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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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<p>UNITED STATES OF AMERICA,  Plaintiff,  vs.  GORDON HUNTER PEDERSEN,  Defendant.</p>	<p>Case No. 2:20-cr-216  <b>UNITED STATES SENTENCING MEMORANDUM</b>  Judge David Barlow</p>
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*“[Silver] truly is the new wave of preventing and treating diseases inside and outside the body.” – The Silver Miracle written by Gordon Pedersen in 2018*

To make money, Gordon Pedersen posed as a practicing medical doctor, lied about his credentials, and exaggerated the palliative abilities of his consumer products containing silver. The name for that is fraud. His conduct merits, and the United States recommends, the Court sentence the defendant to the low-end of the guidelines. Restitution and forfeiture do not need to be ordered in the case. The Court should also grant leave for the United States to dismiss counts 2-3 and 5-7 of the Indictment at sentencing.

**I. GUIDELINE CALCULATION BY THE UNITED STATES**

The United States adopts the guideline calculation of the PSR and likewise calculates the defendant’s guidelines as follows:

Count 1: 18 U.S.C. § 1341 (Mail Fraud):	
§ 2B1.1(a)(1): Base Offense Level	+7
§ 2B1.1(b)(1)(J): loss amount >3.5M	+18
§ 2B1.1(b)(2)(A): >10 victims; mass-marketing	+2
§ 3C1.1 Obstruction (app note 4(E))	+2
§ 3D1.2: Counts 1 and 4 merge	
§ 3E1.1(a): Acceptance of Responsibility	-2
§ 3E1.1(b): the government argues against Pedersen’s receipt of the 3rd acceptance point because trial began, and all trial prep was completed	
§ 4C1.1(a)(1)-(10): Zero-Point offender	-2
Total Offense Level = 25	
Guideline Range = <u>57–71 months</u>	

**II. 18 U.S.C. § 3553 FACTORS SUPPORTING THE RECOMMENDED SENTENCE**

18 U.S.C. § 3553 provides a sentencing judge with the statutory framework to exercise discretion when fashioning an appropriate sentence. The § 3553 factors the Court is to consider in imposing a particular sentence support the recommended sentence in this case:

*1. Nature and circumstances of the offense:*

Mr. Pedersen’s actions were inherently fraudulent and over the course of several years, he successfully misled numerous consumers. Between 2012 and 2020, Mr. Pedersen orchestrated and executed an expansive scheme to sell his silver products under the pretense that they were a suitable and effective remedy to various illnesses and maladies including influenza, diabetes, arthritis, pneumonia, and the novel Coronavirus. Through platforms such as YouTube and other advertising means, he marketed Silver Products as intended for use in the cure, mitigation, treatment, or prevention of disease in a person. He proceeded to sell Silver Products through different companies including the LLC MDS (My Doctor Suggests), where Mr. Pedersen was a 25% owner. In addition, he committed mail fraud in using the United States Postal Service to deliver his Silver Products in furtherance and in execution of the scheme and his intent to defraud the consumer.

In total, the known revenue of My Doctor Suggests related to this scheme is estimated around \$6,110,473. However, although Mr. Pedersen has admitted to selling Silver Products through fraud from 2012-2020, the only sales figures that have been uncovered span from 2018-2020. There are also four months of missing data, rendering this estimate wholly conservative. A huge spike in sales was a very likely result of the deliberate and heavy marketing done by Mr. Pedersen claiming that his products could act as a protection from the Coronavirus.

