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12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA

15 Ariix, LLC,

Plaintiff,

17 vs.

18 NutriSearch Corporation,
 19 Lyle MacWilliam, and Usana
 20 Health Sciences, Inc.,

Defendants.

Case No.: 17CV320-LAB (BGS)
Second Amended Complaint

JURY TRIAL DEMANDED

1 Plaintiff Ariix, LLC alleges as follows upon actual knowledge
2 with respect to itself and its own acts, and upon information and belief
3 as to all other matters.
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5 NATURE OF THE ACTION

6 The *NutriSearch Comparative Guide to Nutritional Supplements*
7 purports to provide objective ratings and certifications of supplement
8 products. NutriSearch Corporation and the guide’s author, Lyle
9 MacWilliam, market the guide to consumers and professionals as
10 “scientifically objective,” touting unbiased ratings based on 18 criteria
11 developed by 12 independent nutritional authorities, and
12 certifications based on independent laboratory review. They disclaim
13 any affiliation with any of the companies that are rated or certified in
14 the publication. Consumers and professionals rely on these
15 representations to determine which supplements they should
16 purchase or sell.
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22 But that is all false: the guide is a sham marketing scheme
23 controlled by and intended for the sole benefit of Usana Health
24 Sciences, Inc., a supplement company with whom NutriSearch and
25 MacWilliam are closely associated. MacWilliam concocted the guide to
26 ratchet up sales for Usana products. Usana, recognizing the value of
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1 this marketing scheme, collaborated with MacWilliam and
2 NutriSearch to take the effort to the next level by promoting the guide
3 to all Usana sales representatives. Usana pays NutriSearch and
4 MacWilliam hundreds of thousands of dollars per year and provides
5 substantial other benefits—such as book sales to Usana sales
6 representatives—which altogether account for more than 90% of
7 MacWilliam’s income.
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11 In return, Usana exercises ultimate control over MacWilliam
12 and NutriSearch’s product. At Usana’s direction, NutriSearch and
13 MacWilliam manipulate their ratings criteria to ensure Usana
14 remains the top-rated supplement company in the guide and actively
15 sandbag Usana’s competitors’ ratings and certifications. Usana has
16 specifically conditioned its compensation to NutriSearch and
17 MacWilliam on receiving the number one rating, and has threatened
18 to withhold payment and pull its support when ratings did not
19 sufficiently elevate Usana’s pedestal. It even once agreed to bankroll
20 MacWilliam’s summer-long vacation to promote Usana in exchange
21 for a whole new award category intended and designed to elevate
22 Usana’s products above all others: “Editor’s Choice.”
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1 But the editor had made his choice long before the
2 announcement of this latest sham award category to give Usana
3 ultimate control over the core purpose of the guide—to review and
4 rank supplement products. Together, they profited at the expense of
5 consumers who sought objective information about nutritional
6 supplements and instead became the unwitting victims of a
7 sophisticated marketing ploy to influence their purchasing decisions
8 by feeding them objectively false information via a publication that
9 falsely claimed independence from any company whose products are
10 represented in the guide.
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15 Ariix, a direct competitor of Usana, was one of the primary
16 victims of this scheme: it lost sales representatives and consumers to
17 Usana as a result. Ariix is a much newer company in the market and
18 has made it its mission to outcompete Usana on quality and value.
19 With Usana pulling the strings, NutriSearch and MacWilliam
20 deliberately deflated Ariix’s ratings and denied it certifications for
21 which it had objectively—and admittedly—qualified, while inflating
22 Usana’s ratings and certifications. As a result, a significant number of
23 sales representatives and end consumers have been deceived into
24 choosing Usana over Ariix, thus damaging Ariix.
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As the Ninth Circuit held, this “sham marketing ploy intended to boost Usana products” is commercial speech. *Ariix, LLC v. NutriSearch Corp.*, 985 F.3d 1107, 1115 (9th Cir. 2021). Usana, NutriSearch, and MacWilliam have a vested interest in this scheme to facilitate the sale of Usana’s products, These facts state a claim for false advertising under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Ariix seeks damages and declaratory and injunctive relief to finally put this egregious, widespread, and long-running fraud on the market to an end.

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1331 and 15 U.S.C. § 1121 because this action arises under the laws of the United States.

2. Venue is proper in the Southern District of California under 28 U.S.C. § 1391(b)(3) because there is no judicial district in which this action might otherwise be brought and defendants are subject to personal jurisdiction in this district. Venue is also proper under 28 U.S.C. § 1391(c)(3) because defendants NutriSearch and MacWilliam are not residents in the United States.

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3. Defendants NutriSearch and MacWilliam are subject to personal jurisdiction in California and have consented to this Court’s jurisdiction by filing a responsive pleading in this case that did not contest the exercise of personal jurisdiction by this Court. Defendant Usana is subject to personal jurisdiction in California by virtue of its efforts to promote sales of its products in California, including the sale and use of the guide by Usana representatives in California. Defendant Usana also is subject to personal jurisdiction due to its agency relationship with NutriSearch and MacWilliam as further described throughout this complaint.

PARTIES

4. Plaintiff Ariix, LLC is an international health and wellness company and a wholly owned subsidiary of NewAge, Inc. that markets exclusively branded products through independent representatives, with its principal place of business in Bountiful, Utah. Ariix works with world-renowned experts to promote healthy living through toxic-free products that, after only seven short years since Ariix’s founding, are available through a carefully curated network of sales representatives in more than a dozen nations, including the United States. It was founded by former Usana

1 executives who were discontent with its various scandals and
2 dishonest practices.

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4 5. Defendant NutriSearch Corporation is a Canadian
5 company with its principal place of business in British Columbia,
6 Canada. NutriSearch publishes the *NutriSearch Comparative Guide*
7 *to Nutritional Supplements*. NutriSearch sells its publications
8 throughout the United States and the world, including in California.
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11 6. Defendant Lyle MacWilliam is a Canadian citizen
12 residing in British Columbia, Canada. MacWilliam is the author of the
13 *NutriSearch Comparative Guide to Nutritional Supplements*.
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15 7. NutriSearch and its employees and agents participated
16 personally in the unlawful conduct challenged in this second amended
17 complaint and, to the extent they did not personally participate, they
18 authorized, acquiesced, set in motion, or otherwise failed to take
19 necessary steps to prevent the acts complained of in this second
20 amended complaint.
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23 8. Defendant Usana Health Sciences, Inc. is a Utah
24 corporation residing in Salt Lake City, Utah. Usana is a commercial
25 competitor of Ariix, and it exercises control over NutriSearch,
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MacWilliam, and the *NutriSearch Comparative Guide to Nutritional Supplements*.

