

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZA JOHNSON BACOT,

Defendant.

Case No. _____

**COMPLAINT FOR
PERMANENT INJUNCTION,
CIVIL PENALTIES, AND
OTHER RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC”), pursuant to Section 16(a)(1) of the FTC Act, 15 U.S.C. § 56(a)(1), for its Complaint alleges:

1. Plaintiff brings this action under Sections 5(a)(1), 5(m)(1)(A), 12, 13(b), and 16(a)(1) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 52, 53(b), and 56(a)(1), and Section 1401 of the COVID-19 Consumer Protection Act of the 2021 Consolidated Appropriations Act (“CCPA”), Pub. L. No. 116-260, § 1401, 134 Stat. 1182, 3275-76 (2020), which

authorize Plaintiff to seek, and the Court to order, permanent injunctive relief, civil penalties, and other relief for Defendant's acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, and Section 1401 of the CCPA.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355.

3. Venue is proper in this District under 28 U.S.C. § 1391(b)(1), (b)(2), (c)(1), and 15 U.S.C. § 53(b).

DEFENDANT

4. Defendant Eliza Johnson Bacot ("Defendant") is a nurse practitioner and a distributor for doTERRA International, LLC ("doTERRA"), a Utah-based multi-level marketing company that sells essential oils, supplements, and other products. Defendant holds the rank of doTERRA Diamond and shares her doTERRA distributorship with her husband Benton Bacot. Defendant resides in this district, and, in connection with the matters alleged herein, transacts or has transacted business in this District and throughout the United States.

COMMERCE

5. At all times relevant to this Complaint, Defendant has maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT’S BUSINESS ACTIVITIES

6. Defendant promotes doTERRA products and business opportunities through numerous means, including through: her website <https://www.theorganicsouth.com/>; social media accounts at <https://www.instagram.com/theorganicsouth/>, <https://www.facebook.com/theorganicsouth/>, and <https://www.youtube.com/channel/UCYQsFfLE-9eRxJeiZcWCA>; and online webinars. Defendant has represented that certain doTERRA essential oil and supplement products (“doTERRA Products”) are effective in preventing or treating Coronavirus Disease 2019 (“COVID-19”).

7. Defendant was one of several presenters at a January 12, 2022 Zoom webinar titled “The Path Forward: Protocols for the Current Climate” that included approximately 500 participants. The webinar was the first in a series that was organized and promoted by Defendant and other doTERRA distributors who

currently or previously worked as health-care practitioners. The registration link for the webinar was disseminated in posts on multiple publicly accessible social media accounts, including those of Defendant. During this webinar, Defendant introduced herself as an acute care nurse practitioner and certified wellness practitioner, and made the following statements:

- a. “So I’m going to switch gears with you guys a little bit and move from talking about what to do when you are COVID positive and infected to that subset of the population that gets infected and then has really what we call also a post-inflammatory constellation of symptoms. And this is really being termed now COVID Long-Haul Syndrome or CLHS is what the front-line critical care COVID doctors are calling it. That’s FLCCC. You can look that up online. They have some protocols, too, we’re going to go through.

But really what we’re dealing with here in the people that end up with long haul are these constellation[s] of symptoms that continue. Sometimes cyclical fevers, headaches, brain fog, confusion, and again, overall general fatigue, almost like a chronic fatigue syndrome like presentation. And then also I’ve heard some people having skin rashes. So we see some histamine reactions happening, an overabundance of histamine in the body. So sometimes people will get hives or, you know, splotchy red rashes. And so be on the lookout for that.

And the goal is, you guys, that you never get to this long-haul place. I truly believe and have seen the people that are very prophylactic, like Dr. Tina and Dr. Lisa were describing, that are prophylactic – do early prevention therapy when they start with their COVID symptoms; don’t progress to the long haul. So this is why it’s so important. But if you are one of those

people or you know someone that fits into this category, this is what we really need to talk about and how to deal with it. So foundation is everything, right?

