

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	<b>FILED: SEP 18, 2008</b>
NU-GEN NUTRITION, INC.,	)	<b>08CV5309</b>
	)	<b>JUDGE COAR</b>
VITASALUS, INC., and	)	<b>MAGISTRATE JUDGE MASON</b>
	)	
ROBERT CLOUTIER,	)	
	)	<b>AEE</b>
Defendants.	)	

**COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), through its undersigned attorneys, for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to secure permanent injunctive relief, restitution, disgorgement, and other equitable relief against Defendants for engaging in deceptive acts and practices and false advertising in connection with the advertising, marketing, and sale of products purporting to treat, prevent, or cure cancer, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this matter pursuant to 15 U.S.C. §§ 45(a), 52, and 53(b) and 28 U.S.C. §§ 1331, 1337(a), and 1345.

3. This Court has personal jurisdiction over Defendants pursuant to 15 U.S.C. § 53(b).

4. Venue in the Northern District of Illinois is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).

#### **PLAINTIFF**

5. Plaintiff FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The Commission enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The Commission also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce. The Commission, through its own attorneys, may initiate federal district court proceedings to enjoin violations of the FTC Act and to secure such equitable relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, as may be appropriate in each case. 15 U.S.C. § 53(b).

#### **DEFENDANTS**

6. Defendant Nu-Gen Nutrition, Inc. (“Nu-Gen”), is a Michigan corporation with its registered office at 1301 Rankin Drive, Troy, Michigan 48083. Nu-Gen transacts or has transacted business in this district and throughout the United States.

7. Defendant Vitasalus, Inc. (“Vitasalus”), is a Michigan corporation with its registered office at 1301 Rankin Drive, Troy, Michigan 48083. Vitasalus is the 100 percent owner of Nu-Gen and controls its conduct and assets. Vitasalus transacts or has transacted business in this district and throughout the United States.

8. Defendant Robert Cloutier is an officer and director of Nu-Gen and Vitasalus. He is also the majority owner of Vitasalus. At all times relevant to this Complaint, acting individually or in concert with others, Defendant Robert Cloutier formulated, directed, controlled, or participated in the policies, acts, or practices set forth in this Complaint.

### **COMMERCE**

9. The acts and practices of Defendants alleged in this complaint are and have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

### **DEFENDANTS’ COURSE OF CONDUCT**

#### **Cantron**

10. Since at least 2005, Defendants have advertised, offered for sale, sold, and/or distributed Cantron, through their Internet website, [www.cancerchoices.com](http://www.cancerchoices.com), to consumers located throughout the United States. Defendants have promoted Cantron as an effective means to prevent, treat, or cure cancer.

11. The cost to consumers for a one-month supply of Cantron, which consists of an eight-ounce bottle, is approximately \$60.00, plus shipping and handling. According to the dosage instructions provided on the Internet website, a serving size of Cantron is 1/4 teaspoon, to be taken six times per day. Cantron contains ingredients such as, but not limited to, Electrolytes, Catechol, Inositol, Hydroxyquinones, Copper, Sodium, Sulfur, Potassium, Iron, Zinc, and Bromine.

12. Defendants’ advertisements on their Internet website refer to other purported cancer treatments which are either previous versions or variations of Cantron. These versions or variations are called “Entelev” and “Cancell.” Defendants, in making claims regarding the benefits of Cantron, sometimes, but not always, interchange “Cancell” and “Entelev” for

Cantron. Defendants makes claims that Cantron is chemically similar, if not the same, as Entelev and Cancell.

13. To induce consumers to purchase Cantron, Defendants have disseminated or caused to be disseminated advertising and ordering information for Cantron. Defendants' advertisements contain, among other things, the following statements on their Internet website:

**EXCERPTS FROM WEBSITE REGARDING CANTRON CLAIMS**

a. **Cantron in a Nutshell**

Since 1984, Cantron has become the ultimate anti-cancer wellness formula which serves as an amazing cellular cleanser to assist the body in eliminating unwanted and unproductive cells (i.e. abnormal, malignant, defective, or cancer cells).

b. One of the important cyclopentene compounds in the Cantron formula contributes to healthy cell functioning by influencing cellular voltage and by aiding the body to rapidly lyse (eliminate) unhealthy cell structures.

c. Many researchers are attempting to reverse the anaerobic cell and turn it back to an aerobic cell through the use of nutrients or oxygen or other methods. Mr. Sheridan abandoned this approach believing that malignant cells are irreversible. Sheridan developed a chemical substance whose components combine to act synergistically to lower the voltage of the cell structure of the body. In the case of malignant cells which are anaerobic, their voltage is already low. Sheridan's substance lowers its voltage further.

