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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SCOTT BURGHARDT, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

NUTRONICS LABS, INC., an Illinois  
Corporation, and Does 1 through 20,

Defendants.

Case No. '14CV0606 JM BGS

CLASS ACTION

COMPLAINT FOR:

1. VIOLATION OF CONSUMERS  
LEGAL REMEDIES ACT, CIVIL  
CODE § 1750, *et seq.*;
2. VIOLATION OF THE UNFAIR  
COMPETITION LAW, BUSINESS  
AND PROFESSIONS CODE §  
17200, *et seq.*; and
3. BREACH OF EXPRESS  
WARRANTY.

DEMAND FOR JURY TRIAL

1 Plaintiff Scott Burghardt brings this action on behalf of himself and all others  
2 similarly situated against Defendant Nutronics Labs, Inc. (“Nutronics”) and Does 1  
3 through 20 (“Does” or “Doe Defendants”) (collectively “Defendants”) and states:

#### 4 NATURE OF ACTION

5 1. Defendants distribute, market, and sell IGF-1 Plus (“IGF-1 Plus”) a line of  
6 deer antler velvet supplements that comes in spray and droplet forms and purportedly  
7 provides a variety of health benefits such as: promoting a powerful immune system;  
8 maintaining a healthy heart; promoting healthy flexible joints; promoting a healthy  
9 prostate; promoting sexual performance and function by raising libido; supporting healthy  
10 weight-loss regimens; and promoting healthy skin and reducing the appearance of  
11 wrinkles. These claimed health benefits are the only reason a consumer would purchase  
12 IGF-1 Plus. Defendants’ advertising claims, however, are false, misleading, and  
13 reasonably likely to deceive the public.

14 2. The primary active ingredient in the IGF-1 Plus products is insulin-like  
15 growth factor 1 (“IGF-1”), a peptide hormone that can be injected to increase total protein  
16 and DNA content in tissues. Through an extensive, uniform and long-term advertising  
17 campaign on the Internet, Defendants represent that spraying or placing IGF-1 Plus liquid  
18 droplets under the tongue helps people with active lifestyles “[a]chieve peak  
19 performance,” “helps athletes and bodybuilders alike train harder, build lean muscle mass  
20 and speeds their recovery time,” helps “boost your energy levels and your recovery time  
21 from a hard workout,” “helps promote a healthy immune system and lean muscle mass,”  
22 and “help[s] with general health and wellness.”

23 3. All available scientific evidence demonstrates that the IGF-1 Plus products’  
24 delivery methods are not effective in building lean muscle mass and speeding recovery  
25 time, promoting healthy flexible joints, or promoting sexual performance and function by  
26 raising libido. Defendants do not have any competent, reliable, scientific evidence that  
27 substantiates their representations about the health benefits of consuming their IGF-1 Plus  
28 products, which are not injected but are sprayed or dropped into the mouth under the

tongue. In fact, numerous scientifically valid studies have demonstrated that antler velvet is not effective in building muscle, speeding up recovery, promoting healthy joints, or raising libido. The studies that have found benefits in using antler velvet are ones where it was administered via injection or where the subjects were not human, and many studies explicitly stated that further research was required to establish the effectiveness of antler velvet. Even the link to WebMD provided on Nutronics's homepage and in its links to "Medical Reference" ("Click here to see what WebMD says about deer antler velvet") states under the Antler Velvet "Uses" tab that there is "Insufficient Evidence for: Boosting strength and endurance. Muscle aches and pains. Use as an aphrodisiac and for sexual problems. Improving immune system function. High cholesterol. High blood pressure. Asthma. Indigestion. Acne. Cancer. Other conditions."

4. Defendants represent that the main ingredient in the IGF-1 Plus products, IGF-1, helps build lean muscle mass, speeds recovery time, encourages the absorption of both chondroitin and glucosamine sulfate which will helps in the promotion of healthy joints, and increases libido, thereby enhancing consumers' sex drives. The Nutronics webpage states the following:

- (a) "IGF-1 Plus™ is the only all natural supplement known to man that is steroid free, safe, and increases muscle size in athletes. There has never been a supplement that builds muscle while improving recovery. IGF-1 Plus™ stops the breakdown of muscle while naturally burning fat with no stimulants."
- (b) "IGF-1 Plus™ = Muscle Increase and Power."
- (c) "Nutronics Labs IGF-1 Plus™ deer antler spray has anti-aging qualities that help to dramatically slow down the biological aging process, and helps reduce the appearance of wrinkles in addition to helping to repair cells damaged by the sun and aging."
- (d) Consuming the IGF-1 Plus products "can improve athletic performance by increasing strength, endurance (stamina), increasing oxygen carrying

capacity of the blood, repairing minor tissue damage that occurs either during training or in a competitive event and boosting the immune system,” “helps promote healthy, flexible joints,” “improves brain function and promotes a better night’s sleep, thus improving energy levels,” and “helps promote sexual performance and function by raising libido.”

(e) “Deer Antler Extract that is formulated into Nutronics Labs IGF-1 Products allow for 98% absorption through our proprietary liposome delivery system.” See, <http://www.nutronicslabs.com/nutronics-labs-super-max-200k-deer-antler-velvet-spray/?gclid=CMnxlavdkr0CFcRi7AodsWsAIw> (Last visited, March 14, 2014.)

Attached as Exhibit A. These statements explicitly and implicitly represent that the IGF-1 Plus products are intended to improve muscle mass, speed recovery time, promote healthy flexible joints, and enhance sexual performance.

5. Defendants convey their uniform, deceptive message to consumers through online promotional materials and Defendant Nutronics’s website, which is the point of purchase—IGF-1 Plus is not readily available in stores or through other vitamin/supplement websites. Consumers are exposed to the representations regarding the IGF-1 Plus products because they must visit Defendant Nutronics’s website to purchase the IGF-1 Plus products. The only reason a consumer would purchase IGF-1 Plus is to obtain the advertised health benefits, which the IGF-1 Plus products are incapable of providing.

6. As a result of Defendants’ deceptive advertising and false claims regarding the efficacy of the IGF-1 Plus products, Plaintiff and the proposed Class have purchased a product which does not perform as represented, and they have been harmed in the amount they paid for the product, which, in the case of Plaintiff Scott Burghardt is approximately \$119.99 per bottle.

7. Plaintiff brings this action on behalf of himself and other similarly situated consumers who have purchased the IGF-1 Plus products to halt the dissemination of this false, misleading, and deceptive advertising message, correct the false and misleading perception it has created in the minds of consumers, and obtain redress for those who have purchased the products. Based on violations of California's unfair competition laws and Defendants' breach of express warranty, Plaintiff seeks injunctive and monetary relief for consumers who purchased the IGF-1 Plus products.

### **JURISDICTION AND VENUE**

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(d)(2). The matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$5,000,000, and it is a class action in which there are in excess of 100 class members, many of whom are citizens of a state different from Defendants.

9. This Court has personal jurisdiction over Defendants because Defendants are authorized to conduct and do conduct business in California. Defendants have marketed, promoted, distributed, and sold the IGF-1 Plus products in California, and Defendants have sufficient minimum contacts with this State and/or sufficiently avail themselves of the markets in this State through their promotion, sales, distribution, and marketing within this State to render the exercise of jurisdiction by this Court permissible.

10. Venue is proper under 18 U.S.C. § 1965(a) because Defendants transact substantial business in this District and Defendants market, distribute and sell the IGF-1 Plus products in this District.

### **PARTIES**

11. Plaintiff Scott Burghardt resides in Butte County, California. In approximately April 2013, Plaintiff purchased his first bottle of Defendants' IGF-1 Plus Maximum 100,000ng from Defendants' website at <http://www.nutronicslabs.com>. At the time of his purchase he was exposed to, read, and relied upon Defendants' representations regarding the health benefits of the IGF-1 Plus products by reading the IGF-1 Plus product description on Defendants' website. Plaintiff purchased the IGF-1 Plus product in

1 reliance on the claims listed on the product description detailed herein and above, that  
2 IGF-1 Plus products would “improve athletic performance by increasing strength,  
3 endurance (stamina), increasing oxygen carrying capacity of the blood, repairing minor  
4 tissue damage that occurs either during training or in a competitive event and boosting the  
5 immune system,” “promote healthy, flexible joints,” and “promote sexual performance  
6 and function by raising libido.” He paid approximately \$119.99 for the product on  
7 Defendants’ website. Mr. Burghardt consumed the product regularly, as directed, but did  
8 not experience the intended, advertised benefits. As a result of his purchase, Plaintiff  
9 suffered injury in fact and lost money. Had Plaintiff known the truth about Defendants’  
10 misrepresentations and omissions, he would not have purchased the IGF-1 Plus products.  
11 Plaintiff Burghardt is not claiming physical harm or seeking the recovery of personal  
12 injury damages.

13 12. Defendant Nutronics Labs, Inc. is incorporated under the laws of the state of  
14 Illinois. Nutronics’s corporate headquarters is located at 85 NE Loop 410, Suite 616, San  
15 Antonio, Texas 78216. Nutronics researches, develops, manufactures, distributes,  
16 markets, and sells its IGF-1 Plus products to tens of thousands of consumers in California  
17 and throughout the United States.

18 13. The true names and capacities, whether individual corporate, associate, or  
19 otherwise, of defendants sued herein as Does 1 through 20, inclusive, are currently  
20 unknown to Plaintiff.

21 14. Plaintiff is informed and believes, and based thereon alleges, that each of the  
22 defendants designated herein as a Doe is legally responsible in some manner for the  
23 unlawful acts referred to herein. Plaintiff will file the requisite motion with this Court to  
24 amend this Complaint to reflect the true names and capacities of the defendants  
25 designated hereinafter as Does when such identities become known.