We always talk about Lifelong Vitality. The reason why we talk about that is because there are cell repair components in the Alpha CRS. We also have extra turmeric in there. Omega fatty acids are extremely important for long haul and so that foundational piece cannot be laid aside. That person needs to either start or continue it if they have been on it.

And so think about it this way. We're continuing some of the same things that we do for COVID-positive, right, because we're still in an inflammatory state. You heard Dr. Lisa describe that. The body turns on the cytokine storm and the systems that are supposed to turn it off don't do that.

And so turmeric is very important. And I would say if your symptoms are severe that you can push that turmeric dose a little bit higher, remember this, our turmeric is different. So I have people tell me all the time, Eliza, I got some turmeric from CVS the other day, I'm good. That's curcumin extract.

The turmeric in the dual chamber capsule has the essential oil along with it in a dual chamber capsule. That increases the bioavailability which basically means what's available to your cells seven times. So the good old standard 1,000 milligrams of turmeric is not going to do. You really need those capsules and you need two, and I would say if your weight is greater than 160 pounds, you could go up to three or four per day. Again, we're trying to reduce that inflammation.

DDR Prime Softgels, these are really important because they have frankincense, lemongrass, summer savory, thyme, all of these things that also help balance the inflammatory system, especially frankincense we know is valuable for that. And thank

goodness for the softgels because when you have long haul, you probably are not feeling like making a veggie cap. And so it's really, really easy, those DDR Prime Softgels, we're recommending two per day to continue that.

Now, one thing I forgot to mention that's very important, when you're starting out and you're really meeting criteria for that long haul, we want you guys to go and do the protocols for acute COVID, if you have not done that, for seven days. Okay? So go back to what we described above, the things that you need to do for COVID-positive, and do those things for seven days, almost like a primer to calm the inflammation and then start this. Two DDR Prime Softgels.

Also continue On Guard Softgels, two of those, very important. Cinnamon, clove, all of those things are really, really important, and it also has melissa and oregano in there, which we know have been – have had some great studies behind them as far as helping with COVID, post-inflammatory response and viral replication.

We're also continuing five to ten milligrams of melatonin nightly. We know that those hormonal systems are getting disrupted for people with long-haul COVID syndrome and so really getting their melatonin reset and giving them that. I had a – one of my clients I was dealing with, sleep was like her biggest issue. She just could not sleep. And it took ten milligrams of melatonin, two Serenity Softgels, two Copaiba Softgels, but that was like her trick and she finally got to sleeping and then she started to improve because the body could repair itself during the sleep phase.

Now, what we're also going to add in that you won't see pictured here is Zendocrine Complex. We're going to do the capsules and the softgels, two of those twice daily, so two in the morning and two in the evening, and that's both of those,

because there is an herbal complex that you need and the essential oil complex. The essential oil complex and that softgel is very, very important because of the oils in there like tangerine and cilantro, which help the body detox and also repair.”

[Defendant made these statements as a slide titled “COVID FOR LONG HAUL BASICS” was displayed. The slide included depictions of and prices for several doTERRA Products, including LLV (Lifelong Vitality Pack, which includes xEO Mega, Microplex VMz, and Alpha CRS+), Zendocrine Complex, DDR Prime, and Turmeric Dual Chamber Capsules.]

- b. “Symphony of the Cells is extremely important.... Again, very important during COVID-positive and very important in long haul. But in long haul, instead of using the infectious disease protocol, which is what you’ll use during COVID-positive, we want you to switch to the inflammatory protocol daily.

And if you’re not familiar with Symphony of the Cells, please go to the website and just Google Symphony of the Cells. It’s a little tiny booklet. It’s fantastic. We use it all the time in our home. It’s wonderful. It’s a great way to put a lot of oils into the body, get great absorption through that dermal tissue. A lot of different oils that hit all those components of reducing inflammation in the body.”

[Defendant made these statements as a slide titled “SYMPHONY OF THE CELLS – INFLAMMATORY PROTOCOL DAILY:” was displayed. This slide included the text: “FRANKINCENSE, COCONUT OIL, TEA TREE, WINTERGREEN, AROMATOUCH, LEMONGRASS, SIBERIAN FIR, HELICHRYSUM, DEEP BLUE, PEPPERMINT.”]

