

**JS-6**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
REJUVICA LLC, a California limited liability company, also d/b/a Rejuvica Health;  
  
KYLE ARMSTRONG, individually and as an owner, officer, or member of REJUVICA LLC; and  
  
KYLE DILGER, individually and as an owner, officer, or member of REJUVICA LLC,  
  
Defendants.

Case No. 8:23-cv-01286-CJC-JDE

**ORDER FOR PERMANENT  
INJUNCTION, MONETARY  
RELIEF, AND OTHER  
RELIEF**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint For Permanent Injunction, Monetary Judgment, and Other Relief (“Complaint”), for a permanent injunction, monetary relief, and other relief in this matter, pursuant to Sections 5(a)(1), 12, 13(b), and 19 of the Federal Trade

1 Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 52, 53(b), and 57b, and  
2 Section 8023 of the Opioid Addiction Recovery Fraud Prevention Act of 2018, 15  
3 U.S.C. § 45d (“OARFPA”). The Commission and Defendants stipulate to the entry  
4 of this Stipulated Order for Permanent Injunction, Monetary Relief, and Other  
5 Relief (“Order”) to resolve all matters in dispute in this action between them.

6 THEREFORE, IT IS ORDERED as follows:  
7

### 8 FINDINGS

9 1. This Court has jurisdiction over this matter.

10 2. The Complaint charges that Defendants participated in deceptive acts  
11 or practices in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45, 52,  
12 in the advertising, marketing, and sale of Sobrenix, and in the advertising and  
13 marketing of other Rejuvica products. The Complaint also charges that the  
14 Defendants’ deceptive acts or practices in the advertising, marketing, and sale of  
15 Sobrenix violated Section 8023 of OARFPA.

16 3. Defendants neither admit nor deny any of the allegations in the  
17 Complaint, except as specifically stated in this Order. Only for purposes of this  
18 action, Defendants admit the facts necessary to establish jurisdiction.

19 4. Defendants waive any claim that they may have under the Equal  
20 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action  
21 through the date of this Order, and agree to bear their own costs and attorney fees.

22 5. Defendants and the Commission waive all rights to appeal or  
23 otherwise challenge or contest the validity of this Order.  
24

### 25 DEFINITIONS

26 For the purpose of this Order, the following definitions apply:

27 A. “Covered Product” means any Dietary Supplement, Food, or Drug.  
28

1 B. “Dietary Supplement” means: (1) any product labeled as a dietary  
2 supplement or otherwise represented as a dietary supplement; or (2) any pill, tablet,  
3 capsule, powder, softgel, gelcap, liquid, or other similar form containing one or  
4 more ingredients that are a vitamin, mineral, herb or other botanical, amino acid,  
5 probiotic, or other dietary substance for use by humans to supplement the diet by  
6 increasing the total dietary intake, or a concentrate, metabolite, constituent, extract,  
7 or combination of any ingredient described above, that is intended to be ingested,  
8 and is not represented to be used as a conventional food or as a sole item of a meal  
9 or the diet.

10 C. “Drug” means: (1) articles recognized in the official United States  
11 Pharmacopeia, official Homoeopathic Pharmacopoeia of the United States, or  
12 official National Formulary, or any supplement to any of them; (2) articles  
13 intended for use in the diagnosis, cure, mitigation, treatment, or prevention of  
14 disease in humans or other animals; (3) articles (other than food) intended to affect  
15 the structure or any function of the body of humans or other animals; and (4)  
16 articles intended for use as a component of any article specified in (1), (2), or (3);  
17 but does not include devices or their components, parts, or accessories.

18 D. “Essentially Equivalent Product” means a product that contains the  
19 identical ingredients, except for inactive ingredients (e.g., binders, colors, fillers,  
20 excipients) in the same form and dosage, and with the same route of administration  
21 (e.g., orally, sublingually), as the Covered Product; provided that the Covered  
22 Product may contain additional ingredients if reliable scientific evidence generally  
23 accepted by experts in the field indicates that the amount and combination of  
24 additional ingredients is unlikely to impede or inhibit the effectiveness of the  
25 ingredients in the Essentially Equivalent Product.

