

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Amirouche and Norton, LLC. )  
 Larby Amirouche, individually, and as Principal of )  
 Amirouche and Norton, LLC; )  
 )  
 Defendants. )  
 )

090129102

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

NOW COMES the Plaintiff, the People of the State of Illinois, by Lisa Madigan, Attorney General of Illinois, who brings this action complaining of the Defendants, Amirouche and Norton, LLC, an Arizona Limited Liability Company; Larby Amirouche, individually, and as Principal of Amirouche and Norton, LLC; (hereinafter "Defendants") and states as follows.

I.

JURISDICTION

1. This action is brought for and on the behalf of the PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of Illinois, pursuant to the provisions of the Consumer Fraud and Deceptive Business Practices Act, (hereafter, "Consumer Fraud Act"), 815 ILCS 505/1 *et seq.*, the Uniform Deceptive Trade Practices Act, 815 ILCS 510/2 *et seq.* and her

common law authority as Attorney General of Illinois.

2. Venue for this action properly lies in Cook County, Illinois, pursuant to sections 2-101 and 2-102(a) of the Illinois Code of Civil Procedure, 735 ILCS 5/2-101, 102(a) in that the corporate defendant, Amirouche and Norton, LLC., is a foreign corporation conducting business in Illinois without being registered to do so and are therefore considered a non-resident, 735 ILCS 2-102 and as such, an action against these non-resident defendants may be commenced in any county, 735 ILCS 2-101.

## II.

### THE PARTIES

3. Plaintiff, THE PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of Illinois, is charged, *inter alia*, with enforcement of the Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1 et seq.).

4. Defendant, Amirouche and Norton, LLC is an Arizona Limited Liability Company that was registered on June 23 2008, and has done business from 7401 Speedway, # 12201 Tucson, Arizona, 85711 and P.O. Box 1401, Highland Park, IL 60035.

5. Defendant, Larby Amirouche, is the Member of Amirouche and Norton, LLC and resides in Illinois. As Principal of Amirouche and Norton, Defendant Larby Amirouche formulated, directed, controlled and had knowledge of the acts and practices of Amirouche and Norton and at all relevant times hereto, was an member, owner or agent of Amirouche and Norton.

6. For purposes of this Complaint, any references to the acts and practices of Defendants shall mean that such acts and practices are by and through the acts of said company's members, employees, or other agents.

7. To adhere to the fiction of separate corporate existence between the individual defendant Larby Amirouche and the corporate defendant Amirouche and Norton, LLC would serve to sanction fraud and promote injustice.

### III.

#### COMMERCE

8. Subsection 1(f) of the Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1(f) et seq.) defines "trade" or "commerce" as follows:

The terms 'trade' and 'commerce' mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State.

### IV.

#### DEFENDANTS' COURSE OF CONDUCT

9. Defendants were at all times relevant hereto, engaged in the trade or commerce in the state of Illinois by driving traffic to varied websites as "affiliate marketers". Affiliate marketers are individuals or entities that derive income by sending "traffic" to a wide array of internet websites through a number of different marketing methods. Some of these methods include placing banner or pop-up advertisements, sending spam email, or the creation of fictional blogs ("flogs"), all of which are designed to entice consumers into clicking on a link advertising, offering for sale, and selling products and services as wide-ranging as dating websites, phone or gift cards, government grant programs and dietary supplements. These products or services may be provided by any number of suppliers or manufacturers through

various Internet websites. Affiliate marketers are paid in a variety of ways, the most common being Pay Per Click (they are paid a fee for each consumer that clicks on their link) or Pay Per Sale (they are paid a fee or commission for each consumer that orders the product or service being advertised).

10. Defendants used some or all of these methods, as described in paragraph 9 above, to entice consumers to click on their advertisements linked to a landing page which in turn would lead a consumer to a site selling an acai berry supplement or similar product. (Examples of such ads are attached as Plaintiff's exhibit 1).

11. Defendants often work with third parties known as "affiliate networks" to design, create and implement advertising campaigns that are meant to draw a high volume of traffic to a website landing page where consumers are asked to purchase a particular product.

12. Both "affiliate marketers" and "affiliate networks" are paid for driving traffic to multiple websites that are selling similar competing products.