- c. “And then again, you guys, we’re coming from both worlds, right? We are coming from the holistic world of health care and also from the modern world of health care. We firmly believe that those two merge and are great partners a lot of times. You don’t have to choose.

And so we love front-line critical care COVID doctors because they have come up with a lot of these protocols based on research and here is the one that they have on their website related to Long Haul Syndrome. So just remember, you’re doing this in addition to the natural plant-based therapy....

And then if you have symptoms of mast cell activation, and I know you’re saying, ‘what is that, Eliza?’ It’s that – really that histamine-like response or that overreaction. Typically, people will have a rash or hives. There are some recommendations related to that....

Now, one of the natural supportive things you can do here also for histamine that we didn’t mention in the previous slide is you can use a blend called Triease from doTERRA. It does come in a softgel. And the key component in that is from the lavender. We know that lavender blocks histamine in the body and so that’s another adjunct that you could add from the natural health care world...”

[Defendant made these statements as a slide titled “Support Protocols for Long Haul Covid (LHCS) Pharmacologic, source FLCCC” was displayed, describing interventions including ivermectin, corticosteroid therapy, microphage/monocyte repolarization therapy, fluvoxamine, pulmonary evaluation, and treatment of suspected mast cell activation.]

- d. “So again, as Lauren introduced and talked about, you know, we’re a very nonbiased group of people and we support you and your top health priorities, whatever that may be, whether that is

pursuing vaccination or not, and we wanted to give you some post-vaccination support basics. Just because there is a lack of data in this area, I have to give you that caveat as we talk about it. We love data whether it comes to modern medicine or holistic medicine, but in this area, there really is a lack of data and so you have to really hypothesize about what's happening.

And as we know, most of the mRNA vaccines are helping the body to actually make the spike protein, which is the part of the virus that causes most of the inflammation and disruption. And so a way that you can kind of protect your body, if you do choose vaccination as the right path for you, are some of these tools. And so what some of these tools are doing to you is to help kind of reduce that inflammatory response that's happening from the production of that spike protein in the body.

So again, we can't like say this enough, Lifelong Vitality Pack is an extremely important baseline for the body to give you guys baseline nutrients and support. We do recommend Zendocrine Complex and Softgels. You're going to take two of those twice daily, each of them, in the morning and the evening, and we also recommend Zendocrine oil, you see there the oil blend, to rub over the liver twice daily topically.

You can dilute that. It's got tangerine, cilantro in it, rosemary, a lot of those detox oils that actually support the liver. Rosemary is actually fantastic in helping you with enzymatic liver production. So really fantastic for that. So apply that topically to that area.

Two Turmeric Dual Chamber capsules daily. And also DDR Prime Softgels. Even though you don't see those on here. We do recommend those for post-vaccination support because of the frankincense, the summer savory, and the lemongrass in there. Lemongrass is sort of an unsung hero for anti-inflammatory effect. It doesn't get a lot of credit for that, but

actually it has great anti-inflammatory support. Continue five to ten milligrams of melatonin nightly. That's super important. And we do recommend two On Guard Softgels as well, just to kind of help support and boost those responses in the body.”

[Defendant made these statements as a slide titled “POST-VACCINATION SUPPORT BASICS” was displayed. This slide included depictions of and prices for several doTERRA Products, including LLV (Lifelong Vitality Pack, which includes xEO Mega, Microplex VMz, and Alpha CRS+), Zendocrine Complex, Turmeric Dual Chamber Capsules, Zendocrine essential oil, and lemon essential oil.]

8. Defendant was one of several presenters at a January 26, 2022 Zoom webinar titled “The Path Forward: Protocols for the Current Climate.” This was the third webinar in the series that began on January 12. During this webinar, Defendant introduced herself as a nurse practitioner and certified wellness practitioner and made the following statements:

- a. “Sure. Hi, everybody. I’m so excited to be with you here tonight. I do have 17 years of experience and also medical and CVICU as a nurse practitioner, and I am a certified wellness practitioner. And I’m actually, just like I was saying before, really excited to say that I can understand what many of you are going through because COVID just ran through our house last week. And so I was able to implement so many of the things that we’re going to talk about tonight and really what our intention and our goal is, is to support and empower you.

