

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

OUTLAW LABORATORY, LP, a
Texas limited partnership,

Plaintiff,

vs.

AARINA INVESTMENTS, INC., a
Georgia corporation, BANKHEAD
VALERO CORPORATION, a
Georgia corporation, BPR
ENTERPRISE, INC., a Georgia
corporation, CEDAR GROVE BP,
INC., a Georgia corporation,
CHEVRON FOOD MART #85, LLC,
a Georgia limited liability company,
DAEJIN ENTERPRISE, LLC, a
Georgia limited liability company, F
& S BLESSINGS, INC., a Georgia
Corporation, GEO. H. GREEN OIL,
INC., a Georgia corporation,
KHOWAJA, INC., a Georgia
corporation, LUCKY FOOD & GAS,
LLC a Georgia limited liability
company, METRO CONVENIENCE,
INC., a Georgia corporation, MK
ENERGY, LLC, a Georgia limited
liability company, NURUL
ENTERPRISE, LLC, a Georgia
limited liability company,
PALADINS PARTNERS, LLC a
Georgia limited liability company,
QUICK MART, INC, a Georgia
corporation, SAPPHIRE FOOD &
GAS, LLC, a Georgia limited liability
company, TW, INC., a Georgia
corporation, WINDER VENTURE,

CASE NO.

COMPLAINT FOR:

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

[DEMAND FOR A JURY TRIAL]

1 LLC, a Georgia limited liability
2 company, ZM CONVENIENCE,
3 LLC, a Georgia limited liability
4 company and DOES 1-100

Defendants.

5 Plaintiff Outlaw Laboratory, LP, a Texas limited partnership (“OLP” or
6 “Plaintiff”), by and through its undersigned attorney, submits this Complaint
7 against defendants AARINA INVESTMENTS, INC., a Georgia corporation,
8 BANKHEAD VALERO CORPORATION, a Georgia corporation, BPR
9 ENTERPRISE, INC., a Georgia corporation, CEDAR GROVE BP, INC., a
10 Georgia corporation, CHEVRON FOOD MART #85, LLC, a Georgia limited
11 liability company, DAEJIN ENTERPRISE, LLC, a Georgia limited liability
12 company, F & S BLESSINGS, INC., a Georgia Corporation, GEO. H. GREEN
13 OIL, INC., a Georgia corporation, KHOWAJA, INC., a Georgia corporation,
14 LUCKY FOOD & GAS, LLC a Georgia limited liability company, METRO
15 CONVENIENCE, INC., a Georgia corporation, MK ENERGY, LLC, a Georgia
16 limited liability company, NURUL ENTERPRISE, LLC, a Georgia limited
17 liability company, PALADINS PARTNERS, LLC a Georgia limited liability
18 company, QUICK MART, INC, a Georgia corporation, SAPPHIRE FOOD &
19 GAS, LLC, a Georgia limited liability company, TW, INC., a Georgia corporation,
20 WINDER VENTURE, LLC, a Georgia limited liability company, ZM
21 CONVENIENCE, LLC, a Georgia limited liability company and DOES 1-100,
22 (collectively, the “Defendants”), and in support thereof avers as follows:

23 **INTRODUCTION**

24 1. Defendants are engaged in a scheme to distribute and sell “male
25 enhancement” pills containing undisclosed pharmaceuticals to the general public
26

1 through their gas stations. Specifically, Defendants offer for sale various sexual
2 enhancement products, including but not limited to, Rhino 25K 15000, Rhino 7
3 Platinum 5000, Rhino 12 Titanium 6000, GoldReallas, Libigrow XXXXTREME,
4 S.W.A.G, Stiff Nights, Goldreallas Original, Libigirl, FX3000, Rhino 8 Platinum
5 8000, Black Panther, Grande X 5800, Herb Viagra, Black Mamba Premium, Triple
6 Green, Boss-Rhino Gold X-tra Strength and Black Ant King, and others as detailed
7 below (collectively, the “Enhancement Products”). All of the Enhancement
8 Products have been the subject of laboratory testing and public announcements by
9 the FDA, which found these products to contain hidden drug ingredients such as
10 sildenafil (a prescription drug), desmethyl carbodenafil (an analogue of sildenafil),
11 dapoxetine (an unapproved anti-depressant drug) and tadalafil (a prescription
12 drug), among other dangerous undisclosed ingredients.

