, Defendants fail to disclose that the Rhino Products contain prescription drug
17 ingredients, such as sildenafil. The sale of products containing hidden drug ingredients (without
18 requiring a prescription and without informing consumers of the health and safety risks of these drugs)
19 is unlawful and seriously endangers consumers. In this regard, Defendants also fail to disclose any of
20 the adverse health consequences of taking PDE-5 Inhibitors, such as sildenafil, tadalafil and vardenafil.
21 According to the FDA, these undisclosed ingredients may interact with nitrates found in some
22 prescription drugs such as nitroglycerin and may lower blood pressure to dangerous levels, among other
23 negative side effects.

24 79. Defendants’ false and misleading advertising is harmful to the dietary supplement
25 industry as a whole and to individual consumers. Defendants have created an illegitimate marketplace
26 of consumers seeking to enhance their sexual performance, but who are not informed (or misinformed)
27 of the serious dangers of using the Rhino Products.
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1 80. Consequently, consumers of the Rhino Products have little or no incentive to use other
2 sexual performance Rhino Products, such as TriSteel, until they are injured or the Rhino Products are
3 taken off the shelves.

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

5 81. Upon information and belief, SAN DIEGO OUTLET INC dba V OUTLET owns and
6 operates the retail location at 940 Fifth Avenue, San Diego, California 92101, which advertises and
7 offers for sale various sexual enhancement supplements, including Rhino 12 Titanium 6000.

8 82. Upon information and belief, CONVENIENT CORNERS, INC. dba KEG N BOTTLE
9 LIQUOR owns and operates the retail location at 6060 El Cajon Blvd., San Diego, California 92115,
10 which advertises and offers for sale various sexual enhancement supplements, including Rhino 7
11 Platinum 3000.

12 83. Upon information and belief, ROLLING J'S SMOKE SHOP owns and operates the retail
13 location at 658 Hollister Street, San Diego, California 92154, which advertises and offers for sale
14 various sexual enhancement supplements, including Rhino 8 Platinum 8000.

15 84. Upon information and belief, SMOKE N STUFF SMOKE SHOP owns and operates the
16 retail location at 1542 Palm Avenue, San Diego, California 92154, which advertises and offers for sale
17 various sexual enhancement supplements, including Rhino 12 Titanium 6000.

18 85. Upon information and belief, ROMA MIKHA, INC. dba BOBAR 2 LIQUOR STORE
19 owns and operates the retail location at 1777 Palm Avenue, San Diego, California 92154, which
20 advertises and offers for sale various sexual enhancement supplements, including Rhino 7k 9000 Male
21 Performance Booster, Rhino 7 Platinum 5000, Rhino 12 Titanium 6000, and Rhino 8 Platinum 8000.

22 86. Upon information and belief, MIDWAY M3, INC. dba SHELL GAS STATION owns
23 and operates the retail location at 3425 Midway Drive, San Diego, California 92110, which advertises
24 and offers for sale various sexual enhancement supplements, including Rhino 7 Platinum 5000, and
25 Rhino 25K 15000.
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1 87. Upon information and belief, GOODFELLAS SMOKE SHOP, LLC owns and operates
2 the retail location at 4247 El Cajon Blvd., San Diego, California 92105, which advertises and offers for
3 sale various sexual enhancement supplements, including Rhino 7 Platinum 5000.

4 88. Upon information and belief, EBM JR MARKET owns and operates the retail location at
5 3638 El Cajon Blvd., Ste D, San Diego, California 92104, which advertises and offers for sale various
6 sexual enhancement supplements, including Rhino 25K 15000.

7 89. Upon information and belief, YOUHANNA INC dba EL GUAPO MARKET owns and
8 operates the retail location at 4511 El Cajon Blvd., San Diego, California 92115, which advertises and
9 offers for sale various sexual enhancement supplements, including Rhino 7 Platinum 5000 and Rhino 8
10 Platinum 8000.

