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18 UNITED STATES DISTRICT COURT
 19 CENTRAL DISTRICT OF CALIFORNIA

16	FEDERAL TRADE COMMISSION,)	
17)	
18	Plaintiff,)	Case No.
19)	
20	v.)	
21)	COMPLAINT FOR PERMANENT
22	QYK BRANDS LLC d/b/a Glowyy,)	INJUNCTION AND OTHER
23)	EQUITABLE RELIEF
24	DRJSNATURAL LLC,)	
25)	
26	RAKESH TAMMABATTULA,)	
27	individually and as an officer of QYK)	
28	BRANDS LLC, and)	
)	
	JACQUELINE THAO NGUYEN,)	
	individually and as an officer of QYK)	
	BRANDS LLC and DRJSNATURAL LLC)	
)	
	Defendants.)	

1 Plaintiff, the Federal trade Commission (“FTC”) for its Complaint alleges:

2 1. The FTC brings this action under Sections 13(b) and 19 of the Federal
3 Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, and the FTC’s
4 Trade Regulation Rule Concerning the Sale of Mail, Internet, or Telephone Order
5 Merchandise (“MITOR” or the “Rule”), 16 C.F.R. Part 435, to obtain temporary,
6 preliminary, and permanent injunctive relief, rescission or reformation of contracts,
7 restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other
8 equitable relief for Defendants’ acts or practices in violation of Sections 5(a) and
9 12 of the FTC act, 15 U.S.C. §45 (a) and 52, and in violation of MITOR, 16 C.F.R.
10 Part 435.

11 **JURISDICTION AND VENUE**

12 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
13 §§ 1331, 1337(a) and 1345.

14 3. Venue is proper in this District under 28 U.S.C. § 1391(b) (1-2), and
15 15 U.S.C. § 53(b).

16 **PLAINTIFF**

17 4. The FTC is an independent agency of the United States Government
18 created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5 of the FTC
19 Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or
20 affecting commerce. The FTC also enforces MITOR, which requires mail,
21 Internet, or telephone-based sellers to have a reasonable basis for advertised
22 shipment times, and, when sellers cannot meet promised shipment times or ship
23 within 30 days, to provide buyers with the option to consent to a delay in shipment
24 or to cancel an order and receive a prompt refund, and to deem an order cancelled
25 and make a prompt refund to buyers under certain circumstances.

26 5. The FTC is authorized to initiate federal district court proceedings, by
27 its own attorneys, to enjoin violations of the FTC Act and MITOR, and to secure
28 such equitable relief as may be appropriate in each case, including rescission or

1 reformation of contracts, restitution, the refund of monies paid, and the
2 disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b), 57b, and 16 C.F.R. Part
3 435.

4 **DEFENDANTS**

5 6. Defendant QYK Brands LLC (“QYK” or “Glowwy”) is a California
6 Limited Liability Company, with its principal place of business located at 9
7 MacArthur Place, # 302, Santa Ana, California. QYK does business as Glowwy
8 through the website *glowwy.com* and owns the trademark for Dr. J’s Natural.
9 QYK transacts or has transacted business in this District and throughout the United
10 States. At all times material to this Complaint, acting alone or in concert with
11 others, QYK has advertised, marketed, or sold merchandise to consumers
12 throughout the United States.

13 7. DRJSNATURAL LLC (“Dr. J’s Natural”) is a California Limited
14 Liability Company, with its principal place of business located at 10517 Garden
15 Grove Boulevard, Garden Grove, California.

16 8. Defendant Rakesh Tammabattula (“Tammabattula”) is the Chief
17 Executive Officer of QYK. At all times material to this Complaint, acting alone or
18 in concert with others, Tammabattula has formulated, directed, controlled, had the
19 authority to control, or participated in the acts and practices of QYK, including the
20 acts and practices set forth in this Complaint. Defendant Tammabattula resides in
21 this District and, in connection with the matters alleged herein, transacts or has
22 transacted business in this District and throughout the United States.

23 9. Defendant Jacqueline Thao Nguyen, who works under the moniker
24 “Dr. J,” is married to Rakesh Tammabattula, and is the Chief Operating Officer of
25 QYK, and the founder and Chief Executive Officer of Dr. J’s Natural. At all times
26 material to this Complaint, acting alone or in concert with others, Dr. J has
27 formulated, directed, controlled, had the authority to control, or participated in the
28 acts and practices of QYK and Dr. J’s Natural, including the acts and practices set

1 forth in this Complaint. Defendant Dr. J resides in this District and, in connection
2 with the matters alleged herein, transacts or has transacted business in this District
3 and throughout the United States.