13 2. Despite warnings from the Georgia Attorney General, and the
14 Attorneys General of 44 states regarding the sale of harmful products in various
15 branded stores, including the stores contained in this Complaint, Defendants are
16 selling potentially deadly pharmaceuticals, mislabeled as “natural” supplements to
17 the unsuspecting public. (A copy of the warning letter is attached as Exhibit “A”).
18 Plaintiff has sent letters to each of the Defendants making demands that they cease
19 and desist from the illicit activity. Defendants have not complied with the
20 demands.

21 3. Defendants profit from the sale of the Enhancement Products by
22 disseminating false statements including that the Enhancement Products are “all
23 natural,” contain “no harmful synthetic chemicals,” “no prescription necessary,”
24 and have limited side effects. Aside from these patently false statements,
25
26
27

1 Defendants have failed to disclose the true nature of the Enhancement Products to
2 their customers, even though they are aware of the dangerous secret ingredients.

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

6 5. The proliferation of mislabeled male enhancement pills has grown in
7 the shadows of intermittent enforcement of nutritional supplement laws. In this
8 regard, the FDA has issued several public notices regarding the use of sildenafil in
9 over the counter “male enhancement” supplements, but has only taken action on a
10 handful of cases. Defendants have taken full advantage of this regulatory
11 landscape, making significant profits selling dangerous products while openly
12 engaging in illicit activity.

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

20 7. Defendants’ false and misleading statements and advertising pose
21 extreme health risks to consumers in at least two ways. First, Defendants mislead
22 consumers into believing that the advice and authorization of a licensed medical
23 professional is not required to mitigate or avoid the potentially life-threatening side
24 effects, drug interactions and contraindications of the sildenafil and other drug
25 ingredients hidden in the Enhancement Products. Second, by failing to inform
26

1 consumers that the Enhancement Products contain sildenafil, consumers who know
2 that their medical history and drug prescriptions make sildenafil consumption
3 dangerous may nevertheless consume the Enhancement Products because they are
4 not made aware they contain sildenafil.

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

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

1 16. Defendant Bankhead Valero Corporation, is a Georgia corporation
2 with its principal place of business located at 3170 Donald Lee Hollowell Pkwy
3 NW, Atlanta, Georgia 30318. Bankhead Valero Corporation may be served
4 through its registered agent, Yasir Khan at 3170 Donald Lee Hollowell Parkway
5 NW, Atlanta, Georgia 30318.

6 17. Defendant BPR Enterprise, Inc., is a Georgia corporation, with its
7 principal place of business located at 1977 Martin Luther King Jr. Drive, Atlanta,
8 Georgia 30310. BPR Enterprise, Inc. may be served through its registered agent,
9 Upwinder Randhawa at 1977 Martin Luther King Jr. Drive, Atlanta, Georgia
10 30310.

11 18. Defendant Cedar Grove BP, Inc., is a Georgia Corporation with its
12 principal place of business at 2163 Cedar Grove Road, Conley, Georgia 30288.
13 Cedar Grove BP, Inc., may be served through its registered agent, Jehangir Ali
14 Shamsi, at 2136 Cedar Grove Road, Conley, Georgia 30027.

15 19. Defendant Chevron Food Mart #85, LLC, is a Georgia limited liability
16 company, may be served through its registered agent, Scott A. Moon, at 305-A
17 Equipment Court, Lawrenceville, Georgia 30046.

18 20. Defendant Daejin Enterprise, LLC is a Georgia limited liability
19 company with its principal place of business located at 1127 Clear Stream Rdg,
20 Auburn, Georgia 30011. Daejin Enterprise, LLC may be served through its
21 registered agent, Dae Jin Kim at 1127 Clear Stream Rdg., Auburn, Georgia 30011.

22 21. Defendant F & S Blessings, Inc., is a Georgia corporation with its
23 principal place of business located at 2763 Meadow Church Road, Suite 130,
24 Duluth, Georgia 30097. F & S Blessings, Inc., may be served through its
25 registered agent, Shiraz Aly at 385 Swains Drive, Peachtree City, Georgia 30269.

1 22. Defendant GEO H. Green Oil, Inc., is a Georgia corporation, may be
2 served through its registered agent, Douglas B. Warner at 900 Westpark Drive,
3 Suite 210, Peachtree City, Georgia 30269.

4 23. Defendant Khowaja, Inc., is a Georgia corporation with its 2995 N.
5 Druid Hills Road NE, Atlanta, Georgia 30329. Khowaja, Inc. may be served
6 through its attorney, David Jaffer, at 260 Peachtree Street NW, Suite 401, Atlanta,
7 Georgia 30303.