11 90. Upon information and belief, KALYANA INC. dba FARMERS LIQUOR STORE owns
12 and operates the retail location at 2045 University Avenue, San Diego, California 92104, which
13 advertises and offers for sale various sexual enhancement supplements, including Rhino 7 Platinum
14 3000, and Rhino 7 Platinum 5000.

15 91. Upon information and belief, SMOKEY J TOBACCO SHOP owns and operates the
16 retail location at 5971 University Ave Ste 311, San Diego, California 92115, which advertises and offers
17 for sale various sexual enhancement supplements, including Rhino 69 Platinum 9000, and Rhino 7
18 Platinum 5000.

19 92. Upon information and belief, ROCK CITY INC. dba ROCK CITY MARKET owns and
20 operates the retail location at 5231 University Avenue, San Diego, California 92105, which advertises
21 and offers for sale various sexual enhancement supplements, including Rhino 7 Platinum 5000.

22 93. Upon information and belief, BIG CITY LIQUOR owns and operates the retail location
23 at 4749 University Avenue, San Diego, California 92105, which advertises and offers for sale various
24 sexual enhancement supplements, including Rhino 8 Platinum 8000.

25 94. Upon information and belief, HH EAGLES MARKET dba EAGLE MARKET owns and
26 operates the retail location at 4651 University Avenue, San Diego, California 92105, which advertises
27 and offers for sale various sexual enhancement supplements, including Rhino 7 Platinum 5000.
28

1 95. Upon information and belief, APPLE TREE MARKET owns and operates the retail
2 location at 4404 University Avenue, San Diego, California 92105, which advertises and offers for sale
3 various sexual enhancement supplements, including Rhino 7 Platinum 5000, and Rhino 25K 15000.

4 96. Upon information and belief, LITTLE BROWN JUG LIQUOR owns and operates the
5 retail location at 4245 University Avenue, San Diego, California 92105, which advertises and offers for
6 sale various sexual enhancement supplements, including Rhino 8 Platinum 8000.

7 97. Upon information and belief, BLAZE SMOKE SHOP owns and operates the retail
8 location at 4175 University Avenue, San Diego, California 92105, which advertises and offers for sale
9 various sexual enhancement supplements, including Rhino 8 Platinum 8000, and Rhino 7 Platinum
10 3000.

11 98. Upon information and belief, MA SMOKE SHOP owns and operates the retail location
12 at 3543 University Avenue, San Diego, California 92104, which advertises and offers for sale various
13 sexual enhancement supplements, including Rhino 7 Platinum 5000.

14 99. Upon information and belief, HAPPY DAZE LIQUOR, INC. owns and operates the
15 retail location at 3392 University Avenue, San Diego, California 92104, which advertises and offers for
16 sale various sexual enhancement supplements, including Rhino 25K 15000.

17 100. Upon information and belief, SONNY'S LIQUOR MARKET owns and operates the
18 retail location at 3604 Midway Drive, San Diego, California 92110, which advertises and offers for sale
19 various sexual enhancement supplements, including Rhino 7 Platinum 3000 and Rhino 12 Titanium
20 6000.

21 101. Upon information and belief, MIDWAY CIGARS & SMOKE SHOP owns and operates
22 the retail location at 3555 Rosecrans Street, Ste 105B, San Diego, California 90210, which advertises
23 and offers for sale various sexual enhancement supplements, including Rhino 7 Platinum 5000.

24 102. Upon information and belief, POINT LOMA LIQUOR, INC., owns and operates the
25 retail location at 1507 Rosecrans Street, San Diego, CA 92106, which advertises and offers for sale
26 various sexual enhancement supplements, including Rhino 7 Platinum 5000.
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1 103. Upon information and belief, STARS AND STRIPES MART, INC. owns and operates
2 the retail location at 2907 Shelter Island Drive, Ste 111, San Diego, California 92106, which advertises
3 and offers for sale various sexual enhancement supplements, including Rhino 7 Platinum 5000, and
4 Rhino 7 Platinum 3000.

