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7 **STATE OF WASHINGTON**
KING COUNTY SUPERIOR COURT

8 STATE OF WASHINGTON,

NO.

9 Plaintiff,

COMPLAINT FOR INJUNTIVE AND
OTHER RELIEF UNDER THE
CONSUMER PROTECTION ACT

10 v.

11 LEANNE VASSALLO and AARON
12 SMITH,

13 Defendants.

14 **COMES NOW**, Plaintiff, State of Washington, by and through its attorneys Robert M.
15 McKenna, Attorney General; and Paula Selis, Senior Counsel and brings this action against
16 defendants named herein. The state alleges the following on information and belief:

17 **I. JURISDICTION AND VENUE**

18 **1.1** This Complaint is filed and these proceedings are instituted under the provisions
19 of the Unfair Business Practices – Consumer Protection Act, Chapter 19.86 RCW.

20 **1.2** The violations alleged in this Complaint have been and are being committed in
21 whole or in part in King County in the State of Washington, by defendants named herein.

22 **1.3** Authority of the Attorney General to commence this action is conferred by
23 RCW 19.86.080 and RCW 19.86.140.

1 **II. DEFENDANTS**

2 **2.1** Defendant Leanne Vassallo does business as Frog E-Guides; Spectaz Media;
3 Azpire Health; Forsithe Health and eHealth Books. Defendant Vassallo resides at 6 Saxon
4 Place, Cecil Hills, New South Wales 2171, Australia.

5 **2.2** Defendant Aaron Smith does business as Frog E-Guides; Spectaz Media; Azpire
6 Health; Forsithe Health and eHealth Books. Defendant Smith resides at 6 Saxon Place, Cecil
7 Hills, New South Wales 2171, Australia.

8 **III. NATURE OF TRADE OR COMMERCE**

9 **3.1** Leanne Vasallo and Aaron Smith (collectively “defendants”), advertise a variety
10 of health-related products on the Internet, including but not limited to supposed “cures” for
11 shingles, herpes, fibromyalgia, Lyme disease, laryngitis, hives, tuberculosis, colitis,
12 endometriosis, shin splints, sebaceous cysts, multiple sclerosis, genital warts, myasthenia
13 gravis, staph infection, diverticulitis, gastroesophageal reflux (GERD), hemochromatosis,
14 asthma, prostate cancer, and breast cancer . The advertisements for each of the products use a
15 similar format for the advertisement of each “cure.” In general, defendants advertise each of
16 their “cures” on specific websites exclusively devoted to each individual “cure.” For example,
17 defendants advertise on: addisonsdiseasecure.com; addisonsdiseasediet.com;
18 cellulitedefeated.com; colitiscured.com; cureyourgerd.com; diverticulitiscure.com;
19 endometriosisdefeated.com; endometriosis-nutrition.com; fibromyalgiacured.com;
20 ganglioncystcure.com, genitalherpesdiet.com, genitalherpesgone.com, healgenitalwarts.com,
21 hemochromatiscure.com, lymediseasediet.com, multiplesclerosisgone.com,
22 myastheniagraviscure.com, refluxrecovery.com, sarcoidosiscure.com,
23 sclerodermadefeated.com, sebaceouscystcure.com, staphinfectioncure.com,
24 tuberculosiscured.com, theprostatecancerdiet.com, and thebreastcancerdiet.com.
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1 **3.2** The format for all of their website advertisements is a letter (hereinafter the
2 “testimonial letter”) testifying to the effectiveness of the “cure”, prefaced by a large-type
3 header designed to capture the reader’s attention. All of defendants’ headers have a common
4 theme—they all identify a non-professional who has somehow discovered the cure for a
5 particular ailment. Some of the headers use sexual innuendo to grab attention. Examples of
6 such headers include: “Sex Crazy 60 Year Old Reveals a Simple Home Treatment that
7 Eliminates Fibromyalgia in Days;” “60 Year Old Swinger Reveals the Secret To Ending Every
8 Last Myasthenia Gravis Symptom—Using an All Natural Home Treatment...;” “60 Year Old
9 Swinger Reveals a Home Treatment that Makes Ganglion Cysts disappear in Less than 12
10 Hours.” Other headers use a different approach: “39 Year Old Seattle Mom Stumbles Upon a
11 Simple 5 Step Plan That Eliminates Multiple Sclerosis in Weeks;” “36 Year Old Mom
12 Stumbles Upon a 3 Step Exercise and Diet Routine That Eliminates Cellulite in 5 Days;”
13 “Sleep Deprived Mom Reveals a Home Recipe that Kills Head Lice and Their Eggs in 6
14 Minutes Flat;” and “39 Year Old Seattle Mother Stumbles Upon a Simple 5 Step Treatment
15 Diet That Eliminates Colitis in Days.” All of the headers make clear that the product being
16 advertised has proven successful in curing a serious, persistent or irritating health ailment.