9. Usana and its employees and agents participated personally in the unlawful conduct challenged in this second amended complaint and, to the extent they did not personally participate, they authorized, acquiesced, ratified, set in motion, or otherwise failed to take necessary steps to prevent the acts complained of in this second amended complaint.

SUBSTANTIVE ALLEGATIONS

The NutriSearch Guide

10. The *NutriSearch Comparative Guide to Nutritional Supplements* is the comparative supplement ratings and review guide that many turn to, particularly sales representatives, in the supplement direct marketing industry. Due to the factors further explained below, the NutriSearch guide has become the trusted name among these independent sales representatives. Indeed, they make decisions about which companies to work with and which products to sell based on the ratings contained within the guide.

11. NutriSearch bills itself as an independent company that presents only objective data and analyses to the purchasing public. It

1 publicly lauds itself on separating the good from the bad in an industry
2 that has been viewed as existing in a regulatory wild west.
3
4 NutriSearch seizes upon supplement scandals as a marketing tool.

5 12. NutriSearch publishes two versions of its guide: a
6 consumer edition and a professional edition. The professional edition
7 is primarily used by sales representatives. The guide generally has
8 two parts: an “informational” part that purports to describe the
9 benefits and science of supplementation, and a “ratings” part that
10 purports to comparatively rate most supplement products on
11 the market.
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15 13. The current professional edition is the 6th Professional
16 Edition. NutriSearch does not publish a new edition each year, but
17 instead publishes updates every year that it does not release a
18 new edition.
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20 14. Each edition of the guide contains the following statement
21 on the inside cover:
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23 This guide is intended to assist in sorting through the
24 maze of nutritional supplements available in the
25 marketplace today. It is not a product endorsement and
26 does not make any health claim. It simply documents
27 recent findings in the scientific literature.

28 This guide was not commissioned by any public sector or
private sector interest, or by any company whose

1 products may be represented herein. The research,
2 development, and findings are the sole creative effort of
3 the author and NutriSearch Corporation, neither of
4 whom is associated with any manufacturer or product
represented in this guide.¹

5 15. The guide purports to comparatively rate supplement
6 products on the market using a five-star rating system determined by
7 a “comprehensive analytical model” based on 18 different “health
8 support criteria” derived from 12 independent scientific sources and
9 additional scientific findings as they become known.
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12 16. In February 2016, MacWilliam appeared as a guest on the
13 Dr. Oz Show, a “natural health”-centric daytime talk show, to promote
14 the guide. He advertised the guide as an “evidence-based scientifically
15 based [sic] system to separate the wheat from the chaff” that is
16 specifically designed to eliminate any bias or subjectivity:
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19 Well what we’ve done in the book is we’ve taken a
20 scientific discipline to evaluate the product. First of all,
21 we developed an analysis model based upon the
22 published recommendations of 12 other nutritional
23 authorities. ***We didn’t want to put our particular
bias into it*** so we relied on—we stood on the shoulders
24 of others so to speak—and developed this criteria and

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26 1. The 6th edition of the guide, which was published months after
27 this litigation commenced, appears to have removed the second
28 paragraph. NutriSearch’s removal of the claims of independence and
neutrality from the 6th edition, in response to this litigation, is a tacit
admission that the claims were false.

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then we applied it to 18 different health support—what we call 18 different health support criteria such as heart health, metabolic health, level of inflammation, and on and on and on, so it’s 18 different ways of kind of kicking the tires, looking under the hood.

Emphasis added.

17. NutriSearch claims in the guide and on its website that this is an entirely mathematical potency determination:

To evaluate a product, its rating for each Health Support criterion is calculated mathematically. This rating is determined by the nutrients and their potencies present in the product in relation to the requirements for each criterion. The 16 individual ratings for each product are pooled to provide a raw score for that product. These scores represent a product’s rating relative to all products evaluated within a particular market. Final product ratings are displayed as star ratings, shown in one-half-star increments from zero to five stars.

18. Companies whose products receive top ratings are invited to obtain an additional certification from NutriSearch called the NutriSearch Medals of Achievement (formerly called the Gold Medal of Achievement), which is the “central feature” of the guide. Certification is obtained by verifying compliance with the FDA’s pharmaceutical good manufacturing practices (GMP) and by obtaining a certification that its label claims are true from one of two NutriSearch-approved laboratories (NSF International or U.S. Pharmacopeial Convention).

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19. As MacWilliam explained on the Dr. Oz Show:

We invited every company that we evaluated that scored five out of five stars, and we said “hey, put your money where your mouth is. Take your product, run it through an independent assessment body like the U.S. pharmacopoeia program or the NSF vitamin supplement program, demonstrate to us that you are manufacturing to basically pharmaceutical standards, and then what we want you to do is take your product off the shelf and have an independent lab assess that product so what it says on the label we know is actually in the bottle.”

20. These statements all suggest, individually and collectively, that NutriSearch is an independent observer that provides objective, scientific, evidence-based ratings and certifications of supplement products.

21. But the statements are misleading and, in some cases, false: NutriSearch and MacWilliam are closely affiliated and collaborate with, and directly funded and controlled by, Usana, one of the world’s largest direct sales supplement companies. In direct exchange for that consideration, NutriSearch and MacWilliam consistently rate Usana as the best supplement company throughout the world, ensure symbiosis between the guide’s informational content and rating system and Usana’s current products and marketing claims, and deflate the ratings of Usana’s close competitors.

