Cas	e 2:13-cv-08835-DSF-CW Document 1 Filed	11/27/13 Page 1 of 26 Page ID #:5			
1 2 3 4	Ronie M. Schmelz, Bar No. 130798 rschmelz@edwardswildman.com 1901 Avenue of the Stars, Suite 1700 Los Angeles, CA 90067 Telephone: 310.860.8700	CLERK, U.S. DISTRICT COURT NOV 2 7 2013 CENTRAL DISTRICT OF CALIFORNIA BY DEPUTY			
5 6	Shuxin Li and Julia Leung				
7					
8		DISTRICT COURT			
9	FOR THE CENTRAL DIS	STRICT OF CALIFORNIA			
10					
11 12		Case No. V13-8835, BFO-Ex CLASS ACTION COMPLAINT			
13	Plaintiffs,				
14	V.	AND DEMAND FOR JURY TRIAL			
15	EFT HOLDINGS, INC., a Nevada	2			
16	Corporation, JACK J. QIN, and DOES 1-10,				
17	Defendants.				
18					
19	Plaintiffs Shuxin Li and Julia Leung	g (collectively, "Plaintiffs"), by and			
20	through their attorneys, make the followin	g allegations pursuant to the investigation			
21	of their counsel and based upon informatic	on and belief, except as to allegations			
22	specifically pertaining to themselves and the specifically pertaining to the specifically pertain pertaining to the specifically pertaining to the specifically pertain pertaining to the specifically pertain pertai	heir counsel, which are based upon			
23	personal knowledge.	е — ж			
24	NATURE OF THE ACTION				
25	1. This is a class action against EFT	THoldings, Inc. ("EFT") and its founder			
26	Jack J. Qin ("Qin", referred to collectively	Jack J. Qin ("Qin", referred to collectively with EFT as "Defendants") for			
27	orchestrating a fraudulent pyramid scheme pursuant to which Plaintiffs and tens of				
28	28 thousands of other Chinese and American consumers paid Defendants tens of				
Edwards Wildman Palmer LLP	AM 25719589.1	CLASS ACTION COMPLAINT			

PALMER ATTORNEYS AT LAW LOS ANGELES

CLASS ACTION COMPLAINT

millions of dollars in United States' currency in exchange for the right to purchase
nutritional supplements and other products and obtain an ownership interests in
EFT. Qin promised Plaintiffs that the value of their ownership interest in EFT
would increase substantially over time as company sales increased. A key, but
unspoken part, of Defendants' scheme was that in order for Plaintiffs to realize the
promised lucrative rewards from their EFT investments, they had to recruit others
to purchase EFT products and ownership interests in the company.

- 8 2. Defendants' entire business model was based on the recruitment of
  9 unsuspecting consumers who were promised the highest quality products and an
  10 ownership interest in a vibrant, growing, and legitimate company if they purchased
  11 EFT products, rather than on actual sales of EFT products to consumers.
- EFT advertises its products as providing a variety of health, anti-aging, 12 3. 13 and nutritional benefits. The U.S. Food and Drug Administration ("FDA") previously determined that a number of EFT products are drugs because they are 14 15 intended for use in the cure, mitigation, treatment, and/or prevention of disease. In 2009, the FDA sent EFT a Warning Letter advising the company that certain of its 16 17 dietary supplements, including those purchased by Plaintiffs and other Class members, were misbranded and illegal drugs, and demanding that the company 18 immediately cease selling the products. EFT ignored the FDA's Warning Letter 19 20 and continues to market and sell those dietary supplements today.
- 4. Plaintiffs caused some EFT products purchased by Plaintiffs and Class
  members to be tested by a U.S. laboratory. Those tests revealed that some of the
  products were mislabeled, either because they did not contain the stated amount of
  ingredients listed or they contained ingredients that were not listed on the product
  label. Plaintiffs are informed and believe that the tested and other as yet untested
  products do not have the composition, attributes, characteristics, nutritional value,
  health qualities, or value as represented by Defendants.

28 Edwards Wildman

PALMER LLP

ATTORNEYS AT LAW

- 2 -

5. Like other successful pyramid schemes, the only ones who made any
 money from their investment in EFT were the ones at the top of the pyramid,
 including Qin. After inducing Plaintiffs and other Class members to unwittingly
 purchase illegal EFT products, Qin has walked away with tens of millions of dollars
 and Class members have been left with nothing more than mislabeled and
 ineffective products and valueless interests in the company.

6. Plaintiffs seek relief in this action for themselves individually and on
behalf of a class of all of the other consumers who purchased EFT products for
violations of California's Unfair Competition Law ("UCL") (Business and
Professions Code §§ 17200 *et seq.*), False Advertising Law ("FAL") (Business and
Professions Code §§ 17500 *et seq.*), Breach of Express Warranty, and MagnusonMoss Warranty Act, 15 U.S.C. §§ 22301 *et seq.*, and Fraud.

# **THE PARTIES**

14 7. Plaintiff Shuxin Li is a resident of the City of Dalian located in the15 People's Republic of China.

16

13

8. Plaintiff Julia Leung is a resident of Plano, Texas.

17 9. Defendant EFT is an e-Commerce, publicly traded Nevada Corporation 18 with its principal place of business at 17800 Castleton Street, Suite 300, City of Industry, California 91748. According to its website, www.eftb.us, EFT, through 19 its subsidiaries, engages in the merchandising and sale of EFT-brand products over 20 21 the Internet. EFT operates through over one million registered "affiliate members" 22 located throughout Hong Kong, the People's Republic of China, Asia, Europe, and 23 the U.S. All EFT products, which include bio-available nutritional and nutritional 24 spray products, are manufactured in the United States and sold to consumers around the world, including in the U.S. and China. 25

26 10. Defendant Qin is a California resident who founded EFT in 1998 and,
27 since its inception, has served as the company's Chief Executive Officer, President,
28 and Chairman of the Board.

EDWARDS WILDMAN PALMER LLP Attorneys At Law

1 11. The true names and capacities of Defendants Does 1 through 25 are unknown to Plaintiffs who therefore sue these Defendants by such fictitious names. 2 3 Plaintiffs are informed and believe that each of Defendants Does 1 through 25 is 4 responsible in some manner for the events herein described and the injuries suffered 5 by Plaintiffs and members of the Class. Plaintiffs will amend this Complaint to 6 allege the identities of such Doe Defendants when the same have been ascertained. Plaintiffs are further informed and believe that each of the Defendants named 7 8 herein, including Does 1 through 25, was the agent, servant, employee, and/or alter 9 ego of the other Defendants and, that in doing the things alleged herein, was acting 10 within the scope to his/her/its actual or apparent authority.

11

# JURISDICTION AND VENUE

12 12. Defendants EFT and Qin are subject to the jurisdiction of this Court.
 13 They have engaged in continuous and systematic business in California.
 14 Defendants have designated agents for service of process in this State, have their
 15 principal place of business here, and have committed tortious acts in this State.

16 13. This Court has original subject matter jurisdiction over this action
pursuant to 28 U.S.C. § 1332(a)(2) because the amount in controversy exceeds the
sum or value of \$75,000, exclusive of interest and costs, and is between citizens of
a State and citizens or subjects of a foreign state.

This Court also has subject matter jurisdiction over this action pursuant to 20 14. 28 U.S.C. § 1332 (d)(2)(A) because the amount in controversy exceeds \$5,000,000, 21 22 exclusive of interest and costs, and is a class action in which some members of the class are citizens of different states than the Defendants. In addition, this Court has 23 subject matter jurisdiction pursuant to 28 U.S.C. § 1332 (d)(2)(B) because there are 24 25 more than 100 Class members and the aggregate amount in controversy exceeds \$5,000,000.00, exclusive of interest and costs, and is a class action in which at least 26 27 one Class member is a citizen or subject of a foreign state.

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

28

AM 25719589.1

- 4 -

1 15. Pursuant to 28 U.S.C. § 1391, this Court is the proper venue for this
 action because a substantial part of the events, omissions, and acts giving rise to the
 claims herein occurred in this District. Defendant EFT's principal place of business
 is located within this District and the pyramid scheme, including the marketing,
 advertising, and sales plans for EFT products, which are at the core of Defendants'
 unlawful scheme, were devised in this District.

7

# FACTS COMMON TO ALL CLAIMS

8

Α.

# EFT Products and its Sales and Marketing Scheme

9 16. EFT is an American-based e-Commerce publicly traded company that 10 operates through over one-million registered affiliate members, or consumers, who 11 purchase EFT products, including nutritional supplements, anti-aging skin care, and 12 natural cosmetics via the Internet. To purchase products, affiliates are directed to 13 fax a form to a U.S. fax number and remit the purchase price for products ordered 14 in U.S. Dollars ("USD"), the only currency Defendants accept. Orders are processed by EFT's offices in the City of Industry, California, and shipped from 15 16 there to affiliates around the world, including in the U.S. and China.

17 17. As a direct-sales company, EFT operates a multi-level distribution system
which relies on its affiliates to market, promote, and sell its products. Anyone can
become an affiliate by purchasing EFT products. The company represents "a no
risk philosophy in joining the EFT team, [which] ensures the continuation of EFT's
success."

18. To join the "no-risk EFT team," Plaintiffs and other Class members are
promised "rewards" based on the amount of EFT products they order. There are
four levels of affiliates, or consumers, which are determined by the amount of
product ordered. Today, those levels are as follows: (1) Beginning Consumers,
who make one purchase order of \$450.00 USD (which includes \$400 worth of
products + \$50 shipping and handling ("S&H"); (2) Standard Consumers, who
make one purchase order of \$660.00 USD (\$600 worth of products + \$60 S&H);

EDWARDS WILDMAN PALMER LLP Attorneys At Law Case 2:13-cv-08835-DSF-CW Document 1 Filed 11/27/13 Page 6 of 26 Page ID #:10

(3) Advisory Consumers, who make one purchase order of \$990.00 USD (\$900
 worth of products + \$90 S&H); and (4) Franchised Consumers, who make one
 purchase order of \$3,300.00 USD (which includes \$3,000 worth of products + \$300
 S&H).

5 EFT affiliates earn "Instant Bonuses" when they "sponsor," or bring in, 19. other consumers who purchase EFT products. For example, based on the structure 6 7 currently in place, an affiliate that becomes a "Standard Consumer" (by purchasing \$660 worth of EFT products), and sponsors, or brings in, another "Standard 8 9 Consumer" receives a \$150 USD instant bonus. An affiliate that achieves Advisory status (by purchasing \$990 worth of products) and sponsors another "Advisory 10 Consumer" receives a \$350 USD instant bonus. And a Franchised Consumer (who 11 12 purchases \$3,300 worth of products) who sponsors another Franchised Consumer receives a \$1,350 USD instant bonus. 13

14 20. In addition to Instant Bonuses, affiliates earn "Weekly Binary
15 Commissions" based on the number of product orders they submit to EFT. These
16 commissions are based on the number of orders submitted, without regard to the
17 number of EFT products actually purchased or sold by each consumer. Thus, as
18 with other classic pyramid schemes, the rewards that affiliates receive are based on
19 recruiting other consumers to participate in the program, not on the basis of product
20 sales.

21 21. All of the monetary rewards earned by Plaintiffs and Class members were
issued in the form of EFT credit points, which were held on account at EFT and
could only be used to purchase more EFT products. For a brief period of time
during the first half of 2007, certain credit points were allowed to be withdrawn on
EFT debit cards subject to costly transaction and maintenance fees. This
arrangement was later suspended. Defendants repeatedly dissuaded Plaintiffs and
Class members from withdrawing cash from their accounts by telling them that

EDWARDS WILDMAN PALMER LLP Attorneys At Law

28

AM 25719589.1

- 6 -

1	withdrawal of the funds would reduce the value of EFT and their investments in the			
2	2 company.			
3	B. <u>FDA Warns EFT to Stop Selling Dietary Supplements</u>			
4	22. In August 2009, the FDA issued a Warning Letter to Defendants (the			
5	"Warning Letter") advising Defendants that their sale of numerous dietary			
6	supplements violated the Federal Food, Drug, and Cosmetic Act (the "Act"). A			
7	true and correct copy of the Warning Letter is attached hereto as Exhibit A and			
8	incorporated herein by reference. Among other things, the Warning Letter states			
9	that			
10	" the FDA has determined that your products 2006 Celprotect 1,			
11	2007 Celprotect II Bullet Points, Colostrum #3008, Colloidal Silver #2003, SuperCal #3105, MSM #3003 + IONICS, Re-Live Again			
12	#3004, GlucoBalance #3017, Cardio Support #3019, PerformPlus #3006, and VisionPlus #3012 are promoted for conditions that cause			
13	the products to be drugs under section $201(g)(1)(B)$ of the Act [21 U.S.C. § $321(g)(1)(B)$ ]. The therapeutic claims on your website establish that these products are drugs because they are intended for			
14	use in the cure, mitigation, treatment, or prevention of disease. The marketing of these products with these claims violate the Act.			
15				
16	Examples of claims observed on your website include:			
17	2006 Celprotect I			
18	<ul> <li>"Broad spectrum anti-viral (protects and helps eliminate viruses)."</li> </ul>			
19	"Helps diminish painful cold sores."			
20	2007 Celprotect II Bullet Points			
21	• "Can eliminate food poisoning within minutes"			
22	Colostrum #3008			
23	"Maintain Blood-sugar balance"			
24	<ul> <li>"Maintain Blood-sugar balance"</li> <li>"Fight viral, bacterial &amp; fungus infections"</li> <li>"Improve well being of arthritis sufferers"</li> </ul>			
25	<ul><li> "Relieve pain"</li><li> "Fight gum disease"</li></ul>			
26				
27	Colloidal Silver #2003			
28	"Research has demonstrated that Colloidal Silver is effective over a broad spectrum of			
EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles	AM 25719589.1 - 7 - CLASS ACTION COMPLAINT			