5 104. Upon information and belief, NEWPORT FARMS MARKET & LIQUOR owns and
6 operates the retail location at 5004 Newport Avenue, San Diego, California 92107, which advertises and
7 offers for sale various sexual enhancement supplements, including Rhino 8 Platinum 8000.

8 105. Upon information and belief, SUNSET MINI MART, INC. owns and operates the retail
9 location at 4799 Voltaire Street, San Diego, California 92107, which advertises and offers for sale
10 various sexual enhancement supplements, including Rhino 8 Platinum 8000.

11 106. Upon information and belief, SMOKE & SNACKS owns and operates the retail location
12 at 1400 Garnet Avenue, San Diego, California 92109, which advertises and offers for sale various
13 sexual enhancement supplements, including Rhino 7 Platinum 5000.

14 107. Upon information and belief, MISSION BAY LIQUOR owns and operates the retail
15 location at 1580 Garnet Avenue, San Diego, California 92109, which advertises and offers for sale
16 various sexual enhancement supplements, including Rhino X, and Rhino 7 Platinum 5000.

17 108. Upon information and belief, PARAS NEWS LLC owns and operates the retail location
18 at 3911 30th Street, San Diego, California 92104, which advertises and offers for sale various sexual
19 enhancement supplements, including Rhino 7 Platinum 5000, Rhino 69 Platinum 9000, and Rhino 5
20 1500.

21 109. Upon information and belief, SMOKERS SMOKE SHOP owns and operates the retail
22 location at 4663 Park Blvd., San Diego, California 92116, which advertises and offers for sale various
23 sexual enhancement supplements, including Rhino 7 Platinum 5000.

24 110. Upon information and belief, SERVALL MARKET, INC. owns and operates the retail
25 location at 279 University Avenue, San Diego, California 92103, which advertises and offers for sale
26 various sexual enhancement supplements, including Rhino 8 Platinum 8000.
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1 111. Upon information and belief, ANDYS SMOKE SHOP, INC owns and operates the retail
2 location at 550 University Avenue, San Diego, California 92103, which advertises and offers for sale
3 various sexual enhancement supplements, including Rhino 25K 15000, Rhino 8 Platinum 8000, and
4 Rhino 7 Platinum 5000.

5 112. Upon information and belief, HILLCREST NEWS owns and operates the retail location
6 at 529 University Avenue, San Diego, California 92103, which advertises and offers for sale various
7 sexual enhancement supplements, including Rhino 7k 9000 Male Performance Booster.

8 113. Upon information and belief, HILLCREST SMOKE SHOP owns and operates the retail
9 location at 141 University Avenue, San Diego, California 92103, which advertises and offers for sale
10 various sexual enhancement supplements, including Rhino 7 Platinum 5000, and Rhino 12 Titanium
11 6000, Libigrow.

12 114. Upon information and belief, CDK BUSINESS ENTERPRISE, INC. dba CITY
13 LIQUOR HOUSE owns and operates the retail location at 1801 5th Avenue, San Diego, California
14 92101, which advertises and offers for sale various sexual enhancement supplements, including Rhino
15 25K 15000.

16 115. Upon information and belief, MAGIC MARKET owns and operates the retail location at
17 4825 Cass Street, San Diego, California, 92109, which advertises and offers for sale various sexual
18 enhancement supplements, including Rhino 7 Platinum 5000, and Rhino 8 Platinum 8000.

19 116. Upon information and belief, CRISCOLA'S LIQUOR STORE owns and operates the
20 retail location at 4641 Mission Blvd., San Diego, California 92109, which advertises and offers for sale
21 various sexual enhancement supplements, including Rhino 12 Titanium 6000, Rhino 7 Platinum 5000,
22 and Rhino 8 Platinum 8000.