26 15. Plaintiff is informed and believes, and thereon alleges, that at all times  
27 material hereto and mentioned herein, each defendant sued herein, was the agent, servant,  
28 employer, joint venturer, partner, division owner, subsidiary, division, alias, and/or alter

ego of each of the remaining defendants and were, at all times, acting within the purpose and scope of such agency, servitude, employment, ownership, subsidiary, alias and/or alter ego and with the authority, consent, approval, control, influence, and ratification of each remaining defendant sued herein.

## FACTUAL ALLEGATIONS

### *The IGF-1 Plus products*

16. Defendants manufacture, distribute, market, and sell the IGF-1 Plus line of health supplements on a nationwide basis.

17. Defendants presently offer six forms of the IGF-1 Plus products: (a) Super Max 200,000ng; (b) Maximum 100,000ng; (c) Ultra Plus 25,000ng; (d) Ultra 10,000ng; (e) Starter Plus 5,000ng; and (f) Starter 3,000ng. The products are nearly identical in their chemical composition: they each contain deer antler velvet (*cervidae parvum comu*) and stevia extract (leaves). The only differences are the amounts of deer antler velvet and stevia extract, and that the Super Max and Maximum IGF-1 Plus products come in a dropper form rather than a spray. The advertising and marketing messages for the products are nearly identical. *See* Exhibit A. All IGF-1 Plus products claim to have clinically tested components, and all products claim they build lean muscle mass, speed recovery time, promote healthy joints, and increase libido. *Id.* Plaintiff alleges that the actual quantity of deer antler velvet in any of the products is irrelevant because it is completely ineffectual when delivered to the human body in the droplet form.

18. The IGF-1 Plus products are sold throughout California and the United States via the Nutronics website.

19. Since the launch of the IGF-1 Plus products, Defendants have consistently conveyed the message to consumers throughout California and nationwide that the IGF-1 Plus products ingredients will help “build lean muscle mass and speed[] their recovery time,” “boost your energy levels,” and “promote sexual performance and function by raising libido.” While the main component of the IGF-1 Plus products, IGF-1, has been

1 shown to provide some health benefits, these studies involved nonhuman test subjects or  
2 different delivery methods (i.e., injection). *See infra* ¶¶ 33-34. The statements regarding  
3 the benefits of the IGF-1 Plus products in humans have been proven false by multiple,  
4 reputable, published scientific studies. *See infra* ¶¶ 27-32. As more fully set forth herein,  
5 the scientific evidence regarding the use of IGF-1 demonstrates that the IGF-1 Plus  
6 products do not provide **any** of the health benefits represented by Defendants.

7       20. In addition to the primary ingredient Defendants prominently display on the  
8 Nutronics website and diligently promote as providing the purported health benefits, the  
9 IGF-1 Plus products also contain miniscule amounts of other ingredients. These other  
10 minor ingredients are not effective in providing the health benefits represented by  
11 Defendants. In any event, the focus is on the uniform false and deceptive representations  
12 and omissions that Defendants make about the IGF-1 Plus products on Defendant  
13 Nutronics's website.

14       21. There is no competent scientific evidence that taking the IGF-1 Plus products  
15 through Defendant Nutronics's "proprietary liposome delivery system" results in the body  
16 absorbing 98% of the product (as claimed by Defendants) or metabolizing the product into  
17 something that provides the advertised health benefits.

18       22. The primary active ingredient in all of the IGF-1 Plus products is insulin-like  
19 growth factor 1, or IGF-1. IGF-1 is a peptide hormone, or protein, that has a function and  
20 structure similar to insulin<sup>1</sup>. It is a member of a family of proteins that are involved in  
21 mediating growth and development. *Id.* Contrary to Defendant's claims, IGF-1 can only  
22 be *injected* to have any effect; and even then, it's only known effects are to increase total  
23 protein and DNA content in tissues, not provide the miracle benefits advertised and  
24 represented by Defendants.

25       23. Similar to insulin for a diabetic, insulin is injected into the blood stream and  
26 regularly managed with the assistance of a blood-sugar monitor. Drinking insulin, or  
27

28 <sup>1</sup> See <http://www.ncbi.nlm.nih.gov/gene/3479> and <http://www.ncbi.nlm.nih.gov/pubmed/18236437>

1 ingesting it in liquid form through a dropper placed under the tongue is completely  
2 ineffective; it simply does not survive the digestion or physiological process of ingestion.

3 24. Contrary to the stated representations for all the IGF-1 Plus products on  
4 Defendant Nutronics's website, Defendants do not possess (and have not possessed)  
5 competent scientific evidence that their IGF-1 Plus products are effective in providing the  
6 advertised health benefits.

7 25. Despite scientific studies which demonstrate that Defendants' claims are  
8 false and deceptive, and no scientifically valid confirmation that the IGF-1 Plus products  
9 are an effective health supplement, Defendants state on the Nutronics website that the  
10 IGF-1 Plus products "increase[] muscle size in athletes," "improve[e] recovery, "stop[]  
11 the breakdown of muscle while naturally burning fat," "help to dramatically slow down  
12 the biological aging process," "repair[] minor tissue damage . . . and boost[] the immune  
13 system," "help[] promote healthy, flexible joints," and "help[] promote sexual  
14 performance and function by raising libido."

15 26. Defendants knew or should have known that IGF-1, as it exists in the IGF-1  
16 Plus products and through the delivery mechanism of a "dropper", does not provide any of  
17 the warranted benefits as represented by Defendants on the Nutronics website. In fact, the  
18 studies finding that IGF-1 *may* have beneficial properties involved nonhuman test subjects  
19 or different delivery and concluded that further research was required to establish the  
20 effectiveness of Antler Velvet in humans. *See infra* ¶¶ 33-34.

21 27. Independent studies confirm that the representations made on the Nutronics  
22 website regarding the IGF-1 Plus products, relied upon by Plaintiff in making his  
23 purchases, are false and misleading. Despite knowledge of these studies, Defendants  
24 continued to make the described representations, misleading Plaintiff and members of the  
25 Class into believing the IGF-1 Plus products had proven efficacy and would provide the  
26 benefits described in their advertising.

27 28. For example, a recent study by Gilbey, et. al, entitled *Health benefits of deer*  
28 *and elk velvet antler supplements: a systematic review of randomised controlled*

1 studies, 125(1367):80-6 NZ Med. J. (Dec. 14, 2012), found that there were no beneficial  
 2 effects of deer or elk antler velvet supplements (emphasis added). The study identified  
 3 seven randomized controlled studies (“RCTs”) that examined the effectiveness of velvet  
 4 antler for rheumatoid arthritis (two RCTs), osteoarthritis (one RCT), sexual function (one  
 5 RCT), and sporting performance enhancement (three RCTs). The study found that the  
 6 two RCTs that reported some positive effects of deer and elk velvet antler supplements  
 7 were not convincing, and the remaining five RCTs found that velvet antler supplements  
 8 had no effect. The study also concluded that “[c]laims made for velvet antler supplements  
 9 do not appear to be based upon rigorous research from human trials, although for  
 10 osteoarthritis the findings may have some promise.” Not surprisingly, Defendants did not  
 11 cite this study on the Nutronics website.

12 29. In 2008, 168 people with stage 2 to 3 rheumatoid arthritis participated in a  
 13 six-month, randomized, triple-blind, placebo-controlled clinical trial. The scientists  
 14 concluded that “there were no statistically significant differences between groups,” and  
 15 “[o]verall, elk velvet antler does not effectively manage residual symptoms in patients  
 16 with rheumatoid arthritis.” See Allen et al., *A randomized clinical trial of elk velvet antler*  
 17 *in rheumatoid arthritis*, 9(3):254-61 Biol. Res. Nurs. (Jan. 2008).

18 30. A 2005 study examined the effect of elk velvet antler supplementation  
 19 (“EVA”) on forty-six male and female rowers during ten-weeks of training by placing the  
 20 rowers into two groups: one group received 560 mg of EVA a day, and the other received  
 21 placebo. The rowers’ maximal oxygen uptake, 2,000-meter rowing time, and leg and  
 22 bench press strength were measured before and after weeks five and ten, and their serum  
 23 hormone levels were measured before and five and sixty minutes after a simulated 2000-  
 24 meter race. The study held that there was no significant difference between the group  
 25 receiving the antler supplement and the placebo group for any hormonal response, and  
 26 concluded: “It appears that 10 wk of EVA supplementation does not significantly improve  
 27 rowing performance nor alter hormonal responses at rest or after acute exercise than  
 28 training alone.” See Syrotuik, et al., *Effect of elk velvet antler supplementation on the*

1 *hormonal response to acute and chronic exercise in male and female rowers*, 15(4):366-  
2 85 *Int. J. Sport Nutr. Exerc. Metab.* (Aug. 2005).

3 31. A 2003 study involving 38 subjects by Sleivert, et al., entitled *The effects of*  
4 *deer antler velvet extract or powder supplementation on aerobic power, erythropoiesis,*  
5 *and muscular strength and endurance characteristics*, 13(3):251-65 *Int. J. Sport Nutr.*  
6 *Exerc. Metab.* (Sept. 2003), randomly assigned active males in a double-blind fashion to  
7 deer antler velvet extract, deer antler powder, or placebo groups. The subjects were all  
8 measured for circulating levels of, inter alia, insulin-like growth factor. All groups  
9 improved strength equivalently, but the powder group demonstrated a greater increase in  
10 isokinetic knee extensor strength and endurance compared to placebo group. The study  
11 held that “[t]hese findings do not support an erythropoietic or aerobic ergogenic effect of  
12 deer antler velvet. Further, the inconsistent findings regarding the effects of deer antler  
13 velvet powder supplementation on the development of strength suggests that further work  
14 is required to test the robustness of the observation that this supplement enhances the  
15 strength training response and to ensure this observation is not a type I error.”