1 2 3 4 5 6 7 8 9 10 11 11 12	<ul> <li>bacterial, fungal and even viral species. Not only less costly then available antibiotics and anti-viral agents, Colloidal Silver use does not result in mutations of resistant species."</li> <li>"Because of known disease-causing organism can live in the presence of even minute traces of the chemical element of metallic [sic] silver, #2003 is effective against more than 650 different disease causing pathogens including viruses."</li> <li>"All fungus, virus, bacterium, streptococcus, staphylococcus, and other pathogenic organisms are killed in three or four minutes; in fact, there is no microbe know [sic] that is not killed by #2003 in six minutes or less"</li> <li>"It would appear highly unlikely that even germ warfare agents could survive an encounter with #2003, since viruses like E Bola and Hanta, or even the dreaded 'flesh-eating bacteria' are, in the end, merely hapless viruses and bacteria."</li> <li>"In addition to its anti-microbial properties, 'EFT' silver solution is also a powerful anti-inflammatory agent."</li> </ul>
13	
14	• "Calcium [an ingredient in the product] help[s] to prevent the risk of degenerative diseases."
15	• "[Calcium] [h]elps achieve an alkaline balance therey [sic], neutralizing acidity level, increase muscle and joint
16	mobility to combat artifirtic conditions, heart disease helps sports injuries, headaches, high or low blood
17	pressure, high cholesterol, osteoporosis, rheumatoid arthritis, ulcers, psoriasis, ulcerative colitis,
18	<ul> <li>gastroenteritis, hiatal hernia and cataracts."</li> <li>"Other medical men of wisdom have also discovered that</li> </ul>
19	calcium supplements, such as SuperCal Spray, could indeed reverse cancer."
20	• "The January 14, 1999 issue of the Phoenix Republic wrote in an article entitled 'Calcium Reduces Tumors'
21	that the New England Journal of Medicine reported 'adding calcium can keep you from getting tumors in your
22	large intestine."
23	MSM # 3003 + Ionic Minerals
24	<ul> <li>"Unlike NSAID's, such as aspirin, ibuprofen, etc., which cause more problems than the symptoms they're designed to relieve*, MSM</li> </ul>
25	has no known side effects, no overdose toxicity
26	(it's safer than water!), and it benefits the body overall while relieving and rebuilding connective
27	<ul> <li>tissue and joints."</li> <li>"Its benefits are legendary: relief of muscle</li> </ul>
28	cramps, mental normalcy, anti- bacterial/inflammatory/parasitic effect and
Edwards Wildman Palmer LLP	

PALMER LLP Attorneys At Law Los Angeles

8

Cas	e 2:13-cv-08835-DSF-CW	Document 1 F	iled 11/27/13	Page 9 of 26	Page ID #:13
1		relief of mus	cle spasms an	d joint pain!"	
2	Re	-Live Again #30	004		
3	•	"Zinc 'an ing mineral has retarded grou	gredient in the been useful in wth in childre	e product]: [T the treatment n."	]his essential of dwarfism and
5	Gl	ucoBalance #30	17 (describin	g ingredients	s in the product)
6	•	"Bitter Melo helps improv	n – Researche	ers have found erance and car	l that Bitter Melon help lower blood
7		sugar levels.	,,		
8 9		medicine tha normalize bl "Gymnema -	t scientists ha ood sugar leve - Helps lower	ve found may els." blood sugar l	er traditional significantly help evels" Cinnamon extract
10	•	contains con	<ul> <li>Scientists hat pounds that here by enhancing</li> </ul>	elp maintain	healthy blood
11 12		rdio Support #. oduct)	3019 (describ	ing ingredier	its in the
13		"Vitamin B3	helps redu	ice levels of 'l	bad' LDL
14	•	cholesterol a "Ginger – in protect again	nd triglycerid hibits abnorm ist abnormal b	es (fats)." al platelet clui lood clots tha	mping and helps t can clog
15		"Green tea	may help to	lower blood p	pressure and
16 17	•	"Salvia (Dan	ted cholestero Shen) – supp optimal card	orts redu	ced platelet ilth."
18	Per	rformPlus #300	6		
19	•	"Sarsaparilla	Extract (smil	ax officinalis)	)
20		helps lower of	nt in the production of the second seco	iciti: I his here	)
21		This extract dysfunction.	oba [an ingred [is] helpful in	cases of erect	ile
22	•	"Tribulus Te	rrestris [an in In China, it ha	gredient in the	; sed
23	•	for impotenc	y in men." [an ingredient		
24		This herb has	s been used fo ower in men."	r centuries to	improve
25	•	"perform plu	s: 'I Can't Be ral, scientifica	elieve It's Not	Viagra' formula
26		designed by professionals	nutritional exp s to respond to	perts and healt each and eve	th care ervone
27		of these vary sexual functi	ing problems on and lack of	associated with f Libido, and t	th poor to promote
28 Edwards Wildman Palmer LLP	AM 25719589.1	peak perform	ance in both 1	men and wom	ction complaint
ATTORNEYS AT LAW	ATAI 23/17307.1		/	ULASS A	

1					
2	VisionPlus #3012 (describing ingredients in the product)				
3	• "Vitamin C [and Vitamin E] can help prevent age- related cloudiness of the lens of the eye caused by				
4	related cloudiness of the lens of the eye caused by excessive UV light from the sun, and can significantly slow the deterioration of vision."				
5	• "Vitamin A & Beta Carotene: Results of a case-control" study found a significant inverse association between the				
6	consumption of carotenoid rich food and the risk of age- related macular degeneration, the leading cause of irreversible blindness in adults."				
7	<ul> <li>"Lutein is highly concentrated in the macula of the eye, and helps protect the eyes from sun damage and age-</li> </ul>				
8	related degeneration of the macula. Lutein supplementation has been shown to improve visual				
9	function for subjects with age-related macular degeneration and also for some subjects with Retinitis				
10	<ul> <li>Pigmentosa (slow retinal degenerations)."</li> <li>"Zeaxanthin These yellow carotenes function in preventing oxidative damage to the macular and</li> </ul>				
11	preventing oxidative damage to the macular and obviously play a central role in protecting against the				
12	development of macular degeneration. Increasing the concentration of Lutein and/or Zeaxanthin may offer				
13	significant protective effects against the development of macular degeneration."				
14	macular degeneration.				
15	23. The FDA also noted that "these products are not generally recognized as				
16	safe and effective for the above referenced uses and therefore, the products are				
17	"new drugs" under section 201(p) of the Act [21 U.S.C. § 321(p)]. New drugs may				
18	not be legally marketed in the U.S. without prior approval from the FDA as				
19	described in section 505(a) of the Act [21 U.S.C. § 355 (a)] Your products are				
20	all misbranded within the meaning of section 502(f)(1) of the Act in that the				
21	labeling for these drugs fails to bear adequate directions for use [21 U.S.C. §				
22	352(f)(1)]."				
23	24. The FDA instructed EFT to take prompt action to correct the violations				
24	noted in the Warning Letter, and immediately cease distribution of the products				
25	listed in the letter as well as other products in violation of the Act.				
26	25. Notwithstanding the FDA's directives, EFT has continued to market and				
27	sell its products in violation of the Act, including the products identified in the				
28	14 27.				
MAN P aw	- 10 - CLASS ACTION COMPLAINT				

1	Warning Letter which are still sold with many of the offending therapeutic claims					
2	that prompted the FDA to issue the Warning Letter.					
3	C. Defendants Continue to Sell Unlawful Products					
4	26. EFT products are unlawful because they are misbranded due to violations					
5	of the Sherman Food, Drug, and Cosmetic Laws, California Health and Safety					
6	Code §§109875 et seq., which adopts, incorporates, and is, in all relevant aspects,					
7	identical to the federal Food, Drug & Cosmetic Act, 21 U.S.C. §§ 301 et seq.					
8	("FDCA"), and the regulations adopted pursuant to that act.					
9	27. Under California law, it is unlawful to manufacture, sell, deliver, hold, or					
10	offer for sale any food, drug, device, or cosmetic that is falsely advertised or					
11	misbranded. Cal. Health & Safety Code §§ 110390 et seq.					
12	28. Defendants continue to falsely advertise and sell the following products					
13	which were the subject of the Warning Letter: #2003 – "Colloidal Silver", #2006 –					
14	"CelProtect I", #2007 – "CelProtect II Bullet Points", #3003 – "MSM + IONICS",					
15	#3004 – "Re-Live Again", #3006 – "PerformPlus", #3008 – "Colostrum Spray",					
16	#3012 – "Vision Plus", #3017 – "GlucoBalance", and #3019 – "Cardio Support".					
17	29. The following products, all of which are currently sold by Defendants, are					
18	also misbranded:					
19	(A) #2001 – "Super Hydro-Oxy" which EFT purports "works by					
20	(A) #2001 – "Super Hydro-Oxy" which EFT purports "works by separating and releasing the oxygen and the hydrogen elements in your water. This makes both of these elements available in greater amounts					
21	in your bloodstream, which helps your body assimilate more nutrients at the cellular level Bfcause [sic] it contains fluid rich in magnesium and causes oxygen to be released into the bloodstream, damaged tissue can be safely and effectively rebuilt and dead cells can					
22	damaged tissue can be safely and effectively rebuilt and dead cells can					
23	be removed away."					
24	(B) #2004 – "Rooibos Tea" which, EFT touts on its website, "contains much stronger anti oxidation action and is capable of preventing fat to					
25	change into lipid peroxide."					
26	(C) #2005 – "Zeolite Plus" whose benefits and advantages Defendants tout as "Helps restore essential minerals," "Helps eliminate harmful metals					
27	(C) #2005 – "Zeolite Plus" whose benefits and advantages Defendants tout as "Helps restore essential minerals," "Helps eliminate harmful metals and poisonous chemicals," "Improves every biochemical process your body requires," and "Regulates the immune system keeping it in					
28	balance."					
IMAN						

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

Case	2·13-cv-08835	-DSF-CW Document 1 Filed 11/27/13 Page 12 of 26 Page ID #:16			
Cuse					
1 2 3	(D)	#2008 – "VinegarPill" which, according to the EFT website, "contain pectin and Acidic Acid, which attaches to cholesterol and carries it out of the body thus decreasing the risk of heart disease" and "Helps to prevent diabetes," "Purification of the blood," and "Help with the prevention of Gout."			
4	(E)	#3002 – "Super Re-viti-izer" which "helps restore drinking-impaired motor facilities – in minutes!"			
5 6	(F)	#3005 – "Slim 'n Easy Carbohydrate Craving Control (with 5-HTP)" which EFT advertises as "The Appetite Suppressant in a Spray."			
7 8	(G)	#3009 – "Spray-EEZE Nutrients to assist the Immune System during Cold & Allergy Season" which EFT advertises as "a Dietary Supplement with Vitamin C."			
9	(H)	#3011 – ""MemoryPlusb" which "includes specially selected nutrients to overcome the natural processes associated with aging and enhance			
10 11	(I)	cognitive ability."			
12		#3016 – "Deer Antler Velvet Plus" which purportedly "strengthens the immune system by promoting a healthy white blood cell count" and "is an adaptogen and contains Growth Factors to aid the body against the aging process."			
13 14	(J)	#3018 – "Liver Support" which "contains nutrients designed to cleanse the liver and rebuild damaged tissue."			
15 16 17	(K)	#3020 – "ReishiPlus" which EFT purports "may help lower blood pressure and decrease elevated cholesterol and triglyceride levels. It may help prevent blood platelets from sticking together, which helps maintain healthy coronary circulation. Reishi's also provides powerful support for your immune system."			
18 19	(L)	#4006 – "Gold Cream" which gives "long lasting relief of pain associated with arthritis, stiff and swollen joints, sprains, muscle spasms, bursitis and tendonitis."			
20 21	(M)	#4007 – "Breast Cream" which contains "activators to maintain female hormonal balance" and purports to "affect hormonal protection and functions in the body." "stimulates the development of breast tissue			
22		and helps improve the cup size by lengthening and branching the ducts that connect to the nipple," "increases the fatty tissue and ligaments around the breast, which provides support and shape," and "helps			
23 24		maintain the collagen and stimulates development of new cells in skin."			
25	True and correct copies of descriptions for EFT products that are the subject of the				
26	Warning Letter and listed above, and which were available on the EFT website as				
27	of the filing of this complaint, are attached hereto as Exhibit B and incorporated				
28 Wildman	herein by re	eference.			

Edwards Wildman PALMER LLP Attorneys At Law

30. In addition to the products listed above, EFT also sold a product, #3013 –
"REM Sleep & Relaxation Enhancer," which was purported to "contain[] nutrients
to help the body regulate the sleep-wake cycle, to promote 'REM' sleep and general
relaxation." This product, which Plaintiffs and many other Class members
purchased, is no longer among the Nutrition Products on EFT's website, but is
listed as currently available for order on the EFT Order Application Form, a true
and correct copy of which is attached hereto as Exhibit C.

8 31. Defendants' products are misbranded and/or do not have the composition,
9 attributes, characteristics, nutritional value, health qualities, or value represented.

10

D.

11

# **Defendants Falsely Advertise EFT Products and Fraudulently Induced Class Members to Purchase Shares in the Company**

Beginning in 2003, Defendant Qin held a series of public meetings during 12 32. 13 which he gave speeches to induce Plaintiffs and other Class members to purchase 14 EFT products and become company "affiliates." Some of Qin's speeches were recorded and discs of the speeches were handed out during subsequent meetings in 15 16 China and circulated among Plaintiffs and Class members. The discs were used as 17 marketing tools to educate Class members who did not attend Qin's meetings in 18 person about EFT, its products, the company's bonus and reward system, how to 19 become an "affiliate" and invest in the company.

20 During these meetings, Qin espoused the benefits of EFT products. He 33. 21 also represented that consumers who purchased the company's products would not only receive the products ordered, they would also reap financial rewards and the 22 23 right to purchase ownership interests in EFT, in the form of stock certificates which Qin represented as "negotiable securities" that could be sold for money. The 24 number and value of shares issued depended on the Consumer level of products 25 26 purchased. Defendants recommend that consumers purchase products at the Franchised Consumer level so they can "compete at all levels, [] help support your 27 duplication, and bring you great residual income." 28

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

1 34. During his speeches, Qin represented to Plaintiffs and other Class 2 members that the value of their ownership interests in EFT would increase as more 3 consumers purchased products. In true pyramid fashion, however, Oin had to insure that, in addition to bringing money into the pyramid through the sale of EFT 4 5 products, Plaintiffs and other Class members did not try to take money out of the 6 company by selling their shares or otherwise liquidating the rewards they earned through sponsoring new product purchases. Thus, during his speeches, Qin told 7 8 Plaintiffs and other Class members not to redeem their rewards or sell their shares 9 in EFT until the company conducted an initial public offering (the promised 10 "IPO"). By holding onto their shares until after the IPO, Qin assured Plaintiffs and 11 other Class members that the value of their shares in the company would increase substantially. 12

35. Qin continued giving speeches into at least 2010, during which, in
addition to touting EFT products and extolling their benefits, he solicited
investments in EFT through the sale of company shares which he promised would
at least double in value as long as investors held onto their shares until the company
was able to go through with its expected IPO. As of the date this complaint is filed,
Defendants continue to sell and extoll the virtue of EFT products and solicit
affiliates to invest in the company.