23 117. Upon information and belief, F&F FOOD BARGAIN, INC. dba FOOD BARGAIN
24 MARKET owns and operates the retail location at 6261 Imperial Avenue, San Diego, California 92114,
25 which advertises and offers for sale various sexual enhancement supplements, including Rhino 7
26 Platinum 3000, and Rhino 7 Platinum 5000.
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1 118. Upon information and belief, DIVISION MARKET, INC. owns and operates the retail
2 location at 5402 Division Street, San Diego, California 92114, which advertises and offers for sale
3 various sexual enhancement supplements, including Rhino X, Rhino 12 Titanium 6000, Rhino 69
4 Platinum 9000

5 119. Upon information and belief, GREENE CAT LIQUORS owns and operates the retail
6 location at 5102 Imperial Avenue, San Diego, California 92114, which advertises and offers for sale
7 various sexual enhancement supplements, including Rhino 7 Platinum 3000.

8 120. Upon information and belief, BEL AIR MARKET owns and operates the retail location
9 at 4473 Logan Avenue, San Diego, California 92113, which advertises and offers for sale various sexual
10 enhancement supplements, including, Rhino 7 Platinum 5000.

11 121. Upon information and belief, IDEAL MARKET owns and operates the retail location at
12 3101 National Avenue, San Diego, California 92113, which advertises and offers for sale various sexual
13 enhancement supplements, including, Rhino 12 Titanium 6000.

14 122. Upon information and belief, MEGA DOLLAR STORES, INC. owns and operates the
15 retail location at 3539 Adams Avenue, San Diego, California 92116, which advertises and offers for sale
16 various sexual enhancement supplements, including Rhino 7 Platinum 3000.

17 123. Upon information and belief, CARDIFF GAS, INC. dba VALERO GAS STATION
18 owns and operates the retail location at 1050 Cardiff Street, San Diego, California 92114, which
19 advertises and offers for sale various sexual enhancement supplements, including Rhino 12 Titanium
20 6000.

21 124. Upon information and belief, FUEL TEAM INC. dba THRIFTY GAS STATION owns
22 and operates the retail location at 2502 Imperial Avenue, San Diego, California 92102, which advertises
23 and offers for sale various sexual enhancement supplements, including Rhino 25K 15000 and Rhino 12
24 Titanium 6000.

25 125. Upon information and belief, 5109 IMPERIAL AVENUE, LLC dba ARCO GAS
26 STATION owns and operates the retail location at 5109 Imperial Avenue, San Diego, California 92114,
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1 which advertises and offers for sale various sexual enhancement supplements, including Rhino 25K
2 15000.

3 126. Upon information and belief, 76 GAS STATION LOCATED AT 9609 AERO DRIVE,
4 SAN DIEGO, CA 92123 owns and operates the retail location at 9609 Aero Drive, San Diego,
5 California 92123, which advertises and offers for sale various sexual enhancement supplements,
6 including Rhino 7 Platinum 3000.

7 127. Upon information and belief, ARCO GAS STATION LOCATED AT 3860 OLD TOWN
8 AVE, SAN DIEGO, CA 92110 owns and operates the retail location at 3860 Old Town Avenue, San
9 Diego, California 92110, which advertises and offers for sale various sexual enhancement supplements,
10 including Rhino 7 Platinum 3000.

11 128. Upon information and belief, VALERO GAS STATION LOCATED AT 3150 ADAMS
12 AVE., SAN DIEGO, CA 92116 owns and operates the retail location at 3150 Adams Avenue, San
13 Diego, California 92116, which advertises and offers for sale various sexual enhancement supplements,
14 including Rhino 7 Platinum 5000.

15 129. Upon information and belief, EAGLE'S NEST PROPERTY MANAGEMENT, LLC dba
16 SAN DIEGO GASOLINE owns and operates the retail location at 4067 El Cajon Blvd., San Diego,
17 California 92105, which advertises and offers for sale various sexual enhancement supplements,
18 including Rhino 7 Platinum 5000.