16 32. In June 2003, a study by Conaglen, et al., entitled *Effect of deer velvet on*  
17 *sexual function in men and their partners: a double-blind, placebo-controlled study*,  
18 32(3):271-8 *Arch. Sex. Behav.* (June 2003), studied 32 men (45-65 years old) and their  
19 partners in a twelve-week, double-blind, placebo-controlled trial of deer velvet. The study  
20 found that “[t]here were no significant differences in the sexual behavior of the men  
21 taking deer velvet compared with the men taking placebo capsules,” and “[t]here were no  
22 significant hormone changes from baseline to the end of the study in either group of  
23 men.” In conclusion, the scientists determined “that in normal males there was no  
24 advantage in taking deer velvet to enhance sexual function.”

25 33. A 2000 study stated that “age-related changes in cellular and tissue function  
26 are linked to decreases in IGF-1, and found “[t]he beneficial role of . . . IGF-1 in  
27 ameliorating vascular and brain ageing [is] counterbalanced by [its] well-recognised roles  
28 in age-related pathogenesis.” The study concluded that while research is still evolving, it

1 is likely that a decrease “in growth hormone and IGF-1 with age have both beneficial and  
 2 deleterious effects.” See Sonntag et al., *The effects of growth hormone and IGF-1*  
 3 *deficiency on cerebrovascular and brain ageing*, 197(Pt 4): 575-585 J. Anat. (Nov. 2000).

4 34. Defendant Nutronics’s website refers to approximately twenty-nine studies,  
 5 books, and articles, supposedly in scientific support of Defendants’ health-benefit claims  
 6 regarding the IGF-1 Plus products. But the dates of these citations range from 1956 to  
 7 2006, and twenty-two of them are at least twenty years old.<sup>2</sup> Moreover, none of them  
 8 provides support for Defendants’ claims. Defendants’ citations can be briefly  
 9 summarized and dismissed as follows: two books simply state the uses of Chinese herbal  
 10 medicine;<sup>3</sup> three citations are regarding sexual or reproductive health, but antler velvet has  
 11 been shown to have no effect on sexual function (*see infra* ¶ 30);<sup>4</sup> eight citations are  
 12 regarding the effects of cartilage (typically bovine or shark cartilage), not antler velvet;<sup>5</sup>

13  
 14  
 15  
 16  
 17 <sup>2</sup> The remaining citations are seven to nineteen years old (dates range from 1994 to 2006). (The date for  
 18 one citation could not be found, but it was cited by Craig Weatherby & Leonid Gordin, *The Arthritis*  
*Bible* (1999)).

19 <sup>3</sup> Hson-Mon Chang, *Pharmacology and Applications of Chinese Materia Medica* (Paul Pui-Hay But ed.,  
 20 Sih-Cheng Yao et al. trans., World Scientific Publ’g Co. 1987); D. Bensky et al., *Chinese Herbal*  
*Medicine Materia Medica* (1986).

21 <sup>4</sup> J. Falloon & P. Wellington, *The Deer Farmer 2* (Trevor Walton ed., New Zealand 1992); Richard F.  
 22 Spark, *Male Sexual Health: A Couple’s Guide* (4th ed. 1993); Ge et al., *Effects of ginsenosides and*  
*pantocrine on the reproductive endocrine system in male rats*, 6(4):301-4 J. Tradit. Chin. Med. (Dec.  
 1986).

23 <sup>5</sup> Houck et al., *The Inhibition of Inflammation and Acceleration of Tissue Repair by Cartilage Powder*,  
 24 51:632-8 *Surgery* (May 1962); Prudden et al., *The biological activity of bovine cartilage preparations.*  
 25 *Clinical demonstration of their potent anti-inflammatory capacity with supplementary notes on certain*  
 26 *relevant fundamental supportive studies*, 3(4):287-321 *Semin. Arthritis Rheum.* (Summer 1974);  
 27 Prudden et al., *The clinical acceleration of healing with a cartilage preparation; a controlled study*,  
 28 3;192:352-6 *JAMA* (May 1965); Prudden et al., *The Acceleration of Wound Healing with Cartilage-1*,  
*Surg. Gynecol. Obstet.* (Sept. 1957); Alex Duarte, *Jaws For Life: The Story of Shark Cartilage* 18 (1993);  
 Prudden, *The treatment of human cancer with agents prepared from bovine cartilage*, 4(6):551-84 *J.*  
*Biol. Response Mod.* (Dec. 1985); Prudden, *General Description of Catrix, Summary of Dosage Forms*  
*and the Results of Catrix Therapy*, *The Journey* (a private publication of the Foundation for Cartilage and  
 Immunology Research) [no date available]; Prudden et al., *The acceleration of healing*, 128(6):1321-6  
*Surg. Gynecol. Obstet.* (June 1969).

four citations are regarding the effects of glucosamine or chondroitin, not antler velvet;<sup>6</sup> two citations are about the treatment of arthritis and osteoarthritis with drugs, not antler velvet;<sup>7</sup> one study is about the absorption of orally administered chondroitin, and it held that certain amounts of absorbed chondroitin were distributed in tissues and organs, but the major portions were excreted by the body;<sup>8</sup> four studies are about antler velvet's or IGF-1's effect on aging, but there are both positive and negative consequences of decreased IGF-1 levels;<sup>9</sup> four studies are merely about the possible functions of the IGF-1 hormone;<sup>10</sup> and one study provides a background of the antler-velvet industry and research findings that are at least nine years old.<sup>11</sup>

35. Likewise, other studies that have found beneficial effects of IGF-1 used nonhuman test subjects, demonstrated that the delivery methods used by Defendants' IGF-1 Plus products are not effective, concluded that further investigation of IGF-1 is

<sup>6</sup> Roden, *Effect of hexosamines on the synthesis of chondroitin sulfuric acid in vitro*, 10:345–352 Arkh Kemi. (1956); Karzel et al., *Effects of hexosamine derivatives and uronic acid derivatives on glycosaminoglycane metabolism of fibroblast cultures*, 5(6):337-45 Pharmacology (1971); Setnikar et al., *Antireactive properties of glucosamine sulfate*, 41(2):157-61 Arzneimittelforschung (Feb. 1991); Bollet, *Stimulation of protein--chondroitin sulfate synthesis by normal and osteoarthritic articular cartilage*, 11(5):663-73 Arthritis Rheum. (Oct. 1968).

<sup>7</sup> Jonathan S. Dixon, *Second-Line Agents in the Treatment of Arthritis* (Daniel E. Furst ed., CRC Press 1992); Rejholec, *Long-term studies of antiosteoarthritic drugs: an assessment*, 17(2 Suppl. 1):35-53 Semin. Arthritis Rheum. (Nov. 1987).

<sup>8</sup> Lester M. Morrison & Katsumi Murata, *Absorption, distribution, metabolism and excretion of acid mucopolysaccharides administered to animals and patients, Coronary Heart Disease and the Mucopolysaccharides* (Charles C. Thomas, Publisher, Ltd. 1974).

<sup>9</sup> Wang et al., *Effects of repeated administration of deer antler extract on biochemical changes related to aging in senescence-accelerated mice*, 36(7):2587-92 Chem. Pharm. Bull. (Tokyo) (July 1988); Sonntag et al., *The effects of growth hormone and IGF-1 deficiency on cerebrovascular and brain ageing* (*supra* ¶ 31.); Prinz et al., *Higher plasma IGF-1 levels are associated with increased delta sleep in healthy older men*, 50(4):M222-6 J. Gerontol A Biol. Sci. Med. Sci. (July 1995); Wang et al., *Stimulating effect of deer antler extract on protein synthesis in senescence-accelerated mice in vivo*, 36(7):2593-8 Chem. Pharm. Bull. (Tokyo) (July 1988).

<sup>10</sup> Amitai et al., *I-GF-1 signalling controls the hair growth cycle and the differentiation of hair shafts*, 126(9):2135 J. Invest. Dermatol. (Sept. 2006); Su et al., *Increased vibrissa growth in transgenic mice expressing insulin-like growth factor 1*, 112(2):245-8 J. Invest. Dermatol. (Feb. 1999); Tavakkol et al., *Expression of Growth Hormone Receptor, Insulin-Like Growth Factor 1 (IGF-1) and IGF-1 Receptor mRNA and Proteins in Human Skin*, 99:343–349 J. Invest. Dermatol. (1992); Jones et al., *Insulin-like growth factors and their binding proteins: biological actions*, 16(1):3-34 Endocr. Rev. (Feb. 1995).

<sup>11</sup> Suttie et al., *The New Zealand velvet antler industry: Background and research findings*, Proceedings of the Korean Symposium on Velvet Antler, Korean Society of Pharmacology (1994).

needed to determine its potential beneficial effects on the human body and/or suffered from bias.<sup>12</sup>

36. Plaintiff and Class members have been, and will continue to be, deceived or misled by Defendants' deceptive representations touting the effectiveness of the IGF-1 Plus products. Plaintiff purchased and used the IGF-1 Plus products during the Class Period and in doing so, read, considered and based his decisions to buy the IGF-1 Plus products on the above-cited website representations. Because the IGF-1 Plus products' purpose is to build muscle, speed recovery time, boost energy levels, improve joint health, and enhance sexual performance, Defendants' representations and omissions were a material factor in influencing Plaintiff's decision to purchase the IGF-1 Plus products.