I think during this time period, it’s really confusing in America after having lived in Europe for a while last year and seeing

how modern and allopathic, naturopathic medicine are kind of merged. It's a little bit harder of a landscape in America and so sometimes that can leave us not feeling empowered, making us feel like we have to go to certain individuals in the modern medical field to get any sort of help or assistance that we need.

And so really myself, Lauren, and Kelly, our intention tonight is to really empower you with some tools that will empower your body because your body is fully capable of managing and taking care of this disease process and it is fully equipped for that. And so we're going to really explain a lot of those things that you need.

And I think the second thing would be that Kelly and Lauren and I talked about so many times is that we just want to see people in a place where they are prepared. So don't wait to order a lot of these things until the last minute or until you need it because, as you know, if it hits your house and you're like hitting click, send, buy, whatever on your supplements, it's too late. So you need to have all this stuff stocked in your house ready to go just to make sure that you are fully prepared.

I am so glad that I was and, actually, I credit all the work that we did as practitioners together. I was like, you know, I'm going to go ahead and get that stuff on order just in case. And so we're here to remind you of that, too. So I'm looking forward to presenting tonight."

- b. "So now we're going to shift gears and talk about when you need to step up to support. So again, nothing is more important than those daily wellness habits that Kelly was talking about, because that's really, really going to support your body and a lot of times not dealing with things that are so severe if the body is already prepared.

So super, super important things. If you're not already doing those daily wellness habits, then the time is – to start is now.

So now we're going to shift gears and talk about when you need to step up support, and that's whether you have confirmed that you have something going on or you suspect or you're just starting to not feel well. These are some of the baseline things that obviously you're still going to continue, right? We're still going to continue our Lifelong Vitality Pack. We're going to talk about some really specific things protocol-wise that you can do. But all of these things in this category are really, really important....

And so what I tell people, though, is you need a lot of water because what's happening is you're losing something in a way called insensible losses. You're breathing heavier and faster, you do have that fever, and so you're sweating a lot more. So it's really, really important to stay hydrated. And we recommend that you put lemon oil in your water. The lemon oil acts as an antioxidant. It has antioxidant properties. It also helps as a precursor to something called glutathione, which is an antioxidant that is made by the liver, which is very important in our detoxification pathways.

So making sure you stay hydrated is super important. I, myself, when I had COVID last week, when I did have a fever, I was not thirsty. My thirst mechanism was [making sound] clicked off for some reason. And so I had to really, really remind myself to drink because I knew that my body needed water.”

[Defendant made these statements as a slide titled “When you need to step up support” was displayed. This slide included the text “Evolve You Immunity Kit” and “Water Lemon oil,” along with a depiction of the doTERRA Evolve You Immunity Kit.]

- c. “Okay. So more tools and support products of stepping up support, right? And don’t worry, I’m going to give you a slide that you can screenshot and you can keep on your phone because you need that list of stuff. I, like Kelly, too, needed it, too, because it’s a lot of things that I needed to check off and make sure I was taking.

Foundational, do not stop taking your LLV [Lifelong Vitality Pack], and we are going to talk about loading doses, too, on the next slide. DDR Prime is something that I would have on hand. I really, really love that combined capsule. Number one, making a veggie cap when you have this disease process happening or this respiratory illness happening for you can be really cumbersome, especially if you’re by yourself and you don’t have someone taking – to help take care of you. So DDR Prime is a key component of what we use in some of our protocols, as well as Turmeric.

Combining black pepper in the Turmeric Dual Chamber Capsules is really important. If you guys are not used to using doTERRA Turmeric capsules, please switch over and understand that they are on a completely different level because they have turmerones and curcuminoids in them. Super, super important. Of course, your PB Assist, we’re going to keep taking On Guard Softgels.”