19 130. Upon information and belief, ARCO GAS STATION LOCATED AT 5401
20 UNIVERSITY AVE., SAN DIEGO, CA 92105 owns and operates the retail location at 5401 University
21 Avenue, San Diego, California 92105, which advertises and offers for sale various sexual enhancement
22 supplements, including Rhino 25K 15000.

23 131. Upon information and belief, ARCO GAS STATION LOCATED AT 4357 EL CAJON
24 BLVD, SAN DIEGO, CA 92105 owns and operates the retail location at 4357 El Cajon Blvd, San
25 Diego, California 92105, which advertises and offers for sale various sexual enhancement supplements,
26 including Rhino 7 Platinum 5000.
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132. Plaintiff incorporates the allegations contained in the foregoing paragraphs as though fully set forth herein in their entirety.

133. California Business & Professions Code § 17200 provides that “unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.”

134. Defendants have engaged in unlawful conduct by selling pharmaceuticals without a prescription. Defendants have engaged in unfair conduct because the use of pharmaceuticals in male Rhino Products provides them with a competitive advantage in the marketplace among consumers seeking effective products, since pharmaceuticals are necessarily more potent than nutritional supplements. Defendants have engaged in fraudulent conduct by way of their false, deceptive, and misleading marketing, advertising, and sale of the Rhino Products as detailed above.

135. By reason of Defendants' acts of unfair competition, Plaintiff has suffered and will continue to suffer irreparable injury unless and until this Court enters an order enjoining Defendants from any further acts of unfair competition. Defendants' continuing acts of unfair competition, unless enjoined, will cause irreparable damage to Plaintiff in that it will have no adequate remedy at law to compel Plaintiff to cease such acts, and no way to determine its losses proximately caused by such acts of Defendants. Plaintiff is therefore entitled to a preliminary injunction and a permanent injunction against further unlawful and unfair conduct by Defendants.

136. The use of such falsely marketed substances has the tendency to deceive a substantial segment of the public and consumers in California into believing that they are purchasing a product with different characteristics.

1 137. The deception is material because it is likely to influence a consumer's purchasing
2 decision, especially if the consumer is concerned about the consequences of taking steroids or illegal
3 substances.

4 138. Defendants have introduced their false and misleading statements into California via
5 marketing and advertising on various websites and shipment of its product containing false and
6 misleading advertising into California.

7 139. Plaintiff has suffered both an ascertainable economic loss of money and reputational
8 injury by the diversion of business from Plaintiff to Defendants.

9
10 **SECOND CAUSE OF ACTION**

11 **(False And Misleading Advertising**

12 **In Violation of California Business And Professions Code § 17500)**

13 **(Against All Defendants)**

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

16 141. This cause of action is brought pursuant to the Unfair Competition Law at California
17 Business & Professions Code § 17500 *et seq.*

18 142. Defendants have disseminated advertising before the public and consumers in California
19 that: (a) contain statements that are illegal, untrue and/or misleading; (b) Defendants knew, or in the
20 exercise of reasonable care should have known, are illegal, untrue and/or misleading; (c) concern the
21 sale of a product; and (d) are likely to mislead or deceive a reasonable consumer. In this regard,
22 Defendants make numerous false and misleading representations regarding the Rhino Products. For
23 example, and without limitation, Defendants mislabel the Rhino Products as "dietary supplements," and
24 advertise and promote such products as containing "no chemicals," "all natural herbal formula," and "no
25 prescription necessary," among other misrepresentations.

26 143. Contrary to Defendants' representations, recent laboratory analyses by the FDA and
27 otherwise have confirmed that the Rhino Products unlawfully contain hidden drug ingredients, such as
28 sildenafil. Sildenafil is the active ingredient in the FDA-approved prescription drug Viagra, which is

1 used to treat erectile dysfunction. Thus, the Rhino Products are not “dietary supplements” as a matter of
2 law, and Defendants’ representations to the contrary are false and misleading for this reason alone.