<sup>12</sup> See, e.g., Rinaldi et al., *Insulinlike growth factor (IGF)-1 administration ameliorates disease manifestations in a mouse model of spinal and bulbar muscular atrophy*, 6;18:1261-8 Mol. Med. (Dec. 2012) ("Our results suggest that peripheral tissue can be targeted [with IGF-1 injections] to improve the spinal and bulbar muscular atrophy phenotype and indicate that IGF-1 warrants further investigation in clinical trials as a potential treatment for this disease."); Brown, *Commercial challenges of protein drug delivery*, 2(1):39-40 Expert Opin. Drug Deliv. (2005) ("The commercial success of protein delivery via the oral or nasal routes has been limited to . . . small peptides with relatively low daily doses. There has not been much success with larger proteins due to the relatively low bioavailability observed for the oral and nasal routes. Therefore, with today's technologies, one must remain skeptical with regard to oral delivery of proteins with a molecular size of insulin and greater."); Rabinovsky et al., *Targeted expression of IGF-1 transgene to skeletal muscle accelerates muscle and motor neuron regeneration*, Faseb J. (Nov. 1, 2002) ("Exogenously administered IGF-1 protein can accumulate at the neuromuscular junction. Therefore, enhanced nerve growth in IGF-1 transgenic mice could be a result of multiple targeting to motor neurons, Schwann cells, and the neuromuscular junction. Taken together, we show that IGF-1 acts at diverse stages of nerve and muscle regeneration process . . . . These findings strengthen the concept that IGF-1 can be used as a muscle-based gene therapy to enhance the functional innervation and regeneration of skeletal muscle after an acute nerve injury."); Mizrock, *Oral GH spray: outcome-based research study*, Waveland Wellness Center, Chicago, Ill. (1998) (this study was conducted on only eighteen subjects, ages thirty to sixty-five, and thirteen of the subject had increased IGF-1 levels, but it was not a placebo-controlled, randomized trial); Kimura et al., *Gastrointestinal absorption of recombinant human insulin-like growth factor-I in rats*, 283(2):611-8 J. Pharmacol. Exp. Ther. (Nov. 1997) (this study investigated the gastrointestinal absorption of rhIGF-1 in rats and found that while a significant amount of rhIGF-1 was absorbed, the bioavailability was 9.3%, and that "[w]hen the initial concentration was 405.2 ng/ml, the absorption rate was  $54.2 \pm 6.5$  ng/min/20 cm," or approximately 13%); Hill et al., *Actions of an IGF-I-enhancing antibody on IGF-I pharmacokinetics and tissue distribution: increased IGF-I bioavailability*, 152(1):123-30 J. Endocrinol. (Jan. 1997) ("We suggest that administration of IGF-I in conjunction with a binding molecule similar to the [anti-IGF-I immunoglobulin] antibody described here could provide the basis for effective IGF-I treatment strategy."); Xian et al., *Degradation of IGF-I in the adult rat gastrointestinal tract is limited by a specific antiserum or the dietary protein casein*, 146(2):215-25 J. Endocrinol. (Aug. 1995) ("It can be concluded that IGF-I cannot be expected to retain bioactivity if delivered orally because of rapid proteolysis in the upper gut, but the use of IGF antibodies and casein could represent useful approaches for IGF-I protection in oral formulae.").

1 There is no other reason for Plaintiff to have purchased the IGF-1 Plus products, and  
2 Plaintiff would not have purchased them had he known they were ineffective and that  
3 Defendants did not possess competent scientific evidence to support the claims they made  
4 about the IGF-1 Plus products.

5 37. As a result, Plaintiff and the Class members have been damaged in their  
6 purchases of the IGF-1 Plus products and have been deceived into purchasing products  
7 that they believed, based on Defendants' representations, were proven to be effective in  
8 building muscle, speeding recovery time, boosting energy levels, improving joint health,  
9 and enhancing sexual performance, when, in fact, they are not.

10 38. Defendants, by contrast, reaped enormous profits from their false marketing  
11 and sale of the IGF-1 Plus products.

#### 12 **CLASS DEFINITION AND ALLEGATIONS**

13 39. Plaintiff brings this action on behalf of himself and all others similarly  
14 situated pursuant to Rule 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure  
15 and seeks certification of the following Class:

##### 16 **All persons who purchased the IGF-1 Plus products in California.**

17 Excluded from the Class are Defendants, their parents, subsidiaries, affiliates, officers,  
18 and directors, those who purchased the IGF-1 Plus products for the purpose of resale, and  
19 those who assert claims for personal injury.

20 40. *Numerosity*. Members of the Class are so numerous and geographically  
21 dispersed that joinder of all Class members is impracticable. Plaintiff is informed and  
22 believes, and on that basis alleges, that the proposed Class contains many thousands of  
23 members. The precise number of Class members is unknown to Plaintiff.

24 41. *Existence and Predominance of Common Questions of Law and Fact*.  
25 Common questions of law and fact exist as to all members of the Class and predominate  
26 over questions affecting only individual Class members. The common legal and factual  
27 questions include, but are not limited to, the following:  
28

- i. Whether Defendants had competent scientific evidence to support each of the claims they made about the IGF-1 Plus products;
- ii. Whether the claims discussed herein that Defendants made about the IGF-1 Plus products were or are misleading, or reasonably likely to deceive;
- iii. Whether Defendants' alleged conduct violates public policy;
- iv. Whether the alleged conduct constitutes violations of the laws asserted herein;
- v. Whether Defendants engaged in false and misleading advertising;
- vi. Whether Plaintiff and Class members have sustained monetary loss and the proper measure of that loss;
- vii. Whether Plaintiff and Class members are entitled to restitution, disgorgement of Defendants' profits, declaratory and/or injunctive relief; and
- viii. Whether Plaintiff and Class members are entitled to an award of compensatory damages.

42. **Typicality.** The claims asserted by Plaintiff in this action are typical of the claims of the members of the Class, as the claims arise from the same course of conduct by Defendants, and the relief sought is common to all Class members. Plaintiff and Class members suffered uniform damages caused by their purchases of the IGF-1 Plus products which were manufactured, marketed, and sold by Defendants.

43. **Adequacy of Representation.** Plaintiff will fairly and adequately represent and protect the interests of the members of the Class. Plaintiff has retained counsel competent and experienced in both consumer-protection and class-action litigation.

44. **Superiority.** A class action is superior to other available methods for the fair and efficient adjudication of this controversy. The expense and burden of individual litigation would make it impracticable or impossible for proposed Class members to prosecute their claims individually. It would thus be virtually impossible for the Class, on an individual basis, to obtain effective redress for the wrongs done to them. Furthermore,

1 even if Class members could afford such individualized litigation, the court system could  
2 not. Individualized litigation would create the danger of inconsistent or contradictory  
3 judgments arising from the same set of facts. Individualized litigation would also increase  
4 the delay and expense to all parties and the court system from the issues raised by this  
5 action. By contrast, the class-action device provides the benefits of adjudication of these  
6 issues in a single proceeding, economies of scale, and comprehensive supervision by a  
7 single court, and presents no unusual management difficulties under the circumstances  
8 here.

9 45. In the alternative, the Class also may be certified because Defendants have  
10 acted or refused to act on grounds generally applicable to the Class thereby making final  
11 declaratory and/or injunctive relief with respect to the members of the Class as a whole  
12 appropriate.

### 13 **COUNT I**

#### 14 **Violation of the Consumers Legal Remedies Act –Civil Code § 1750, *et seq.***

15 46. Plaintiff re-alleges and incorporates by reference the allegations contained in  
16 the paragraphs above as if fully set forth herein.

17 47. Plaintiff seeks preliminary and permanent injunctive and equitable relief on  
18 behalf of the entire Class, on grounds generally applicable to the entire Class, to enjoin  
19 and prevent Defendants from engaging in the acts described, and requiring Defendants to  
20 provide full restitution to Plaintiff and Class members.

21 48. Unless a Class is certified, Defendants will retain monies that were taken  
22 from Plaintiff and Class members as a result of their conduct. Unless a Class-wide  
23 injunction is issued, Defendants will continue to commit the violations alleged, and the  
24 members of the Class and the general public will continue to be misled.

25 49. This cause of action is brought under the Consumers Legal Remedies Act,  
26 California Civil Code § 1750, *et seq.* (the “Act”). Plaintiff and the proposed Class are  
27 consumers as defined by California Civil Code § 1761(d). Defendants’ IGF-1 Plus  
28 products are goods within the meaning of the Act.

50. Defendants violated and continues to violate the Act by engaging in the following practices proscribed by California Civil Code § 1770(a) in transactions with Plaintiff and the Class which were intended to result in, and did result in, the sale of the IGF-1 Plus products:

(5) Representing that [the IGF-1 Plus products] have . . . approval, characteristics, . . . uses [and] benefits . . . which [they do] not have . . . .

\* \* \*

(7) Representing that [the IGF-1 Plus products] are of a particular standard, quality or grade . . . if [they are] of another.

\* \* \*

(9) Advertising [the IGF-1 Plus products] . . . with intent not to sell them as advertised.

\* \* \*

(16) Representing that [the IGF-1 Plus products have] been supplied in accordance with a previous representation when [they have] not.

51. Defendants violated and continue to violate the Act by representing and failing to disclose material facts on Defendant Nutronics's website regarding the IGF-1 Plus products as described above when they knew, or should have known, that the representations were false and misleading, and that the omissions were of material facts.

52. Pursuant to § 1782(d) of the Act, Plaintiffs and the Class seek a court order enjoining the above-described wrongful acts and practices of Defendants and for restitution and disgorgement.

53. Pursuant to § 1782 of the Act, Plaintiffs notified Defendants in writing by certified mail of the particular violations of §1770 of the Act and demanded that Defendants rectify the problems associated with the actions detailed above and give notice to all affected consumers of Defendants' intent to so act. A copy of the letter is attached hereto as Exhibit B.