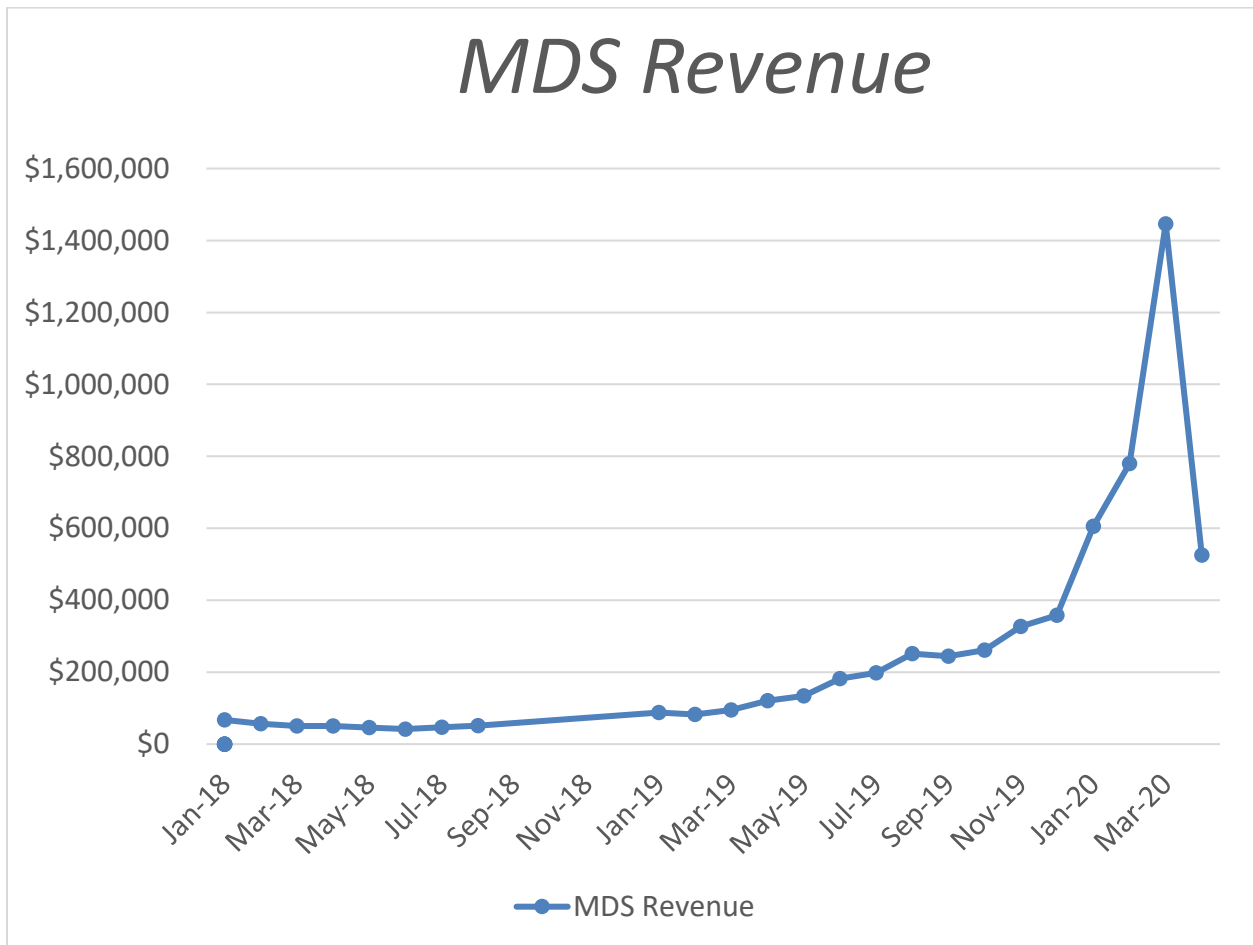
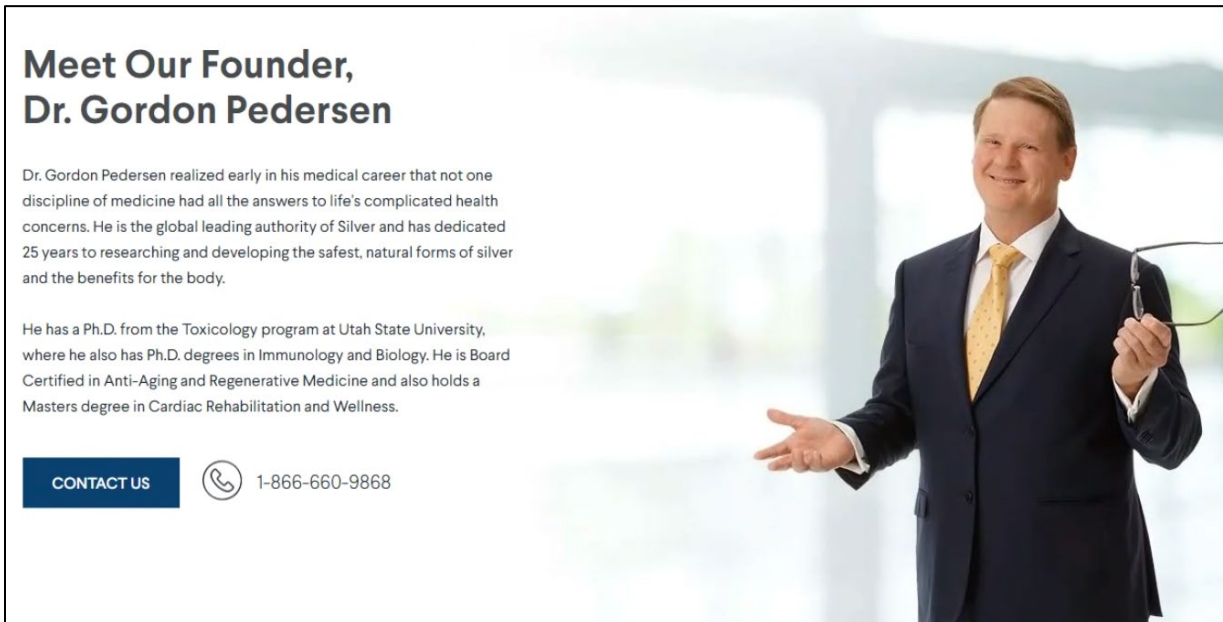