17 **3.3** Below the attention-getting headers, defendants’ advertisements include a
18 picture of the purported “author” of the testimonial letter that forms the body of the
19 advertisement. Many of these pictures contain a caption with the name and address of the
20 pictured individual. The persons pictured are identified by fictitious names and addresses. For
21 example, defendants’ advertisement for the head lice “cure” contains a picture of a woman
22 identified as “Sharon Cresler, 320 Elliott Ave., Seattle, WA, USA” who is the purported writer
23 of the testimonial letter. Their advertisement for the endometriosis cure also includes a picture
24 of the same woman, “Sharon Cresler,” but gives her address as “300 Elliott Ave., Seattle, WA
25 USA.” Their advertisement for the ganglion cyst cure contains the same picture, but identifies
26 the woman pictured as “Amy Archer, 320 Preston Ave., Seattle, WA, USA.” The same picture

1 is also used in their myasthenia gravis cure advertisement, but is identified as “Maria
2 Menendez.” The picture is also used in defendants’ Addison’s disease cure advertisement,
3 similarly identified as “Maria Menendez.”

4 **3.4** Defendants have used other fictitious names and pictures in their advertising,
5 including Sarah Shelton, Danny DeAngelo, Susan Spencer, Karen Woodrow, Kerri Clarkson
6 and Marsha Menendez. When they have identified the “addresses” of these fictitious persons,
7 they have all been Seattle, Washington addresses. None of these addresses is actually the
8 address of the person pictured. Accordingly, the addresses are as fictitious as the persons
9 pictured.

10 **3.5** The body of defendants’ advertising contains a testimonial letter, generally
11 addressed to “Dear Friend.” Though there are a few differences in their letters depending on
12 the subject of the “cure,” they contain numerous similarities. They all purport to tell the
13 “story” of a “fiery 60 year old” who revealed to the writer of the testimonial letter a “secret 5
14 step plan” to cure the symptoms of the ailment. The supposed writer goes on to state that by
15 using this “plan,” he or she has essentially been cured. After a description of years of suffering
16 from the symptoms of the ailment, the writer describes either a “girls night out” or a “bachelor
17 party” (depending on the gender of the fictional person writing the testimonial) where a “60
18 year old swinger” revealed a “secret weapon” that included a “simple 5 step plan” to cure the
19 ailment. The writer allegedly employs the “plan” and cures his or her ailment. In an effort to
20 let “other sufferers” know about this “great plan,” the writer claims that he or she, after
21 consultation with the “swinger,” has decided to share the information via the Internet. The
22 information is included in a downloadable report that is entitled according to the ailment, i.e.
23 “The Myasthenia Gravis Cure;” “Fibromyalgia Cured;” “The Addison’s Disease Cure;” “The
24 Colitis Cure Report,” etc. The report is downloadable by the computer user once he or she has
25 paid \$24.47 or \$16.97, depending on the product sold. The purchase is made via credit card.
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1 **3.6** In additional to the testimonial letter, the purported writer of the letter attaches
2 “emails” from others “all over the world” who have successfully used the “cure” and achieved
3 “great results.” These “emails” are essentially the same, from advertisement to advertisement
4 and from ailment to ailment. For example, an “email” from “Susan Hodges” of Dallas, Texas,
5 is always included as the first in a series of “emails,” praising the “cure” and claiming its
6 success, no matter whether the ailment featured is multiple sclerosis, fibromyalgia or
7 endometriosis. The name of “Susan Hodges” is featured in all of the advertisements, always as
8 the first in claiming that her condition has greatly improved or been healed. Additional
9 fictitious “emails” follow the one purportedly from Hodges, including ones from “Naomi
10 Graer” of Chicago, Illinois (who claims in various testimonials to have been cured of asthma,
11 anemia, Addison’s disease, colitis, diverticulitis, endometriosis, fibromyalgia, genital herpes,
12 genital warts, hemochromatosis, Lyme disease, menopause, multiple sclerosis, myasthenia
13 gravis, sarcoidosis, scleroderma, sebaceous cysts, staphylococcus infection and tuberculosis);
14 “Jason Everett” of Melbourne, Australia; “Barbara Dressinger” of Atlanta, Georgia and “Craig
15 Belamy” of Ontario, Canada. All of these “emails” claim that their use of the “cure” has been
16 successful.