54. If Defendant fails to rectify or agree to rectify the problems associated with the actions detailed above and give notice to all affected consumers within 30 days of the date of written notice pursuant to § 1782 of the Act, Plaintiff will amend this complaint to add claims for actual, punitive, and statutory damages, as appropriate.

55. Defendants' conduct is malicious, fraudulent, and wanton, and provides misleading information.

56. Pursuant to § 1780(d) of the Act, attached hereto as Exhibit C is the affidavit showing that this action has been commenced in the proper forum.

## COUNT II

### **Violation of Business & Professions Code § 17200, *et seq.***

57. Plaintiff re-alleges and incorporates by reference the allegations contained in the paragraphs above as if fully set forth herein.

58. As alleged herein, Plaintiff has suffered injury in fact and lost money or property as a result of Defendants' conduct because he purchased the IGF-1 Plus products.

59. In the course of conducting business, Defendants committed unlawful business practices by, *inter alia*, making the representations (which also constitute advertising within the meaning of § 17200) and omissions of material facts, as set forth more fully herein, and violating Civil Code §§ 1572, 1573, 1709, 1711, 1770, Business & Professions Code §§ 17200, *et seq.*, 17500, *et seq.*, and the common law.

60. Plaintiff and the Class reserve the right to allege other violations of law, which constitute other unlawful business acts or practices. Such conduct is ongoing and continues to this date.

61. Defendants' acts, omissions, misrepresentations, practices and non-disclosures as alleged herein also constitute "unfair" business acts and practices within the meaning of Business and Professions Code § 17200, *et seq.*, in that their conduct is substantially injurious to consumers, offends public policy, and is immoral, unethical,

1 oppressive, and unscrupulous, as the gravity of the conduct outweighs any alleged  
2 benefits attributable to such conduct.

3 62. As stated in this complaint, Plaintiff alleges violations of consumer  
4 protection, unfair competition and truth in advertising laws resulting in harm to  
5 consumers. Plaintiff asserts violations of the public policy of engaging in false and  
6 misleading advertising, unfair competition, and deceptive conduct towards consumers.  
7 This conduct constitutes violations of the unfair prong of Business & Professions Code §  
8 17200, *et seq.*

9 63. There were reasonably available alternatives to further Defendants'  
10 legitimate business interests, other than the conduct described herein.

11 64. Defendants' claims, nondisclosures and misleading statements, as more fully  
12 set forth above, are also false, misleading, and/or likely to deceive the consuming public  
13 within the meaning of Business & Professions Code § 17200, *et seq.*

14 65. Defendants' conduct caused and continues to cause substantial injury to  
15 Plaintiff and the other Class members. Plaintiff has suffered injury in fact and has lost  
16 money as a result of Defendants' unfair conduct.

17 66. Plaintiff, on behalf of himself, and all other similarly situated California  
18 residents, seeks restitution of all money obtained from Plaintiff and the members of the  
19 Class collected as a result of unfair competition, an injunction prohibiting Defendants  
20 from continuing such practices, corrective advertising, and all other relief this Court  
21 deems appropriate, consistent with Business & Professions Code § 17203.

### 22 **COUNT III**

#### 23 **Breach of Express Warranty**

24 67. Plaintiff re-alleges and incorporates by reference the allegations contained in  
25 the paragraphs above as if fully set forth herein.

26 68. Plaintiff, and each member of the Class, formed a contract with Defendants  
27 at the time Plaintiff and the other members of the Class purchased the IGF-1 Plus  
28 products. The terms of that contract include the promises and affirmations of fact made

by Defendants on the Nutronics's website regarding the IGF-1 Plus products, as described above. These representations constitute express warranties, became part of the basis of the bargain, and are part of a standardized contract between Plaintiff and the members of the Class on the one hand, and Defendants on the other.

69. All conditions precedent to Defendants' liability under this contract have been performed by Plaintiff and the Class.

70. Defendants breached the terms of this contract, including the express warranties, with Plaintiff and the Class by not providing IGF-1 Plus products that could deliver the benefits described above, which was the only reason Plaintiff and Class members purchased the IGF-1 Plus products.

71. As a result of Defendants' breach of warranty, Plaintiff and Class members have been damaged in the amount of the purchase price of the IGF-1 Plus products they purchased.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for a judgment:

- A. Certifying the Class as requested herein;
- B. Awarding Plaintiff and the proposed Class members damages;
- C. Awarding restitution and disgorgement of Defendants' revenues to Plaintiff and the proposed Class members;
- D. Awarding declaratory and injunctive relief as permitted by law or equity, including enjoining Defendants from continuing the unlawful practices as set forth herein, and directing Defendants to identify, with court supervision, victims of their conduct and pay them restitution and disgorgement of all monies acquired by Defendants by means of any act or practice declared by this Court to be wrongful;
- E. Ordering Defendants to engage in a corrective advertising campaign;
- F. Awarding attorneys' fees and costs; and
- G. Providing such further relief as may be just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

Dated: March 17, 2014

**CARPENTER LAW GROUP**

By: /s/ Todd D. Carpenter

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Attorneys for Plaintiffs

## CIVIL COVER SHEET

14CV0606 JM BGS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

SCOTT BURGHARDT, on behalf of himself and all others similarly situated,

**DEFENDANTS**

NUTRONICS LABS, INC., an Illinois Corporation, and Does 1 through 20,

(b) County of Residence of First Listed Plaintiff Butte  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

See Attachment

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |   |                                |   |                                |                                       |
|---|---|--------------------------------|---|--------------------------------|---------------------------------------|
| Citizen of This State                   | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4        |
| Citizen of Another State                | <input type="checkbox"/> 2                | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3                | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- Transferred from another district (specify) \_\_\_\_\_
- ☐ 5 another district (specify)
- ☐ 6 Multidistrict Litigation
- Appeal to District Judge from Magistrate Judgment
- ☐ 7 Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 Civil Code § 1750, Business and Professions Code § 17200 28:1331 - Fed. Question (cxl)

Brief description of cause:  
 Violations of Consumers Legal Remedies Act, Violation of the Unfair Competition Law, Breach of Express Warranty

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$-5,000,000.00

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

March 17, 2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Todd D. Carpenter

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

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**Attachment to Civil Cover Sheet**

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Attorneys for Plaintiff and the Class  
*Additional Counsel*

# **EXHIBIT "A"**

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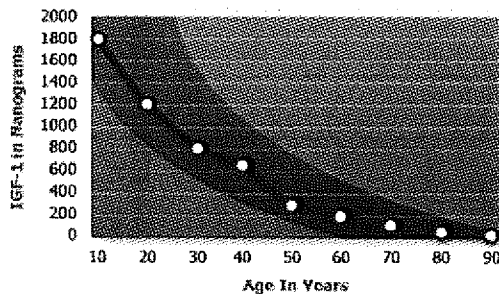
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**Dr. Alex Duarte O.D., Ph.D.**

World's Leading Authority on IGF-1  
 MEMBER OF NUTRONICS LABS MEDICAL STAFF

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### LETTER FROM THE CEO

Dr. Rick Lentini, Ph.D



"I originally started researching deer antler velvet as a treatment for an ailing family member. When I saw what this wonderful supplement could do for those struggling with illness first-hand, I knew I had to share it with the world by founding Nutronics Labs.

Since that time, our company has grown exponentially and is reaching more people than ever before with our all-natural supplements. I am proud to see how far we've come, and I hope to reach more people with these life-changing products.

I encourage you to try Nutronics Labs' deer antler supplements in pursuing your health and wellness goals. We are the leading manufacturer of and hold the exclusive rights to the world's strongest and purest deer antler products on the market. Other companies have unsuccessfully attempted to imitate our products. We remain the original and #1 seller of deer antler spray worldwide as it can never be duplicated. "Imitation is the sincerest form of flattery." In fact, we stand behind the quality of our supplements with an industry leading 100% money-back guarantee.

*From humble beginnings to what we are today, I would like to say thank you to our loyal customers for over 19 years. It's because of our customer loyalty that Nutronics Labs continues to remain the worldwide leader.*

*To your health and happiness,  
Rick Lentini*

*Rick Lentini*

**ALL NEW!**

**VelPet Plus**  
Available Now!



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**Nutronics Labs IGF-1 Plus™ Deer Antler Velvet Spray Has Been Featured On:**

*The New York Times*  
**YAHOO!**  
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**Order The World's Best Deer Antler Velvet Spray Online or By Phone Now!**

Whether your are trying to slow down the aging process or you're an athlete trying to achieve peak performance, all of Nutronics Labs products will work for you. All Nutronics Labs products come with an industry leading money back guarantee, so order now with confidence from the World's Leader.

**Which IGF-1 Plus Formula Should You Use?**

At Nutronics Labs we offer Strengths ranging from 3,000ng up to 200,000ng of IGF-1. As our IGF-1 levels decrease, we experience symptoms of aging. We can help you increase your IGF-1 levels with our All Natural IGF-1 Plus.

**EACH ONE OF OUR IGF-1 PLUS POTENCIES (3,000ng-200,000ng) IS SAFE AND EFFECTIVE FOR ANYONE TO USE!** Regardless of your activity level, any of these formulas can help you safely raise your IGF-1 levels. If you are Serious about working out (as are professional athletes, bodybuilders, Ironman competitors, etc...), or suffer from a debilitating ailment (such as fibromyalgia, diabetes, acute inflammation, etc...) IGF-1 Plus can help you Achieve Your Goals. Even if you are just trying to stay fit, get into shape, or don't exercise at all, Nutronics Labs IGF-1 Plus can help you live the Healthiest Lifestyle possible!