1 22. NutriSearch has long had a cozy relationship with
2 Usana. Lyle MacWilliam is a former Usana sales representative, a
3 former member of Usana’s scientific advisory board, and has had
4 regular speaking engagements at Usana’s global and regional sales
5 representative meetings. Indeed, MacWilliam originally designed the
6 guide as a tool to sell Usana products himself. The current CEO of
7 NutriSearch, Gregg Gies, is also a former Usana representative.
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11 23. In fact, MacWilliam remained a Usana sales
12 representative and advisory board member until 2005, when another
13 supplement company, Melaleuca, exposed MacWilliam’s affiliation
14 and bias. In response, MacWilliam proposed to (now former) Usana
15 executives that he resign his Usana positions and continue to publish
16 the guide in exchange of financial support from Usana: “I should not
17 be on the board or a representative anymore because it looks like I’m
18 biased. I am going to create more of a third-party appearance, but I’d
19 like you to use me for speaking and support me.” Usana proposed an
20 amendment to MacWilliam’s offer: “Yes, if you give us the number-one
21 rating.” MacWilliam accepted, assuring Usana it would get the
22 number-one rating despite the guide’s claims of independence
23 and objectivity.
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1 24. This agreement firmly established that, though cloaked
2 in secrecy so that the guide would continue to appear independent,
3 MacWilliam and NutriSearch’s agreement with Usana was one in
4 which Usana exercised control over their editorial decisions, and
5 MacWilliam and NutriSearch’s remuneration was tied to and
6 dependent on selling more Usana products, principally by elevating
7 Usana above all its competitors in the guide (and keeping it that way).
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11 25. Usana’s management categorizes payments to
12 MacWilliam/NutriSearch as a marketing expense, treating it precisely
13 in the manner it would treat payments to a publicist or marketing
14 agency rather than the way it treated independent objective event
15 speakers. Usana executives explicitly justified these expenses by
16 characterizing the guide as a marketing and promotion tool used every
17 day to recruit new distributors and sell Usana products.
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21 26. MacWilliam and NutriSearch are entirely dependent
22 upon Usana’s “support.” Usana directly pays NutriSearch and
23 MacWilliam hundreds of thousands of dollars per year in fixed
24 stipends, speaking fees, promotion fees, and travel costs.
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26 27. Usana also provides other consideration: it heavily
27 promotes the guide to its sales representatives and encourages them
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1 to purchase it. At Usana’s conventions and other conferences,
2 MacWilliam is the only purportedly “independent” speaker who is
3 allowed to promote and sell his own products at such events—and that
4 is because his product—the guide—is not an independent third-party
5 publication. Rather it is a publication controlled and paid for by Usana
6 to promote and influence consumers to buy its products.
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9 28. Usana’s marketing tools program for its sales
10 representatives focus on the guide as its central component: they are
11 told to buy the book, learn it, refer to it in making sales, and even pitch
12 the book to end consumers. NutriSearch and MacWilliam almost
13 always tied the publication of a new edition of the guide to the date of
14 Usana’s annual convention attended by thousands of Usana
15 distributors, which ensured Usana could continue to direct associates
16 to the latest edition and further assured robust sales – just one of the
17 multiple forms of compensation to NutriSearch and MacWilliam.
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22 29. In fact, sales of the guide to Usana’s distributors account
23 for the vast majority of the guide’s sales. So not only does it rate Usana
24 highest because of the incentives to increase Usana’s sales and to keep
25 Usana happy, but also because, driven by the dictates of Usana,
26 Usana’s distributors are their largest market segment. NutriSearch
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1 and MacWilliam must keep Usana on top so that Usana continues to
2 provide direct access to this channel of distribution, and they also
3 must keep Usana distributors happy—Usana distributors will not
4 enthusiastically buy a book touted as a Usana sales tool if that book
5 does not set Usana apart from the competition.
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8 30. Usana also facilitates publication of the guide through a
9 third-party with whom Usana has a longstanding relationship:
10 ProTools. In fact, Usana introduced NutriSearch and MacWilliam to
11 ProTools to arrange for the publication. Initial iterations of the guide
12 were simple and informal documents that MacWilliam assembled to
13 help drive his own sales of Usana products and those of the
14 representatives working for him. It was only after Usana realized the
15 potential of the guide that it helped MacWilliam take it to the next
16 level by vastly expanding its scope and audience. Importantly, Usana
17 also gets a cut of the guide’s sales through the arrangement with
18 ProTool that Usana brokered.
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24 31. Usana polices and takes active steps to ensure that its
25 products are the top-rated products in the guide. When MacWilliam
26 and NutriSearch have failed to meet their commitments to Usana,
27 Usana punished them for failing to deliver per their agreement by
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1 cutting them off financially. In 2008, several additional companies
2 somehow managed to obtain Gold Medal certification under
3 NutriSearch’s criteria. Usana, pointing to this breach, withdrew its
4 financial support. A Usana executive explained the problem to
5 MacWilliam when he complained about sluggish book sales and a lack
6 of speaking engagements: “when Usana is not listed as number one,
7 we don’t want to stand up and say ‘we’re one of the five best.’ We like
8 the fact that we’re number one.” MacWilliam asked “would it help if
9 Usana is number one in some way?” The Usana executive said, “of
10 course it would help.”
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15 32. NutriSearch subsequently cured this breach of its secret
16 agreement with Usana by coming out with a new award called
17 “Editor’s Choice” and giving it to Usana. NutriSearch did this with the
18 explicit understanding that the new award—which allowed Usana to
19 again be “the best”—would entitle MacWilliam to return to the Usana
20 event circuit to speak and sell more books, and thus earn more
21 speaking fees and book royalties.
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25 33. Once NutriSearch declared Usana as Editor’s Choice,
26 MacWilliam approached Usana for his compensation, stating (as one
27 former Usana executive recalls):
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My income is down. I would like to do a tour for Usana. I got a motorhome, and my wife wants to travel the country, and I would like you to pay for me to travel the country so I can promote my books. I'll speak on the comparative guidebook and the benefits of Usana. Usana is number one Editor's Choice, and I'll travel from city to city so my wife and I can go on a summer-long vacation and basically I want you to pay for it.

34. Usana paid MacWilliam \$90,000 for that summer tour.

35. The next year brought a new dilemma: another company was actually going to beat Usana—with a perfect score, according to the criteria. MacWilliam knew what that would mean: he would lose income from Usana if it weren't the top-rated product. So he went to Usana and explained the situation: "Usana will not be number one." And a Usana executive reminded MacWilliam that "we pay you to make us number one." MacWilliam responded: "We need to change something in your formula or I need to change something in my matrix." Usana agreed, and MacWilliam worked with Usana to adjust his allegedly objective matrix so that Usana stayed on top.