26 E. “Food” means: (1) any article used for food or drink for humans or  
27 other animals; (2) chewing gum; and (3) any article used for components of any  
28 such article.

1 F. “Defendants” means all of the Individual Defendants and the  
2 Corporate Defendant, individually, collectively, or in any combination.

3 1. “Corporate Defendant” means Rejuvica LLC, also d/b/a  
4 Rejuvica Health, and its successors and assigns.

5 2. “Individual Defendants” means Kyle Armstrong and Kyle  
6 Dilger.

7 **ORDER**

8  
9 **I. PROHIBITED REPRESENTATIONS: REGARDING HEALTH-  
10 RELATED CLAIMS REQUIRING HUMAN CLINICAL TESTING  
11 FOR SUBSTANTIATION**

12 IT IS ORDERED that Defendants, Defendants’ officers, agents, employees,  
13 and attorneys, and all other persons in active concert or participation with any of  
14 them, who receive actual notice of this Order, whether acting directly or indirectly,  
15 in connection with the manufacturing, labeling, advertising, promotion, offering  
16 for sale, sale, or distribution of any Covered Product are permanently restrained  
17 and enjoined from making, expressly or by implication, including through the use  
18 of a product or program name, endorsement, depiction, or illustration, any  
19 representation that such product or service:

- 20 A. Reduces or eliminates cravings for alcohol;  
21 B. Enables users to reduce or eliminate their consumption of alcohol;  
22 C. Assists users to regain control of their problematic drinking;  
23 D. Cures, mitigates, or treats any substance use disorder or symptom of a  
24 substance use disorder; or  
25 E. Cures, mitigates, or treats any disease;

26 unless the representation is non-misleading, and, at the time of making such  
27 representation, they possess and rely upon competent and reliable scientific  
28 evidence substantiating that the representation is true. For purposes of this

1 Section, competent and reliable scientific evidence must consist of human clinical  
2 testing of the Covered Product, or of an Essentially Equivalent Product, that is  
3 sufficient in quality and quantity based on standards generally accepted by experts  
4 in the relevant disease, condition, or function to which the representation relates,  
5 when considered in light of the entire body of relevant and reliable scientific  
6 evidence, to substantiate that the representation is true. Such testing must be: (1)  
7 randomized, double-blind, and placebo-controlled; and (2) conducted by  
8 researchers qualified by training and experience to conduct such testing. In  
9 addition, all underlying or supporting data and documents generally accepted by  
10 experts in the field as relevant to an assessment of such testing as described in the  
11 Section entitled Preservation of Records Relating to Competent and Reliable  
12 Human Clinical Tests or Studies must be available for inspection and production to  
13 the Commission. Persons covered by this Section have the burden of proving that  
14 a product satisfies the definition of Essentially Equivalent Product.

## 15 **II. PROHIBITED REPRESENTATIONS: OTHER HEALTH-RELATED** 16 **CLAIMS**

17 IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents,  
18 employees, and attorneys, and all other persons in active concert or participation  
19 with any of them, who receive actual notice of this Order, whether acting directly  
20 or indirectly, in connection with the manufacturing, labeling, advertising,  
21 promotion, offering for sale, sale, or distribution of any Covered Product, are  
22 permanently restrained and enjoined from making, expressly or by implication,  
23 including through the use of a product or program name, endorsement, depiction,  
24 or illustration, any representation, other than representations covered under the  
25 Section of this Order entitled Prohibited Representations: Regarding Health-  
26 Related Claims Requiring Human Clinical Testing For Substantiation, about the  
27 health benefits, performance, efficacy, safety, or side effects of any Covered  
28

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.