13. Often, when one product's advertising campaign expires, the affiliate network and the affiliate marketers simply redirect "traffic" to a similar product's landing page to continue earning fees from already existing links that generate the traffic.

14. In certain advertisements, Defendants used words and images to make it appear that certain celebrities such as Oprah Winfrey and Rachel Ray endorsed the products that Defendants were driving consumer "traffic" to.

15. In one advertisement, Defendants used a photo of Oprah Winfrey with the words, "Oprah's diet secret" which if clicked on would lead consumers to an acai berry supplement "free trial offer" landing page.

16. Defendants also used phony blog type diaries (known as "flogs") in which a fake

"blogger" would extol the virtues of a particular product and lead the consumer through a series of clicks to the landing page for a particular product, where consumers would be convinced to order a "free trial" of the product.

17. Defendants created websites such as Beckysweightloss.com, which was designed to appear as if it was written by a real person who had lost a significant amount of weight by using a particular acai berry supplement. The site, provided links, which if clicked by consumers, would lead them to a "free trial offer" of a particular acai berry supplement. (See Plaintiff's exhibit 2 attached).

18. The "flogs" placed by the Defendants list numerous exaggerated weight loss and health claims and refer to Oprah Winfrey and Dr. Mehmet Oz as if they were endorsing these particular supplement products.

19. In reality, the "Becky" portrayed was a fictional person, with a stock photo image or a photo of a model, and the weight loss claims were often identical to numerous other weight loss blogs portraying fictional people that were presented to consumers as real.

20. The "risk free trial offer" for a dietary supplement product was typically offered free of charge to consumers, except for a shipping and handling fee for the delivery of the product.

21. Defendants' links lead consumers to enter their credit card or debit card numbers online in order to receive the "free trial offer" and pay for shipping and handling.

22. These pages fail to clearly and conspicuously disclose all material terms and conditions that apply when a consumer purchased one of its products under a "risk free trial offer." These pages buried the terms and conditions at the very bottom of the webpage in small print or via a web page link existing independent of the purchasing page.

23. Consumers entering their information for the "free trial offer" are automatically enrolled in a confusing subscription program to purchase dietary supplements whereby it would charge consumers for additional dietary supplement products unless the consumers contacted the billing parties to cancel the subscription program within 14 days from the date the consumers placed the "free trial offer."

24. Consumers are then billed through the credit card number they used in order to be billed for the shipping fee in the "free trial" offer. (known by affiliate marketers as a "rebill").

25. Defendant's were aware that these websites failed to clearly and conspicuously disclose to consumers that they were enrolling in the a subscription program if they failed to cancel their order within 14 days of placing said order.

26. Defendants were aware that consumers' credit or debit card's would be charged for each subsequently delivered product, without the consumers' knowledge or consent.

27. The Illinois Attorney General, the Northern Illinois Better Business Bureau and others have received hundreds of complaints by Illinois consumers regarding multiple companies billing them for acai related products they did not order. The Defendants actions lead many of these consumers to these fraudlulent sites.

## V.

### APPLICABLE STATUTES

28. Section 2 of the Consumer Fraud Act provides, in pertinent part:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or

employment of any practice described in Section 2 of the "Uniform Deceptive Trade Practices Act," approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby . . . .

815 ILCS 505/2.

## VI.

### VIOLATIONS

29. The Defendants engaged in a course of trade or commerce which constitutes unfair and deceptive acts or practices declared unlawful under Section 2 of the Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/2) by:

A. Creating and/or placing misleading or deceptive advertisements that featured phony diet blogs to entice consumers to order a "free trial offer" for free dietary supplement by paying a shipping and handling fee that leads to continuity charges without consumers' knowledge or consent;

B. Creating or placing misleading or deceptive advertisements that contained express or implied endorsements of their products by celebrities such as Oprah Winfrey and Rachel Ray when in fact no such endorsement was made. (See Plaintiff's exhibit 3 attached)

C. Failing to disclose all material terms and conditions to the consumers who placed the "free trial offer" by hiding the terms and conditions in a place not clear and conspicuous to the consumer; and

D. Failing to provide such consumers any notice of the terms and conditions.

VII.