20 21

22

23

24

25

26

27

28

# E. <u>Plaintiffs Purchase Defendants' Products and Become Company</u> <u>Shareholders</u>

36. Plaintiff Li attended five (5) public meetings with Qin and listened to recording of some of his speeches. Li also reviewed written EFT marketing materials, including materials on the EFT website describing the ingredients in and benefits of Defendants' products. In reliance on Qin's representations about the value and quality of EFT products and investment opportunities in the company, and after reviewing the written materials, Li purchased over Thirty Thousand Dollars (\$30,000) worth of the following EFT products: #2001, #2002, #2003,

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

1 #2004, #2005, #2006, #2007, #2008, #3001, #3002, #3003, #3004, #3005, #3006, 2 #3007, #3008, #3009, #3011, #3012, #3013, #3015, #3016, #3017, #3018, #3019, 3 #3020, #4006, #4007, and #4008. Li last purchased EFT products in March 2011. 4 Li would not have purchased any EFT products if he had known that they do not 5 provide the advertised benefits or that the product descriptions do not accurately reflect the ingredients contained in the products. 6

In exchange for his purchase of EFT products, Li earned the opportunity 7 37. 8 to purchase and did purchase what he was told was over Thirty Eight Thousand 9 (38,000) shares in the company under his own and his wife's name. Li would not 10 have purchased EFT shares if he had known that Defendants operated EFT as a pyramid scheme. 11

Plaintiff Leung listened to recordings of Qin's speeches and read the 12 38. 13 marketing and other materials about EFT products on the company's website. In 14 reliance on representations about the value and quality of EFT products and 15 investment opportunities in the company, and after viewing recordings of Qin's 16 speeches and reading written materials about the company and its products. Leung 17 purchased over Ten Thousand Dollars (\$10,000) worth of the following EFT products: #2003, #2005, #2006, #2007, #2008, #3003, #3005, #3006, #3008, 18 19 #3009, #3013, #3016, #3017, #3018, #3019, #4006, and #4007. Leung last 20 purchased EFT products in or about November 2011. Leung would not have 21 purchased any EFT products if she had known that they do not provide the 22 advertised benefits or that the product descriptions do not accurately reflect the ingredients contained in the products. 23

In exchange for her purchase of EFT products, Leung earned the 24 39. opportunity to purchase and did purchase what she was told was over Six Thousand (6,000) shares in the company. Leung would not have purchased EFT shares if she had known that Defendants operated EFT as a pyramid scheme.

EDWARDS WILDMAN PALMER LLP ATTORNEYS AT LAW LOS ANGELES

25

26

27

28

- 15 -

1

F.

# The Equitable Tolling of Plaintiffs' Claims

2 40. When Plaintiffs purchased their shares in EFT, they were valued at Three Dollars and Eighty Cents (\$3.80). The value of Plaintiffs' shares in EFT eventually 3 4 dropped to less than a penny. At various times after purchasing their initial shares 5 in EFT, and before the value of shares dropped to below one cent, Plaintiff Li and others approached Defendant Qin to discuss EFT's stock price, product quality, 6 7 EFT's team leadership structure, and other issues relating to the company and the 8 declining value of its shares. During these meetings, Qin repeatedly assured Li and others, both in public and private meetings, that EFT products were of the highest 9 guality and that the value of the company's shares would increase as long as Li and 10 11 other Class members recruited more individuals to purchase EFT products and 12 invest in the company. Throughout their discussions, Qin continued to promote EFT and its products and assure Plaintiffs and Class members that their investments 13 were safe and would pay-off. 14

15 Notwithstanding their standing as shareholders in EFT, Defendants failed 41. 16 to disclose and intentionally omitted material information about EFT and its operations. Among other things, Defendants failed to disclose that the FDA had 17 18 issued the Warning Letter and instructed the company to cease selling many of its 19 nutritional supplements and other products. Defendants also did not disclose to 20 Plaintiffs and other Class members that money invested by consumers in EFT (an on-line e-commerce company) was used to purchase interests in transportation 21 companies and real estate holdings that were unrelated to the stated business 22 23 operations of the company. These investments, moreover, were made without the approval of EFT's Board of Directors, prompting two directors to resign from the 24 25 Board. Many of Defendants' investments resulted in litigation, thus further jeopardizing the value of Plaintiffs' investments in EFT. None of this information 26 27 was disclosed to Plaintiffs or other Class members.

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

Case 2:13-cv-08835-DSF-CW Document 1 Filed 11/27/13 Page 17 of 26 Page ID #:21

42. After years of Defendants' repeated representations that the value of 1 Plaintiffs' investments in EFT were secure and would be realized once the company 2 held its IPO, Plaintiffs began to suspect that Defendants' assurances were false and 3 misleading. Thus, in 2012, Plaintiffs set out to locate other similarly situated 4 5 consumers who had attended meetings with Qin, purchased EFT products, and become company shareholders. Through their efforts, Plaintiffs determined that 6 there are tens of thousands of Chinese consumers, including Chinese Americans – 7 both rich and poor - who, based on Qin's speeches about the benefits of EFT 8 products and promises of riches, invested tens of millions of dollars in EFT by 9 becoming company "consumers" and "shareholders." 10

After discovering that they were not alone and that Defendants' fraudulent 11 43. scheme had ensnarled so many unsuspecting consumers, Plaintiffs engaged 12 counsel, first in China and later the U.S., to explore their legal options. It was only 13 after engaging counsel in 2013 that Plaintiffs learned of Defendants' pyramid 14 scheme, false promises, and misuse of the money they had invested in EFT. This 15 was also the first time Plaintiffs learned about the Warning Letter, that Defendants 16 had been instructed to cease selling their products, that the products Plaintiffs' 17 purchased were misbranded, and that some of the products contained unlisted 18 ingredients and others did not contain the full amount of ingredients listed on 19 product labels. 20

21

22

23

24

25

26

# **CLASS ACTION ALLEGATIONS**

44. Plaintiffs bring this class action pursuant to Federal Rule of Civil
Procedure 23(a), (b) (1), (b)(2), and (b)(3) on behalf of all persons who purchased
one or more EFT products (the "Class"). Excluded from the Class are Defendants,
their employees, family members, officers, directors, and any entity in which
Defendants have or had a controlling interest.

27 45. <u>Numerosity</u>: Members of the Class are so numerous that their individual
28 joinder herein is impracticable. Members of the Class number in the tens of

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

1	thousands. The precise number of Class members and their identities are unknown				
2	to Plaintiffs at this time but will be determined through discovery. Class members				
3	may be notified of the pendency of this action by mail and/or publication and				
4	through the records of Defendants and their agents, as well as third parties.				
5	46. <u>Common Questions Predominate</u> : Common questions of law and fact				
6	exist as to all Class members and predominate over questions affecting only				
7	individual Class members. Common legal and factual questions include, but are				
8	not limited to:				
9 10	(A) Whether Defendants advertise or market their products in a way that is false or misleading;				
11	(B) Whether Defendants' products fail to conform to the representations which are published, disseminated, and advertised to Plaintiffs and the Class;				
12 13	(C) Whether Defendants concealed from Plaintiffs and the Class that their products do not conform to their stated representations;				
14 15	(D) Whether Class members suffered an ascertainable loss as a result of Defendants' misrepresentations;				
16	(E) Whether Defendants violated the Unfair Competition Law;				
17	(F) Whether Defendants violated the False Advertising Law;				
18	(G) Whether Defendants breached an express warranty made to Plai				
19 20	(H) Whether Defendants violated that Magnuson-Moss Act, 15 U.S.C. §§ 201 et seq.;				
21	(I) Whether Defendants were unjustly enriched by their conduct; and				
22	(J) Whether, as a result of Defendants' misconduct as alleged herein, Plaintiffs and Class members are entitled to restitution, injunctive and/or monetary relief and, if so, the amount and nature of such relief.				
23	and/or monetary rener and, it so, the amount and nature of such rener.				
24	47. <u>Typicality</u> : Plaintiffs' claims are typical of the claims of the members of				
25	the Class as all members of the Class are similarly affected by Defendants'				
26	wrongful conduct. Plaintiffs have no interests antagonistic to the interests of other				
27	members of the Class. Plaintiffs and all members of the Class have sustained				
28	E				
EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles	AM 25719589.1 - 18 - CLASS ACTION COMPLAINT				

1 economic injury arising out of Defendants' violations of common and statutory law as alleged herein. 2

3 48. Adequacy: Plaintiffs are adequate representatives of the Class because 4 their interests do not conflict with the interests of the Class members they seek to 5 represent, they have retained counsel competent and experienced in class actions, and they intend to prosecute this action vigorously. The interests of Class members 6 7 will be fairly and adequately protected by Plaintiffs and their counsel.

8 49. Superiority: The class mechanism is superior to other available means for 9 the fair and efficient adjudication of the claims of Plaintiffs and Class members. 10 Each individual Class member may lack the resources to undergo the burden and 11 expense of individual prosecution of the complex and extensive litigation necessary 12 to establish Defendants' liability. Individualized litigation increases the delay and 13 expense to all parties and multiplies the burden on the judicial system presented by the complex legal and factual issues of this case. In contrast, the class action device 14 15 presents far fewer management difficulties and provides the benefits of single 16 adjudication, economy of scales, and comprehensive supervision by a single court on the issue of Defendants' liability. Class treatment of the liability issues will 17 18 ensure that all claims and claimants are before this Court for consistent adjudication 19 of liability issues. **COUNT I** 

# (For Violation of the Unfair Competition Law, Bus. & Prof. Code §§ 17200 et seq.)

# **Against All Defendants**

Plaintiffs repeat and reallege the allegations contained in the above 50. 24 paragraphs as if fully set forth herein.

Plaintiffs bring this claim on behalf of themselves and all Class members. 51.

Defendants have engaged and are engaging in unlawful, unfair, and 52.

- fraudulent business practices and unfair, deceptive, false, and misleading 27
- 28 advertising within the meaning of the UCL, Cal. Bus. & Prof. Code §§ 17200 et

Edwards Wildman PALMER LLP ATTORNEYS AT LAW 

20

21

22

23

25

seq. The acts or practices alleged herein constitute a pattern of behavior, pursued as
 a wrongful business practice, which has victimized and continues to victimize tens
 of thousands of consumers.

4

5

6

7

8

9

53. Under the UCL, an "unlawful" business practice includes a practice that violates any law — state or federal, statutory or court-made — regardless of whether the underlying law independently carries a private right of action.
Defendants' sale of misbranded products violates California and Federal law statutory and common law and thus constitutes an unlawful business practice under the UCL.

10 54. Under the UCL, an "unfair" business practice includes a practice that 11 offends an established public policy, or that is immoral, unethical, oppressive, 12 unscrupulous, or substantially injurious to consumers. Defendants' sale of 13 misbranded products, and their promotion and operation of the pyramid scheme, is unethical, oppressive, and unscrupulous in that Defendants are duping consumers 14 15 into purchasing products that are falsely advertised to provide benefits which they 16 do not provide, fail to accurately disclose the ingredients in the products, and have 17 defrauded consumers out of millions of dollars through the pyramid scheme.

Under the UCL, a "fraudulent" business practice is likely to deceive the 18 55. public. Defendants' business practices are fraudulent in that they have deceived 19 20 and continue to deceive the public by misrepresenting their products and their 21 business. Defendants have made numerous misrepresentations about EFT 22 products, the investment income that consumers can realize by purchasing 23 Defendants' products and becoming an affiliate, and have failed to inform consumers that by purchasing Defendants' products and investing in EFT they are 24 participating in a pyramid scheme. Plaintiffs and the Class have relied on 25 Defendants' misrepresentations and omissions to their detriment. 26

56. Plaintiffs and Class members have suffered injury and out-of-pocket losses as a result of Defendants' unlawful, unfair, fraudulent, and/or deceptive

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

27

business practices because: (A) Plaintiffs and the Class were induced to purchase
products that they would not have otherwise purchased if they knew that they were
mislabeled and did not have the composition, attributes, characteristics, nutritional
value, health qualities, or value promised; and (B) Plaintiffs and the Class were
induced to pay substantially more for the products than they would have paid based
on Defendants' misrepresentations and omissions respecting the value of the
products and their ownership interests in EFT.

57. Pursuant to California Business and Professions Code § 17203, Plaintiffs
and the Class are therefore entitled to: (A) an Order requiring Defendants to cease
the acts of unfair competition alleged herein; (B) full restitution of all monies paid
to Defendants as a result of their deceptive practices; (C) interest at the highest rate
allowed by law; and (D) the payment of Plaintiffs' attorneys fees and costs pursuant
to, *inter alia*, California Code of Civil Procedure § 1021.5.

## COUNT II

### (For Violation of the False Advertising Law, Bus. & Prof. Code §§ 17500 et seq.)

# **Against All Defendants**

18 58. Plaintiffs repeat and reallege the allegations contained in the above19 paragraphs as if fully set forth herein.

59. Plaintiffs bring this claim on behalf of themselves and all Class members.

21 60. Defendants' business acts, false advertisements, and materially
22 misleading omissions constitute unfair trade practices and false advertising in
23 violation of the FAL.

24 61. Defendants have engaged in and continue to engage in false, unfair, and
25 misleading business practices, consisting of false advertising and materially
26 misleading omissions likely to deceive the public and include, but are not limited
27 to:

(A) Defendants' failure to disclose to consumers that they were entering

28

14

15

16

17

into a pyramid scheme;

1

2

3

4

5

6

7

8

9

14

15

16

17

20

(B) Defendants' failure to disclose to consumers that EFT products do not have the composition, attributes, characteristics, nutritional value, health qualities, or value promised; and

- (B) Defendants' misrepresentation of the monetary rewards that consumers would earn by purchasing Defendants' products and investing in the company.
- 62. Defendants knew or should have known, through exercise of reasonable care, that their statements were untrue and misleading.

63. Defendants' actions in violation of the FAL were false and misleading such that the general public is and was likely to be deceived.

As a direct and proximate result of these acts, consumers have been and
 are being harmed. Plaintiffs bring this action pursuant to California Business &
 Professions Code § 17535 for injunctive relief to enjoin the practices described
 herein and to require Defendants to issue corrective disclosures to consumers.

# **COUNT III**

# (For Breach of Express Warranty)

# **Against All Defendants**

18 65. Plaintiffs repeat and reallege the allegations contained in the above19 paragraphs as if fully set forth herein.

66. Plaintiffs bring this claim on behalf of themselves and all Class members.

67. Defendants, as the manufacturers, marketers, distributors, and/or sellers of
EFT products expressly warrant that the products contain the ingredients listed on
the products' labels and provide the advertised benefits.

68. In fact, EFT products do not have the composition, attributes,
characteristics, nutritional value, health qualities, or value promised.