36. Usana, MacWilliam and NutriSearch have since taken extraordinary steps to ensure that Usana maintains its preeminent status and top-rated position in the guide, arbitrarily revising their so-called objective scientific criteria or by tweaking the advisable amounts of particular ingredients of a supplement formula in order to

1 weight the criteria in Usana’s favor. Every year thereafter, Usana
2 *required* MacWilliam to meet with Usana’s chief product officer to
3 obtain any upcoming changes in Usana’s formulation or marketing
4 claims. And each year, Usana *required* MacWilliam to adjust his
5 matrix in coordination with Usana so that Usana’s new formulation
6 would come out on top, complete with new scientific literature
7 discussing topics that coincided with Usana’s new marketing claims
8 as further described below. And every year, he did so.
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12 37. In the 6th edition, MacWilliam and NutriSearch also
13 manipulated the Gold Medal of Achievement criteria—now called the
14 Medals of Achievement with multiple echelons (bronze, silver, gold,
15 diamond, and platinum). These adjustments enabled Usana to state it
16 is the best of the best because, of course, it earned the only Platinum
17 Medal of Achievement awarded.
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21 38. The collusion extends to Usana’s current marketing
22 claims. For example, Usana recently began making “cell-signaling”
23 claims on its labels. Not surprisingly, the 6th edition of the guide has
24 a corresponding focus: “the guide has been completely rewritten in
25 light of recent groundbreaking discoveries from the world of
26 nutritional research” regarding cell-signaling. In fact, “cell-signaling”
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1 is not a new concept—it is a well-known phenomenon that has been
2 known, studied, and written about for many years. The only thing
3 that’s new about it is Usana’s label claims, and a NutriSearch guide
4 that is custom-tailored to showcase those claims.
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7 39. Similarly, in 2013, Usana had increased the vitamin D
8 and iodine content in its products and revised its marketing claims to
9 emphasize the importance of those two ingredients. The 5th edition of
10 the guide, which coincided with the products’ re-launch, was
11 “rewritten [from] cover to cover” to discuss “the most recent and
12 exciting scientific findings on two super-nutrients: Vitamin D and
13 Iodine,” according to its back cover.
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17 40. That is how it works: Usana makes minor tweaks to its
18 formula, makes major changes to its marketing to emphasize those
19 tweaks, and then directs NutriSearch/MacWilliam to simultaneously
20 publish a new edition of the guide that features language and concepts
21 that mirror Usana’s new marketing. Usana then pushes the guide to
22 its sales representatives, which gives them ammunition to sell Usana
23 products—and distinguish them from competitors—to end consumers.
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25 Consumers who read the guide, touted as an independent,
26 scientifically objective, evidence-based guide on nutrition
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supplementation and analysis of supplement products are unaware they are reading a lengthy sponsored message designed to influence them to purchase a slightly reformulated product with a new and exciting marketing claim.

41. Thus, both the “informational” and “ratings” parts of the guide are designed to promote Usana as well as the guide itself.

42. The guide is not only a tool for Usana’s promotion, but also for the sabotage of its competitors. As explained below, when Usana was threatened by Ariix—an emerging competitor with a similar direct sales model—Usana found willing and capable collaborators in MacWilliam and NutriSearch, who obliged Usana by knocking Ariix out of the running with falsified poor ratings and denied certifications.

Ariix

43. Ariix is a health and wellness company that utilizes a direct sales model to distribute its products which include, among other things, nutritional supplements. It was launched by former Usana executives who were discontent with Usana’s various scandals and dishonest practices.

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44. Ariix holds trademarks for its brand name: Ariix, Registration No. 4242877 (registered Nov. 13, 2012, valid until Nov. 13, 2022); ARIIX, Registration No. 4250956 (registered Nov. 27, 2012, valid until Nov. 27, 2022).

45. Ariix is Usana’s fiercest competitor. Both are direct sales companies headquartered in Utah. They compete with one another in sales to end consumers and in recruiting independent sales representatives to drive those sales.

46. In service of its agreement with Usana, NutriSearch has deflated Ariix’s ratings and denied it certification for NutriSearch’s Medals of Achievement.

47. In 2011, before Ariix had launched its first product or made information about it publicly available, Ariix learned that Usana had misappropriated Ariix’s confidential information about its first product, Ariix Optimal, and its draft marketing materials.

48. On information and belief, Usana provided NutriSearch with the confidential, pre-release Ariix Optimal product information. Usana instructed NutriSearch to run a new printing for the express purpose of thwarting Ariix’s entry into the market by giving Ariix Optimal a sub-par rating based on this information. Usana provided.

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49. NutriSearch rated Ariix Optimal at 3.5 stars. After public criticism and incontrovertible evidence that Ariix was a top-quality product, NutriSearch agreed to revise Ariix’s rating to five stars.

50. With a five-star rating, Ariix became eligible for the NutriSearch Gold Medal of Achievement—the same as Usana. The Gold Medal of Achievement is an important marketing tool. Ariix’s sales representatives understand that Gold Medal status is fundamentally important to their sales strategy, particularly because Ariix’s fiercest competitor, Usana, markets its products as Gold Medal certified. Sales representatives lose sales to competing products if they aren’t listed as Gold Medal certified.

51. As the guide explains, Gold Medal of Achievement winners

have invested significant time, resources and money to ensure their products are manufactured to the highest standards possible

Deservedly so, NutriSearch recognizes these companies and their products as the *Best of the Best*. Graphs of each company’s highest-scoring product are included [in the guide].

Lyle MacWilliam, *The NutriSearch Comparative Guide to Nutritional Supplements*, 78 (5th Prof. ed. 2014).

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52. Ariix spent two years and several hundred thousand dollars attempting to obtain the Gold Medal of Achievement. If NutriSearch and MacWilliam were to contravene Usana’s orders and give Ariix—Usana’s chief rival—a Gold Medal of Achievement, they would lose Usana’s financial support upon which their business depends. So they continuously made changes to the certification requirements—requirements that it applied only to Ariix—in an attempt to provide false excuses not to certify Ariix.

53. Ariix first applied for Gold Medal status in February and March 2014. NutriSearch denied the application in August 2014 because Ariix (admittedly) misunderstood the requirements of its submission.

54. Ariix made its corrected (second) submission one week later on August 13, 2014. NutriSearch again denied Ariix’s application on September 16, 2014. NutriSearch claimed that, as a result of an NBC Dateline expose on the issue of “dry-labbing” at ISO-certified laboratories, NutriSearch would no longer accept ISO-17025-certified laboratory reports and certifications.