4 **COMMERCE**

5 10. At all times material to this Complaint, Defendants have maintained a
6 substantial course of trade in or affecting commerce, as “commerce” is defined in
7 Section 4 of the FTC Act, 15 U.S.C. § 44.

8 **DEFENDANTS’ BUSINESS ACTIVITIES**

9 11. Tammabattula and Dr. J, through QYK (collectively, the “QYK
10 Defendants”) own multiple brands and companies that sell skin care, health,
11 beauty, personal care, and wellness products. The QYK Defendants promote and
12 sell products on qyk.us, qyksonic.com, glowyy.com, and drjsnatural.com.

13 12. Beginning on or around March 12, 2020, the QYK Defendants offered
14 Dr. J’s Natural (and other branded) hand sanitizer through the website
15 glowyy.com. The QYK Defendants market four sizes of Dr. J’s Natural hand
16 sanitizer: a 3.3 oz bottle for \$5.99; a 4.0 oz bottle for \$5.99; a 10 oz bottle for
17 \$9.99; and a 16 oz bottle for \$12.99. The QYK Defendants also offer Personal
18 Protective Equipment (such as face masks and shields), surface wipes, and
19 disinfectants.

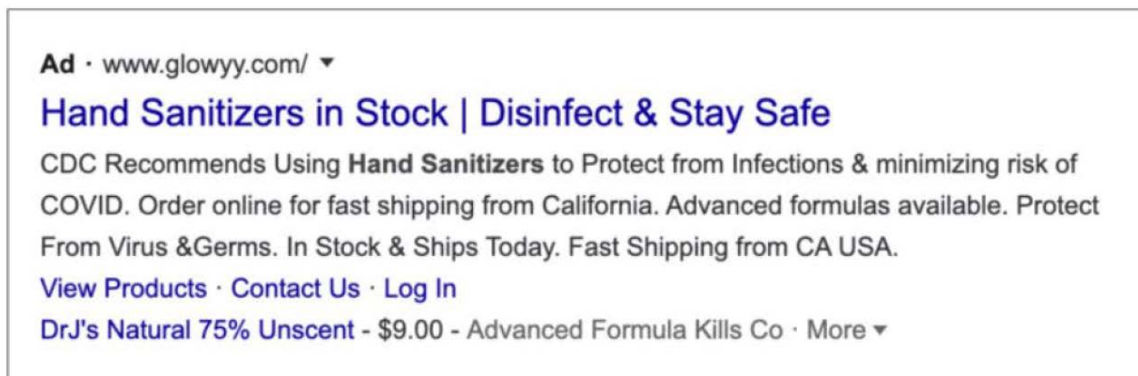
20 **The QYK Defendants’ Shipment Claims**

21 13. During the early weeks of the pandemic quarantine in the United
22 States, obtaining hand sanitizer as quickly as possible was paramount for many
23 consumers; this high demand made products difficult to find.

24 14. In order to capitalize on this demand, beginning in early March 2020,
25 the QYK Defendants started advertising they had hand sanitizer “In Stock” and
26 “Ships Today.”

1 15. The QYK Defendants disseminated these advertisements on
2 Instagram and in targeted ads through GQ.com, for example, and in response to
3 web searches for hand sanitizer.

4 16. For example, the following appeared in response to a Google search
5 on or about March 12, 2020:



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13 17. The QYK Defendants' promises that hand sanitizer "Ships Today"
14 were false.

15 18. For example, one consumer ordered from glowyy.com on March 12,
16 2020 following a Google search for hand sanitizer, which led to an advertisement
17 from the QYK Defendants representing that glowyy.com had "Hand Sanitizers in
18 Stock" and that the order would ship the same day it was purchased.

19 19. Despite this promise, the consumer's order did not ship until April 12,
20 2020. Moreover, when the consumer finally received her order on April 16, 2020,
21 the sanitizer she received was a different brand and smaller size than she had
22 ordered.

23 20. Beginning in April through May 2020, the QYK Defendants' website
24 stated that shipment of hand sanitizer orders would be within seven (7) days. For
25 example, on April 13, 2020, glowyy.com stated that customers should expect
26 processing times of five to seven (5 to 7) days but indicated that orders would ship
27 as soon as they were processed. Similarly, on April 19, 2020, glowyy.com stated
28 that orders of hand sanitizer placed that day would ship by April 22, *i.e.* within

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