17 **3.7** Washington consumers have purchased defendants’ downloadable reports for
18 the various “cures.”

19 **3.8** Defendants are in competition with others in the State of Washington engaged
20 in similar business.

21 **IV. FIRST CAUSE OF ACTION – MISREPRESENTATIONS**

22 **4.1** Plaintiff realleges Paragraphs 1.1 through 3.8 and incorporates them herein as if
23 set forth in full.

24 **4.2** In the context of conducting their business, defendants make numerous
25 misrepresentations, including, but not limited to, the following:
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1 **4.3** The misrepresentation that the testimonial letter is written by a consumer who
2 has used the “cure” successfully, when in fact it has been written by a commercial seller;

3 **4.3.1** The misrepresentation that the “cure” is effective;

4 **4.3.2** The existence of “weird” and “strange” physical “symptoms” the writer of the
5 consumer testimonial letter experienced prior to discovering the “cure,” and the “depression”
6 attendant to those “symptoms;”

7 **4.3.3** The misrepresentation regarding the meeting with the “60 year old swinger”
8 who introduced the writer to the “secret weapon” of the “cure;”

9 **4.3.4** The misrepresentation that unsolicited emails have been received from satisfied
10 consumers from “all over the world” who have used the “cure” successfully;

11 **4.3.5** The misrepresentation that the names of the purportedly satisfied customers are
12 actual, real persons;

13 **4.3.6** The various misrepresentations allegedly supporting the effectiveness of the
14 “cures,” including but not limited to the following representative misrepresentations:

- 15 a. That the “cure” is a “5-step home remedy that heals your immune
16 system” (myasthenia gravis website);
- 17 b. That the “cure” restores your eye muscles and puts an end to breathing
18 difficulties” (myasthenia gravis website);
- 19 c. That according to the person touting the “cure,” “4 weeks later I felt
20 absolutely amazing...I was 40 again...no more muscle fatigue, no more
21 facial muscle weakness, my eye was back to full function” (myasthenia
22 gravis website);
- 23 d. That by using the “cure” one can “correct your breathing—breath deeply
24 and freely again” (myasthenia gravis website);