Typically, the **higher the concentration of IGF-1 (most nanograms), the quicker and more prominent your results will be.** If you'd like to Increase (and maintain) your IGF-1 levels optimally, then you will want to use one of our Most Powerful Formulas (Super Max or Maximum). You can also choose one of our mid-range potencies (Ultra Plus or Ultra), then gauge your results to see whether you need to increase the strength.

Regardless of which IGF-1 Plus Formula you choose, it is **Extremely Important** that you take it Every Day as directed! By doing so, this will enable you to Raise your IGF-1 levels. Then it is very important to Maintain those levels so that it can help you experience the Maximum Benefits of IGF-1 Plus!

**Why Buy Inferior Deer Antler Spray?**

**All Nutronics Labs IGF-1 Products are derived from the World's Purest, Premium, A-Grade New Zealand Deer Antler Velvet.**

## The World's Purest Deer Antler Spray

Nutronics Labs has the EXCLUSIVE World Wide Rights to the Premium, A-Grade New Zealand Red Deer Antler Velvet. Our Formula contains the Highest Potency of Natural IGF-1 available on the market today! The amount of IGF-1 is actually "THE FACTOR" which determines the Strength and Effectiveness of Deer Antler products. Natural IGF-1 is measured in nanograms (ng), NOT milligrams (Mg).



### Don't Be Fooled By Other Companies

DO NOT BE FOOLED by "other companies" that claim to be the strongest product because they actually have more milligrams (Mg) of Deer Antler in their product. ALWAYS find out how many nanograms of IGF-1 are in the product! Keep in mind that it is the IGF-1 in the deer antler velvet that is the building block of maintaining optimal health. By raising your IGF-1 levels you are helping reverse the aging process, enhancing your athletic performance, and helping promote a powerful immune system.

\*Nutronics Labs Products Are 100% All Natural & Do Not Contain Any Steroids

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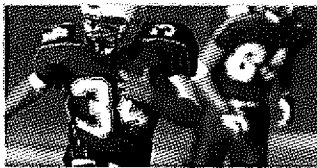
### Deer Antler Spray & Athletes

IGF-1 Plus™ is the only all natural supplement known to man that is steroid free, safe, and increases muscle size in athletes. There has never been a supplement that builds muscle while improving recovery. IGF-1 Plus™ stops the breakdown of muscle while naturally burning fat with no stimulants.

### Just a few of the benefits of IGF-1™ Plus Ultra and Maximum:

- More energy, stamina, and endurance
- Weight loss due to a faster metabolism
- Relieves aches and pains, increases mobility
- Stronger bone density, increased strength
- Improved Endurance Training (like high altitude training)
- Improved joint health from power lifting
- Improved recovery from intense training
- Improved muscle definition & maturity
- Reduce belly fat without lean muscle loss
- Acts as an amino acid supplement including all 20 major amino acids

### IGF-1 And Athletic Performance



IGF-1 Plus™ Ultra and Maximum can improve athletic performance by increasing strength, endurance (stamina), increasing oxygen carrying capacity of the blood, repairing minor tissue damage that occurs either during training or in a competitive event and boosting the immune system of athletes whose immune system has been compromised during extreme exertion. Pure IGF™ directly supplements the growth factors that are the key to recovery related symptoms. The actions of growth factors are the restoration of normal body processes and strengthening of the body, possibly leading to mental and physical performance increase, and enhancement of the immune system. Direct supplementation of these growth factors bypasses the need for human growth hormone supplementation.

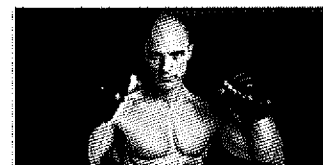
IGF-1 is the choice of hundreds of the world's top athletes. They include NFL MVP's, Heisman trophy winner, NBA basketball stars, PGA golf pros, the winner of the Daytona 500, NHL hockey players, marathon champions, NASCAR drivers, winning boxers, countless college athletes, and more!

### Proven to be the best supplement for sports performance

Used by NFL players and elite athletes for performance enhancement.

By Rick Lertini

IGF-1 has been shown to increase the rate and extent of muscle repair after injury and increase the rate of muscle growth from training. Not only are existing muscle fibers repaired quicker, IGF-1 is responsible for hyperplasia and hypertrophy, which is an increase in the amount of muscle fibers.



## MUSCLE FIBER HYPERTROPHY

IGF-1 is the choice of hundreds of the world's top athletes. They include NFL MVP's, Heisman trophy winner, NBA basketball stars, PGA golf pros, the winner of the Daytona 500, NHL hockey players, marathon champions, NASCAR drivers, winning boxers, countless college athletes, and more!

## MUSCLE FIBER HYPERPLASIA

The second muscle fiber hyperplasia, refers to the splitting of muscle fibers in the interest of creating new fibers. Obviously this would be of interest to anyone pursuing size or strength due to the fact that if an individual has more fibers, their overall size potential is greater. Therefore, when looking at hyperplasia and then Muscle Fiber Hyperplasia + Muscle Fiber Hypertrophy = many big muscle fibers. The elusive double dose of size!

Perhaps the most interesting and potent effect IGF-1 has on the human body is its ability to cause hyperplasia, which is an actual splitting of the cells. With IGF-1 use one is able to cause hyperplasia, which actually increases the number of muscle cells present in the tissue.

Hyperplasia is the holy grail of performance enhancing benefits and occurs when muscle fibers actually split therefore creating more muscle fibers. Hypertrophy (muscle growth) is simply an increase in the size of the existing muscle cells and occurs from weight training and IGF-1 use. Hyperplasia + Hypertrophy = muscle growth, strength, and a new breed of amazing athlete.

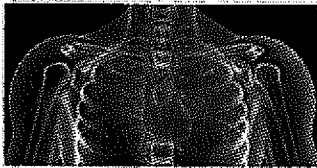
Athletes that were given IGF-1 and did nothing, were bigger and stronger than athletes that weren't given IGF-1 but exercised.

Athletes that were given IGF-1 during middle age exhibited no deterioration of muscle fibers that indicate the classic and inevitable signs of aging. These athletes did not lose any fast twitch muscle fibers – the fibers responsible for power and speed – and had the same power and speed output that they had when they were 10 years younger.

IGF-1 Plus™ = Muscle Increase and Power.

## The Research of IGF-1 And Athletes

By Alex Duarte, Ph.D. and John Abdo



In 1989, fitness expert John Abdo, who hosts a nationwide TV fitness show, visited the Institute of Physical Culture in Moscow for an intensive two week investigation of the training programs of Russian athletes. At that time, John met with former Soviet weight-lifting champion Victor Sheynkin and training expert Yuri Verhoshansky. Sheynkin, who weighed only 132 pounds, could snatch over 286 pounds and clean & jerk over 360 pounds (both overhead lifts) and had become a Soviet Olympic coach, while Professor Verhoshansky had master minded numerous strength and conditioning routines for Soviet athletes since the early 1950s.

Later, in the United States, John met with Dr. Alex Duarte, who has been a pioneer in the movement to persuade athletes to replace the use of steroids with natural, safer products capable of promoting strength, endurance, and improved recuperation from injury. John told Alex that the Russian experts had revealed that their athletes had experienced considerable improvement in performance with a natural, non-toxic substance called Velvet Deer Antler.

John said that the Russians had given him two boxes of Velvet Deer Antler and that, when he returned home, he had given these boxes to a friend who was 12 weeks away from a major world power lifting championship, and who then used them to help in breaking several world records. Further research led both John and Alex to make this extraordinary product available to Americans. What follows is their report on Velvet Deer Antler.

## GROWTH HORMONE FACTORS

In scientific studies analyzing the medical properties of Velvet Deer Antler, Dr. Peter Fennessey, General Manager of the Invermay Research Center in New Zealand found that antler extracts improved cell growth and also produced anti-tumor and anti-viral effects. During an investigation into the factors that make antlers grow, the Invermay group measured a natural hormone factor called "Insulin-like Growth Factor-1" or "IGF-1". High levels of IGF-1 were found in deer blood during the antler growth period as well as IGF-1 receptors in the antlers. Dr. Fennessey's team also discovered that the IGF-1 and IGF-2 (a related hormone) promoted growth in laboratory cell lines from mice. When we are young, we have a relatively healthy concentration of human growth hormone. In our teenage years, most of us are slim and lean, with low body fat and good musculature. The reason human growth hormone generates lean body mass is its influence on IGF-1. As we age, our growth hormone levels decrease along with IGF-1, which causes muscular atrophy. Velvet Deer Antler is a natural source of growth factors, which can improve muscular development.

## ACCELERATED RECOVERY FROM TRAINING

Scientists can only speculate about Dr. Fennessey's findings, which may explain (to some degree) the anabolic (helps build muscle and repair tissue without steroids) properties of Velvet Deer Antler. If there are high concentrations of hormone like substances in blood, tissues, and bone, accelerated tissue repair after trauma such as intense exercise can be induced by Velvet Deer Antler. But the most important consideration is the cartilaginous concentration of the antler itself. Researchers such as Dr. John F. Prudden discovered (more than 35 years ago) that cartilage contains an element called N-Acetyl-Glucosamine, which has been demonstrated to accelerate wound healing significantly. 2-5

Cartilage also contains glycosaminoglycans, the up-regulators of cartilage production and turnover. 6-7 It is also a very powerful regulator of synovocytes, which regulate the integrity of the joint fluid. 8-9 Perhaps this is the primary reason that arthritics are helped so much by shark cartilage and Velvet Deer Antler.