8 24. Defendant Lucky Food & Gas, LLC is a Georgia limited liability
9 company with its principal place of business located at 1227 Madalay Ct SW,
10 Lilburn, Georgia 30047. Lucky Food & Gas, LLC may be served through its
11 registered agent, Mohammed Awaiz at 1227 Mandalay Ct SW, Lilburn, Georgia
12 30047.

13 25. Defendant Metro Convenience is a Georgia corporation with its
14 principal place of business located at 615 Croydon Lane, Alpharetta, Georgia
15 30022. Metro Convenience, Inc., may be served through its registered agent, Amin
16 Panjwani at 615 Croydon Lane, Alpharetta, Georgia 30022.

17 26. Defendant MK Energy, LLC, is a Georgia limited liability company
18 with its principal of business located at 990 Holcomb Bridge Road, Suite 2,
19 Roswell, Georgia 30076. MK Energy, LLC may be served through its registered
20 agent, Makhtar Kamara at 990 Holcomb Bridge Road, Suite 2, Roswell, Georgia
21 30076.

22 27. Defendant Nurul Enterprise, LLC, is a Georgia limited liability
23 company with its principal place of business located at 1931 Gregory Run NE,
24 Atlanta, Georgia 30345. Nurul Enterprise, LLC may be served through its
25
26
27

1 registered agent, Nurul Chowdhury at 1931 Gregory Run NE, Atlanta, Georgia
2 30345.

3 28. Defendant Paladins Partners, LLC, is a Georgia limited liability
4 company with its principal place of business located at 5317 T.L. Bower Way,
5 Flowery Branch, Georgia 30542. Paladins Partners, LLC may be served through
6 its registered agent, Tom L. Bower at 5317 T.L. Bower Way, Flowery Branch,
7 Georgia 30542.

8 29. Defendant Quick Mart, Inc. is a Georgia corporation with its principal
9 place of business located at 4845 Alabama Road NE, Roswell, Georgia 30075.
10 Quick Mart, Inc., may be served through its registered agent, Amgd K. Ibraheem,
11 CPA, Inc., at 3845 Holcomb Bridge Road, Suite 300, Norcross, Georgia 30092

12 30. Defendant Sapphire Food & Gas, LLC, is a Georgia limited liability
13 company with its principal place of business located at 4165 Roosevelt Hwy,
14 College Park, Georgia 30249. Sapphire Food & Gas, LLC may be served through
15 its registered agent, Firoz Ali, at 1386 Threepine Place, Lilburn, Georgia 30047

16 31. Defendant TW, Inc. is a Georgia corporation may be served through
17 its registered agent, "Texaco" or Tizaz Woldu at 1525 Mountain Industrial Blvd,
18 Stone Mountain, Georgia 30083.

19 32. Defendant Winder Venture LLC is a Georgia limited liability
20 company with its principal place of business located at 1233 Atlanta Hwy, Winder,
21 Georgia, 30680. Winder Venture LLC may be served through its registered agent,
22 Rambhai Patel, at 1233 Atlanta Hwy, Winder, Barrow County, Georgia, 30680.

23 33. Defendant ZM Convenience, LLC, is a Georgia limited liability
24 company with its principal place of business at 2810 Long Grove Court, Marietta,
25 Georgia 30062. ZM Convenience may be served through its registered agent,
26

1 Mohammed Mosharraf Hossain, at 2810 Long Grove Court, Marietta, Georgia
2 30062.

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

10 **FACTUAL ALLEGATIONS**

11 **Sildenafil**

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

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

22 37. The serious negative drug interactions of sildenafil include, for
23 example, (i) interacting with alkyl nitrites and alpha-1 blockers to cause angina and
24 life-threatening hypotension, (ii) interacting with protease inhibitors to increase the
25
26
27

1 incidence and severity of side effects of sildenafil alone, and (iii) interacting with
2 erythromycin and cimetidine to cause prolonged plasma half-life levels.

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

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

12 **Defendants' Scheme**

13 40. Defendants obtain various sexual enhancement supplements through
14 intermediaries who distribute the Enhancement Products through a network of
15 Citgo branded retail locations, detailed herein, who own and operate independent
16 businesses selling the Enhancement Products, disseminate false claims about the
17 Enhancement Products, and profit from the sale of dangerous products to
18 consumers at a large markup on each pill.

19 41. The Enhancement Products are all subject to FDA public
20 announcements regarding their illicit contents; however, Defendants still
21 participate in their sale, due to their profitability.