Figure 1: Chart mapping MDS silver product sales revenue

Further, Mr. Pedersen gravely misrepresented his qualifications to consumers and marketed himself as a Naturopathic Doctor (ND). In advertisements for his product, he claimed to have attained Ph.D. degrees in Immunology and Biology and asserted that he was board-


certified in anti-aging and regenerative medicine. It has since been discovered that Mr. Pedersen does not actually hold any of these credentials. He was ticketed by the Utah Department of Licensing for making these claims and was charged a \$500 fine in 2018. He does possess a diploma from Trinity School of Natural Health which designated him as a “Doctor of Naturopathy,” however, he later admitted in an interview with the FDA that this institution is an online school that is “less than accredited.” He is not board certified in any field by the American Board of Medical Specialties (ABMS).

A screenshot of a website section for Dr. Gordon Pedersen. On the left, there is a text block with a heading, a paragraph of bio, and a second paragraph of bio. Below the text is a dark blue button with the text 'CONTACT US' and a telephone icon followed by the phone number '1-866-660-9868'. On the right side of the screenshot is a photograph of Dr. Gordon Pedersen, a man with short blonde hair, wearing a dark blue suit, a white shirt, and a yellow tie. He is smiling and holding a pair of glasses in his left hand, with his right hand open in a gesturing motion. The background of the photo is a bright, out-of-focus indoor setting.