3 144. Moreover, Defendants fail to disclose that the Rhino Products contain prescription drug
4 ingredients, such as sildenafil. The sale of products containing hidden drug ingredients (without
5 requiring a prescription and without informing consumers of the health and safety risks of these drugs)
6 is unlawful and seriously endangers consumers. In this regard, Defendants also fail to disclose any of
7 the adverse health consequences of taking PDE-5 Inhibitors, such as sildenafil, tadalafil and vardenafil.
8 According to the FDA, these undisclosed ingredients may interact with nitrates found in some
9 prescription drugs such as nitroglycerin and may lower blood pressure to dangerous levels, among other
10 negative side effects.

11 145. The use of such falsely marketed substances has the tendency to deceive a substantial
12 segment of the public and consumers in California into believing that they are purchasing a product with
13 different characteristics.

14 146. The deception is material because it is likely to influence a consumer’s purchasing
15 decision, especially if the consumer is concerned about the consequences of taking steroids or illegal
16 substances.

17 147. Defendants have introduced their false and misleading statements into California via
18 marketing and advertising on various websites and shipment of its product containing false and
19 misleading advertising into California.

20 148. Plaintiff has suffered both an ascertainable economic loss of money and reputational
21 injury by the diversion of business from Plaintiff to Defendants.

22 149. Defendants’ actions, as described above, constitute false and misleading descriptions and
23 misrepresentations of fact in California which, in commercial advertising and promotion, misrepresent
24 the nature, characteristics, and qualities of their products in violation of the False Advertising Law at
25 Business & Professions Code § 17500, *et seq.*

26 **THIRD CAUSE OF ACTION**

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

1 150. Plaintiff incorporates the allegations contained in the foregoing paragraphs as though
2 fully set forth herein in their entirety.

3 151. Defendants advertise and offer for sale various sexual enhancement supplements,
4 including but not limited to, the Rhino Products.

5 152. Defendants make numerous false and misleading representations regarding the Rhino
6 Products. For example, and without limitation, Defendants mislabel the Rhino Products as “dietary
7 supplements” and advertise and promote such products as containing “no chemicals,” “NATURAL
8 FORMULA,” and “no prescription necessary,” among other misrepresentations.

9 153. Contrary to Defendants’ representations, recent laboratory analyses by the FDA and
10 otherwise have confirmed that the Rhino Products unlawfully contain hidden drug ingredients, such as
11 sildenafil. Sildenafil is the active ingredient in the FDA-approved prescription drug Viagra, which is
12 used to treat erectile dysfunction. Thus, the Rhino Products are not “dietary supplements” as a matter of
13 law, and Defendants’ representations to the contrary are false and misleading for this reason alone.

14 154. Moreover, Defendants fail to disclose that the Rhino Products contain prescription drug
15 ingredients, such as sildenafil. The sale of products containing hidden drug ingredients (without
16 requiring a prescription and without informing consumers of the health and safety risks of these drugs)
17 is unlawful and seriously endangers consumers. In this regard, Defendants also fail to disclose any of
18 the adverse health consequences of taking PDE-5 Inhibitors, such as sildenafil, tadalafil and vardenafil.
19 According to the FDA, these undisclosed ingredients may interact with nitrates found in some
20 prescription drugs such as nitroglycerin and may lower blood pressure to dangerous levels, among other
21 negative side effects.

22 155. Defendants have knowingly and materially participated in a false and misleading
23 advertising campaign to promote and sell their Rhino Products, giving consumers the false impression
24 that these products are “all-natural” “dietary supplements,” which do not require a prescription. In
25 reality, Defendants knew, or should have known, that their Rhino Products contain hidden drug
26 ingredients and actually require a proper prescription from a medical doctor.
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156. The use of such falsely advertised products has the tendency to deceive a substantial segment of the public and consumers, including those in Texas, into believing that they are purchasing a product with drastically different characteristics.

157. The deception is material because it is likely to influence a consumer's purchasing decisions, especially if the consumer is concerned about the consequences of taking certain prescription drugs without the supervision of a medical doctor.