[Defendant made these statements as a slide titled “When you need to step up support” was displayed. This slide included labeled depictions of several doTERRA Products, including LLV (Lifelong Vitality Pack), black pepper essential oil, DDR Prime, Turmeric Dual Chamber Capsules, PB Assist, and OnGuard Softgels.]

- d. “Please feel free to screenshot. We just ask that you don’t share it on social media. Keep it for your personal use.

Okay. So let's talk about the nitty-gritty of this, okay? Making sure you take your vitamins, extremely important during the process. You're going to move from – if you're taking one to two turmeric, you're going to go up to four. That's the upper limit.

Now, remember this, that some people – let's say things start in the evening like they did for me. It is totally okay to do what we call a loading dose. So for instance, we're doing two On Guard Softgels twice daily. So it would be completely fine if you start to not feel well in the evening to go ahead and take four. That's perfectly acceptable. And you can increase that to six for people over 175 pounds.

Very important when you're taking the Turmeric, you can take two drops of black pepper EO. Sometimes for me it's just easier to drop it in water than to make a veggie cap. So just know that. It can be a little spicy, but take that with your Turmeric.

Two DDR Prime Softgels daily. If you want to, you can split that out, one in the morning, one in the evening, or just take it once.

Four doTERRA PB Assist Probiotics. If you've had gut issues in the past, please know that you need to up this to a higher medical grade probiotic, 50 billion CFUs per day. That's going to give you about 24 billion CFUs per day....

And then very important, Copaiba Softgels nightly and one by day for anxious feelings. We're going to talk about anxious feelings in just a second.

In addition to that, melatonin, 5 to 10 milligrams nightly at bedtime. Some people were remarking in the chat, I get nightmares with this. Just tweak that protocol for sleep. Certainly nightmares are not something that are peaceful and

relaxing and keeping you asleep. And so if there's a product that's giving you nightmares, definitely remove that. Use your Serenity Softgels, of course, on there."

[Defendant made these statements as a slide titled "When you need to step up support" was displayed. This slide included the following text:

- "Foundational with doTERRA Life Long Vitality vitamins (full dose daily)
 - 2-4 doTERRA Turmeric Dual Chamber Capsules (4 for >175lbs) + 2 drops blk pepper EO
 - 2 doTERRA OnGuard Softgels twice daily (can increase to 3 2x daily for >175lbs)
 - 2 doTERRA DDR Prime Softgels daily
 - 4 doTERRA PB Assist probiotic daily...
 - 2 doTERRA Copaiba Softgels nightly and 1 by day for anxious feelings...
 - 2 doTERRA Serenity Softgels for sleep support."]
- e. "And, okay, so let's talk about some other things that we need to be doing when you step up support. Obviously, you need symptom management, right? And so for me, last week, my biggest symptom was body aches. My body hurt so bad. I felt like I was in labor again with an occiput posterior baby. All that back labor. It took me right back to it. But a lot of people are having upper respiratory symptoms and you need some support.

And I will say that, also, in addition to what Kelly described for the spray, one of the most fabulous things you can do to help with that viral replication that's happening in the upper nasal passages, in the nasopharynx is a steam mug. If you guys have been in the doTERRA world for a while, you probably know all about the steam mug, but all you do is take a bowl or a cup of water, heat it to boiling and you're going to add essential oils to

it and you put a towel over your head or you can just cup your nose, and put your nose into it for as long as you can stand.

Some of the essential oils from doTERRA, blends that we're recommending are Breathe, especially Eucalyptus – eucalyptus is extremely important in this process. Eucalyptus is one of the most anti-inflammatory supporting oils to the bronchials that is out there. Amazing, amazing, amazing.

Tulsi basil is an awesome one. We're still really getting used to that, right, but tulsi basil is fantastic....

And I love the tip from Dr. Wong and Dr. Ma, if you just use Air X, that blend, you can actually then drink the steam mug. You don't want to drink it if it's Breathe, eucalyptus or tulsi basil. But if you just use the Air X blend, which is a little bit more of a softer respiratory blend, right? It's got frankincense, lemon, would be a great one for a kid, we'll talk about that later, but you can do that four times a day.