69. Plaintiffs and Class members were injured as a direct and proximate result
of Defendants' breaches because: (A) they would not have purchased EFT
products on the same terms if the true facts regarding the products and their benefits

EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles

1	had been known; (B) they paid a price premium due to the misleading labeling and			
2	advertising of the products; and (C) EFT products do not have the composition,			
3	attributes, characteristics, nutritional value, health qualities, or value promised.			
4	<u>COUNT IV</u>			
5	(For Violation of Magnuson-Moss Act, 15 U.S.C. §§ 2301 et seq.)			
6	Against All Defendants			
7				
8	70. Plaintiffs repeat and reallege the allegations contained in the above			
9	paragraphs as if fully set forth herein.			
10	71. Plaintiffs bring this claim on behalf of themselves and all Class members.			
11	72. EFT products are consumer products as defined by 15 U.S.C. § 2301(1).			
12	73. Plaintiffs and Class members are consumers as defined by 15 U.S.C. §			
13	2301(3).			
14	74. Defendants are suppliers and warrantors as defined by 15 U.S.C. §			
15	15 2301(4)			
16	75. In connection with the sale of EFT products, Defendants issued and			
17	continue to issue written warranties as defined by 15 U.S.C. § 2301(6), which			
18	warrant that the products have the composition, attributes, characteristics,			
19	nutritional value, health qualities, or value promised.			
20	76. By reason of Defendants' breach of the express written warranties stating			
21	that the EFT products have the composition, attributes, characteristics, nutritional			
22	value, health qualities, or value promised, Defendants have violated the statutory			
23	rights due Plaintiffs and Class members pursuant to Magnuson-Moss Warranty Act,			
24	15 U.S.C. §§ 2301 et seq., thereby damaging Plaintiffs and Class members.			
25	///			
26	///			
27	///			
28				
EDWARDS WILDMAN PALMER LLP ATTORNEYS AT LAW LOS ANGELES	AM 25719589.1 - 23 - CLASS ACTION COMPLAINT			

1							
1	<u>COUNT V</u>						
2	(For Fraud)						
3	Against All Defendants						
4	77. Plaintiffs repeat and reallege the allegations contained in the above						
5	paragraphs as if fully set forth herein.						
6	78. Plaintiffs bring this claim on behalf of themselves and all Class members.						
7	79. Defendants' representations as alleged herein respecting their products						
8	and the value of EFT were knowingly false when made by Defendants to Plaintiffs						
9	and Class members.						
10	80. Defendants made the knowingly false statements respecting their products						
11	and the value of EFT with the intent to deceive Plaintiffs and members of the Class						
12	and in order to induce reliance on such statements so that Plaintiffs and Class						
13	members would purchase EFT products and invest in the company.						
14	81. Plaintiffs and Class members justifiably relied on Defendants'						
15	representations and, as a result of their reliance, suffered damage in an amount to be						
16	proven at trial.						
17							
18	WHEREFORE, Plaintiffs, individually and on behalf of all others similarly						
19	situated, seek judgment against Defendants as follows:						
20	A. For an Order certifying the Class under Rule 23 of the Federal Rules of						
21	Civil Procedure and naming Plaintiffs as Class representatives and their						
22	attorneys as Class counsel to represent Class members;						
23	B. For an Order declaring that Defendants' conduct violates the statutes						
24	referenced herein;						
25	C. For an Order finding in favor of Plaintiffs and the Class on all counts						
26	asserted herein;						
27							
28	158						

1	D. For an Order awarding compensatory, treble, and punitive damages in				
2	amou	amounts to be determined by the Judge and/or jury;			
3	E.	For prejudgment	For prejudgment interest on all amounts awarded;		
4	F.	For an Order of r	restitution and all othe	er forms of equitable monetary	
5	relief	; including all equitat	ole remedies available	e pursuant to California Civil	
6	Code	§ 1780;		÷	
7	G.	For injunctive rel	lief as pleaded or as the	he Court may deem proper; and	
8	H.	For an Order awa	arding Plaintiffs and t	he Class their reasonable	
9	attorn	neys' fees and expense	es and costs of suit.		
10	Deted	November 27, 2012	Edmondo V	Vilderer Polerer IID	
11	Dated:	November 27, 2013	Edwards	Wildman Palmer LLP	
12			Dave		
13			By: Ronie	M. Schmetz	
14			Julia I	eys for Plaintiffs Shuxin Li and Leung	
15		21			
16					
17				4	
18					
19					
20					
21					
22					
23					
24					
25				5 C	
26		ъ			
27					
28 Edwards Wildman					
PALMER LLP ATTORNEYS AT LAW LOS ANGELES	AM 25719589.1	I	- 25 -	CLASS ACTION COMPLAINT	

1	DEMAND FOR TRIAL BY JURY					
2	Plaintiffs hereby demand a trial by jury on all claims so triable in this action.					
3						
4	Dated:	November 27, 2013	Edwards Wildman Palmer LLP			
5				$\mathcal{L}$		
6			By:	A has		
7			Rome M Attorney	. Schmelz s for Plaintiffs Shuxin Li and ng		
8			Julia Leu	ng		
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20		8				
21			×			
22						
23				.×		
24						
25			- a 			
26				A		
27						
28			х.			
EDWARDS WILDMAN PALMER LLP Attorneys At Law Los Angeles	AM 25719589.		- 26 -	CLASS ACTION COMPLAINT		

×.

Case 2:13-cv-08835-DSF-CW Document 1-1 Filed 11/27/13 Page 1 of 8 Page ID #:31

# **EXHIBIT** A

ø

Case 2:13-cv-08835-DSF-CW Document 1-1 Filed 11/27/13 Page 2 of 8 Page ID #:32 2009 > EFT Inc 8/19/09 Page 1 of 7

<u>Home Inspections, Compliance, Enforcement, and Criminal Investigations Enforcement Actions Warning Letters</u> Inspections, Compliance, Enforcement, and Criminal Investigations

#### EFT Inc 8/19/09

Department of Health and Human Services

Public Health Service Food and Drug Administration Los Angeles District Office 19701 Fairchild Irvine, CA 92612 - 2506 Telephone: 949-608-2900 FAX: 949-608-4415

#### WARNING LETTER

л,

#### CERTIFIED MAIL RETURN RECEIPT REOUESTED

August 19, 2009 W/L 27-09

Mr. Jack Qin President EFT Biotech Holdings Inc. 929 Radecki Ct. City of Industry, CA 91748-1132

Dear Mr. Qin:

On March 3,2009, the Food and Drug Administration (FDA) collected a sample of your product, 2006 Celprotect I, at your facility, located at 929 Radecki Ct., City of Industry, CA 91748-1132. In addition, we reviewed your website at the Internet address http://www.eftb.us in July 2009. Our analysis of your product sample and our review of your website found numerous violations of the Federal Food, Drug, and Cosmetic Act (the Act). You can find the Act and FDA's regulations through links on FDA's Internet web site at

http://www.fda.gov.

#### 2006 Celprotect I:

Your product 2006 Celprotect I is adulterated within the meaning of section 402(a)(1) of the Act [21 U.S.C. § 342(a)(1)] in that it bears or contains a poisonous or deleterious substance, lead, which may render it injurious to health. The FDA laboratory found 5.2 ug of lead (pb)/gram in the product. Under the maximum recommended conditions of use (4 capsules per day), the total possible lead consumption from this product is 12 ug Pb/day. Lead is a poisonous or deleterious

http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2009/ucm182243.htm 5/20/2013

substance in this product because it is present in an amount that contributes to an unacceptable dietary exposure for children under the age of seven. If a child under the age of seven is exposed to lead at the levels present in your product on a routine basis, permanent damage to the central nervous system can occur. This can result in learning disorders, developmental defects, and other long-term health problems. In addition, sustained consumption of products containing high lead levels can produce lead poisoning, which has a number of symptoms including anemia, neurological effects such as ataxia and irritability, constipation, muscular weakness, and chronic nephritis.

You were verbally notified of these results on March 20, 2009. You deferred your firm's response to your contract manufacturer (b)(4). Response letters were received from (b)(4) on (b)(4) and (b)(4) stating that a (b)(4). However, a copy of the proposed label has not yet been received by the Los Angeles District Compliance Branch.

#### **Dietary Supplements with Therapeutic Claims:**

This letter also serves to advise you that the FDA has determined that your products 2006 Celprotect 1, 2007 Celprotect II Bullet Points, Colostrum #3008, Colloidal Silver #2003, SuperCal #3015, MSM #3003 + IONICS, Re-Live Again #3004, GlucoBalance #3017, Cardio Support #3019, PerformPlus #3006, and VisionPlus #3012 are promoted for conditions that cause the products to be drugs under section 201(g)(1)(B) of the Act [21 U.S.C. § 321(g)(1)(B)]. The therapeutic claims on your website establish that these products are drugs because they are intended for use in the cure, mitigation, treatment, or prevention of disease. The marketing of these products with these claims violate the Act.

Examples of claims observed on your website include:

#### 2006 Celprotect I

- "Broad spectrum anti-viral (protects and helps eliminate viruses)."
- "Helps diminish painful cold sores."

#### 2007 CelProtect II Bullet Points

"Can eliminate food poisoning within minutes"

#### Colostrum #3008

- "Maintain Blood-sugar balance"
- "Fight viral, bacterial & fungus infections"
- "Improve well being of arthritis sufferers"
- "Relieve pain"
- "Fight gum disease"

#### Colloidal Silver #2003

• "Research has demonstrated that Colloidal Silver is effective over a broad spectrum of bacterial, fungal and even viral species. Not only less costly then available antibiotics and anti-viral agents, Colloidal Silver use does not result in mutations of resistant species."

• "Because of known disease-causing organism can live in the presence of even minute traces of the chemical element of mettalic [sic] silver, #2003 is effective against more

than 650 different disease causing pathogens including viruses."

• "All fungus, virus, bacterium, streptococcus, staphylococcus, and other pathogenic organisms are killed in three or four minutes; in fact, there is no microbe know [sic] that is not killed by #2003 in six minutes or less ...."

• "It would appear highly unlikely that even germ warfare agents could survive an encounter with #2003, since viruses like E Bola and Hanta, or even the dreaded 'flesh-eating bacteria' are, in the end, merely hapless viruses and bacteria."

• "In addition to its anti-microbial properties, 'EFT' silver solution is also a powerful antiinflammatory agent."

#### SuperCal #3015

 $\bullet$  "Calcium [an ingredient in the product]  $\ldots$  help[s] to prevent the risk of degenerative diseases."

• "[Calcium] [h]elps achieve an alkaline balance therey [sic], neutralizing acidity level, increase muscle and joint mobility to combat artihritic conditions, heart disease ... helps sports injuries, headaches, high or low blood pressure, high cholesterol, osteoporosis, rheumatoid arthritis, ulcers, ... psoriasis, ulcerative colitis, gastroenteritis, hiatal hernia and cataracts."

• "Other medical men of wisdom have also discovered that calcium supplements, such as SuperCal Spray, could indeed reverse cancer."

• "The January 14, 1999 issue of the Phoenix Republic wrote in an article entitled 'Calcium Reduces Tumors' that the New England Journal of Medicine reported 'adding calcium can keep you from getting tumors in your large intestine'."

#### MSM # 3003 + Ionic Minerals

• "Unlike NSAIDS's, such as aspirin, ibuprofen, etc., which cause more problems than the symptoms they're designed to relieve\*, MSM has no known side effects, no overdose toxicity (it's safer than water!), and it benefits the body overall while relieving and rebuilding connective tissue and joints."

• "Its benefits are legendary: ... relief of muscle cramps, mental normalcy, antibacterial/inflammatory/parasitic effect ... and relief of muscle spasms and joint pain!"

#### Re-Live Again #3004

• "Zinc [an ingredient in the product]: [T]his essential mineral has been useful in the treatment of dwarfism and retarded growth in children."

#### GlucoBalance #3017 (describing ingredients in the product)

• "Bitter Melon - Researchers have found that Bitter Melon helps improve glucose tolerance and can help lower blood sugar levels."

• "Barley Sprout - Barley extract is another traditional medicine that scientists have found may significantly help normalize blood sugar levels."

• "Gymnema - Helps lower blood sugar levels ...."

• "Cinnamon - Scientists have found that Cinnamon extract contains compounds that help maintain healthy blood sugar levels by enhancing insulin activity in body."

#### Cardio Support #3019 (describing ingredients in the product)

• "Vitamin B3 ... helps reduce levels of 'bad' LDL cholesterol and triglycerides (fats)."

• "Ginger - inhibits abnormal platelet clumping and helps protect against abnormal blood clots

that can clog arteries."

"Green tea ... may help to lower blood pressure and reduce elevated cholesterol."
"Salvia (Dan Shen) - supports . . . reduced platelet clumping for optimal cardiovascular health."

#### PerformPlus #3006

• "Sarsaparilla Extract (smilax officinalis) [all ingredient in the product]: This herb ... helps lower cholesterol ...."

• "Ginkgo Biloba [an ingredient in the product]: This extract [is] helpful in cases of erectile dysfunction."

• "Tribulus Terrestris [an ingredient in the product] ... In China, it has long been used for impotency in men, ..."

• "Schisandra [an ingredient in the product]: This herb has been used for centuries to improve ... staying power in men."

• "perform plus: 'I Can't Believe It's Not Viagra' is an all-natural, scientifically balanced formula designed by nutritional experts and health care professionals to respond to each and everyone of these varying problems associated with poor sexual function and lack of Libido, and to promote peak performance in both men and women."

#### VisionPlus #3012 (describing ingredients in the product)

• "Vitamin C [and Vitamin E] ... can help prevent age-related cloudiness of the lens of the eye caused by excessive UV light from the sun, and can significantly slow the deterioration of vision."

• "Vitamin A & Beta Carotene: Results of a case-control" study found a significant inverse association between the consumption of carotenoid rich food and the risk of age-related macular degeneration, the leading cause of irreversible blindness in adults."

• "Lutein is highly concentrated in the macula of the eye, and helps protect the eyes from sun damage and age-related degeneration of the macula. Lutein supplementation

has been shown to improve visual function for subjects with age-related macular degeneration and also for some subjects with Retinitis Pigmentosa (slow retinal degenerations)."

• "Zeaxanthin ... These yellow carotenes function in preventing oxidative damage to the macula and obviously play a central role in protecting against the development of

macular degeneration. Increasing the concentration of Lutein and/or Zeaxanthin may offer significant protective effects against the development of macular degeneration."

Moreover, these products not generally recognized as safe and effective for the above referenced uses and therefore, the products are "new drugs" under section 201(p) of the Act [21 U.S.C. § 321 (p)]. New drugs may not be legally marketed in the U.S. without prior approval from the FDA as described in section 505(a) of the Act [21 U.S.C. § 355(a)]. FDA approves a new drug on the basis of scientific data submitted by a drug sponsor to demonstrate that the drug is safe and effective. Your products are all misbranded within the meaning of section 502(f)(1) of the Act in that the labeling for these drugs fails to bear adequate directions for use [21 U.S.C. § 352(f)(1)].