- 1 e. That the “cure” contains “an element taken orally that can single-
2 handedly reduce your myasthenia gravis symptoms by 70%”;
3 (myasthenia gravis website);
- 4 f. That the “cure” contains “2 secret immune boosting techniques that will
5 ensure your myasthenia condition gets stopped in its tracks”;
6 (myasthenia gravis website);
- 7 g. That according to the person touting the “cure,” “Since I have made the
8 ...cure available from this website, I have received 137 emails from
9 women all over the world who have used (the) ...cure to achieve great
10 results”; (various advertisements)
- 11 h. That according to the person touting the “cure,” “...lo and behold...five
12 days later I felt absolutely amazing...I was 21 again...no more diarrhea,
13 no more low energy, no more sleepless nights, no more aching
14 cramps...no more endometriosis!” (endometriosis website);
- 15 i. That the “cure consists of “a drinkable remedy that will ensure that you
16 have the energy of a 21 year old,” (endometriosis website);
- 17 j. That by using the “cure,” you can “find out what you have to do to avoid
18 scary, invasive surgery,” (endometriosis website);
- 19 k. That the “cure consists of “a drinkable remedy that will detoxify your
20 body and cleanse your blood - this is essential to getting rid of the herpes
21 internally as well as externally;” (herpes website)
- 22 l. That the “cure” consists of a “5 step plan, using groceries from the local
23 Wal-Mart and a few items from the health food store...That cures colitis
24 in days!” (colitis website)
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- 1 m. That the “cure” is “a great colitis remedy to boost your immune system
2 through the roof. Preventing any future colitis infection...” (colitis
3 website)
- 4 n. That the “cure” is a “5 Step treatment that eliminates tuberculosis in
5 days” (tuberculosis website)
- 6 o. That according to the person touting the “cure,” “...two weeks later I felt
7 absolutely amazing... I was 21 again... no more coughing, no more chest
8 pain, no more bloody phlegm, no more fatigue... no more tuberculosis
9 basically!!” (tuberculosis website)
- 10 p. That according to the person touting the “cure,” “...two weeks later I felt
11 absolutely amazing... 80% of my symptoms had completely gone... I
12 could walk properly, I had no muscle or joint problems... Best of all -
13 when I told my foot to move - IT MOVED!!! (multiple sclerosis
14 website)
- 15 q. That according to the person touting the “cure,” defendants’ “simple diet
16 and exercise plan...took me from rolling around on the floor in agony to
17 being in total remission from Prostate Cancer for the last 3 years...”
18 (prostate cancer website)
- 19 r. That according to the person touting the “cure,” defendants’ “simple
20 diet and exercise plan...took me from facing death from Breast Cancer
21 to being in total remission from Breast Cancer for the last 3
22 years...” (breast cancer website)

23 **4.4** The conduct described above constitutes unfair or deceptive acts or practices in
24 trade or commerce, and unfair methods of competition in violation of RCW 19.86.020.

25 **V. SECOND CAUSE OF ACTION – UNSUBSTANTIATED HEALTH CLAIMS**

26 **5.1** Plaintiff realleges Paragraphs 1.1 through 4.4 and incorporates them herein as if

1 set forth in full.

2 **5.2** Defendants advertise and sell alleged “cures” for a variety of ailments without
3 providing substantiation that these “cures” actually work. Consumer testimonials are the only
4 “substantiation” that is proffered in their advertising. These testimonials are legally
5 insufficient to prove the effectiveness of the “cures.” Evidence of consumer satisfaction is not
6 relevant to determining whether competent and reliable evidence existed for claims of product
7 effectiveness at the time the claims were made. Defendants’ unsubstantiated claims include,
8 but are not limited to the following:

- 9 a. The claim that the myasthenia gravis “cure” is a “5-step home remedy
10 that heals your immune system”;
- 11 b. The claim that the myasthenia gravis “cure” “restores your eye muscles
12 and puts an end to breathing difficulties”;
- 13 c. The claim that by using the myasthenia gravis “cure”, within 4 weeks
14 one will feel “absolutely amazing... 40 again...no more muscle fatigue,
15 no more facial muscle weakness, ... back to full function”;
- 16 d. The claim that the myasthenia gravis “cure” will “correct your
17 breathing—breath deeply and freely again”;
- 18 e. The claim that the myasthenia gravis “cure” includes “an element taken
19 orally that can single-handedly reduce your myasthenia gravis symptoms
20 by 70%”;
- 21 f. The claim that the myasthenia gravis “cure” includes “2 secret immune
22 boosting techniques that will ensure your myasthenia condition gets
23 stopped in its tracks”;
- 24 g. The claim that after using the endometriosis “cure,” after five days one
25 will feel “absolutely amazing... 21 again...no more diarrhea, no more
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1 low energy, no more sleepless nights, no more aching cramps...no more
2 endometriosis!” ;

