

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC ANTHONY NEPUTE,
individually, and as
Owner of Quickwork LLC; and

QUICKWORK LLC,
a limited liability company,
also d/b/a WELLNESS WARRIOR,

Defendants.

Case No.: _____

**COMPLAINT FOR CIVIL
PENALTIES, PERMANENT
INJUNCTION, AND OTHER
RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC”), pursuant to Section 16(a)(1) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 56(a)(1), for its Complaint alleges:

NATURE OF THE CASE

1. Defendants sell nutritional supplements containing Vitamin D and zinc, among other products. Recently, Defendants have been advertising their Vitamin D and zinc products—including “Wellness Warrior Vita D”, “Wellness Warrior Zinc”, and others—on social media and the internet as drugs capable of treating, or preventing COVID-19. Defendants even claim that their products are more effective than the available COVID-19 vaccines. Defendants lack valid factual or scientific bases for these claims, which are frequently accompanied by equally unsupported assertions regarding the applicable science. In short, Defendants are selling their

products by disseminating misinformation, exploiting fears in the midst of a pandemic, and posing a significant risk to public health and safety.

2. Although the government has notified Defendants that their deceptive advertising and misrepresentations violate the Federal Trade Commission Act (“FTC Act”), as well as the COVID-19 Consumer Protection Act that was enacted in December 2020, Defendants have refused to stop. The United States therefore files this suit to seek preliminary and permanent injunctive relief, civil penalties, and other remedies in order to prevent the harms caused by Defendants’ ongoing misrepresentations.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it arises under the law of the United States. It also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1337(a) because it arises under an Act of Congress regulating interstate commerce or protecting trade and commerce against restraints and monopolies, and under 28 U.S.C. § 1345 because the United States is the Plaintiff.

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

5. The Court has personal jurisdiction over the defendants because all Defendants reside in this district and because the alleged acts giving rise to the claims occurred in this District.

6. Venue is proper in this District under 28 U.S.C. § 1391(b)(1), (b)(2), and (c)(1), and 15 U.S.C. § 53(b) because all Defendants reside in this District and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

Pursuant to Local Rule 2.07, venue is proper in the Eastern Division because all defendants reside in this Division and because the claim for relief arose in the Eastern Division.

PARTIES

7. Plaintiff is the United States of America.

8. Defendant Eric Anthony Nepute (“Nepute”) is a chiropractor and the owner of Defendant Quickwork LLC (“Quickwork”). He resides in this District and, in connection with the matters alleged herein, transacts or has transacted business in this District and throughout the United States. Nepute is also the owner of Nepute Wellness Center, which is located in St. Louis, Missouri. Until February 2021, Nepute maintained a Facebook page, www.facebook.com/drericnepute, which designated him as a “public figure” and included a “verified badge” indicating that Facebook has confirmed that the page belongs to him. From at least 2015 until February 2021, he frequently posted videos on his Facebook page that featured him talking about various health and wellness topics.

9. Quickwork, formed by Nepute in January 2020, is a Missouri limited liability company with its principal office or place of business at 1 First Missouri Center, Suite 214, St. Louis, Missouri 63141. In June 2020, Quickwork began doing business under the trade name “Wellness Warrior.” Wellness Warrior maintains a Facebook page, www.facebook.com/Wellnesswarrior.club, and several additional websites through which interested customers can obtain Wellness Warrior products, including but not limited to www.wellnesswarrior.deals, www.myfreezinc.com, www.freevitamindeal.com, www.freevitamindeals.com, www.common sensehealth.live, www.wellnesswarrior.org, thewellnesswarrior.org, wellnesswarriorvitamins.com, nepute.chiroconnect.com,

teamwarrior.com, and neputewellnesscenter.com. Defendants may also maintain additional websites and may have previously maintained other websites that are now defunct.

10. Both Nepute and Quickwork have transacted business in this District and throughout the United States. Since its formation, Quickwork has advertised, marketed, distributed, or sold products containing Vitamin D and zinc, including Wellness Warrior Vita D, Wellness Warrior Zinc, Wellness Warrior Immune Pack, Wellness Warrior Boost Pack, and Wellness Warrior Kids' Multivitamin (together, the "Wellness Warrior Products") to consumers throughout the United States. Nepute has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this complaint, including the advertising, marketing, distribution, and sale of Wellness Warrior Products.

THE FTC ACT

11. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

12. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

13. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, each Wellness Warrior Product is a "drug" as defined in Section (c) of the FTC Act, 15 U.S.C. § 55(c).

THE COVID-19 CONSUMER PROTECTION ACT

14. On January 31, 2020, the Secretary of Health and Human Services declared that the 2019 novel coronavirus (“COVID-19”) had caused a public health emergency. As of the date of the filing of this complaint, the public health emergency remains in effect.

15. On December 27, 2020, the President signed the COVID-19 Consumer Protection Act. The COVID-19 Consumer Protection Act makes it unlawful, for the duration of the ongoing novel coronavirus (COVID-19) public health emergency, for any person, partnership, or corporation to engage in a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), that is associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID-19. COVID-19 Consumer Protection Act of the 2021 Consolidated Appropriations Act (“COVID-19 Act”), Pub. L. No. 116-260, Title XIV, § 1401(b)(1).

16. A violation of Section (b)(1) of the COVID-19 Consumer Protection Act is treated as a violation of a rule defining an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the FTC Act, 15 U.S.C. § 57a(a)(1)(B). COVID-19 Act, § 1401(c)(1).

17. A violation of Section (b)(1) of the COVID-19 Consumer Protection Act made with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), is subject to monetary civil penalties of not more than \$43,792 for each violation of the COVID-19 Consumer Protection Act after January 13, 2021, including penalties whose associated violation predated January 13, 2021. *See* 15 U.S.C. § 45(m)(1)(A), as modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, sec. 701, 129 Stat. 599 (2015); *see also* 16 C.F.R. § 1.98(d).

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