55. NutriSearch also specifically acknowledged that “this disclosure was not in any way a reflection on ARIIX” or its submission.

1 But NutriSearch did not apply this policy to previous submissions,
2 including those by Usana—nor did it ever disclose it publicly in
3 subsequent editions of the book or advertisements, or otherwise issue
4 any kind of statement. Instead, NutriSearch purported to apply this
5 secret new policy *only* on a going-forward basis—thus exempting
6 Usana and other previous recipients who had relied on ISO-17025-
7 certified labs. So—unknown to the books’ readers—NutriSearch held
8 Usana to a lower standard than Ariix.
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12 56. Immediately thereafter, on NutriSearch’s prompting,
13 Ariix undertook an expensive new full analysis of its formulation
14 through one of two NutriSearch-approved laboratories, NSF. Because
15 of NutriSearch’s new requirements, NSF did not even have the
16 analytical procedures necessary to verify certain nutrients.
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19 57. As NutriSearch would later acknowledge, Ariix
20 “diligently worked with NSF scientists to develop” these protocols and
21 procedures and that Ariix’s “pioneering” work would “‘up the game’
22 for all future contenders of the NutriSearch GOLD Medal.”
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25 58. NutriSearch thanked Ariix for “pioneering new ground”
26 by developing new testing protocols with NSF and achieving
27 certification (pending final laboratory reports). NutriSearch stated
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that “[t]here is unlikely to be a new edition of the Professional guide for some time, as the 5th edition is not long out of the box; however, as previously mentioned, we can insert your NutriSearch GOLD Medal of Achievement into future printings of the existing guide once current stock has been depleted.”

59. One month later, on May 13, 2015, Ariix submitted its final full NSF laboratory reports. Less than two weeks after that, on May 23, NutriSearch denied Ariix the Gold Medal that NutriSearch had just admitted it had earned and which Ariix had even set a new standard for attaining. NutriSearch did not report any problems or concerns with Ariix’s final NSF laboratory reports.

60. NutriSearch instead claimed that because of the dry-labbing allegations that it had known of for nearly a year, “it came to the difficult decision to suspend any further revisions of the 5th edition of the guide” to create a 6th edition because it “could no longer confidently assure the consumer that *what is on the label is what is in the bottle*” (emphasis added). NutriSearch did not, however, publicly question or disclose its own reservations about the validity of the information in its current publications. Indeed, it continued to

1 market them, and affirmatively made statements that contradicted
2 that concern (e.g., MacWilliam’s Dr. Oz Show appearance).
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4 61. Interestingly, Ariix was the *only* qualified recipient of the
5 Gold Medal of Achievement that had at any point submitted 100% of
6 its laboratory certifications from a non-ISO-17025 laboratory; it was
7 also the *only* qualified recipient to submit full labs exclusively from a
8 NutriSearch-approved laboratory.
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11 62. NutriSearch gave no timeline for these revisions and
12 stated that it intended to grandfather its current recipients, including
13 Usana, at least until it could publish the next edition.
14

15 63. Thereafter, NutriSearch’s responsiveness to Ariix’s
16 inquiries became sporadic and eventually stopped. NutriSearch did
17 not notify Ariix when it finalized its new criteria or when it began
18 accepting applications for the 6th edition. The 6th edition has since
19 been published, and does not include Ariix as a Medal of Achievement
20 recipient. In effect, NutriSearch froze Ariix out of its certification
21 process, which misleads consumers to believe that Ariix—unlike
22 Usana—either isn’t willing to “go the extra mile to demonstrate the
23 quality of [its] product” or isn’t able because it failed GMP certification
24 or voluntary product testing.
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**NutriSearch and MacWilliam’s
Exclusive Promotion of Usana**

64. MacWilliam has long been a keynote speaker at Usana sales representative events. Given the importance of the guide in the direct sales supplement industry and the fierce competition between Ariix and Usana, Ariix intimated a desire and eventually made an offer to MacWilliam to speak at one of its conventions.

65. On September 17, 2014, MacWilliam declined a speaking engagement with Ariix, stating he would not be taking any more speaking engagements and citing his changing priorities and desire to be at home with his family. Nevertheless, MacWilliam continued to take paid speaking engagements with Usana on a regular basis.

66. Ariix questioned MacWilliam’s apparent exclusive relationship with Usana on multiple occasions. In 2015, after MacWilliam had already told Ariix that he was “retiring” from speaking, NutriSearch CEO Gies deflected by explaining that the speaking engagement had occurred some time ago, assuring Ariix that MacWilliam was not playing favorites in choosing speaking engagements.

1 67. But MacWilliam continued to consistently take paid
2 speaking engagements with Usana. When confronted, MacWilliam
3 admitted “They [Usana] will cut me off the second I do this [speak for
4 Ariix]” and that it would be catastrophic because, between Usana’s
5 direct cash support and book sales to Usana distributors, Usana
6 represents “the bulk of my [MacWilliam’s] income.” This direct
7 financial incentive is exactly why Ariix was ultimately not certified as
8 a Gold Medal recipient: Usana had on many occasions instructed
9 NutriSearch and MacWilliam that they could not allow any other
10 supplement company to achieve the same rating as Usana or Usana
11 would cease paying them. They could not give Usana’s fiercest and
12 most direct competitor the same rating as Usana.
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18 68. MacWilliam also appeared as a guest on the Dr. Oz Show
19 February 2, 2016, to promote the guide and Usana.² In the first half of
20 2016, the Dr. Oz Show averaged a 1.4 Nielsen household rating, or
21 approximately 1.6 million viewers nationwide each day it was aired.
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27 2. The Dr. Oz Show, *Your Guide to the Best Vitamins and*
28 *Supplements* (Feb. 2, 2016), <https://www.youtube.com/watch?v=BSSJxAanXHQ&feature=youtu.be>

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The clip is also available on YouTube, where it has over 27,000 views, and is featured on the homepage of NutriSearch’s website.

69. Usana is a “Trusted Partner and Sponsor” of the Dr. Oz Show,³ and that sponsorship led to MacWilliam’s guest appearance. Usana wanted MacWilliam to hype Usana as the best supplement company on Earth. The appearance would also benefit NutriSearch and MacWilliam by boosting book sales and provide another opportunity for MacWilliam.