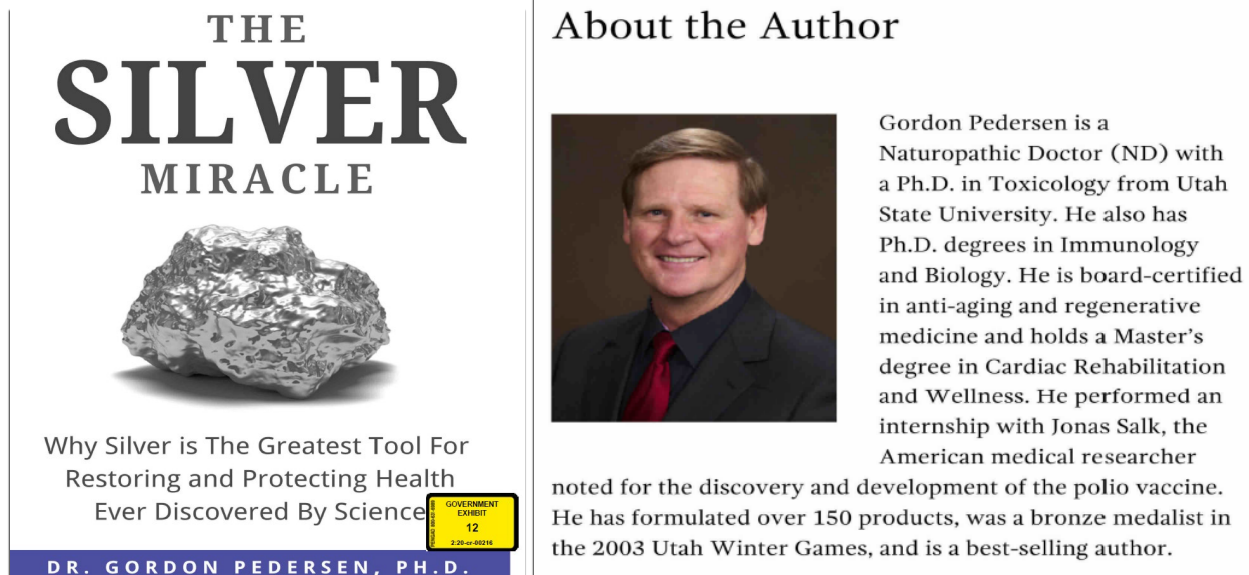
**Meet Our Founder,  
Dr. Gordon Pedersen**

Dr. Gordon Pedersen realized early in his medical career that not one discipline of medicine had all the answers to life's complicated health concerns. He is the global leading authority of Silver and has dedicated 25 years to researching and developing the safest, natural forms of silver and the benefits for the body.

He has a Ph.D. from the Toxicology program at Utah State University, where he also has Ph.D. degrees in Immunology and Biology. He is Board Certified in Anti-Aging and Regenerative Medicine and also holds a Masters degree in Cardiac Rehabilitation and Wellness.

[CONTACT US](#)  1-866-660-9868

*Figure 2: Screenshot from MDS Website*



The image shows the front cover of a book titled "THE SILVER MIRACLE". The title is in large, bold, black serif font. Below the title is a photograph of a rough, crystalline silver nugget. Underneath the nugget, the text reads "Why Silver is The Greatest Tool For Restoring and Protecting Health Ever Discovered By Science". At the bottom of the cover, the author's name "DR. GORDON PEDERSEN, PH.D." is printed in white on a dark blue background. To the right of the book cover, there is a section titled "About the Author" which includes a portrait of Dr. Gordon Pedersen, a man with short brown hair wearing a dark suit and a red tie. To the right of the portrait is a biographical text describing his credentials as a Naturopathic Doctor (ND) with a Ph.D. in Toxicology from Utah State University, and other degrees and achievements. A yellow "GOVERNMENT EXHIBIT 12" sticker is visible on the book cover.

*Figure 3: From the book The Silver Miracle, distributed to consumers who purchased silver products*

Mr. Pedersen’s years of deliberate misrepresentations have resulted in financial harm to many consumers who trusted in the authenticity of his product and the fictitious persona he developed through his advertisements. Several individuals who bought his silver products reported that they had seen his advertisements online during the COVID-19 pandemic and that the stethoscope and monogrammed white lab coat he wore affirmed his status as a practicing medical doctor. Others also reported that the reason they were convinced to purchase Mr. Pedersen’s products in the first place was due to the omnipresent fear of the effects of the novel Coronavirus, effects which Mr. Pedersen’s product claimed to remedy. At the time, the world was struggling to navigate the vast effects of the pandemic on a global scale, providing the perfect environment for swindlers to market fake remedies to an immensely vulnerable and desperate population. Mr. Pedersen is none other than one of these reprehensible swindlers.

Finally, Mr. Pedersen fled from prosecution after being indicted in the instant offense in July 2020. He failed to appear after a summons was issued for him to appear in court on August

25, 2020. A bench warrant was issued by Magistrate Judge Jared C. Bennet, but Mr. Pedersen absconded and successfully evaded capture for the next three subsequent years. While in hiding, he filed several motions claiming that the court did not have jurisdiction over him. Agents with the FDA-OCI and the U.S. Marshals Service finally located him on August 9, 2023, while he was purchasing gasoline with cash for a rental car reserved in his wife's name.