158. Defendants have introduced their false and misleading statements into interstate commerce via marketing and advertising at trade shows, on various websites and shipment of their products containing false and misleading advertising into interstate commerce.

159. Plaintiff has been injured as a result of Defendants' false and misleading statements. Specifically, Defendants' false and misleading advertising concerning the Rhino Products has negatively impacted Plaintiff's sales of TriSteel, as both products are intended for sexual performance enhancement and target the same consumers. Thus, Defendants' false and misleading representations regarding the Rhino Products have resulted in the diversion of sales from Plaintiff and lost profits.

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

PRAYER

Wherefore, Plaintiff prays for judgment against Defendants as follows:

For the UCL and FAL claims:

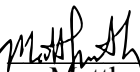
1. For preliminary and permanent injunctive relief enjoining Defendants from producing, licensing, marketing, and the Rhino Products;
2. For restitution of all Defendants' ill-gotten gains;
3. For costs; and
4. Any other relief the Court may deem appropriate.

For the Lanham Act Claims:

5. For preliminary and permanent injunctive relief enjoining Defendant from falsely advertising any of the Rhino Products
6. For an award of compensatory damages to be proven at trial in accordance with 15 U.S.C. § 1117;
7. For an award of any and all of Defendant's profits arising from the foregoing acts in accordance with 15 U.S.C. § 1117 and other applicable laws;
8. For restitution of Defendant's ill-gotten gains;
9. For treble damages in accordance with 15 U.S.C. § 1117;
10. For punitive damages;
11. For costs and attorneys' fees; and
12. Any other relief the Court may deem appropriate.

DATED: July 24, 2018

TAULER SMITH LLP

By: 
Matthew J. Smith
OUTLAW LABORATORY, LP

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2
3 **DEMAND FOR JURY TRIAL**
4

5 Plaintiff hereby demands a trial by jury.
6

7 DATED: July 24, 2018

TAULER SMITH LLP

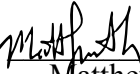
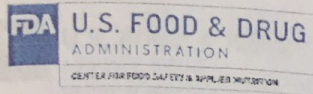
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12 Matthew J. Smith
13 OUTLAW LABORATORY, LP
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EXHIBIT A



Certificate Unique ID: UHQX-YRM5

CERTIFICATE OF FREE SALE

1. Pursuant to the Provisions of Rule 44 of the Federal Rules of Civil Procedure, I hereby certify that the attached letter (and product list, if applicable), as described below, is a true copy of material on file in the Food and Drug Administration, Department of Health and Human Services and is a part of the official records of said Administration and Department.

Attachment Dated:

February 27, 2018

To Whom it May Concern

Regarding:

RHINO 7 Platinum 5000 (750mg)

Hasim Enterprise, 5241 Lincoln Ave Ste B6, Cypress, CA 90630

2. In witness whereof, I have pursuant to the provisions of Title 42, United States Code, Section 3505, and the authority delegated by the Commissioner of Food and Drugs, hereto set my hand and cause the seal of the Department of Health and Human Services to be affixed this 27th day of February, 2018.

Robert Durkin, Esq., M.S., R.Ph.

Deputy Director, Office of Dietary Supplement Programs

Center for Food Safety and Applied Nutrition

U.S. Food and Drug Administration

By direction of the Secretary of Health and Human Services

THIS CERTIFICATE EXPIRES: February 27, 2020.





Certificate Unique ID: 5WEJ-5M6G

CERTIFICATE OF FREE SALE

1. Pursuant to the Provisions of Rule 44 of the Federal Rules of Civil Procedure, I hereby certify that the attached letter (and product list, if applicable), as described below, is a true copy of material on file in the Food and Drug Administration, Department of Health and Human Services and is a part of the official records of said Administration and Department.