Recognizing the respiratory cycle of a malignant cell, an electrical blockage is created, taking the cell from the malignant state past the primitive state back to the building block stage where the hydrogen bond joining the coils of the protein helix is shifted. Recent studies have shown that the optimum level is to lower the potential by 20%. When these malignant cells go past the primitive state, they lyse or self-digest. When the malignant cells, self-digest, they change from cancer to waste material, composed of two amino acids that have the appearance of raw white eggs, which are mostly excreted through normal body waste disposal. The cancer cells are subsequently replaced with normal oxygen using (aerobic) cells.

d. I have talked to at least 15 Americans who:

- Had cancer
- Were considered terminal
- Were cured by Cancell

Many of them are alive and well more than five years after taking Cancell.

Their names and telephone numbers are presented below. If you are persistent, it is possible to build a file of over a hundred names of people who have been cured of cancer as a result of using Cancell.

e. A chemical analysis shows that Cantron is reasonably similar chemically to Cancell, and the people I have interviewed were healed by Cancell or Cantron.

f. **October 25, 2003**

I spoke with Gina Taylor from Ohio yesterday, and she told me this story.. "Todd Roach was diagnosed with a brain tumor (astrocytoma) 5 years ago when he was 30 years old. He was given chemotherapy, and 30 whole brain radiation treatments. Four to six months later, the tumor came back- more aggressive than before- with a lot of brain swelling. The doctor's sent him home saying there was," no more they could do."

Gina started him on Cantron, Pancreatin, Bromelain, and Willard's water that she had gotten from Dorothy at the H.O.P.E. meeting in Detroit. Todd started improving- to the doctor's amazement- and now he is cancer free 5 years later. Kevin is going to try and make it to the H.O.P.E. meeting in May, 2003, to give his testimony." Gina says Todd still has some residual problems from the chemo and radiation damage, but otherwise, he is doing great!

What do the doctors say..."We must have mis-diagnosed him.."

Pray for guidance.. [sic]

Dr.Maras

g. **September 5, 2002**

Dear Dr. Maras,

I am writing to you from Kabul Afghanistan. My sister just wrote to me last night to give me excellent news re: our mother Mary Wilkins. To refresh your memory, my mom was diagnosed with small cell squamous in both lungs in June and given 6 - 8 weeks to live. Miraculously, we found you on the internet and you immediately sent us Cantron and the total wellness program.

Your words of encouragement to our family were also comforting and we followed the regimin [sic] daily w/o fail.

Thanks to your wellness program and GOD, Moffitt Cancer Center told my parents and sister yesterday that all that remains of cancer in my mother's lungs is a 1/2cm tumor on the right upper lobe. Everything that was cancer is now scar tissue. She will undergo surgery on September 19 with full cure prognosis and no follow on treatment!

We cannot thank you enough nor will we ever be able to find the words to properly do so.

God Bless You,

Henry E. Wilkins  
U.S. Department of State  
Kabul, Afghanistan

- h. Cantron greatly contributes to the healthy functioning of cells in humans and animals. Recent tests have shown that Cantron is the most powerful antioxidant in the world, in fact, it is 902 times more powerful than vitamin E and 216 times more powerful than vitamin C. Antioxidants prevent or destroy free radicals – unstable molecules which are implicated as a cause of over 60 different disease conditions.

14. Defendants also have marketed Cantron as part of their “Phase I Wellness Program.” The “Phase I Wellness Program” is a package of products sold on their Internet website. The package includes Cantron, Enzyme Formula, Willard’s Water Concentrate, Ellagenol, OPC Formula, Ultramarine Shark Liver Oil Gelcaps, and Colostrum. The “Phase I Wellness Program” is sold with either an eight-ounce or 32-ounce bottle of Cantron and costs \$165.49 and \$273.49, respectively, plus shipping and handling.

**Apricot Kernels (Laetrile)**

15. Defendants also have advertised, offered for sale, sold, and/or distributed Apricot Kernels, through their Internet website, [www.cancerchoices.com](http://www.cancerchoices.com), to consumers located throughout the United States. Defendants have promoted Apricot Kernels as an effective means to prevent, treat, and cure cancer.

16. The cost to consumers for a one to one-and-a-half month supply of Apricot Kernels, which consists of a one-pound bag, is approximately \$13.49, plus shipping and handling. According to the dosage instructions provided on the Internet website, a serving size of Apricot Kernels is two kernels per day for every 10 pounds of body weight. According to the

Internet website, Apricot Kernels contain protein, minerals, trace elements, and essential fatty acids, including but not limited to, B1, B6, and laetrile (also known as “B17” or “amygdalin”).