In 1974, two Russian doctors found that Pantocrine (the Soviet version of Velvet Deer Antler) improved the performance of average, healthy sportsmen (athletes). Unadministered athletes on the exercise cycle performed 15 kg/m of dynamic work, whereas those given Pantocrine increased dramatically to 74 kg/m of dynamic work. This is truly a remarkable increase in performance. Another Russian scientist, Dr. Taney, showed in 1964 that the mental capacity of young men (as indicated by a mathematical test) improved significantly following the administration of Velvet Deer Antler. 10

Another ingredient found in Velvet Deer Antler cartilage is Chondroitin Sulfate A, an extremely powerful anti inflammatory agent shown by Dr. Lester Morrison (over 10 years ago) to reverse arteriosclerosis and dramatically improve circulation. Dr. Morrison conducted a six year study demonstrating that Chondroitin Sulfate A reduces the incidence of fatal heart attacks and strokes by more than 400%!

## DR. KOLTUN'S FINDINGS

For twelve years, Dr. Arkady Koltun, M.D., Ph.D., Chairman of the Medical Committee for the Russian Bodybuilding Federation, conducted research into anabolic (helps build muscle and repair tissue without steroids) agents that can improve performance, strength, and musculature in Russian athletes. In studies with Russian kayakers, weightlifters, bodybuilders, and power lifters, Dr. Koltun found that Velvet Deer Antler is myotropic (increases muscular strength). He also found that it has powerful neurotropic (nerve strengthening) properties and is beneficial in treating infectious diseases, fatigue, and hypertension.

Dr. Koltun revealed that Pantocrine has induced significant increases in endurance in his athletes. After using Pantocrine in the pre-Olympic festival in Russia, two of Dr. Koltun's top kayakers and a world in canoeing achieved remarkably improved results. These sportsmen not only stabilized their racing time one week before competition, but dramatically increased their speed in rowing. All received gold medals and established new world records. Dr. Koltun went on to describe an interesting phenomenon that occurs in athletes that are overtrained, even in young athletes. He explained that when athletes train too hard they develop an electrolyte imbalance in the heart muscle, in which there is a loss of recovery and endurance. He calls this condition "Myocardial Dystrophy" and explained that electrocardiograms show dysphasic and extreme negative T-wave readings, which is an image of ventricular repolarization of the cardiac ventricles.

Dr. Koltun contends that sportsmen (and women) with myocardial dystrophy have a problem with myocardial repolarization and that this, in turn, significantly limits their performance. But there is a good prognosis for them if they lay off their training activity for two weeks. When Pantocrine was given along with inosine and vitamin B-6, he was able to decrease the time of recovery to ten days. In other words, the athletes' recovery time was dramatically reduced. This allowed the athletes to participate in many competitions, with short recuperation periods in between.

Dr. Koltun also mentioned that one of the most significant attributes of Velvet Deer Antler is the discovery of Dr. Ivan Kinia, who co-authored several studies from the Siberian institution known as Blagoveshenska in 1989. It was shown that among the main bio active substances in deer antler are the anti-inflammatory prostaglandins, which are especially effective in people who suffer from arthritis.

In addition to regulating and improving every major body function, IGF-1 Plus™ improves brain function and promotes a better night's sleep, thus improving energy levels.

### Deer Antler Spray Bodybuilding Testimonials

I've been taking IGF-1 Plus for 10 years. This is the most amazing product I have ever seen in all my years as personal trainer and professional bodybuilder. I would recommend this product to anyone whether they were just trying to achieve maximum health or compete in any competitive sports. I feel like I could compete for Mr. Olympia at my age by taking this wonderful product.

- Andrew Bostinto

President of NGA ( National Gym Association )

### Former Mr. New Zealand

"Deer velvet gave me the extra edge."

"I introduced it as part of my training program to win the International Federation of Body Builders, Mr. New Zealand title."

### Nutronics Labs IGF-1 Plus™ Deer Antler Velvet Spray Has Been Featured On:



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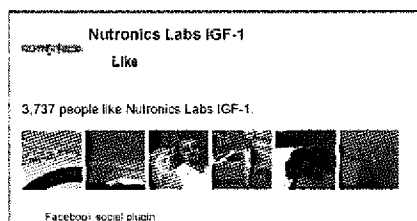
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## IGF-1 AND ITS AMAZING ANTI-AGING PROPERTIES

### Revolutionary Anti-Aging Formula with Deer Velvet Extract

- Helps promote healthy skin
- Helps promote a healthy heart
- Helps burn more fat and experience weight loss
- Helps improve REM sleep
- Helps promote stress relief
- Helps improve hair growth and health
- Helps improve mental clarity
- Helps increase strength and bone density
- Helps promote sexual performance

### IGF-1 Plus™ Deer Antler Velvet And Anti-aging



Insulin-like Growth Factor-1 (IGF-1) is made primarily in the liver in response to Human Growth Hormone (HGH) release. Unfortunately as we age we experience a relative HGH deficiency due to a lowered release from the pituitary resulting in a concomitant loss of IGF-1. The vast number of benefits of IGF-1 centers around muscle development and performance. IGF-1 transports glucose and amino acids into muscle while stimulating muscle DNA. This results in a muscular development in youth and muscle preservation in old age. For the athlete it means peak performance and quick recovery from intense training or injury. Other tissues of the body benefit from IGF-1 because of the affect on DNA and RNA (Ribonucleic Acid and Deoxyribonucleic Acid – are nucleic acids that are an essential part of every living cell). This tends to stimulate a faster production of proteins such as enzymes that help conduct normal metabolism.



#### Helps Promote Healthy Skin

The anti-aging qualities of IGF-1 by Nutronics Labs help to reduce the appearance of wrinkles in addition to helping to repair cells damaged by the sun and aging.

(Medical Reference)



#### Helps Promote Sexual Performance

Velvet Deer Antler is known to act increase your libido, therefore enhancing the sex drive in both men and women.

(Medical Reference)



#### Helps Improve Hair Growth and Health

Bring back the natural look and feel of healthy hair with 3 sprays in the morning and 3 sprays at night of IGF-1 from Nutronics Labs.

(Medical Reference)



#### Helps Support Healthy Weight Loss Regimens

IGF-1 preserves muscle tissue while it shifts your metabolism to preferentially burn fat. Regardless of the type of diet or weight loss program you are on, IGF-1 will help you support your weight management and promote a healthy body weight.

(Medical Reference)



#### Helps To Promote Better memory

Being able to think clearer and sharper is a real benefit of taking IGF-1. Improves mental acuity, memory, and mood.

(Medical Reference)



### Helps To Promote Stress Relief, Decreased Depression, Sense Of Well Being

IGF-1 may be the best all-natural stress reliever. IGF-1 administration initiates a long-lasting cascade of neurochemical effects involving increased serotonin levels that results in antidepressant-like behavioral effects.

(Medical Reference)



### Helps Stimulate The Repair Of Damaged Nerves

IGF-1 stimulates the repair of peripheral nerves and contains neurotrophin 3 (nerve growth factor), which helps support a healthy nervous system. In studies IGF-1 repaired and reconnected nerve endings up to a distance of six millimeters.

(Medical Reference)



### Helps Promote Healthy Joints

IGF-1 helps support joint health, joint function, and flexibility.

(Medical Reference)



### Helps Improve Sleep ( Wake Up More Refreshed)

IGF-1 provides a more restful night's sleep. You wake up feeling alert and ready to take on the day.

(Medical Reference)



### Helps Increase Strength and Bone Density

Athletes have know for years about the strength benefits of IGF-1 and now consumers from all walks of life and all ages are enjoying better health and stronger bones due to improved parathyroid D interaction.

(Medical Reference)

**Nutronics Labs IGF-1 Plus™ Deer Antler Velvet Spray Has Been Featured On:**



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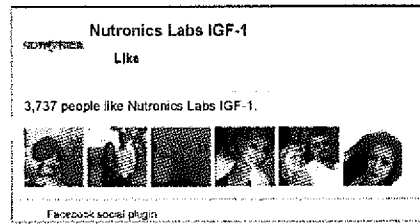
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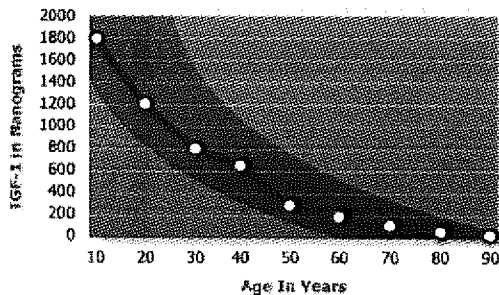
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**Dr. Alex Duarte O.D., Ph.D.**

World's Leading Authority on IGF-1  
MEMBER OF NUTRONICS LABS MEDICAL STAFF

According to Dr. Alex Duarte, O.D., Ph. D., the world authority on IGF-1, Velvet Deer Antler is the **ultimate anti-aging supplement** and the **secret of prolonged stamina, strength, and youth.**

## NUTRONICS LABS PRODUCTS

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Rick Lentini

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#### Which IGF-1 Plus Formula Should You Use?

At Nutronics Labs we offer Strengths ranging from 3,000ng up to 200,000ng of IGF-1. As our IGF-1 levels decrease, we experience symptoms of aging. We can help you increase your IGF-1 levels with our All Natural IGF-1 Plus.

**EACH ONE OF OUR IGF-1 PLUS POTENCIES (3,000ng-200,000ng) IS SAFE AND EFFECTIVE FOR ANYONE TO USE!** Regardless of your activity level, any of these formulas can help you safely raise your IGF-1 levels. If you are Serious about working out (as are professional athletes, bodybuilders, Ironman competitors, etc...), or suffer from a debilitating ailment (such as fibromyalgia, diabetes, acute inflammation, etc...) IGF-1 Plus can help you Achieve Your Goals. Even if you are just trying to stay fit, get into shape, or don't exercise at all, Nutronics Labs IGF-1 Plus can help you live the Healthiest Lifestyle possible!