Attachment Dated:

February 27, 2018

To Whom it May Concern

Regarding:

RHINO 8 Platinum 8000 (750mg)

Hasim Enterprise, 5241 Lincoln Ave, Cypress, CA 90630

2. In witness whereof, I have pursuant to the provisions of Title 42, United States Code, Section 3505, and the authority delegated by the Commissioner of Food and Drugs, hereto set my hand and cause the seal of the Department of Health and Human Services to be affixed this 27th day of February, 2018.

Robert J. Durkin

Robert Durkin, Esq., M.S., R.Ph.

Deputy Director, Office of Dietary Supplement Programs

Center for Food Safety and Applied Nutrition

U.S. Food and Drug Administration

By direction of the Secretary of Health and Human Services

THIS CERTIFICATE EXPIRES: February 27, 2020.





Certificate Unique ID: BED8-6YPB

CERTIFICATE OF FREE SALE

1. Pursuant to the Provisions of Rule 44 of the Federal Rules of Civil Procedure, I hereby certify that the attached letter (and product list, if applicable), as described below, is a true copy of material on file in the Food and Drug Administration, Department of Health and Human Services and is a part of the official records of said Administration and Department.

Attachment Dated:
February 27, 2018
To Whom it May Concern
Regarding:
RHINO 12 Titanium 6000 (750mg)

Hasim Enterprise, 5241 Lincoln Ave, Cypress, CA 90630

2. In witness whereof, I have pursuant to the provisions of Title 42, United States Code, Section 3505, and the authority delegated by the Commissioner of Food and Drugs, hereto set my hand and cause the seal of the Department of Health and Human Services to be affixed this 27th day of February, 2018.

Robert Durkin, Esq., M.S., R.Ph.
Deputy Director, Office of Dietary Supplement Programs
Center for Food Safety and Applied Nutrition
U.S. Food and Drug Administration
By direction of the Secretary of Health and Human Services

THIS CERTIFICATE EXPIRES: February 27, 2020.





Certificate Unique ID: PZXW-35M2

CERTIFICATE OF FREE SALE

1. Pursuant to the Provisions of Rule 44 of the Federal Rules of Civil Procedure, I hereby certify that the attached letter (and product list, if applicable), as described below, is a true copy of material on file in the Food and Drug Administration, Department of Health and Human Services and is a part of the official records of said Administration and Department.

Attachment Dated:
February 27, 2018
To Whom it May Concern
Regarding:
RHINO 69 Platinum 9000 (750mg)

Hasim Enterprise, 5241 Lincoln Ave, Cypress, CA 90630

2. In witness whereof, I have pursuant to the provisions of Title 42, United States Code, Section 3505, and the authority delegated by the Commissioner of Food and Drugs, hereto set my hand and cause the seal of the Department of Health and Human Services to be affixed this 27th day of February, 2018.

Robert J. Durkin

Robert Durkin, Esq., M.S., R.Ph.
Deputy Director, Office of Dietary Supplement Programs
Center for Food Safety and Applied Nutrition
U.S. Food and Drug Administration
By direction of the Secretary of Health and Human Services

THIS CERTIFICATE EXPIRES: February 27, 2020.



EXHIBIT B



Certificate Unique ID: XXXX-XXXX

[MONTH, DD, YYYY]

CERTIFICATE OF FREE SALE

1. Pursuant to the Provisions of Rule 44 of the Federal Rules of Civil Procedure, I hereby certify that

...

[BODY/TEXT OF CERTIFICATE]

...

2. In witness whereof, I have pursuant to the provisions of Title 42, United States Code, Section 3505 and the authority delegated by the Commissioner of Food and Drugs, hereto set my hand and cause the seal of the Department of Health and Human Services to be affixed this [MONTH, DD, YYYY].

[Signature]

[DIRECTOR'S NAME]

Director, [OFFICE]

Center for Food Safety and Applied Nutrition

U.S. Food and Drug Administration

By direction of the Secretary of Health and Human
Services

THIS CERTIFICATE EXPIRES: [MONTH, DD, YYYY].