#### Dietary Supplements Containing Androstenedione, Humic Acid, and Fulvic Acid:

Despite the therapeutic claims on your website that cause your products to be drugs, your products are labeled and/or promoted as dietary supplements. The term "dietary supplement" is defined in section 201(ff) of the Act [21 U.S.C. § 321(ff)]. The PerformPlus #3006 product ingredients list on your website declares androstenedione (among other names, also called 4-androstenedione or 4-androstene-3, 17- dione) as an ingredient. The 2007 Celprotect II Bullet Points product ingredients list on your website declares humic and fulvic acids as ingredients. The 2006 Celprotect I product declares humic and fulvic acids as ingredients.

Given that you have labeled these products as a dietary supplements, we assume you have a basis to conclude that androstenedione, humic, and fulvic acids are "dietary ingredients" under section 201(ff)(1) of the Act [21 U.S.C. § 321(ff)(1)]. Assuming that androstenedione, humic acid, and fulvic acids are "dietary ingredients," they would also be "new dietary ingredients" under section 413(a)(2) of the Act [21 U.S.C. § 350b(a)(2)] and 21 CFR 190.6, for which a notification is required.

Under section 413 of the Act [21 U.S.C. § 350b], a dietary supplement that contains a new dietary ingredient (i.e., a dietary ingredient not marketed in the United States before October 15, 1994) shall be deemed adulterated under section 402(f) of the Act [21 U.S.C. § 342(f)] unless it meets one of two requirements:

(1)The dietary supplement contains only dietary ingredients that have been present in the food supply as an article used for food in a form in which the food has not been chemically altered; or

(2) There is a history of use or other evidence of safety establishing that the dietary ingredient when used under the conditions recommended or suggested in the labeling of the dietary supplement will reasonably be expected to be safe and, at least 75 days before being introduced or delivered for introduction into interstate commerce, the manufacturer or distributor of the dietary ingredient or dietary supplement provides FDA with information, including any citation to published articles, which is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such dietary ingredient will reasonably be expected to be safe.

FDA is not aware of any information demonstrating that androstenedione, humic acid, and fulvic acid were lawfully marketed as a dietary ingredient in the United States before October 15, 1994. Nor is FDA aware of any information demonstrating that these ingredients have been present in the food supply as articles used for food in a form in which the food has not been chemically altered. In the absence of such information, androstenedione, humic acid, and fulvic acid are subject to the notification requirement for a new dietary ingredient under section 413(a)(2) of the Act [21 U.S.C. § 350b(a)(2)] and 21 CFR 190.6. Because you have not submitted the required notification, PerformPlus #3006, 2007 Celprotect II Bullet Points, and 2006 Celprotect I are adulterated under sections 402(f)(1)(B) and 413(a) of the Act [21 U.S.C. § 342(f)(1)(B) & 350b(a)].

Even if the required notification had been submitted, based on what we know now, we know of no evidence that would establish that your products are not adulterated. In the absence of a history of use or other evidence of safety establishing that androstenedione, fulvic acid, or humic acid when used under the conditions recommended or suggested in the labeling of your products, will reasonably be expected to be safe, a product containing androstenedione, fulvic acid, or humic acid is adulterated under 21 U.S.C. § 342(f)(1)(B) and 350b(a) as a dietary supplement that contains a new dietary ingredient for which there is. inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury. Introduction of such a product into interstate commerce is prohibited under 21 U.S.C. § 331(a) and (v). FDA is aware of no history of use or other evidence of safety establishing that androstenedione, fulvic acid, or humic acid will reasonably be expected to be safe as a dietary ingredient. In the absence of such history of use or other evidence of safety, your products would be considered adulterated even if you had submitted a notification.

This letter is not intended to be an all inclusive review of your products and labeling. It is your responsibility to ensure that all products marketed by your firm comply with the Act and its implementing regulations.

We request that you take prompt action to correct these violations. Failure to immediately cease distribution of the products listed above as well as other products in violation of the Act could result in enforcement action by FDA without further notice. The Act provides for seizure of violative products, injunction against the manufacturers and distributors of violative products, and criminal sanctions against persons responsible for causing violations of the Act.

Please notify this office, in writing, within fifteen (15) working days of the receipt of this letter, as to the specific steps you have taken to correct the violations noted above and to assure that similar violations do not occur. Include any documentation necessary to show that correction has been achieved. If corrective actions cannot be completed within fifteen working days, state the reason for the delay and the time within which the corrections will be completed.

Your written reply should be addressed to:

James P. Stumpff Acting Director, Compliance Branch Food and Drug Administration 19701 Fairchild Irvine, CA 92612-2506

If you have any questions regarding this letter, please contact Marco Esteves, Compliance Officer at 949-608-4439.

Sincerely,

/S/ Alonza E. Cruse Director Los Angeles District

CC: Jeff Farrar, DVM, PhD, MPH Branch Chief, Food and Drug Branch California Department of Public Health 1500 Capitol Avenue - MS 7602 P.O. Box 997413 Sacramento, CA 95899-7413

Page Last Updated: 09/15/2009 Note: If you need help accessing information in different file formats, see Instructions for Downloading Viewers and Players.

Accessibility Contact FDA Careers FDA Basics FOIA No Fear Act Site Map Transparency Website Policies

U.S. Food and Drug Administration 10903 New Hampshire Avenue Silver Spring, MD 20993 Ph. 1-888-INFO-FDA (1-888-463-6332) Email FDA

# WSLoor M. SI DI F La In

For Government For Press

Combination Products Advisory Committees Science & Research Regulatory Information Safety Emergency Preparedness International Programs News & Events Training and Continuing Education Inspections/Compliance State & Local Officials Consumers Industry Health Professionals FDA Archive

🚛 U.S. Department of Hanith & Human Services

Links on this page:

Case 2:13-cv-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 1 of 49 Page ID #:39

# **EXHIBIT B**





#### 11/27/2013

your drinking water. It can also be used in spas or hot tubs to soften your skin and keep the water clean and clear. In addition, mixed with at least 20 parts water, it can also be used topically for cuts and burns.

 $\blacktriangleright$  To receive the full nutritional benefits, mix 1 drop of SHOCF for each ounce of water.

#### SUPER HYDRO-OXY

#### USES AND PROTOCOL OF SUPER HYDRO-OXY

- Face burns and sunburns: 24 drops of Super Hydro-oxy in to of water. Wounds: = tsp. in 4 tsp. water. Apply with cotton ball.
- 2 Water treatment/Water purifier: 3 drops per pint of water and wait 20 minutes.
- 3 Water house plants and extend the life of cut flowers: 3 drops per quart of water.
- 4 For pets: 2-3 drops per quart of water. Animals over 40 lbs may require 1-2 drops more.
- 5. To wash vegetables and fruits: 25 drops in a sink full of water
- Enzyme support (digestion): Drink 6-8 ounces of water with 8-10 drops throughout the meal.
- 7 Afternoon energizer: 6 drops in 6 oz, glass of juice or iced tea,
- 8. Mineral bath: bottle in shallow tub of tepid water. May use entire bottle in full tub.
- 9 Foot soak: 25-50 drops per gallon of water.
- 10. Topical spray: 25 drops per = pint of water.
- 11. Anti-fungal: Place full strength (may burn) on fungus affected areas of feet or hands Do not clothe until dry.
- 12 Carry any place. No refrigeration needed. Do not get in contact with clothing or naturalfibers.

#### SUPER HYDRO-OXY ANALYSIS 34 ENZYMES

Alanine	Glycine	Ornithine	Tryptophan
Arginine	Isoleucine	Phenylalanine	Tyrosine
Aspartic Acid Histidine	L-Carnitine	Proline	Valine
Cystine	Lysine	Serine	
Glutamic Acid	Methionine	Threonine	

#### **Chelated Calcium**

**Chelated Magnesium** 

#### **12 MAJOR MINERALS**

(34 from fossilized plants taken from virgin earth and 44 from the clean Southern Seas surrounding New Zealand, unrefined and still containing their natural sources.) The dilutions of these essential trace elements are designed to provide more electron and deuteron activity of the constructive type to optimally allow the mind to take control of body functions induced by the electrical currents moving through the fully conductive nervous system.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113;

## EFT Corporate Site 8835-DSF-CW Document 1-2 Filed 11/27/13 Page 4 of 49 Page 4D #.42



**#2003**contains no free radicals, as the silver acts only as catalyst, and is stabilized. **#2003** is not a chemical compound containing silver, but pure metallic silver of submicroscopic clusters of just a few atoms, held in suspension in pure water, by the tiny electric charge on each atom. It is absolutely non-toxic( except to one celled plants and animals), and non-addicting.

It would appear highly unlikely that even germ warfare agents could survive an encounter with **#2003**, since viruses like E Bola and Hanta, or even the dreaded "flesh-eating bacteria" are, in the end, merely hapless viruses and bacteria. To top it off, **#2003** is virtually non-toxic, making it safe for both children and adults, as well as pets. In short, anything bigger than a one cel animal seems to like it.

Nor does one have to worry about the FDA(Food and Drug Administration) fox being put in charge of this hime remedy hen house. **#2003** is a pre-1938 healing modality, making it exempt from the FDA jurisdiction under the grandfather clause.

In addition to its anti-microbial properties, "EFT" silver solution is also a powerful antiinflammatory agent.

"EFT" silver solutions can be applied or taken internally. It can be used as a general disinfectant.

"EFT" silver solution is far less expensive than most prescription drugs.

There are a number of colloidal silver solutions on the market, and a low-quality product is relatively easy to make. It is most commonly made by a direct current process, similar to electroplating. However, recent tests conducted by the Brigham Young Microbiology Laboratory have shown the new silver solution to be far more effective than the other silver products tested. "EFT" silver solution, although made by a different and far more complex and difficult process, is a much higher quality product.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113;

> Fax: 008523514-4522; E-mail: efthongkong@msn.com

eft@eftb.net eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

## EFT Corporate Site 8835-DSF-CW Document 1-2 Filed 11/27/13 Page 6 of 49 Page 1944



**EFT Rooibos Tea** is also called "Asphalathus linealis". Dr. Hiroshi Meada of the University of Kumamoto, Department of medicine, proved that this asphalathus linealis contains far more anti oxidation action than any other drinks available.

It has been known that some drinks such as teas contain anti oxidation action. However, compared with these drinks, Asphalatus linealis contains much stronger anti oxidation action and is capable of preventing fat to change into lipid peroxide. Dr. Hiroshi Meada is a leading scientist in the study of the effect active oxygen and super radical have on an organism.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.



(a) welange

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

# EFT Corporate Site Case 2:13-cV-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 8 of 49 Page 10f 2#:46



 Bioavailable electrolytes, trace minerals, amino acids, chelators with our proprietary energization make Zeolite Enhanced the top detoxification supplement available anywhere.

#### Suggested Use:

Maintenance: 5 drops 3 times daily

Detoxification: 10 drops 3 times daily

Work up to: 20 drops 3 times daily

In water or your favorite beverage

Disclaimer:\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mall: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

## EFCaSer2913tcSi08835-DSF-CW Document 1-2 Filed 11/27/13 Page 10 of 49 PagesD #48



Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

## EFCaSer2:13-CV-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 12 of 49 Page 12/14.50



#### (A proprietary blend of fulvic & humic acids)

"Fulvic acid - Natures miracle molecule."

- Assists in stimulating every stage of cellular metabolism
- Restores electrical balance to damaged cells
- Neutralizes toxins
- Can eliminate food poisoning within minutes
- Transports nutrients to cells
   Helps rebuild immune system
- One of Nature's most powerful antioxidant and free radical scavenger
- One of nature's most powerful electrolytes, and serves to balance cell life.
- Increases metabolism of proteins. (RNA&DNA)
- Has the ability to detoxify herbicides, pesticides, and other poisons.
- Fulvic Acid is rapidly being recognized as an important key in many scientific breakthrough of the 21<sup>st</sup> Century.
- Boosts vitality and uncovers youthful energy for hours without negative side effects.
- · Improves every biochemical process and activity a body requires.
- Helps regulate the immune system keeping it in balance
- Helps drive out the toxins accumulated from today's unhealthy diet.
- Replenishes your body's mineral needs.

### Suggested Use:

1 ½ teaspoon daily. For optimum results, hold under tongue for 20 seconds before swallowing. You may increase dosage as needed for energy and "wellness" up to 3 servings per day, or as directed by a Health Care Professional.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113;

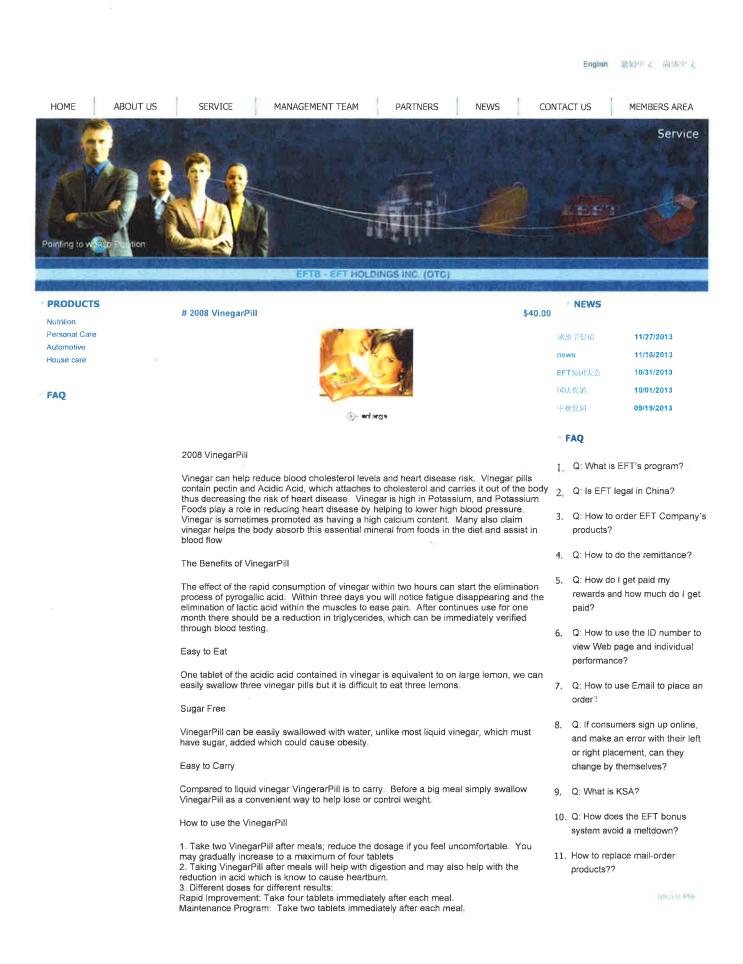
Fax: 008523514-4522;

E-mail: efthongkong@msn.com

eft@eftb.net

eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved. Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved,

## EFT Case 2.13-CV-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 15 of 49 Page 10 #.53



#### Why use Vinegar

- 1. Helps to prevent diabetes

- Helps to prevent diabetes
   Purification of the blood
   Reduces muscle fatigue
   Help with the prevention of Gout
   Easing of gastrointestinal discomfort
   Assist in calcium absorption
   Assist in digestion

- 8. Helps in removing fat from the body
- 9. Helps in the prevention of colds and flu
- 10, Adds to the improvement of overall skin tone

Vietnam English 繁體中文 简体中文

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com

### eft@eftb.net

eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.