Typically, the **higher the concentration of IGF-1 (most nanograms), the quicker and more prominent your results will be.** If you'd like to Increase (and maintain) your IGF-1 levels optimally, then you will want to use one of our Most Powerful Formulas (Super Max or Maximum). You can also choose one of our mid-range potencies (Ultra Plus or Ultra), then gauge your results to see whether you need to increase the strength.

Regardless of which IGF-1 Plus Formula you choose, it is **Extremely Important** that you take it Every Day as directed! By doing so, this will enable you to Raise your IGF-1 levels. Then it is very important to Maintain those levels so that it can help you experience the Maximum Benefits of IGF-1 Plus!

#### Why Buy Inferior Deer Antler Spray?

**All Nutronics Labs IGF-1 Products are derived from the World's Purest, Premium, A-Grade New Zealand Deer Antler Velvet.**

#### The World's Purest Deer Antler Spray

Nutronics Labs has the EXCLUSIVE World Wide Rights to the Premium, A-Grade New Zealand Red Deer Antler Velvet. Our Formula contains the Highest Potency of Natural IGF-1 available on the market today! The amount of IGF-1 is actually "THE FACTOR" which determines the Strength and Effectiveness of Deer Antler products. Natural IGF-1 is measured in nanograms (ng), NOT milligrams (Mg).



#### Don't Be Fooled By Other Companies

DO NOT BE FOOLED by "other companies" that claim to be the strongest product because they actually have more milligrams (Mg) of Deer Antler in their product. ALWAYS find out how many nanograms of IGF-1 are in the product! Keep in mind that it is the IGF-1 in the deer antler velvet that is the building block of mainting

optimal health. By raising your IGF-1 levels you are helping reverse the aging process, enhancing your athletic performance, and helping promote a powerful immune system.

\*Nutronics Labs Products Are 100% All Natural & Do Not Contain Any Steroids [CLICK HERE TO LEARN MORE](#)

**Nutronics Labs IGF-1 Plus™ Deer Antler Velvet Spray Has Been Featured On:**



**Please Read Disclaimer:** These statements have not been evaluated by the FDA. These products are not intended to diagnose, treat, cure or prevent any disease. You should consult with a health care professional before starting any supplementation program. The results described in testimonials may not be typical. Individual results may vary. Programs and media we have been featured on do not imply endorsements. Stock photos are used for illustrative purposes only and are not implied endorsements.

## NUTRONICS LABS SUPPORTS OUR TROOPS IN AFGHANISTAN

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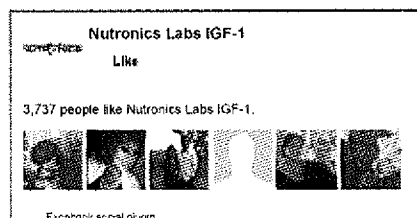
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### IGF-1 IN THE NEWS

[How To Help Your Pet Live Longer](#)

[How To Safely Help Raise Your IGF Levels](#)

[IGF-1 Can help With Heart Function](#)



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# **EXHIBIT "B"**



PATTERSON LAW GROUP

JAMES R. PATTERSON  
619.756.6993 direct  
jim@pattersonlawgroup.com

March 17, 2014

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Chief Executive Officer / President  
Nutronics Labs, Inc.  
85 NE Loop 410, Suite 616  
San Antonio, Texas 78216

Re: Burghardt v. Nutronics Labs, Inc.

Dear Sir/Madame:

Our law firm and Carpenter Law Group represent Scott Burghardt and all other similarly situated California Residents in an action against Nutronics Labs, Inc. (“Nutronics Labs”), arising out of, *inter alia*, misrepresentations, either express or implied, to consumers that its IGF-1 Plus (“IGF-1 Plus”) product line of dietary supplements:

- “[I]ncreas[es] strength, endurance (stamina);”
- “[R]epair[s] minor tissue damage;”
- “Helps promote healthy, flexible joints;” and
- “Helps promote sexual performance and function by raising libido.”

As you are aware, the Nutronics Labs website represents that the IGF-1 Plus products “help[] athletes and bodybuilders [and “anyone who wants to achieve optimum IGF levels”] alike train harder, build lean muscle mass and speed[] their recovery time.” These bold claims are in addition to other misrepresentations that the IGF-1 Plus products will “increase[] muscle size in athletes,” “improve[] recovery, “stop[] the breakdown of muscle while naturally burning fat,” “help to dramatically slow down the biological aging process,” “repair[] minor tissue damage . . . and boost[] the immune system.”

Mr. Burghardt and others similarly situated purchased the IGF-1 Plus products unaware that Nutronics Labs’ representations found on the Nutronics Labs website are false. Several clinical studies have found no causative link among the amount of the IGF-1 hormone in the IGF-1 Plus products and the delivery method utilized by the IGF-1 Plus products and improved strength, recovery, joint health, or sexual performance. The full claims, including the facts and

Nutronics Labs, Inc.

March 17, 2014

Page Two

circumstances surrounding these claims, are detailed in the Class Action Complaint, a copy of which is enclosed and incorporated by this reference.

Nutronics Labs' representations are false and misleading and constitute unfair methods of competition and unlawful, unfair, and fraudulent acts or practices, undertaken by Nutronics Labs with the intent to result in the sale of the IGF-1 Plus products to the consuming public. The increased-strength, tissue-repair, healthy-joints, and libido-raising representations do not assist consumers; they simply mislead them.

This practice constitutes a violation of California Civil Code § 1770(a) under, *inter alia*, the following subdivisions:

- (5) Representing that [the IGF-1 Plus products] have . . . approval, characteristics, . . . uses [and] benefits . . . which [they do] not have . . .

\* \* \*

- (7) Representing that [the IGF-1 Plus products] are of a particular standard, quality or grade . . . if [they are] of another.

\* \* \*

- (9) Advertising [the IGF-1 Plus products] . . . with intent not to sell them as advertised.

\* \* \*

- (16) Representing that [the IGF-1 Plus products have] been supplied in accordance with a previous representation when [they have] not.

California Civil Code § 1770(a)(5)-(16).

Nutronics Labs' representations also constitute violations of California Business and Professions Code §§ 17200, *et seq.*, and a breach of express warranties.

While the Complaint constitutes sufficient notice of the claims asserted, pursuant to California Civil Code § 1782, we hereby demand on behalf of our clients and all other similarly situated California Residents that Nutronics Labs immediately correct and rectify this violation of California Civil Code § 1770 by ceasing the misleading marketing campaign and ceasing dissemination of false and misleading information as described in the enclosed Complaint. In addition, Nutronics Labs should offer to refund the purchase price to all consumer purchasers of the IGF-1 Plus products, plus reimbursement for interest, costs, and fees.

Plaintiffs will, after 30 days from the date of this letter, amend the Complaint without leave of Court, as permitted by California Civil Code § 1782(d), to include claims for actual and punitive damages (as may be appropriate) if a full and adequate response to this letter is not

Nutronics Labs, Inc.

March 17, 2014

Page Three

received. These damage claims would also include claims under already-asserted theories of unlawful business acts, as well as the claims under the Consumers Legal Remedies Act. Thus, to avoid further litigation, it is in the interests of all parties concerned that Nutronics Labs address this problem immediately.

Nutronics Labs must undertake all of the following actions to satisfy the requirements of California Civil Code § 1782(c):

1. Identify or make a reasonable attempt to identify purchasers of the subject products who reside in California;
2. Notify all such purchasers so identified that upon their request, Nutronics Labs will offer an appropriate correction, replacement, or other remedy for its wrongful conduct, which can include a full refund of the purchase price paid for such products, plus interest, costs and fees;
3. Undertake (or promise to undertake within a reasonable time if it cannot be done immediately) the actions described above for all IGF-1 Plus products purchasers who so request; and
4. Cease from expressly or impliedly representing to consumers that these products are effective at improving strength, repairing tissue damage, promoting healthy joints, or enhancing sexual performance and function when there is no reasonable basis for so claiming, as more fully described in the attached Complaint.

We await your response.

Sincerely,

PATTERSON LAW GROUP

A handwritten signature in blue ink, appearing to read "James R. Patterson", is written over a light blue rectangular background.

James R. Patterson

Enclosure

CC:

Carpenter Law Group

# **EXHIBIT "C"**

**PATTERSON LAW GROUP**

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[jim@pattersonlawgroup.com](mailto:jim@pattersonlawgroup.com)

**CARPENTER LAW GROUP**

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San Diego, California 92101  
Telephone: 619.756.6994  
Facsimile: 619.756.6991  
[todd@carpenterlawyers.com](mailto:todd@carpenterlawyers.com)

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SCOTT BURGHARDT, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

NUTRONICS LABS, INC., an Illinois  
Corporation, and Does 1 through 20,

Defendants.

Case No.

**DECLARATION OF TODD D.  
CARPENTER RE: JURISDICTION**

Case No.

DECLARATION OF TODD D. CARPENTER

1 I, Todd D. Carpenter, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State  
3 of California. I am the principle and owner of the Carpenter Law Group, and the counsel  
4 of record for Plaintiff in the above-entitled action

5 2. Defendant Nutronics Labs, Inc., has done and is doing business in the  
6 Southern District of California. Such business includes the marketing, distributing, and  
7 sale of its IGF-1 Plus products.

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct.

10 Executed this 17<sup>th</sup> Day of March, 2014, in San Diego, California.

11  
12 /s/ Todd D. Carpenter

13 Todd D. Carpenter  
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