Making sure you're diffusing at night when you're resting to help keep those airways clear. We love Breathe for that, Breathe with extra eucalyptus, I love. Breathe drops, super important. And these are great ones to just be diffusing all the time. Remember how we talked about that earlier. Purifying the air, making sure the air is – is – you know using essential oils in the air and also with good ventilation, okay? So if you can keep a window cracked and keep some air flowing, that's super important.

That Abode blend, number one, right? It's going to help us with purification of the air and helping get rid of those droplets in the air that can be offensive.

Eucalyptus is important and also Purify.”

[Defendant made these statements as a slide titled “When you need to step up support” was displayed. This slide included the text “The Steam Mug breathe eucalyptus tulsi basil air x” [sic]; a depiction of doTERRA Breathe Respiratory Drops; a depiction of a diffuser and a bottle of doTERRA essential oil; and labeled depictions of Abode, Eucalyptus, and Purify doTERRA essential oils.]

- f. “So another one – another slide that you can screenshot and keep for your personal use. Here’s just some other things that we know you guys can be doing to help support your body.

Again, other oils that are great to add to a steam mug, lemon, frankincense, ginger. Ginger is really a forgotten oil sometimes when it comes to the respiratory system, but it is wonderful at thinning mucus. So if things are thick for you and you really need that mucus to be thinned out, melissa is also wonderful....

Gargling four times a day with On Guard mouthwash. Somebody asked earlier, is that going to be enough? Yes, absolutely, but don’t hesitate to add a drop of oregano to that or melissa.

Diffusing those oils we talked about. Don’t forget about the Breathe stick, also, in addition to Breathe Blend and Breathe Drops.

And then, of course, for the throat, my husband had an exquisitely sore throat. I did not at all, not even the slightest. But he did this and it was amazing. Immune honey. So you can mix this up in a little jar there. Add some honey to a little Mason jar or something, just so that you can put a top on and leave it, and add 16 drops each of frankincense, lemon, On Guard, tea tree, and 5 drops of oregano. Now, for my kids, I did not do the oregano, but you can also add clove in there, too, and

great to take a spoonful of that a few times throughout the day. And make sure it really coats the back of the throat...”

[Defendant made these statements as a slide titled “When you need to step up support” was displayed. This slide included the text:

- “Steam mug as needed (don’t be afraid to add other oils like lemon, frank, ginger, melissa)...
- Gargle 4x per day with onguard mouthwash
- Diffuse abode, onguard with additional eucalyptus around the home
- Support for airways: Breathe blend, breathe stick, breathe drops
- Support for the throat: Immune honey, gargle with OG mouthwash + can add 1 drop of oregano + clove for intense throat support...
- Epsom Salt baths with deep blue, air x, lavender
- Support for aches – Add 2 deep blue polyphenol complex, deep blue stick + deep blue rub + 4 drops copaiba, frank[,], lemongrass, lavender.”]

- g. “Symphony of the Cells, this was amazing for me. I pulled out my Symphony of the Cells book. It’s still by my bed right now. I love this. If you guys do not know about Symphony of the Cells, please go to their website, get their book now. You want to have it in your home.

I did the inflammatory protocol multiple times per day. My husband did that for me. That’s frankincense – you’re going to put coconut oil on the back, frankincense, tea tree, wintergreen, Aromatouch, lemongrass, Siberian fur, helichrysum, Deep Blue and peppermint. Very important.”

[Defendant made these statements as a slide titled “SYMPHONY OF THE CELLS – INFLAMMATORY PROTOCOL DAILY” was displayed. This slide included the

text: “FRANKINCENSE, COCONUT OIL, TEA TREE, WINTERGREEN, AROMATOUCH, LEMONGRASS, SIBERIAN FIR, HELICHRYSUM, DEEP BLUE, PEPPERMINT.”]