17. To induce consumers to purchase Apricot Kernels, Defendants have disseminated or caused to be disseminated advertising and ordering information for Apricot Kernels. Defendants’ advertisements contain the following statements that are available at Defendants’ Internet website:

**EXCERPTS FROM WEBSITE REGARDING APRICOT KERNELS**

a. We sell them as a spice, however, we also receive many consumer reports touting the anti-cancer and anti-tumor benefits of our apricot kernels.

b. **Latest Customer Testimonial**

Hello!

I placed my order of apricot seeds in November and have taken them everyday up until my surgery Dec 3rd to removed [sic] cervix cancer. Here is my testimony: I have been released from the hospital Thursday of this week. My doctor said that my pathlogist report came back negative. I believe my alternative approach to changing the chemistry and balance in my body with God's help (seeds). I believe that these seeds attacked any hidden cancer cells that may have been in my body. I will continue to order and use these seeds. Thank God for opening my eyes and making me take a stand for his temple (my body) and I pray that my health can be used as a testimony for others that suffer. Thank you for providing these seeds and you will surely hear from me again and again.

God bless you!  
Regina G., Okatie, SC

c. **What is the maximum quantity that I can eat per day?**

The maximum number of apricot kernels you should eat per day would be approx. 2 kernels for every 10 lbs body weight. For example, a 150 lb person might consume a maximum of 30 kernels in one day (i.e. 15 x 2



kernels for every 10 lbs body weight). **NOTE:** *These natural foods should be consumed in biologically rational amounts. Too many kernels or seeds, for example, can be expected to produce unpleasant side effects. So that you don't overwhelm your body, which will depend on each individual, it is generally a good idea to spread the consumption of your apricot kernels in smaller, manageable portions throughout the day.*

18. In addition to the representations detailed above, Defendants have embedded specific disease references in the “metatags” of their Internet website [www.cancerchoices.com](http://www.cancerchoices.com). A metatag is a word or words embedded in an Internet website, which are not normally displayed visually to the consumer, that may be used by an Internet search engine for the purpose of selecting sites in response to an Internet user’s search request. The metatags used by Defendants include, but are not limited to, references to, tumor reduction, cancer prevention, cancer cures, cancer treatment, preventing cancer, curing cancer, cancer relief, alternative cancer treatment, successful cancer treatment, lung cancer treatment, Pancreatic cancer, kidney cancer, and breast cancer. Defendants’ use of these metatag references have increased the likelihood that consumers who researched cancer treatments and cancer cures on the Internet would be directed to Defendants’ websites.

#### **VIOLATIONS OF THE FTC ACT**

19. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), 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, Cantron and Apricot Kernels are

either a “food” or “drug” as defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and (c). As set forth below, Defendants have engaged in such unlawful practices in connection with the marketing and sale of their Cantron and Apricot Kernels products.

### **COUNT ONE**

#### **Unlawful Claims Regarding the Health Benefits of Cantron**

20. Through the means described in Paragraphs 10-13 and 18, Defendants have represented, expressly or by implication, that:

- a. Cantron is an effective treatment or cure for brain cancer, lung cancer, and other types of cancer; and
- b. Cantron reduces or eliminates cancer tumors.

21. The representations set forth in Paragraph 20 are false or were not substantiated at the time they were made. Therefore, the making of the representations set forth in Paragraph 20 constitutes a deceptive practice, and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

### **COUNT TWO**

#### **Unlawful Claims Regarding the Health Benefits of Apricot Kernels**

22. Through the means described in Paragraphs 15-18, Defendants have represented, expressly or by implication, that:

- a. Apricot Kernels are an effective treatment or cure for cervical cancer and other types of cancer; and
- b. Apricot Kernels reduce or eliminate cancer tumors.

23. The representations set forth in Paragraph 22 are false or were not substantiated at the time they were made. Therefore, the making of the representations set forth in Paragraph 22 constitutes a deceptive practice, and the making of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

### **INJURY**

24. Consumers throughout the United States and beyond have suffered and continue to suffer substantial monetary loss as a result of Defendants' unlawful acts or practices. In addition, Defendants have been unjustly enriched as a result of their unlawful practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

### **THIS COURT'S POWER TO GRANT RELIEF**

25. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and other such relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies to prevent and remedy injury caused by Defendants' law violations.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

- (1) Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief;
- (2) Enter a permanent injunction to prevent future violations of the FTC Act by the Defendants;
- (3) Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and
- (4) Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

William Blumenthal  
General Counsel



Steven M. Wernikoff  
Federal Trade Commission  
55 W. Monroe St., Suite 1825  
Chicago, IL 60603  
Tel: (312) 960-5630  
Fax: (312) 960-5600

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