



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

Prevention * Prosecution * Protection

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January 29, 2014

PRESS RELEASE

Robert R. Guidi
CHIEF INSPECTOR

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CHIEF, FINANCE
AND ADMINISTRATION

**OHIO MARKETING COMPANY AND OWNER BENJAMIN D.
SUAREZ AGREE TO PAY \$1,796,114.50 IN PENALTIES
AND RESTITUTION TO SETTLE FALSE ADVERTISING AND
UNFAIR COMPETITION ENFORCEMENT ACTION**

Marin County District Attorney Edward S. Berberian announced today that Benjamin D. Suarez ("Suarez"), an Ohio direct marketer, and his company, Suarez Corporation Industries ("SCI"), also doing business as Bio Tech Research, have agreed to settle a civil law enforcement action alleging that Defendants used false and misleading marketing claims to sell or attempt to sell unapproved and/or misbranded food, drugs and medical devices in Marin County and throughout California. The Final Judgment was signed by Alameda County Superior Court Judge Wynne S. Carvill on January 28, 2014.

The Marin County District Attorney and nine (9) other District Attorneys comprising the California Nutritional Supplement Task Force filed this civil enforcement action in Alameda County Superior Court in June 2011. The Complaint alleges deceptive marketing and sales of multiple unapproved or misbranded drugs and devices in California beginning as early as 2006 in violation of the False Advertising Law (*Bus. & Prof. Code* section 17500) and the Unfair Competition Law (*Bus. & Prof. Code* section 17200 et seq.). The complaint further alleges that SCI and Suarez promoted and marketed purported "weight loss, health and pain control/management products to capitalize on the promise of quick pain relief, the desire for quick weight loss and appealing to the public's general health concerns" but that Defendants' marketing claims were unsubstantiated, false and/or misleading. In 2006, the District Attorneys for the Counties of Napa, Orange, Solano, and Sonoma, and the City of San Diego obtained a permanent injunction against SCI prohibiting SCI from making or disseminating to the public any statement concerning diet supplements which is untrue or misleading. It is also alleged in the present action that SCI intentionally violated the terms of the 2006 injunction. "As your District Attorney I am very mindful that many of our residents have engaged in modifications to their lifestyles directed toward raising and improving their general health and the health of their families and loved ones. Our residents have a right to be protected from business practices that mislead them and market products that cannot be scientifically substantiated – let the buyer beware is not a standard that we should embrace."

Under the settlement, SCI and Suarez agreed to be bound by a permanent injunction issued by the Alameda County Superior Court prohibiting them from, among other things, selling misbranded foods, drugs and/or devices; selling unapproved drugs or devices; and making or disseminating claims regarding nutritional supplements that are not scientifically substantiated. Defendants will also be required to maintain records of all scientific substantiation for claims they make about their nutritional supplements.

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Defendants have agreed to pay or have already paid a total of \$1,796,114.50 in civil penalties (\$950,000.00) and restitution.

The Marin County District Attorney is a member of the California Nutritional Supplement Task Force, along with the District Attorneys for Alameda, Monterey, Napa, Orange, Santa Clara, Santa Cruz, Shasta, Solano, and Sonoma. Since 2006, the task force has investigated and/or filed civil actions against numerous companies and individuals who allegedly violate California law prohibiting marketing tactics like the use of unsubstantiated weight loss or disease “cure” claims and/or the sale of misbranded medical devices.

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