70. During the appearance, MacWilliam first advertised the guide and the unbiased, evidence-based, scientific approach as explained above. But he ended his segment with a plug for Usana, prompted by Dr. Oz asking, “Who did the best?”:

Well there are some good companies out there. Oh, and one of the companies, I think it’s a trusted partner with your show, Usana Health Sciences. Outstanding products and this company manufactures to pharmaceutical standards as a matter of fact. Usana Health Sciences is even registered with the FDA, the Food and Drug Administration, as a pharmaceutical manufacturer. They’ve always, ever since we’ve done the guide, scored in our top five-star products. But, they’ve also demonstrated by going that extra mile and showing that their manufacturing practices are at pharmaceutical standards and also by taking their

3. <https://ir.usana.com/news-events/press-releases/detail/315/usana-proudly-announces-they-are-now-a-trusted-partner-and>

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products and running it through independent analysis. These products are excellent products, and the company has done an outstanding job with it. What I like about the company as well is the commitment, it's a company that doesn't run with the market hype. It runs with the science. And if the company is putting the science first, I've got a lot of confidence that the product is exceptional.

71. MacWilliam made these statements promoting the 5th edition of the guide (and Usana) after the dry-labbing allegations, after NutriSearch had grandfathered Usana's Gold Medal certification, and after he privately told Ariix he "could no longer confidently assure the consumer that what is on the label is in the bottle" from the testing that had been used for Usana's certification. He did not disclose that:

- a. Usana pays him and NutriSearch hundreds of thousands of dollars per year, promotes the guide, exercised control over its content, and provides other benefits;
- b. Dry-labbing had been exposed, that he had concerns about it, or that Usana's certification came from a lab accused of "dry-labbing";

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- c. Ariix was the first and only company to set a “new, higher bar” for certification, but had not been awarded the Gold Medal of Achievement; and
- d. His appearance on the show was orchestrated by Usana (in fact, he leads the audience to believe that Usana’s sponsorship of the show is coincidental).

Other Promotional Statements

72. MacWilliam and NutriSearch also make the same and similar promotional statements about the guide and about Usana products in other media.

73. Many of the relevant statements in the guide are reproduced on Amazon.com as product descriptions, additional information, and the “Look Inside” feature. For example, one Amazon product page for the guide states “over 1,500 U.S. and Canadian supplements are scientifically rated and compared, [and] the 18 critical Health Support Criteria required to evaluate the supplements are fully explained” in the product description; reiterates that it uses “a scientifically-based approach . . . representing thousands of hours of research” and that Medals of Achievement are based on “proof of

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manufacturing and product quality, including independent laboratory analysis [that assures] what is on the label is really in the bottle” in the “From the Inside Flap” excerpt; and the neutrality disclaimer described in paragraph 14 is one of the first pages viewable through the “Look Inside” feature designed to entice purchases of the book.

74. MacWilliam and NutriSearch authorize Usana and its representatives to use their trademarks, copyrighted material, and likenesses for promotional purposes on websites and social media. In some instances, MacWilliam’s quotes were intended as promotional product endorsements. For example, on one Usana Facebook page, the featured photo is a professionally designed composite photo of MacWilliam, the guide, and his quote:

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USANA's® New CellSentials™ with InCelligence™ technology is a real game changer that raises the bar for the industry. That's why I have full confidence that USANA will once again stand out as an industry leader and will continue to receive an elite standing in the new Comparative Guide.

USANA's® new CellSentials™ with InCelligence™ technology is a real game changer that raises the bar for the industry. That's why I have full confidence that USANA will once again stand out as an industry leader and will continue to receive an elite standing in the new Comparative Guide.

LYLE MACWILLIAM
BSc, MSc, FP - founder of NutriSearch.ca
former Canadian Member of Parliament, and member of the Legislative Assembly for British Columbia

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75. Each time Usana is awarded with a Medal of Achievement, the Editor’s Choice award, or other accolades from NutriSearch, it issues a press release for worldwide distribution that quotes the guide. In 2013, for example, Usana quoted the guide’s purported objective, unbiased, scientific criteria for its rating and Gold Medal certification in its press release announcing its third consecutive Gold Medal award. NutriSearch and MacWilliam intend for their statements to be used promotionally in this way: they offer “licensing opportunities” to do so. This symbiotic relationship between defendants and Usana has been profitable for them all.

COUNT I
THE LANHAM ACT, 15 U.S.C. § 1125(a)
False Advertising or Promotion

76. Plaintiff repeats each and every allegation contained in the paragraphs above and incorporates by reference each preceding paragraph as though fully set forth at length herein.

77. Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) provides:

(1) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which—. . .

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(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person’s goods, services, or commercial activities, shall be liable in a civil action by any person who believes that he or she is likely to be damaged by such act.

78. Defendants NutriSearch, MacWilliam, and Usana made and caused to be made false and/or misleading descriptions and/or representations of fact in each of its consumer and professional edition guides, in Amazon book descriptions, advertisements on the NutriSearch website, advertisements on Usana-affiliated Facebook pages, during Usana sales calls, and a promotion on the Dr. Oz Show.

79. NutriSearch and MacWilliam’s statements that neither NutriSearch nor the author of the guide “is associated with any manufacturer or product represented in this guide” is literally false:

a. MacWilliam has a long-running association with Usana as a keynote speaker at its conferences, and his continued income stream and other benefits are conditioned on ensuring that Usana remains the top-rated supplement company in the guide. This directly contradicts the statements on the inside cover pages of NutriSearch’s guides: NutriSearch’s and MacWilliam’s claims that they are

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independent and that the ratings and certifications are based on unbiased, objective, scientific criteria.

b. MacWilliam has turned down offers for speaking engagements at Ariix events, citing personal reasons, while continuing to speak on behalf of Usana. This directly contradicts the statements on the inside cover pages of NutriSearch’s guides.

c. Both MacWilliam and Gies are former Usana commissioned sales representatives.

d. NutriSearch and MacWilliam have accepted money and other benefits from Usana in exchange for ensuring that Usana is always the best-rated supplement company in the guide.

e. NutriSearch and MacWilliam collude with Usana prior to publication of a new edition of the guide to coordinate tweaks in Usana’s nutrient formulation with corresponding changes to the ratings criteria that ensure Usana remains the best-rated product in the guide.

f. NutriSearch and MacWilliam collude with Usana prior to publication of a new edition of the guide to coordinate

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the guide’s informational content with Usana’s updated marketing messages and label claims.

g. MacWilliam regularly promotes Usana on paid speaking tours, in authorized endorsements featured on the internet and social media, and even on a nationally broadcast TV show.

h. Usana, NutriSearch, and MacWilliam have a symbiotic relationship that is profitable for all three.