<< ONIONS, etc

#### Super Re-vitalizer. INGREDIENTS

#### (1 daily Serving = 3 Sprays)

Vitamin B3 (5.0mg-25%)Vitamin A (3600 IU-68%), Vitamin D (400 IU-100%), Vitamin E (7 IU-20%), Vitamin B6 (2.0mg-100%),Vitamin B1 (1.5mg-100%),Vitamin B12 (6mcg-100%), Ginkgo Biloba (100mcg), Stevia (3mg) ATP:Adenosine Triphosphate(1.5)mg), Grape Seed Extract(11.0mg)

In a base of: Purified Deionized Water, Vegetable Glycerin, "Ionic Trace Minerals" Natural Flavoring, Grapefruit Extract, Potassium Sorbate.

Excerpt from a letter by a grateful customer whose mother had been given painful B-12 shots for years;K

"My mother has Pernicious Anemia. After using Super Re-VITAL-izer for 30 days she was able to discontinue her prescription vitamins, shots, hormones and antibiotics. After 3 more months of Super Re-VITAL-izer and no medications, her blood test values were either similar or superior to previous tests when she was on all those medications and shots."

"Why do doctors continue to prescribe expensive organ-damaging pills and painful needles, when a simple, safe, inexpensive, painless spray in the mouth is so beneficial?"

Mark Cervenka, Plano, Texas

#### Super Re-VITAL-izer

Comes in a convenient pocket-sized pump-spray bottle containing a 30 day supply.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com

eft@eftb.net eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.



Ionic: capable of conducting electricity. An ion is a particle that carries an electrical charge; the smallest particle that can enter through the cell wall instantly.

For the body to function normally the level of each ion must be kept in balance within a very narrow range, and any significant deviation can result in symptoms.

"It is not commonly known that in the absence of minerals, vitamins have no function. Lacking vitamins, our system can make use of the minerals, but *lacking minerals, the vitamins are useless.*" The human body can manufacture some vitamins (e.g.: B in the intestinal tract; D from sunshine), but the body cannot manufacture its own minerals They must be supplied by food and water. When they are adequate, they make a strong, healthy body. When they are lacking, disease sets in.

Charles Northen, M.D. & Bernard Sprur, M.D. V "Know Your Nutrition"

#### What's in MSM+"IONICS"?

It contains a balanced combination of MSM, Niacin, Magnesium, Calcium, Potassium, Zinc, Manganese, Selenium, Chromium, Vitamin B-12, natural tree-ripened fruit flavoring, and over 70 "ionic" trace minerals.

#### **MSM - Ionics. INGREDIENTS**

#### (1 daily Serving = 3 Sprays)

MSM (Methyl-sulfonyl-methane)(100.0mg), Vitamin B3 (Niacin)(5.0mg), Magnesium (3.8mg), Calcium(800mg), Potassium(10.0mg), Zinc(300mcg), Manganese(167mcg), Selenium(2.0mcg), Chromium(3.0mcg), Silica(40.0mcg), Stevia(1.0mg)

In a base of:Purified Deionized Water, Citric Acid, Viitamin B12, Tree Ripened Fruit Extracts, Natural Rasberry Flavoring, over 70 "Ionic Trace Minerals".

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com

eft@eftb.net eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

## EFT Carporate Site 8835-DSF-CW Document 1-2 Filed 11/27/13 Page 21 of 49 Page 6D<sup>1</sup>#.59



the naturally occurring substances in Vicia Faba major is L-Dopa, a potent stimulator of Growth Hormone. Naturally occurring proteins and other constituents of the plant Vicia Faba enhance the activity and absorption of naturally occurring L-Dopa so that it becomes a highly active secretagogue at a very low dose, without the side effects, or high dosage, associated with the prescription drug L-Dopa. It is interesting to note that the prescription drug L-Dopa has to be taken in physiologic doses thousands of times more than the body would normally produce in order to be effective. With Vicia Faba Major, there are no side effects, and the necessary dosage is small.

- **Glycine:** Is a versatile amino acid. It is a constituent of the tripeptide glutathione, a powerful antioxidant. It participates via glycocyamine in the formation of creatine, which stimulates growth of muscle mass.
- Lysine: According to the American Journal of Clinical Nutrition, as reported by Dr.'s Clark and Rose, the need for Lysine to maintain nitrogen balance increases dramatically, over two times more than what is needed to maintain muscle mass in young adults. Positive nitrogen balance is necessary to prevent the wasting of muscle tissue. Thus, as we age, it is important to supplement the diet with L-Lysine to ensure muscle vitality.
- Gamma Aminobutyric Acid (GABA): Researchers at the University of Manitoba Department of Medicine state that Pituitary Growth Hormone release is regulated by systemic serum levels (blood levels) of Gamma Amniobutyric Acid (GABA).
   Supplements or dietary enhancement of GABA must, therefore, be of critical consideration, when your nutritional goal is to maintain youthful levels of Growth Hormone.
- DHEA (Dehydroepiandrosterone): Prominent scientists Yen, Morales, and Khorram reported in the prestigious Annals of the New York Academy of Science that DHEA in appropriate doses appears to have restorative effects with respect to its ability to induce anabolic Growth factor, increase muscle strength and lean body mass, activate immune function, and enhance the quality of life in aging men and women, with no significant adverse effects. Another randomized placebo-controlled crossover study documented in the Journal of Clinical Endocrinology reported the remarkable restorative effects of DHEA in men and women of advancing age.
- Zinc: The major mineral necessary for proper immune function, this essential mineral has been useful in the treatment of dwarfism and retarded growth in children. The effects of zinc deficiency may include hypogonadism, interference with the formation of RNA and DNA, loss of fertility, slow wound healing, psoriasis-like conditions, hair loss and a weakening of the immune system.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

## EFT Case 2:13-CV-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 23 of 49 Page 401#:61



Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

# EFT Case 2:13-cv-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 25 of 49 Page 25 of 49



(30.0iu), Folic Acid (400mg), Zinc(2.0mg)

Proprietary Complex Containing:Androstenedione(15.0mg), Yohimbe Extract (20.0mg), Phosphatdylcholine (10.0mg), Ginkgo Biloba (10.0mg), Larginine (25.0mg), Avena Sativa Extract (10.0mg), Saw Palmeto (10.0mg), Choline Bitarate (5.0mg) L-Tysorine (5.0mg), D-phenylalanine DPA: (2.0mg), Tribulus Terrestia (10.0mg), Epimedium Grandiflorum (10.0mg), Siberian Ginseng (10.0mg), Sarasaparilla Extract (10.0mg), Nettles Root Extract (10.0mg), Bilberry Extracts (5.0mg), Damania (5.0mg), MSM: Methylsulfonylmethane(5.0mg)

In a base of:Purified Distilled Water, Aloe vera, Vegetable Glycerine, "Ionic" Trace Mineral complex, natural flavoring, Grape fruit extract.

#### perform plus Main Ingredients:

Androstene (Androstenedione): In a recent national nutritional publication, Dr. Ward Dean, MD, states that a new dietary supplement called Androstene-dione, a natural precursor to testosterone, has taken the sports nutritional market by storm.

Androstenedione is responsible for development of male sex organs, male sex drive, and libido, making the male body masculine. It promotes iK muscle growth, while maintaining adequate body levels of testosterone, which is essential to health and well being. Testosterone also helps maintain mood while boosting the sex drive in both males and females". Yohimbe Extract: This botanical, derived from the bark of a tree found in Africa, has long been known as a male sexual booster and, in fact, a popular prescription drug called Aphrodyned contains Yohimbe as the main active ingredient. It is available without prescription in most states. Research indicates that Yohimbe can rejuvenate the male libido by restoring the chemical pathways needed to obtain and maintain an erection.

**Ginkgo Biloba:** This extract from the ginkgo tree has been used for thousands of years in China to promote and improve blood circulation, particularly to the brain and other body organs. It is a mild aphrodisiac, helpful in cases of erectile dysfunction. In addition, it improves circulation to the penis.

Vitamin B-12: Essential to maintain energy levels to ensure long lasting performance.

**L-Arginine:** An Amino Acid that is one of the primary precursors related to the production of Human Growth Hormone, it necessary to maintain lean body mass, increased muscle strength, and to prevent elevated levels of body fat. It is required for the production of Nitrous Oxide, a natural substance necessary in obtaining an erection.

**Saw Palmetto:** An herb that has been found to be beneficial in the maintenance of prostate health, and essential for male sexual function. Many Herbalists consider Saw Palmetto (Serenoa Repens) to be an aphrodisiac, probably because of its beneficial effect on the prostate gland.

**Zinc:** Found in large concentrations in the prostate gland and needed for proper prostate function, Zinc is also a nutrient trace mineral necessary to maintain the health of the testicles where testosterone is produced.

L-Tyrosine: Low libido is often accompanied by depression and increased levels of anxiety. A study by Dri's Gelenberg and Wurthman at the prestigious Harvard School of Medicine found that depression and anxiety was improved in many individuals by providing supplements of L-Tyrosine, finding it causes specific glands in the body to release norepinephine, a powerful naturally occurring neuro-chemical that is lacking in individuals who suffer from depression and anxiety. Depression, anxiety, fatigue, increased body fat, reduced muscle mass, and loss of bone density, are all associated with loss of sex drive (Libido) and the ability to perform.

Avena Sativa Extract: An herb in the wild oats family, Avena Sativa (Green Oats) has been found to increase testosterone levels, thereby enhancing sexual vitality and performance. A pilot study on Avena Sativa reported enhanced sexual desire, performance, and increased genital sensations for both men and women. Are you feeling your oats today?

**Siberian Ginseng:** This herb has been used for over 2000 years as a general tonic to increase energy, stamina and vitality. One of its main uses is to improve sexual performance, desire, and fertility.

**Sarsaparilla Extract (smilax officinalis):** This herb been used in folk medicine as a tonic and blood purifier. It has the ability to bind endotoxins (substances that cause inflammation). It helps lower cholesterol and increases energy and endurance.

**Nettles Root Extract (Urtica dioica):** An herb that is said to increase sexual prowess, nettles root assists in testosterone production, and inhibits its loss. When zinc and vitamin C are added (nettles root contains a high concentration of vitamin C), a formidable synergy is created that fully supports renewed sexual desire and firm erections.

Tribulus Terrestris: Commonly known as "puncture vine", this ancient herb is widely recommended in Ayurvedic rejuvenative formulations for its diuretic and aphrodisiacal properties. In China, it has long been used for impotency in men and to enhance the libido in both sexes. Athletes have experienced incredible gains in enhanced performance and decreased recovery time, and it boosts testosterone levels without artificially stimulating hormone levels.

**Epimedium Grandiflorum:** This Chinese herb (now grown in North America), has a long history as a kidney sexual tonic, as it warms the kidneys, nurtures the liver, promotes immunity, and increases sexual drive for both women and men.

Damiana (turnera aphrodisiaca): For over 300 years, this Mexican botanical has been known as a sexual stimulant for women. It boosts blood circulation, helping to increase sensations to the touch all over, especially in the sex organs, creating a euphoria that lasts for several hours. It is reputed to induce erotic fantasies that quickly create changes in vaginal lubrication and erect nipples, making the body ready for sexual passion. Caution: Damiana can increase the blood pressure.

Schisandra: This herb has been used for centuries to improve libido in women and staying power in men.

**Bilberry extract:** While not an aphrodisiac, Bilberry is important in increasing circulation to the genitals, improving blood supply to the penis.

Depression, anxiety, loss of bone density, loss of lean body mass and muscle strength, poor circulation, low energy and stamina levels, fatigue, increased body fat levels, and low levels of Testosterone and Human Growth Hormone are indications, signs, and symptoms associated with poor sexual function and lack of Libido.

**perform plus:** "I Cani<sup>†</sup>t Believe Iti<sup>†</sup>s Not Viagra" is an all-natural, scientifically balanced formula designed by nutritional experts and health care professionals to respond to each and every one of these varying problems associated with poor sexual function and lack of Libido, and to promote peak performance in both men and women.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@rnsn.com

eft@eftb.net eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

# EFC aser 2:13-cv-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 28 of 49 Page 28 of 49



such benefit to us are the immune and growth factors. The individual factors work both independently and synergistically to boost the body's immune, healing, and growth responses.

There are over 37 different immune factors found in colostrum, including the five immunoglobulins: Lactoferrin, Polyporline-Rich Peptide, Leukocytes, Interferon, and Cytokines. These immune factors can both boost the immune system as well as fight off disease.

The growth factors stimulate cell division and muscle and bone growth in newborns, while in adults these factors promote quick cellular repair, which means faster recovery from injury and disease-caused cellular damage. In addition, growth factors have been shown to slow the aging process, meaning fewer wrinkles and greater muscle mass. Colostrum growth factors include: epithelial growth factor (EgF), insulin-like growth factor-1 (IGF-1), growth hormone (GH), and transforming growth factors A and B (TgF A & B).

"With Colostrum, nature has provided us with a perfect health elixir."

- Fast Acting
- More Hygienic
- Convenient
- Economical
- Delicious

ColostrumSpray . INGREDIENTS

#### (1 daily Serving = 3 Sprays)

Vitamin B3 (Niacin)(5\_0mg),Colostrum (200mg)

In a base of: Purified Distilled Water, Phosphatidycholine, "Ionic" Trace Minerals natural Pineapple flavors, Omega 3,6 and 9 Essential Fatty Acids Complex, Grape fruit extract,

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u>

eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

# EFT Case 2:13-cv-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 30 of 49 Page 10 # 68



Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

# EFC ase 2.13 CV-08835-DSF-CW Document 1-2 Filed 11/27/13 Page 32 of 49 Page 01#90



Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.



retinopathy or as treatment for improving night vision are not available, though there is moderate support in animal trials that support the vaso-protective and antiedema properties found in Bilberry.

**Ginkgo Biloba:** Ginkgo supports healthy blood flow and circulation to the eye tissues. it enhances the utilization of oxygen and glucose, vitally important to clear vision.