REMEDIES

30. Section 7 of the Consumer Fraud Act provides in relevant part:

Whenever the Attorney General ... has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by this Act to be unlawful, and that proceedings would be in the public interest, he or she may bring an action in the name of the People of the State against such person to restrain by preliminary or permanent injunction the use of such method, act or practice. The Court, in its discretion, may exercise all powers necessary, including but not limited to: injunction; revocation; forfeiture or suspension of any license, charter, franchise, certificate or other evidence of authority of any person to do business in this State; appointment of receiver; dissolution of domestic corporations or association suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution.

In addition to the remedies provided herein, the Attorney General ... may request and the Court may impose a civil penalty in a sum not to exceed \$50,000 against any person found by the Court to have engaged in any method, act or practice declared unlawful under this Act. In the event the court finds the method, act or practice to have been entered into with the intent to defraud, the court has the authority to impose a civil penalty in a sum not to exceed \$50,000 per violation.

815 ILCS 505/7.

VIII.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays for the following relief:

A. A finding that Defendants have engaged in unfair or deceptive acts or practices in the conduct of trade or commerce in violation of the Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2;

B. An order preliminarily and permanently enjoining Defendants from advertising and offering any healthcare or diet supplements for sale on the Internet,

C. An order preliminarily and permanently enjoining Defendants from advertising and offering any product for sale on the Internet that uses a phony blog (known also as "flogs") or customized "news article" designed or written by defendant or an agent of defendant, including affiliate marketers and affiliate networks,

D. An order preliminarily and permanently enjoining Defendants from using the names or images of any celebrity or well known person in connection with the advertisement of any product marketed, sold or shipped by Defendants;

E. An order preliminarily and permanently enjoining Defendants by any other name or through any other corporation, partnership or business entity in which Defendants have any interest, from engaging in the trade or commerce of advertisement or sales of dietary supplements;

F. An order preliminarily and permanently enjoining Defendants from using the words "free" "or free trial" or "no obligation" or words of similar import without clearly and conspicuously disclosing shipping and handling charges and whether the consumer may be enrolled in a re-billing or continuity program.

G. An order requiring Defendants to pay restitution to all consumers who have suffered injury as a result of Defendants' unlawful acts and practices;

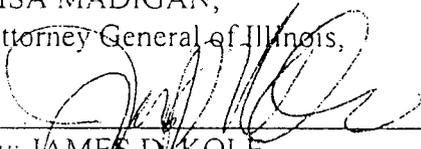
H. An order requiring Defendants to pay a civil penalty of Fifty Thousand Dollars (\$50,000.00), and an additional penalty of Fifty Thousand Dollars (\$50,000.00) per violation of the Consumer Fraud and Deceptive Business Practices Act for such violations the Court finds that defendant committed with intent to defraud:

I. An order requiring Defendants to pay an additional civil penalty of Fifty Thousand Dollars (\$50,000.00), per violation of the Consumer Fraud and Deceptive Business Practices Act found by the Court to have been committed against a person 65 years or older as provided by Section 7(c) of the Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 7(c);

J. An order requiring Defendants to pay all costs for the prosecution and investigation of this action, as provided by Section 10 of the Consumer Fraud Act, 815 ILCS 505/1 *et seq.*; and

K. An order granting any further relief that this Court deems just and necessary.

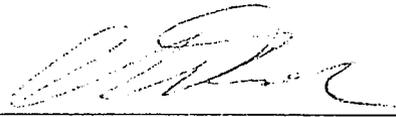
PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN,  
Attorney General of Illinois,