**2. *History and characteristics of the defendant:***

Gordon Pedersen has no past recorded offenses or criminal history, but his lies were repeated and relentless. He profited off his scared and vulnerable neighbors and fellow citizens during a global crisis of an unprecedented degree, encouraging them to apply and ingest silver and assured that there would be no resulting side effects or complications. Mr. Pedersen's daughter confirmed that her father had historically represented himself as an active member of his community and church, a charismatic and caring individual who was loved by everyone in the neighborhood. She also remembers him as a fun and involved father, who spent time with his children and treated them to vacations even after he and his ex-wife divorced. However, there is a sharp disparity in the way his children remember him compared to the recollection of his ex-wife. Ms. Sidwell reports that Mr. Pedersen has a longstanding reputation for deceitful and concerning conduct. She asserted that his many medical credentials are all fraudulent, and that he repeatedly stalked her after they separated. She also attested that he has an egotistical fixation on receiving attention. An objective assessment of Mr. Pedersen's history and characteristics supports the United States' sentencing recommendation in this case.

3. ***The need for the sentence (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence; (C) to protect the public from further crimes of the defendant; and (D) to provide defendant with appropriate vocational training, medical care, or other correctional treatment in the most effective manner:***

The recommended sentence reflects the seriousness of the offense, provides just punishment, promotes respect for the law, and affords adequate deterrence (both specific and general) while at the same time recognizing defendant Mr. Pedersen's guilty plea.

*Just Punishment and Seriousness of the Offense:* The recommended low-end guideline sentence will provide a just punishment for Mr. Pedersen and reflect the seriousness of his offense. Mr. Pedersen is sixty-five years of age and has no prior criminal history up to the instant offense. His daughter maintains that he has been a good parent and an active member of his local and church communities. Recently, he has reported to have rejected extreme constitutionalist ideas. However, in addition to his scheme to mislead and defraud the consumer, he actively evaded capture for a period of three years. He also has filed frivolous motions with the Court and has on more than one occasion questioned the authority of the Court. Nevertheless, the recommended low-end guideline sentence is further informed by Mr. Pedersen's status as a zero-point offender, and acceptance of responsibility for his offenses.

*Specific Deterrence:* Mr. Pedersen has oscillated between cooperative and belligerent. He has served over 9 months in jail awaiting resolution of this matter. He was previously ticketed for claiming to be a Naturopathic Doctor (ND). He marketed and sold his silver products for a period of at least eight years. His past actions and character have demonstrated that he will continue to deceive others if given the opportunity; and thus, poses a risk of recidivism. A sentence within the guideline range is sufficient to deter Mr. Pedersen from future crimes and protect the public.

*General Deterrence:* It is essential that others are deterred from committing crimes of this nature. Consumer fraud in connect with the distribution of misbranded drugs are serious offenses. Moreover, individuals who are indicted must understand that there are consequences for fleeing prosecution and disobeying court orders. A guideline sentence would be integral in supporting this effort.

**4. *The need to provide restitution to any victims of the offense:***

Restitution in this case is unnecessary because MDS has already refunded any consumers who sought refunds. Likewise, no forfeiture is needed in the case. At one point there was an asset freeze in the parallel civil case of some amount of money, but the bank has since allowed the accounts to close.

**III. RECOMMENDATION BY THE UNITED STATES**

Accordingly, the United States recommends a term of incarceration of **57-71 months**, followed by three years of supervised release.

**IV. STATEMENT OF GOOD FAITH**

As required by DUCrimR 32-1(b) the United States has conferred in good faith with opposing counsel and with the probation office in an attempt to resolve any disputed matters.



**V. CONCLUSION**

Gordon Pedersen conducted a fraudulent scheme over the course of several years that led to the introduction of misbranded drugs into interstate commerce. The Court should impose a sentence of 57-71 months in prison and three years of supervised release. Such a sentence is sufficient, but not greater than necessary, to satisfy the 18 U.S.C. § 3553 factors.

Respectfully submitted,

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