80. Usana, NutriSearch, and MacWilliam also made or caused to be made numerous misleading claims including, for example:

- **It is not a product endorsement.**

This is misleading because a substantial proportion of NutriSearch’s revenue and MacWilliam’s income comes from Usana sales representatives who purchase the guide as a sales tool. MacWilliam originally created the guide as a sales tool for Usana, for example. NutriSearch sells supplement companies on the marketing benefits of participating in its guide, offering “licensing opportunities” to Medal of Achievement recipients. And MacWilliam has, in fact, endorsed Usana through those “licensing opportunities,” on tour, and on TV.
- **It simply documents recent findings in the scientific literature.**

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This is misleading because NutriSearch colludes with Usana as described in paragraphs 36–42.

- **Over 1,500 U.S. and Canadian supplements were scientifically rated and compared.**

This is misleading because NutriSearch rigs its ratings to ensure Usana is always the best-rated company.

- **The guide is an “independent publication.”**

This is misleading because NutriSearch has a long-running, direct financial relationship with Usana, as described throughout this second amended complaint, including Usana’s influence and control over content, publication, and dissemination.

- **Suggestions of neutral evaluation for Gold Medal of Achievement awards based on “independent laboratory testing” using a “higher standard of evidence” provide “assurance to the consumer.”**

This is misleading because NutriSearch bases its certifications on ever-changing criteria designed to ensure that Usana remains the best-rated supplement company rather than any scientific process. It is also misleading because NutriSearch grandfathered Usana and exempted it from obtaining new laboratory certifications, while applying a different standard to deny Ariix the certification. Finally, it is misleading because it suggests that Ariix products are inferior to Usana’s products, have not undergone such rigorous testing, or have failed rigorous testing, when in private, NutriSearch acknowledges that Ariix has met a higher standard.

- **“[O]nly four manufacturers have completed the necessary steps to earn a Gold Medal of Achievement.”**

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This is misleading because Ariix has not only completed the necessary steps, it jumped through additional hoops and “set a new, higher bar” for the Gold Medal of Achievement, yet it has not been awarded the certification.

- **Statements that the NutriSearch five-star rating system is based on 18 objective scientific criteria and that it is used for the specific purpose of eliminating bias**

This is misleading because NutriSearch regularly changes its criteria after consultation with Usana to ensure that Usana remains the top-rated supplement company.

- **Other context suggesting the guide is neutral and objective in its ratings of various supplement products is false and misleading.**

81. The misstatements contain objective claims as to the neutrality of NutriSearch/MacWilliam rather than subjective opinion or puffery:

- a. Touting the objectivity of the rating system to more than a million potential consumers, MacWilliam explained that the five-star rating system is based on 18 objective scientific criteria and that it is used for that specific purpose of attaining objectivity: “we didn’t want to put our particular bias into it.”

See ¶16.

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b. NutriSearch/MacWilliam have also explained that the Gold Medal is not a subjective certification: any company that obtains a five-star rating (touted as scientifically objective, as explained above) can obtain Gold Medal certification by (1) obtaining a pharmaceutical good manufacturing practices certification from NSF or USP and (2) obtaining lab certification that “what’s on the label is actually in the bottle.” *See* ¶19.

c. NutriSearch and MacWilliam’s disclaimer of any ties to a company reviewed by the guide are demonstrably false. NutriSearch and MacWilliam have a direct and indirect financial relationship with Usana, and Usana exercises influence and control over NutriSearch, MacWilliam, and the contents of the guide.

d. NutriSearch made the statements with the intent of causing consumers to rely upon them and make purchasing decisions of products based on their

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belief that the ratings and awards in the guide are the work of independent experts.

82. Defendants’ misstatements were made in connection with, and for the purpose of influencing consumer decisions to purchase, goods and services offered by NutriSearch as well as goods offered by Usana and Ariix, all of which are in interstate commerce. These misrepresentations were made in coordination with Usana.

- a. The guide is marketed and sold throughout the United States and around the world.
- b. The guide is designed to be used as a sales and marketing tool for nutrition sales representatives generally, and Usana sales representatives specifically.
- c. Usana sales representatives comprise the vast majority of purchasers of the guide.
- d. Usana and Ariix both sell their supplement products throughout the United States through independent sales representatives.
- e. MacWilliam promoted the guide and Usana on a nationally aired episode of the Dr. Oz Show; as part

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of the promotion, NutriSearch and the Dr. Oz Show offered viewers a chance to win one of 1,000 copies of the guide.

f. The guide is available on Amazon.com, and many of the statements are included in product descriptions.

83. Usana is a direct commercial competitor of Ariix, and it has caused harm by conspiring with NutriSearch and MacWilliam to deceive sales representatives and end consumers in a way that causes them to withhold trade from Ariix and to instead trade with Usana.

84. NutriSearch is not a direct competitor of Ariix, but has caused harm by deceiving consumers in a way that causes them to withhold trade from Ariix and to instead trade with Ariix's competitors.

85. The misstatements directly reduced Ariix's revenues by causing both consumers and professionals to select Usana over Ariix. Indeed, defendants profited by fixing the award to favor Usana, as described throughout this second amended complaint.

86. Defendants made the statements with the purpose of influencing consumers in three distinct ways:

- 1 a. they intended to influence consumers to buy their own
2 products (the guide and Usana products), given that the
3 overwhelming majority of book sales were to Usana
4 distributors who were instructed by Usana to use the guide as
5 a marketing tool;
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8 b. they intended to influence consumers to buy Usana’s
9 products, because NutriSearch and MacWilliam were acting
10 as agents of Usana and because they had a vested interest in
11 the sales of Usana’s products; and
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14 c. they intended to influence consumers to not buy Ariix’s
15 products—to “withhold trade from the plaintiff,” *Lexmark*
16 *Int’l v. Static Control Components, Inc.*, 572 U.S. 118, 133
17 (2014)—because of that same agency relationship and vested
18 interest in Usana product sales.
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21 87. The challenged statements are not consumer reviews;
22 they are promotional material that is bought and paid for by Usana,
23 coordinated in advance of publication and aided and abetted by Usana.
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25 See ¶¶36–40. Moreover, NutriSearch purports to rate products based
26 on scientific, objective ratings criteria rather than subjective opinion-
27 or experience-based criteria.
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88. Indeed, that is what makes defendants’ false and misleading statements so damaging to Ariix: because consumers believe that NutriSearch rates products based on objective, scientific criteria and has no connection with any company whose products are rated, they make purchasing decisions of nutrition supplements based on NutriSearch’s ratings and certifications.