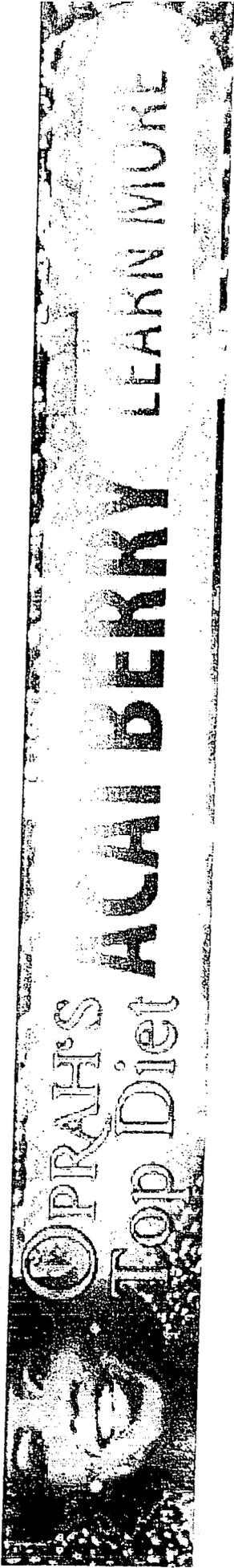
  
By: JAMES D. KOLE  
Assistant Attorney General  
Chief, Consumer Fraud Bureau

LISA MADIGAN  
Attorney General

JAMES D. KOLE, Chief  
Consumer Fraud Bureau

ADAM J. SOKOL  
Assistant Attorney General  
Consumer Fraud Bureau  
100 West Randolph, 12th Floor  
Chicago, Illinois 60601  
(312) 814-4309

  
Adam Sokol  
Assistant Attorney General



OPRAH'S  
Top Diet  
**Acai BERRY** LEAKIN' MORE

EXHIBIT  
#1



**BECKY'S**

**ACAI BERRY DIET**

**LOSE 44 LBS**

**IN 4 MONTHS**

**LEARN MORE**



Q: How many squares are there in the shape to the left?  
97.23% of people get this wrong, will you?

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Saturday, November 08, 2008

wtf

Last Updated: 7/7/2009

- Send Message
- Instant Message
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Gender: Male  
 Status: Single  
 Age: 26  
 Sign: Gemini

City: LAGUNA BEACH  
 State: California  
 Country: US  
 Signup Date: 9/10/2008

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## I lost 48lbs with these "bulge" busting (FREE) products

*My name is Justin Harris, and I feel compelled to share my weight loss journey with you. I had been heavier than most people my entire life, but when I started college last year, the pounds started packing on. Then I happened upon a system that helped me rid my belly bulge and before I knew it - I had lost 48 pounds of ugly fat. I am sharing my story because I know there are other guys in my same situation who have let their weight get out of hand, and I think they can be helped too, just like I was.*



## How I Ballooned Up To 260 Pounds

Yep, that was me at my heaviest and right before my life changed when I started using Acai Berry, Power 500 and Total Cleanse.

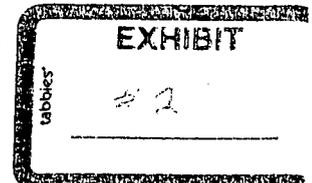
Like I already mentioned, I have been heavier than most guys for as long as I could remember, but high school sports like football and basketball usually kept me down to a reasonable 180-190 pounds. I used to get exercise everyday, but when I went away to college - things changed. Late night study sessions fueled by soda, chips, dips, and other snacks became the norm. So did takeout food. It seemed that I never had anytime for anything but my school work, and my part-time job answering phones in one of the administrative offices. There was no time for exercise. I have never been a lazy person, but it seems that I was just too busy to do anything but eat, sleep, and work.

Needless to say, after a couple of semesters, I had ballooned up from around 185 pounds to a staggering 260 pounds. With my height, the weight looked ridiculous on me. For the first time in my life, I went from being popular with the girls to never getting a second look. That just made me not care. I was totally uncomfortable with my appearance.

I started dieting after gaining the first thirty pounds or so. I was so determined to get rid of my fat stomach I tried the most popular diets that I would hear girls around campus talking about - the first was Atkins. I lasted on the Atkins plan about two weeks - I just couldn't handle not having my pasta and bread. I took supplements that I saw advertised on television, such as Trim Spa and others, but they just made me feel nervous and edgy. Needless to say, nothing worked, and I just kept getting bigger and bigger. While shaving each morning, I would look at my fat face and wonder why I had let myself get this huge.

So I gave up and resolved myself to a life of fat clothes and desperate, unattractive women. My life became an endless cycle of sleep, wake, study, work, and eat - with special attention paid to eating. I no longer cared about going out with my friends to ballgames that we once enjoyed so much, or parties around campus that I always pictured as being where I would spend a lot of my time on campus. I had settled in one afternoon with a huge bag of Cheetos and a Pepsi to watch some television, and while channel-surfing, happened upon an Oprah show that would change my life forever.