9. In late January 2022, Defendant published an Instagram post that included a brief video of her approaching the camera with a basket of doTERRA Products. The video was superimposed with the text: “When the C[green microbe emoji] hits your house but you aren’t afraid... Because you know it’s about being prepared with the right tools!” The caption to this post stated: “A couple of weeks ago it was our turn to get on the C[green microbe emoji] merry go round. Since my husband likes to joke that my supplement budget is more than a year of college tuition... he was not complaining when I had alllll [*sic*] the tools to help us recover!... Here’s what I did for myself and my family to give us that quick turn around by supporting our bodies and immune systems to do the real work!... Ongaard softgels 4 daily... DDR prime 2 daily... Turmeric dual chamber capsules 3 daily... Made sure to take my baseline daily dose of Life Long Vitality pack... 4 PB Assist probiotics... Two copaiba softgels nightly... @symphonyofthecells inflammatory and infectious disease protocol twice daily...”

10. At present, there is no published report of any well-controlled human clinical study to substantiate that any of the doTERRA Products referenced above:

treat, prevent, reduce the risk or severity of, or cure COVID-19; treat, prevent, reduce the risk or severity of, or cure long-haul COVID-19; or counteract inflammation or other purported negative effects of COVID-19 vaccines.

11. Based on the facts and violations of law alleged in this Complaint, Plaintiff has reason to believe that Defendant is violating or is about to violate the FTC Act and the CCPA.

VIOLATIONS OF THE FTC ACT

12. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or practices in or affecting commerce.”

13. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

14. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, doTERRA Products are “drugs” as defined in Section 15(c) of the FTC Act, 15 U.S.C. § 55(c).

15. Enacted on December 27, 2020, the CCPA makes it unlawful, for the duration of the public health emergency declared on January 31, 2020 pursuant to Section 319 of the Public Health Service Act, for any person, partnership, or corporation to “engage in a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the [FTC] Act (15 U.S.C. 45(a)) that is associated with . . . the treatment, cure, prevention, mitigation, or diagnosis of COVID-19.” CCPA § 1401(b)(1). As of the date of the filing of this Complaint, the public health emergency remains in effect.

16. The CCPA provides that “[a] violation of subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under Section 18(a)(1)(B) of the [FTC] Act (15 U.S.C. § 57a(a)(1)(B)).” CCPA § 1401(c)(1).

17. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, and as implemented by 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties for each violation of Section 5(a) of the FTC Act pursuant to the CCPA, 16 C.F.R. § 1.98(d).

COUNT ONE

18. In numerous instances in connection with the advertising, marketing, promotion, offering for sale, or sale of doTERRA Products, including through the means described in Paragraphs 6-9 of this Complaint, Defendant has represented, directly or indirectly, expressly or by implication, that doTERRA Products:

- a. treat, prevent, reduce the risk or severity of, or cure COVID-19;
- b. treat, prevent, reduce the risk or severity of, or cure long-haul COVID-19; and
- c. counteract inflammation or other purported negative effects of COVID-19 vaccinations.

19. On or after December 27, 2020, Defendant made the representations set forth in Paragraph 18, which are associated with the prevention, mitigation, treatment, or cure of COVID-19.

20. The representations set forth in Paragraph 18 are false or misleading or were not substantiated at the time the representations were made.

21. Therefore, the making of the representations set forth in Paragraph 18 of this Complaint constitutes a deceptive act or practice and the making of false

advertisements in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C.

§§ 45(a) and 52.

22. Defendant committed the violations set forth in Paragraph 21 with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C.

§ 45(m)(1)(A).

CONSUMER INJURY

23. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendant's violations of the FTC Act. Absent injunctive relief by this Court, Defendant is likely to continue to injure consumers and harm the public interest.

PRAYER FOR RELIEF

Wherefore, Plaintiff requests that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act and the CCPA by Defendant;

B. Award Plaintiff monetary civil penalties from Defendant for every violation of Section 5(a) of the FTC Act pursuant to the CCPA; and

C. Award any additional relief as the Court determines to be just and proper.

Dated: January 5, 2023

Respectfully submitted,

FOR THE FEDERAL TRADE
COMMISSION:

FOR THE UNITED STATES OF
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