**Eyebright:** A natural herb used in Europe for years, it helps to relieve discomfort from minor eye irritation and eyestrain.

Lutein: A carotenoid found in dark leafy green vegetables, Lutein is highly concentrated in the macula of the eye, and helps protect the eyes from sun damage and age-related degeneration of the macula. Lutein supplementation has been shown to improve visual function for subjects with age-related macular degeneration and also for some subjects with Retinitis Pigmentosa (slow retinal degenerations).

Zeaxanthin: Contains powerful phytochemicals to help protect the eyes from the ravages of ultraviolet light, also shown to aid healthy vision. The macula, especially the central portion of the macular (the fovea) owes its yellow color to the high concentration of lutein and zeaxanthin. These yellow carotenes function in preventing oxidative damage to the macula and obviously play a central role in protecting against the development of macular degeneration. Increasing the concentration of Lutein and/or Zeaxanthin may offer significant protective effects against the development of macular degeneration.

ALA (Alpha Lipoic Acid): Shown to improve eye function by its mitochondrial enhancement influence on ocular tissue metabolism, this powerful fat-and water-soluble anti-oxidant can enter all parts of the eye to neutralize free radicals.

**Glutathione:** A powerful anti-oxidant enzyme, Glutathione helps disarm free radicals before they have the opportunity to do their damage, and has been shown to help reduce oxidative stress in the retina. A Japanese study from Meijo University, reported in Biological Pharmaceutical Bulletin, found that human eye lenses destroyed by cataract formation had less than one-tenth the Glutathione levels of normal eye lenses. Glutathione's anti-oxidant properties are even more powerful than Vitamin E, and it has been shown to improve retinal vascular circulation by improving blood flow in the retinal capillary system, thereby helping the body to protect against glaucoma. L-Taurine/L-Glycine: together they support healthy nerve function and transmission. In addition, the amino acid taurine's anti-oxidant properties have been shown to be of value in protecting the lens from becoming opaque.

Vinpocetine: An herbal extract known to increase cerebral blood flow, Vinpocetine has been found to increase one's ability to distinguish fine details and enhance visual acuity. Studies have found that it can improve the dynamics of the retina and the macula. One recent study suggested that ARMD (Age Related Macular Degeneration) is actually a vascular disorder and that the problem may be a localized case of atherosclerosis.

**MSM:** Methyl Sulfonyl Methane is a vegetable-based dietary sulfur shown to increase absorption of nutrients into the cells

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u> eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.

http://www.eftb.us/product\_info.php?cPath=&products\_id=66

## EFC aser 2013 c \$108835-DSF-CW Document 1-2 Filed 11/27/13 Page 36 of 49 Pages D #174



particularly Calcium. Phosphorus supports the functioning of the kidneys and heart, and the clotting of blood.

Potassium - vital for nerve and muscle functions, Potassium is necessary for a regular heart rhythm and stable blood pressure. Potassium works with Sodium to maintain proper water balance in the body. Potassium is involved the electrochemical processes that cause muscle contractions. The amount of Potassium in the body decreases with age.

Magnesium - involved the utilization of Calcium and Potassium, Magnesium is a catalyst for the transmission of nerve and muscle impulses, Magnesium has a calming effect on the body and is often used for nervousness or sleep difficulties,

**Iron** - necessary for the transport of oxygen within the blood. Because of this vital function, a lack of iron leads to anemia, characterized by excessive fatigue. Also required for a healthy immune system and proper growth.

**Copper** - only needed in trace amounts, Copper is vital in many functions including growth, healthy skin, proper healing, and the production of red blood cells and hemoglobin. A Copper deficiency has been linked to anemia, baldness, and weakness.

Zinc - works in conjunction with Copper for a healthy immune system, healthy skin and collagen, and an acute sense of smell and taste. Some reports have linked Zinc and the body's ability to fight the Common Cold.

Sulfur - helps clean the blood and aids against the aging process by boosting the bodyils ability to resist the effects of pollution and radiation. A vital component of several amino acids and insulin.

Selenium - a trace mineral that contributes to a healthy immune system. Selenium is also a very powerful antioxidant. Antioxidants fight the effects of Free Radicals on the body. Free Radicals are naturally produced by chemical reactions in the body, but when their numbers are too great they can lead to cell damage, tumors, and autoimmune disorders.

Growth Factors - Deer Velvet Antler contains a high concentration of Insulin-Like Growth Factor (IGF-I) and Epidermal Growth Factor (EGF). These growth factors have a positive effect on the growth and maintenance of the bones, cartilage, and skin. This is aided by the growth factors effect on protein and fat metabolism.

Glycosaminoglycans - Also referred to as Mucopolysaccharides. Glycosaminoglycans combine with proteins to form the building blocks of healthy cartilage. This helps to protect existing cartilage and promotes the repair of damaged joints. Glycosaminoglycans are known for their ability to lubricate by attracting water to the joints and retaining it there.

Enzymes - necessary for all the biochemical processes in the body including digestion, nervous system function, energy production, and the repair and maintenance of cells.

Prostaglandins - substances that are produced by the body as needed for various functions. These processes include the regulation of blood pressure, body temperature, and the transmission of nerve impulses. Prostaglandins also play a role in inflammation.

Deer Antler Velvet Plus contains Deer Antler Velvet combined with a blend of vitamins and herbs to enhance absorption and effectiveness.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113;

> Fax: 008523514-4522; E-mail: efthongkong@msn.com

#### eft@eftb.net eft888@msn.com

Copyright 2008 EFT Holdings, Inc. All rights reserved.

## EFCase129316v208835-DSF-CW Document 1-2 Filed 11/27/13 Page 38 of 49 Page 4D ዙም የራ



Chromium - Chromium helps maintain healthy blood sugar levels by helping insulin bring sugar into your cells from your bloodstream. Vanadium - Vanadium supports glucose tolerance by helping your body use insulin effectively.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.



#### 11/27/2013

#### liver.

Green Tea - contains Polyphenols that are phytochemicals with anti-bacterial, anti-viral, and antioxidant properties.

Artichoke - improves Liver function Alpha Lipoic Acid - a powerful antioxidant. Helps to ¡§recycle]" and increase the effectiveness of other antioxidants. N-Acetyl-Cysteine (NAC) - used by the liver for detoxification of harsh chemicals and pollutants. These chemicals put a strain on the liver and can suppress the immune system. NAC also increases the production of enzymes that have antiaging effects.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.



strength, and reduced platelet clumping for optimal cardiovascular health.

Hawthorn, Grape, and Grape Seed Extract - contain phytochemicals that help dilate arteries, support proper circulation, and promote healthy blood pressure.

Disclaimer: These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

## EFOaSer2013te Si08835-DSF-CW Document 1-2 Filed 11/27/13 Page 44 of 49 Page 2014082

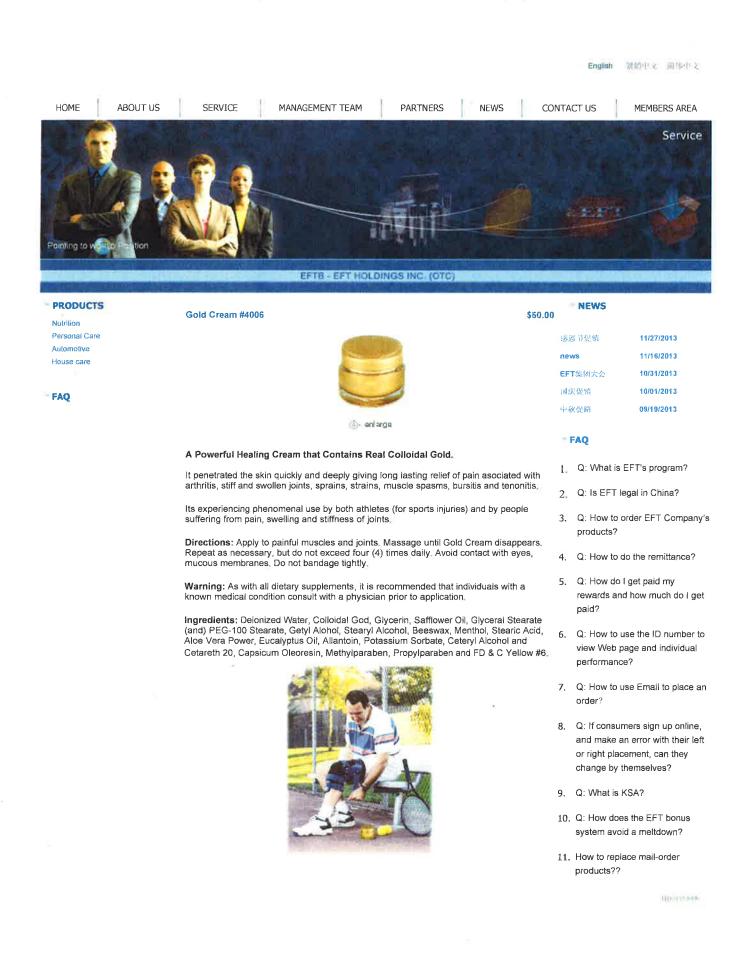


#### 11/27/2013

Disclaimer: These statements have not been evaluated by the Food and Drug AdmInistration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Tel: 001-626-581-0388.Fax: 001-626-581-0377.001-626-236-5730. 37/F,Office Tower,Langham Place 8 Argyle Street ,Kowloon Hong Kong; Tel: 00852-3514-4113; Fax: 008523514-4522; E-mail: efthongkong@msn.com <u>eft@eftb.net</u>

eft888@msn.com Copyright 2008 EFT Holdings, Inc. All rights reserved.



#### 11/27/2013



breast, and gently massage, using circular movement for about 3-5 minutes until cream has been completely absorbed. Apply morning and night.

Precaution: Woemn witha history of the following problems should consult their doctor before use: cysts or rumors of the uterus, breasts, ovaries, or thyroid glad problems, Those who are taking birth control pills, or who are pregnant,



Case 2:13-cv-08835-DSF-CW Document 1-3 Filed 11/27/13 Page 1 of 2 Page ID #:88

# **EXHIBIT C**

# Case 2:13-cv-08835-DSF-CW Document 1-3 Filed 11/27/13 Page 2 of 2 Page ID #:89

EFT Or	der Applica	tion Form	<b>n</b> (www.EFTB.u	us)	Contact Person's T	el:	Тс	otal Page: Page 1	No.
Last name	First name	Mail	ing Address	SS# Phone #	Sponsor Name Or ID	Product Code And Unit Price	Quantity	Product Code And Unit Price	Quantity
					2	1001 / \$35		4001 / \$400	
					L R	2001 / \$45		4001-1/ \$60	
				2		2002 / \$60		4001-2/ \$60	
						2003 / \$50		4001-3/ \$65	
Dove	Payment Information Sponsor		Sponsor Diag	ram:	1	2004 / \$40		4001-4/ \$100	
Paym	ent morn	lation				2005 / \$45		4001-5 am / \$65	
Sender's						2006 / \$120		4001-5 pm / \$65	
Name		30				2007/ \$50		4001-6 / \$60	
From the	e					2006-2007\$400		4002 / \$60	
Place						2008 / \$40		4003 / \$40	
Amount					e.	3001 / \$40		4006 / \$50	
Amount						3002 / \$40		4007 / \$60	
Date				1		3003 / \$40		4008 / \$45	
Date						3004 / \$40		4009 / \$60	
Phone #						3005 / \$40		4010 / \$45	
I HUILE #						3006 / \$40		4011 / \$45	
						3007 / \$40		4012 / \$40	
	8		_			3008 / \$40		4015 / \$40	
	e stick the wir	<u> </u>	here		121	3009 / \$40		4016 / \$40	
	): 001-626-58 Wire (USD):		Timitad			3011 / \$40		4018 / \$60	
	• •		l-01 OCBC Cent	re Singanore ()	49513	3012 / \$40		4025 / \$60	
			king Corporation			3013 / \$40		4029 / \$50	
	S UID 010275					3015 / \$40		4030 / \$150	
Swift Code: OCBCSGSG					3016 / \$40		4141 / \$50		
<ul><li>Comp</li></ul>	any Account#	<b>:</b> 503-043	788-201			3017 / \$40		4321 / \$400	
Please	e check carefu	llv before f	axing to EFT			3018 / \$40		7001 / \$50	
2						3019 / \$40		Total Amount	
						3020 / \$40		Total Quantity	

# Case 2:13-cv-08835-DSF-CW DOCUMENT CENTRAL DISTRICT OF CALIFORNIAS Page ID #:90

10.