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

23 42. Defendant Aarina Investments, Inc., operates the BP at 2722 Candler
24 Road, Decatur, Georgia 30034, which advertises and offers for sale various sexual
25 enhancement supplements, including without limitation, Rhino 8 Platinum 8000.

1 43. Defendant Bankhead Valero Corporation operates a Citgo at 3170
2 Donald Lee Hollowell Pkwy, Atlanta, Georgia 30318, which advertises and offers
3 for sale various sexual enhancement products, including without limitation, Rhino
4 25K 15000.

5 44. Defendant BPR Enterprise, Inc. operates a Texaco located at 1977
6 MLK Jr. Drive, Atlanta, Georgia 30310, which advertises and offers for sale
7 various sexual enhancement products, including without limitation, Libigrow
8 XXXXTREME.

9 45. Defendant Cedar Grove BP operates a BP at 8700 Cedar Grove Road,
10 Fairburn, Georgia 30213, which advertises and offers for sale various sexual
11 enhancement supplements, including without limitation, Goldreallas XXX.

12 46. Defendant Chevron Food Mart #85, LLC operates the Chevron
13 located at 842 Harbins Road SE, Suite A, Dacula, Georgia 30019, which advertises
14 and offers for sale various sexual enhancement supplements, including without
15 limitation, Libigrow XXXXTREME, Stiff Nights and Goldreallas XXX.

16 47. Daejin Enterprise, LLC operates the Marathon at 2685 Beeler Drive,
17 Atlanta, Georgia 30315, which advertises and offers for sale various sexual
18 enhancement supplements, including without limitation, Goldreallas Original and
19 Herb Viagra.

20 48. Defendant F & S Blessings, Inc. operates the Shell at 7745 Spence
21 Road, Fairburn, Georgia 30213, which advertises and offers for sale various sexual
22 enhancement supplements, including without limitation, Super Panther 7K.

23 49. Khowaja, Inc. operates the retail location at 2995 N. Druid Hills Road
24 NE, Atlanta, Georgia 30329, which advertises and offers for sale various male
25
26
27

1 enhancement supplements, including without limitation, Goldreallas Original,
2 S.W.A.G, and Black Panther.

3 50. Defendant Lucky Food & Gas, LLC operates a Marathon at 2588
4 Gresham Road SE, Atlanta, Georgia 30316, which advertises and offers for sale
5 various sexual enhancement supplements, including without limitation,
6 GoldReallas XXX and S.W.A.G.

7 51. Metro Convenience, Inc. operates the Texaco retail location at 3939
8 Cascade Palmetto Hwy, Fairburn, Georgia 30213, which advertises and offers for
9 sale various sexual enhancement supplements, including without limitation, Rhino
10 7 Platinum 5000.

11 52. MK Energy, LLC operates the BP at 448 Boulevard SE, Atlanta,
12 Georgia 30312, which advertises and offers for sale various sexual enhancement
13 supplements, including without limitation, 72HP.

14 53. Nurul Enterprise, LLC operates the Marathon at 3259 Buford Hwy
15 NE, Atlanta, Georgia 30329, which advertises and offers for sale various sexual
16 enhancement supplements, including without limitation, Blank Panther and Rhino
17 8 Platinum 8000.

18 54. Paladins Partners, LLC operates the BP at 6103 Old National Hwy,
19 College Park, Georgia 30349, which advertises and offers for sale various sexual
20 enhancement supplements, including without limitation, Goldreallas Original.

21 55. Quick Mart, Inc. operates the Shell located at 4845 Alabama Road
22 NE, Roswell, Georgia 30075, which advertises and offers for sale various sexual
23 enhancement supplements, including without limitation, Libigrow XXXXTREME,
24 Goldreallas XXX and Rhino 7 Platinum 5000.

1 56. Sapphire Food & Gas, LLC operates the Texaco at 4165 Roosevelt
2 Hwy, College Park, Georgia 30349, which advertises and offers for sale various
3 sexual enhancement supplements, including without limitation, Libigrow
4 XXXXTREME and Rhino 25K 15000.

5 57. TW, Inc. operates the Texaco at 1525 Mountain Industrial Blvd, Stone
6 Mountain, Georgia 30088, which advertises and offers for sale various sexual
7 enhancement supplements, including without limitation, Balck 3K, FX3000, B14ck
8 4K Capsules, 72HP and Black Ant.

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

12 59. ZM Convenience, LLC operates the Chevron at 2041 Cobb Pkwy S,
13 Marietta, Georgia 30060, which advertises and offers for sale various sexual
14 enhancement supplements, including without limitation, Goldreallas Original and
15 Libigrow.