89. The same is true for the Medal of Achievement certification: consumers believe defendants’ statements that the Medal of Achievement is available to any five-star recipient who “goes the extra mile” to obtain independent GMP certification and a lab verification that the label accurately reflects what is in the bottle. It is described as a binary determination: either a company obtains GMP certification and laboratory verification of the label claims, or it does not. A five-star rated company that does not obtain a Medal of Achievement is thus, from the consumer’s viewpoint, either unwilling to “go the extra mile” and provide consumer assurance—or it is unable to do so because it does not manufacture to pharmaceutical standards or its labels do not accurately reflect what is in the bottle.

90. The statements constitute a commercial advertising or promotion because:

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a. They were designed to promote the goods and services of Usana, NutriSearch, and MacWilliam and to demote the goods of Ariix.

b. They propose commercial transactions, including but not limited to, the purchase of the guide itself, purchases of periodic updates to the guide, and the purchase of “top-rated” products featured in the guide, i.e., Usana’s products.

c. They are intended to be used as promotional material for Usana representatives who propose commercial transactions. MacWilliam specifically created NutriSearch for that purpose, and when Usana realized the guide’s potential, it expanded the program to all Usana sales associates. Usana now pays MacWilliam to directly to promote Usana as the best-rated supplement company—in the guide, in promotional material, and in live and televised appearances.

d. NutriSearch and MacWilliam were motivated by their own economic interests, as well as Usana’s economic interests.

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e. The statements are sufficiently disseminated to the relevant purchasing public and, in fact, target said purchasing public (as further explained in paragraphs 91–92).

f. The statements are in a “traditional advertising format” to the extent that publishers expect purchasers of books to read the statements prior to purchase, which are contained in the inside covers of the book. For example, prospective purchasers will peruse the book, especially the inside cover and first couple of pages, before deciding to purchase. These books are available to purchase at certain conferences, for example, where consumers can review them before buying.

g. Each book is an advertisement for readers to purchase future versions of the book. Each edition discusses the importance of new scientific breakthroughs and emphasizes the importance of purportedly cutting-edge new research, suggesting the reader should make sure to pick up each new edition.

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h. Defendants intend the Medal of Achievement awards to be used for promotional purposes by offering “licensing opportunities” for recipients of the certification.

91. NutriSearch’s scientific objectivity and neutrality statements have been sufficiently disseminated to the relevant purchasing public:

- a. They are contained as promotional material on the inside cover of the books themselves.
- b. They are repeated by Usana, NutriSearch, and MacWilliam at Usana sales conferences, speeches, and summits as a selling point: you can sell more Usana products by showing your prospective customers this guide, who will believe them to be objective, scientific fact.
- c. They are made on bookseller websites, such as Amazon.com, and NutriSearch’s public website. See ¶¶17, 73.
- d. MacWilliam made similar scientific objectivity and neutrality statements as a guest on the Dr. Oz Show February 2, 2016. In the 2016/2017 season,

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the Dr. Oz Show had an average daily viewer rating of approximately 1.6 million viewers. Over 27,000 people have also viewed the YouTube clip on Dr. Oz’s official YouTube channel, and the clip is also featured on the homepage of NutriSearch’s website. The Dr. Oz Show is sponsored by Usana, and Usana arranged for MacWilliam to appear on the show.

- e. They are quoted, summarized, and repeated by Usana in press releases with worldwide distribution and marketing materials.

92. Defendants’ misleading promotions of Usana and corollary misleading statements and omissions regarding Ariix’s ratings and quality have also been sufficiently disseminated to the relevant purchasing public:

- a. They are contained in the falsified ratings and certifications for Usana and Ariix within the books themselves.
- b. They are repeated by Usana, NutriSearch, and MacWilliam at Usana sales conferences, summits,

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and events to drum up enthusiasm for Usana and the guide’s potential to help sell products.

c. They were made during MacWilliam’s appearance on the Dr. Oz Show, which is sponsored by Usana, a clip of which is available on YouTube and featured on the homepage of NutriSearch’s website.

d. They are repeated by the tens of thousands of Usana sales representatives who are trained by Usana to use the guide as a marketing tool to sell supplements to consumers.

e. Usana boasts its top rating and other achievements from NutriSearch in its marketing materials.

93. Consumers are likely to be, and actually have been, deceived by the statements made by defendants in two ways: first, consumers decided to purchase NutriSearch guides because of the statements; and second, consumers (which includes end-consumers and supplement sales representatives) made supplement purchasing decisions because of the statements. The professional edition is specifically designed for and marketed to tens of thousands of Usana

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sales representatives, who are told that referring prospective customers to the guide is one of the most effective ways to sell Usana products.

94. The statements relate to descriptions or representations of fact that misrepresent the nature, characteristics, and quality of defendants and their products. The statements also relate to descriptions or representations of fact that misrepresent the nature, characteristics, and quality of Ariix and its services, as well as the nature, characteristics, and quality of its primary competitor, Usana.

REQUEST FOR RELIEF

WHEREFORE, Ariix requests that this Court:

- A. Declare that defendants’ conduct violates Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
- B. Enter judgment against defendants;
- C. Award Ariix compensatory damages;
- D. Award Ariix pre- and post-judgment interest at the applicable rates on all amounts awarded;
- E. Award Ariix its costs and expenses of this action, including its reasonable attorneys’ fees necessarily incurred in bringing and pressing this case, as provided in 15 U.S.C. § 1117(a);

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F. Grant permanent injunctive relief to prevent the recurrence of the violations for which redress is sought in this second amended complaint; and

G. Order any other such relief as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims.

DATED: May 26, 2021

Bona Law PC

s/ Aaron R. Gott

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