



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA

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District Attorney

**OHIO SELLER OF UNAPPROVED DIETARY SUPPLEMENTS AGREES
TO PAY \$1,796,114.50 IN PENALTIES & RESTITUTION**

January 29, 2014
FOR IMMEDIATE RELEASE
Deputy District Attorney: Anand "Lucky" Jesrani
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Shasta County District Attorney's Office announced today that Benjamin Suarez, a Ohio direct mail marketer, and his company, Suarez Corporation Industries, Inc., ("SCI"), have agreed to settle a civil enforcement action alleging that both defendants used false marketing claims to sell dietary supplements and/or medical devices.

The California Nutritional Supplement Task Force filed this civil enforcement action in Alameda County Superior Court in June 2011. The Complaint alleges deceptive marketing and sales of multiple unapproved drugs and devices in California between 2006 and 2010 in violation of the False Advertising Law (*Cal Bus. & Prof Code* §17500) and the Unfair Competition Law (*Cal Bus. & Prof Code* §17200 et seq.). The complaint alleges that SCI and Suarez illegally marketed and sold a variety of nutritional supplements, typically "weight loss" aids like "AbGone", "Colon Health Complete", and "Slim and Cleanse Complete."

The marketing and sales techniques of Suarez, and/or SCI, have been the subject of numerous civil enforcement actions since at least 1978, including actions brought by the United States Postal Service, and the States of West Virginia, New Jersey, and Washington. More recently, in September 2013, the United States Attorney for the Northern District of Ohio filed criminal charges against Suarez accusing him of violating federal campaign finance laws.
<http://www.justice.gov/usao/ohn/news/2013/25septsuar.html>

The Shasta County District Attorney's Office is a member of the California Nutritional Supplement Task Force, along with the District Attorneys for Alameda, Marin, Monterey, Napa, Orange, Santa Clara, Santa Cruz, Solano, and Sonoma. Since 2005, the task force has investigated and/or filed civil actions against numerous companies and individuals who allegedly violate California law prohibiting marketing tactics like the use of unsubstantiated weight loss, disease "cure" claims and/or the sale of misbranded devices.

Suarez had previously engaged in attempts to intimidate public prosecutors with threats of recall for daring to initiate investigations and lawsuits into his deceptive business practices. He also made

efforts through other officials to ask California Attorney General Kamala Harris to persuade the California District Attorneys to drop the action. However, Attorney General Harris rightfully responded by explaining that the District Attorneys in California were acting within their legal discretion and declined to intervene

Under the settlement, SCI and Suarez agree to be bound by an Alameda County Superior Court permanent injunction prohibiting them from marketing and selling nutritional supplements and other devices in violation of California's consumer safety laws. In addition, SCI and Suarez will pay a combined \$1,796,114.50 in penalties, restitution, and restitution credits, with Shasta County receiving \$95,000.00.

The matter was prosecuted in Shasta County by Deputy District Attorney Anand "Lucky" Jesrani, of the Consumer Protection Unit.