3 h. The claim that the endometriosis “cure” includes “a drinkable remedy
4 that will ensure that you have the energy of a 21 year old”;

5 i. The claim that by using the endometriosis “cure” one can “avoid scary,
6 invasive surgery”;

7 j. The claim that the herpes “cure” is “a drinkable remedy that will
8 detoxify your body and cleanse your blood - this is essential to getting
9 rid of the herpes internally as well as externally” ;

10 k. The claim that the colitis “cure” is “a simple 4 step plan, using groceries
11 from the local Wal-Mart and a few items from the health food
12 store...That cures colitis in days!”;

13 l. The claim that the colitis cure is “a great colitis remedy to boost your
14 immune system through the roof. Preventing any future colitis
15 infection...”;

16 m. The claim that the tuberculosis cure is a “5 Step treatment that
17 eliminates tuberculosis in days”;

18 n. The claim that the tuberculosis cure will result in feeling “amazing”
19 after “two weeks”, that the user will experience “no more coughing, no
20 more chest pain, no more bloody phlegm, no more fatigue... no more
21 tuberculosis basically!!”; and

22 o. The claim that the multiple sclerosis “cure” will result in feeling
23 “absolutely amazing” after two weeks, with “80% of ...symptoms...
24 completely gone...”

25 p. The claim that the plan recommended by defendants will “shrink ...
26 breast cancer into non-existence!!”

1 q. The claim that the plan recommended by defendants can “heal...
2 prostate cancer from the inside out.”

3 **5.3** The conduct described above constitutes unfair or deceptive acts or practices in
4 trade or commerce, and unfair methods of competition in violation of RCW 19.86.020.

5 **VI. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff, STATE OF WASHINGTON, prays for relief as follows:

7 **6.1** That the Court adjudge and decree that defendants have engaged in the conduct
8 complained of herein.

9 **6.2** That the Court adjudge and decree that the conduct complained of in Paragraphs
10 3.1 through 5.3 constitutes unfair or deceptive acts or practices and unfair methods of
11 competition in violation of the Consumer Protection Act, Chapter 19.86 RCW.

12 **6.3** That the Court issue a permanent injunction enjoining and restraining
13 defendants and their representatives, successors, assigns, officers, agents, servants, employees,
14 and all other persons acting or claiming to act for, on behalf of, or in active concert or
15 participation with defendants from continuing or engaging in the unlawful conduct complained
16 of herein.

17 **6.4** That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to two
18 thousand dollars (\$2,000) per violation against the defendants for each and every violation of
19 RCW 19.86.020 caused by the conduct complained of herein.

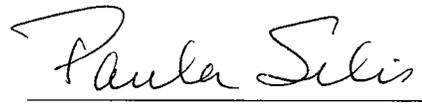
20 **6.5** That the Court make such orders pursuant to RCW 19.86.080 as it deems
21 appropriate to provide for restitution to consumers of money or property acquired by
22 defendants as a result of the conduct complained of herein.

23 **6.6** That the Court make such orders pursuant to RCW 19.86.080 to provide that
24 plaintiff, State of Washington, have and recover from defendants the costs of this action,
25 including reasonable attorney's fees.

1 6.7 That the Court order such other relief as it may deem just and proper to fully
2 and effectively dissipate the effects of the conduct complained of herein, or which may
3 otherwise seem proper to the Court.

4 DATED this 30th day of June, 2009.

5 ROBERT M. MCKENNA
6 Attorney General

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8 _____
9 PAULA SELIS, WSBA #12823
10 Senior Counsel
11 Attorneys for Plaintiff
12 State of Washington