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

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

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

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

21 63. Plaintiff OLP is a manufacturer of DSHEA-compliant dietary
22 supplements. Plaintiff manufactures and offers for sale TriSteel and TriSteel
23 8hour, male sexual performance enhancement supplements that promote increased
24 sexual desire and stamina. The ingredients in TriSteel are Epimedium Extract
25 (leaves), Yohimbe Extract (8mg Yohimbine Alkaloids), Xanthoparmelia Scarbrosa
26

1 Extract (Lichen), Gamma Amino Butyric Acid (GABA), L-Arginine, Gelatin,
2 Cellulose, Magnesium Stearate and Silica. Plaintiff sells TriSteel and TriSteel
3 8hour in all 50 states through its website, as well as through many other online and
4 storefront retail locations.

5 **CLAIM FOR RELIEF**

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

7 64. Plaintiff incorporates the allegations contained in the foregoing
8 paragraphs as though fully set forth herein in their entirety.

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

21 66. The use of such false, misleading and disingenuous marketing has the
22 tendency to deceive a substantial segment of the public and consumers, including
23 those in this district, into believing that they are purchasing a product with
24 different characteristics.

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

11 68. Defendants have introduced their false and misleading statements into
12 interstate commerce via marketing and advertising on product packages and labels,
13 and on display cases placed in retail locations in the state of Georgia. Defendants
14 sell or offer to sell the Enhancement Products to transient interstate travelers.

15 69. Plaintiff has been injured as a result of Defendants' false and
16 misleading statements. Specifically, Defendants' false and misleading advertising
17 concerning the Enhancement Products has negatively impacted Plaintiff's sales of
18 TriSteel and TriSteel 8hour because both products are intended for sexual
19 performance enhancement and target the same consumers. Thus, Plaintiff has
20 suffered both an ascertainable economic loss of money and reputational injury by
21 the diversion of business from Plaintiff to Defendants and the loss of goodwill in
22 Plaintiff's products. The ubiquity of the Enhancement Products, their relatively
23 low cost to manufacture in comparison to natural products (like TriSteel and
24 TriSteel 8hour), and their dramatic pharmacologic effects makes it so that
25 legitimate sexual performance enhancement products, such as TriSteel or TriSteel
26

1 8hour, struggle to obtain market share. Moreover, Defendants conduct has created
2 reputational damage in that Defendants' misconduct damages the marketplace as a
3 whole and has the tendency to disparage the goodwill associated with Plaintiff's
4 brand.

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

9 **PRAYER**

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

11 71. For preliminary and permanent injunctive relief enjoining Defendant
12 from falsely advertising any of the Enhancement Products, including but not
13 limited to, Rhino 25K 15000, Rhino 7 Platinum 5000, Rhino 12 Titanium 6000,
14 GoldReallas, Libigrow XXXXTREME, S.W.A.G, Stiff Nights, Goldreallas Original,
15 Libigirl, FX3000, Rhino 8 Platinum 8000, Black Panther, Grande X 5800, Herb
16 Viagra, Black Mamba Premium, Triple Green, Boss-Rhino Gold X-tra Strength
17 and Black Ant King;

18 72. For an award of compensatory damages to be proven at trial in
19 accordance with 15 U.S.C. § 1117;

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

22 74. For restitution of Defendant's ill-gotten gains;

23 75. For treble damages in accordance with 15 U.S.C. § 1117;

24 76. For punitive damages;

25 77. For costs and attorneys' fees; and
26
27

1 78. Any other relief the Court may deem appropriate.

2
3 Respectfully submitted this 7th day of March, 2019.

4 */s/ Wesley C. Taulbee*

5 **Wesley C. Taulbee, Esq.**

6 GA Bar No.: 368972

7 Service Email:

8 wtaulbee@statesborolawgroup.com

9 12 Siebald Street

10 Statesboro, GA 30458

11 Phone: (912) 764-9055

12 Fax: (912) 764-8687

13 **Attorney for Plaintiff**

14 **OUTLAW LABORATORY, LP**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED:

/s/ Wesley C. Taulbee
Wesley C. Taulbee, Esq.
GA Bar No.: 368972
Service Email:
wtaulbee@statesborolawgroup.com
12 Siebald Street
Statesboro, GA 30458
Phone: (912) 764-9055
Fax: (912) 764-8687
Attorney for Plaintiff
OUTLAW LABORATORY, LP