3

2

I. (a) PLAINTIFFS ( Ch SHUXIN LI and JULI Others Similarly Situa	A LEUNG, on Beha		nd All EFT HOLDING	II EFT HOLDINGS, INC., a Nevada Corporation, JACK J. QIN, and Does 1-25,					
(b) County of Residenc	e of First Listed Plair	ntiff Los Angeles	County of Resid	County of Residence of First Listed Defendant Los Angeles					
(EXCEPT IN U.S. PLAINTIFF CAS	SES)		(IN U.S. PLAINTIFF CA	(IN U.S. PLAINTIFF CASES ONLY)					
(c) Attorneys ( <i>Firm Name</i> representing yourself, pro- Ronie M. Schmelz (S Edwards Wildman Pa 1901 Avenue of the S Los Angeles, CA 900	ovide the same inform BN 130798) almer LLP Stars, Suite 1700	ation.		Name, Address and Telephon self, provide the same info	/ •				
II. BASIS OF JURISDIC				RINCIPAL PARTIES-For D					
<ul> <li>1. U.S. Government Plaintiff</li> <li>2. U.S. Government</li> </ul>	3. Federal Qu Government	uestion (U.S. Not a Party)		1 1 of Business in t	r Principal Place PTF DEF his State 4 4 nd Principal Place 5 5 Another State				
Defendant	of Parties in		Foreign Country	33 Foreign Nation					
1. Original 2. Proceeding	V. ORIGIN (Place an X in one box only.) 1. Original 2. Removed from 3. Remanded from 4. Reinstated or 5. Transferred from Another District								
V. REQUESTED IN CO				only if demanded in com	÷.				
CLASS ACTION under				NDED IN COMPLAINT:					
VI. CAUSE OF ACTION		VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)							
		JA UHIVI.							
OTHER STATUTES	CONTRACT	REAL PROPERTY CONT	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS				
OTHER STATUTES         375 False Claims Act         400 State         Reapportionment         410 Antitrust         430 Banks and Banking         450 Commerce/ICC         Rates/Etc.         460 Deportation         470 Racketeer Influenced & Corrupt Org.         480 Consumer Credit         490 Cable/Sat TV         850 Securities/Commodities/Exchange         890 Other Statutory         Actions         891 Agricultural Acts         893 Environmental         Matters         895 Freedom of Info.         Act/Review of Appeal of Agency Decision         950 Constitutionality of State Statutes			462 Naturalization     Application     465 Other     Immigration Actions     TORTS     PERSONAL PROPERTY     370 Other Fraud     371 Truth in Lending     380 Other Personal     Property Damage     385 Property Damage	Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty 0ther: 540 Mandamus/Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY 625 Drug Related Seizure of Property 21 USC 881 690 Other	820 Copyrights         830 Patent         840 Trademark         SOCIAL SECURITY         861 HIA (1395ff)         862 Black Lung (923)         863 DIWC/DIWW (405 (g))         864 SSID Title XVI         865 RSI (405 (g))         FEDERAL TAX SUITS         870 Taxes (U.S. Plaintiff or Defendant)         871 IRS-Third Party 26 USC 7609				
<ul> <li>375 False Claims Act</li> <li>400 State Reapportionment</li> <li>410 Antitrust</li> <li>430 Banks and Banking</li> <li>450 Commerce/ICC Rates/Etc.</li> <li>460 Deportation</li> <li>470 Racketeer Influenced &amp; Corrupt Org.</li> <li>480 Consumer Credit</li> <li>490 Cable/Sat TV</li> <li>850 Securities/Commodities/Exchange</li> <li>891 Agricultural Acts</li> <li>893 Environmental Matters</li> <li>895 Freedom of Info. Act</li> <li>896 Arbitration</li> <li>899 Admin. Procedures Act/Review of Appeal of Agency Decision</li> <li>950 Constitutionality of</li> </ul>	CONTRACT  110 Insurance  120 Marine  120 Marine  130 Miller Act  140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment  151 Medicare Act  152 Recovery of Defaulted Student Loan (Excl. Vet.)  153 Recovery of Overpayment of Vet. Benefits  160 Stockholders' Suits  190 Other Contract Product Liability 196 Franchise  REAL PROPERTY  210 Land Condemnation 220 Foreclosure 230 Rent Lease &	REAL PROPERTY CONT         240 Torts to Land         245 Tort Product         Liability         290 All Other Real         Property         TORTS         PERSONAL INJURY         310 Airplane         315 Airplane         Product Liability         320 Assault, Libel &         Slander         330 Fed. Employers'         Liability         340 Marine         345 Marine Product         Liability         350 Motor Vehicle         Product Liability         360 Other Personal         Injury         362 Personal Injury-         Med Malpratice         365 Personal Injury-         Product Liability         367 Health Care/         Pharmaceutical         Personal Injury         Product Liability         368 Asbestos         Personal Injury         Product Liability	462 Naturalization         Application         465 Other         Immigration Actions         TORTS         PERSONAL PROPERTY         370 Other Fraud         371 Truth in Lending         380 Other Personal         Property Damage         385 Property Damage         Product Liability         BANKRUPTCY         422 Appeal 28         USC 158         423 Withdrawal 28         USC 157         CIVIL RIGHTS         440 Other Civil Rights         441 Voting         442 Employment         443 Housing/         Accomdations         445 American with         Disabilities-         Employment         446 American with         Disabilities-Other	Habeas Corpus:         463 Alien Detainee         510 Motions to Vacate         Sentence         530 General         535 Death Penalty         Other:         540 Mandarnus/Other         555 Prison Condition         560 Civil Rights         555 Prison Condition         560 Civil Detainee         Confinement         FORFEITURE/PENALTY         625 Drug Related         Seizure of Property 21         USC 881         690 Other         LABOR         710 Fair Labor Standards         Act         720 Labor/Mgmt.         Relations         740 Railway Labor Act         751 Family and Medical         Leave Act         790 Other Labor         Litigation         791 Employee Ret. Inc.	820 Copyrights         830 Patent         840 Trademark         SOCIAL SECURITY         861 HIA (1395ff)         862 Black Lung (923)         863 DIWC/DIWW (405 (g))         864 SSID Title XVI         865 RSI (405 (g))         FEDERAL TAX SUITS         870 Taxes (U.S. Plaintiff or Defendant)         871 IRS-Third Party 26 USC 7609				

5

#### Case 2:13-cv-08995555555 DIBTRIGT CONPICT CENTRAL DISTRICT OF CASE OR NAS Page ID #:91 CIVIL COVER SHEET

D

....

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case remove state court?	d from	STATE CASE WAS PENDING IN THE COUNTY OF:			INITIAL DIVISION IN CACD IS:			
Yes No		Los Angeles				Western		
If "no," go to Question B. If "yes," che		Ventura, Santa Barbara, or San Luis Obispo			Western			
box to the right that applies, enter the corresponding division in response to		Orange			Southern			
Question D, below, and skip to Section		Riverside or San Bernardino				Eastern		
Question B: Is the United States, o	r one of						*	
its agencies or employees, a party action?		If the United States, or o	ne of its age	ncies o	r employees, is a party, is i			
		A PLAINTIFF?			A DEFENDANT?		INITIAL DIVISION IN	
Yes 🛛 No		Then check the box below for the county in which the majority of DEFENDANTS reside.					CACD IS:	
If "no," go to Question C. If "yes," che		os Angeles		Los Angeles			Western	
box to the right that applies, enter the corresponding division in response to		/entura, Santa Barbara, or San Dbispo	ı Luis	Ventura, Santa Barbara, or San Luis Obispo		n Luis	Western	
Question D, below, and skip to Section	in IX.	Orange					Southern	
	- F	Riverside or San Bernardino		Riverside or San Bernardino			Eastern	
		Other		Other			Western	
	A.	B.	C.		D.		E.	F.
Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	Los Angeles County	geles Ventura, Santa Barbara, or Orar		e County Riverside or San Bernardino Counties		Outside the Central Other District of California		
Indicate the location in which a majority of plaintiffs reside:	X							
Indicate the location in which a majority of defendants reside:	$\boxtimes$							
Indicate the location in which a majority of claims arose:	$\boxtimes$							
						L		
C.1. Is either of the following true?	If so, check ti	eck the one that applies: C.2. Is either of the following true? If so, check the one that applies:						
2 or more answers in Colum	in C		2 or more answers in Column D					
only 1 answer in Column C and no answers in Column D			only 1 answer in Column D and no answers in Column C					
Your core will initially be conigned to the				Your area will initially be preigned to the				
Your case will initially be assigned to the SOUTHERN DIVISION.			Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in recover to Question D. below					
Enter "Southern" in response to Question D, below.			Enter "Eastern" in response to Question D, below. If none applies, go to the box below.					
				reignod			•	
		Your case will i WES Enter "Western" in r	TERN DIVIS	ON.				
1				e 3				

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above:	WESTERN

£.

		d h		40 192 III (
Case 2:13	3-cv-088995	EDSTATES DISTRICT COURT CENTIBAL DISTRICT OF CALLEGRINAS CIVIL COVER SHEET	Page ID #	:92
IX(a). IDENTICAL CAS	<b>ES</b> : Has this ac	tion been previously filed in this court and dismissed, remanded or closed?	NO NO	YES
If yes, list case numb	er(s):			
IX(b). RELATED CASES	S: Have any cas	es been previously filed in this court that are related to the present case?	NO NO	YES
If yes, list case numb	er(s):	¥		
Civil cases are deemed	related if a previo	usly filed case and the present case:		
(Check all boxes that apply	/) 🗌 A. Arise	from the same or closely related transactions, happenings, or events; or		
	B. Call fo	or determination of the same or substantially related or similar questions of law and fact; o	or	
	C. For ot	her reasons would entail substantial duplication of labor if heard by different judges; or		
		e the same patent, trademark or copyright, and one of the factors identified above in a, b	or c also is prese	ot
		e the same patent, trademark of copyright, and one of the factors identified above in a, b		
X. SIGNATURE OF AT		DATE:	November 2	7. 2013
X. SIGNATURE OF AT (OR SELF-REPRESENT			November 2	7, 2013
(OR SELF-REPRESENT	TED LITIGANT)	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement t	he filing and serv	ce of pleadings or
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la	The CV-71 (JS-44 aw, This form, app	Ronie M. Schmelz	the filing and serv	ce of pleadings or ule 3-1 is not filed
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the	ED LITIGANT) The CV-71 (JS-44 aw. This form, app e Court for the put	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instruction)	the filing and serv	ce of pleadings or ule 3-1 is not filed
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the Key to Statistical codes relatin	The CV-71 (JS-44 aw. This form, app e Court for the pur- ng to Social Secur	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instruction ity Cases:	the filing and serv	ce of pleadings or ule 3-1 is not filed
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the	The CV-71 (JS-44 aw. This form, app e Court for the pur- ng to Social Secur	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructive ity Cases: Substantive Statement of Cause of Action	the filing and serv irsuant to Local R ions, see separate	ce of pleadings or Je 3-1 is not filed instructions sheet).
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the Key to Statistical codes relatin	The CV-71 (JS-44 aw. This form, app e Court for the pur- ng to Social Secur	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instruction ity Cases:	the filing and serv irsuant to Local Ri ions, see separate	ice of pleadings or le 3-1 is not filed instructions sheet).
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the Key to Statistical codes relatin Nature of Suit Code	The CV-71 (JS-44 aw. This form, app e Court for the pur- ing to Social Secur Abbreviation	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement to roved by the Judicial Conference of the United States in September 1974, is required pu rpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructiv ity Cases:  Substantive Statement of Cause of Action  All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social S include claims by hospitals, skilled nursing facilities, etc., for certification as providers of	the filing and serv irsuant to Local Ri ions, see separate Security Act, as an of services under t	ce of pleadings or ule 3-1 is not filed instructions sheet). nended. Also, he program.
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the Key to Statistical codes relatin Nature of Suit Code 861	The CV-71 (JS-44 aw. This form, app e Court for the pur- ing to Social Secur Abbreviation HIA	Ronie M. Schmelz ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructive traces:  Substantive Statement of Cause of Action  All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social S include claims by hospitals, skilled nursing facilities, etc., for certification as providers of (42 U.S.C. 1935FF(b))  All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health	the filing and serv irsuant to Local Ri ions, see separate Security Act, as an of services under th and Safety Act of	ice of pleadings or ule 3-1 is not filed instructions sheet). hended. Also, he program.
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by it but is used by the Clerk of the Key to Statistical codes relatin Nature of Suit Code 861 862	The CV-71 (JS-44 aw. This form, app e Court for the pur- ing to Social Secur Abbreviation HIA BL	Ronie M. Schmelz         ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructive repose of statistics, venue and initiating the civil docket sheet. (For more detailed instruction)         ity Cases:         Substantive Statement of Cause of Action         All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social S include claims by hospitals, skilled nursing facilities, etc., for certification as providers of (42 U.S.C. 1935FF(b))         All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health 923)         All claims filed by insured workers for disability insurance benefits under Title 2 of the Social S 10 (10 (10 (10 (10 (10 (10 (10 (10 (10	the filing and serv irsuant to Local Ri ions, see separate Security Act, as an of services under the h and Safety Act of Social Security Act	ce of pleadings or ule 3-1 is not filed instructions sheet). hended. Also, he program. 1969. (30 U.S.C. , as amended; plus
(OR SELF-REPRESENT Notice to Counsel/Parties: other papers as required by la but is used by the Clerk of the Key to Statistical codes relatin Nature of Suit Code 861 862 863	The CV-71 (JS-44 aw. This form, app a Court for the pur- ing to Social Secur Abbreviation HIA BL DIWC	Ronie M. Schmelz         ) Civil Cover Sheet and the information contained herein neither replace nor supplement to proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructivity Cases:         Substantive Statement of Cause of Action         All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social S include claims by hospitals, skilled nursing facilities, etc., for certification as providers of (42 U.S.C. 1935FF(b))         All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health 923)         All claims filed by insured workers for disability insurance benefits under Title 2 of the S all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))         All claims filed for widows or widowers insurance benefits based on disability under Title	the filing and serv irsuant to Local R ions, see separate Security Act, as an of services under the and Safety Act of Social Security Act tle 2 of the Social	ce of pleadings or ule 3-1 is not filed instructions sheet). hended. Also, he program. 1969. (30 U.S.C. , as amended; plus Security Act, as

.

865

RSI

All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))



Case 2:13-cv-08835-DSF-CW Document 1-5 Filed 11/27/13 Page 1 of 1 Page ID #:93

# UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

#### NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

 This case has been assigned to District Judge
 Beverly Reid O'Connell
 and the assigned

 Magistrate Judge is
 Charles F. Eick
 .

The case number on all documents filed with the Court should read as follows:

#### 13-CV-08835 BRO-Ex

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

November 27, 2013

Date

By <u>SBOURGEOIS</u> Deputy Clerk

### NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

#### Subsequent documents must be filed at the following location:

Western Division
 312 N. Spring Street, G-8
 Los Angeles, CA 90012

Southern Division
 411 West Fourth St., Ste 1053
 Santa Ana, CA 92701

Eastern Division
 3470 Twelfth Street, Room 134
 Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Case 2:13-cv-08835-DSF-CW Document 1-6 Filed 11/27/13 Page 1 of 2 Page ID #:94

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA					
SHUXIN LI and JULIA LEUNG, on Behalf of Themselves and All Others Similarly Situated, <i>Plaintiff(s)</i> v.	CVII3-8835BRO-Ex				
EFT HOLDINGS, INC., a Nevada Corporation, JACK J. QIN, and DOES 1.10, Defendant(s) SUMMONS I	) ) ) N A CIVIL ACTION				

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ronie M. Schmelz, Esq. Edwards Wildman Palmer LLP 1901 Avenue of the Stars, Suite 1700 Los Angeles, CA 900067 Telephone: (310) 860-8700

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

NOV 2 7 2013 Date:

CLERK OF COURT	
( ) ) ) m	
Signature of Clerk or Deplity Clerk 1184	



Case 2:13-cv-08835-DSF-CW Document 1-6 Filed 11/27/13 Page 2 of 2 Page ID #:95

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

Е

#### **PROOF OF SERVICE**

#### (This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

	This summons for (name	e of individual and title, if any)		
was re	ceived by me on (date)			
	I personally served	he summons on the individu	al at <i>(place)</i>	
			on (date); or	
			or usual place of abode with (name)	
			rson of suitable age and discretion who resides the	ere,
	on (date)	, and mailed a copy t	to the individual's last known address; or	
	designated by law to ac	cept service of process on bel	half of (name of organization)	
			on (date); or	
	I returned the summ	ons unexecuted because		; or
	Other (specify):			
	My fees are \$	for travel and \$	for services, for a total of \$0.00	<u>.</u>
	I declare under penalty	of perjury that this informatic	n is true	
	i declare under penalty	or porjury that this informatic	JI 15 LLUC.	
Date:			Server's signature	
			Printed name and title	

Additional information regarding attempted service, etc:

Server's address