## I Never Dreamed Daytime TV Would Change My Life



Dr. Oz came on a segment of the Oprah show and started talking about a new superfood called Acai (pronounced "ah-see-ee") berry. Dr. Oz claimed that Acai berry is more powerful than red wine and pomegranate but had the amazing benefit of reducing hunger while increasing energy levels. My mother is a die-hard Oprah fan, and something told me that Oprah wouldn't allow any snake oil salesmen to promote weight loss on her show - this guy had to be legit. I thought that I might try it but was a bit skeptical. I had already tried so many supplements before, and none of them worked although all claimed to have the special magic ingredient that would turn flab to fab. The next day, I was watching yet another daytime talk show when I saw Dr. Oz again. This time talking about cleansing the colon to lose unsightly weight. What he was saying was that we have lots of gross and nasty stuff hanging out in our colons that could have been trapped there for years, and that lots of toxins thrive in this intestinal garbage. This back-up in your colon's "plumbing" can actually add inches to your waistline. Dr. Oz said getting rid of this sludge, which looks like slimy tar, can help you lose weight that dieting and exercising cannot removed. I became immediately interested. This guy seemed to have all the answers to getting rid of my ugly fat, and maybe I would gain some much-needed energy along the way. My saving grace would be trying both of the methods that Dr. Oz recommended. If just one of these products can do half of what Dr. Oz claims they can do, then just imagine what the two combined can do, I thought.

I think back to the days when I began using Acai Berry Power 500 and Total Cleanse, and wish that I had only known about them before. I happened across a free trial with both of these products, which really appealed to that little voice in the back of my head that was causing me to be a bit skeptical. These two ingredients became my weapons when I decided to wage war against the ugly fat that was starting to hold me back in life.

I developed a routine that I still use today, and boy did the weight come off. I have since seen networks like CNN cover the health benefits of Acai and also colon cleansing in general (although combining the two is the secret of my success). My routine is pretty straight forward.

### Step One:

Step one is my Acai Berry Power 500, which has been the most important part of my routine. Acai Berry Power 500 and Total Cleanse helps me

- Regulate my metabolism
- Suppress my hunger during the day
- Boost my energy so I could focus on life (beyond work and school) and get out with my friends more.
- Lose several pounds from my body by replacing coffee and soda (and keep my teeth whiter for smiling at the ladies).

The best part is that I got a free 30-day trial of Acai Berry Power 500 and I simply love the fact that I can take the Acai and go on with my activities without worry.

### Step Two:

Total Cleanse is the second important step in my routine. While Acai Berry Power 500 gives me energy and helps suppress my hunger, Total Cleanse

- Removes the harmful toxins in my body
- Removes walls of aged sludge in my colon
- Helped me lose several inches off my waist that exercise couldn't
- Helped reduce my blood pressure and cholesterol levels

I got a free bottle of Total Cleanse and I take 1 pill in the morning and 1 in the evening when I take my Acai. They are the perfect weight-loss combination, helping me shed ugly flab and cleanse my system of harmful waste build up.

### The Results Of My Diet Routine

During my trial period I lost 26 lbs! I continued using both products and lost another 22 lbs. (That's a total of 48 lbs in 3 months!) I am now down to 312 lbs and I'm just 20 lbs away from being what I weighed when I was playing high school football just a year and a half ago.

I feel amazing lately, like I am on top of the world. My friends are glad to have the old me back, full of energy and ready to party. No more sulking around with a box of Twinkies while everyone else is having the time of their life.

I hope my story provides at least some motivation to help you lose weight. Just don't give up, because losing weight really will change your life in ways you never imagined. When I was at my heaviest, I felt like my life was over when in all reality it should have just been beginning. I am so glad I was able to lose the weight I have lost so far, and I am confident that I will reach my goal before the end of the semester. The sky really is the limit when you have the self-confidence to get out and live your dreams instead of hiding behind a suit of fat. Losing this weight feels better than being a quarterback in the Super Bowl.

I really recommend this method to anyone who has come to hate being in their own skin. Being fat can be one of the most devastating things to your ego, but getting rid of it is easy with this system, especially when you can try it out for free with the free trial.

### Get Out Of Your Diet Rut And Lose Ugly Fat Now

For maximum results, I recommend that you get both products, Acai Berry Power 500 and Total Cleanse. The free trial has a full money-back guarantee. The only thing I paid for was the shipping which was less than \$5.00 each. Believe me, the results you will achieve are worth much, much more.

**Free Bottle of Acai Berry Power 500**

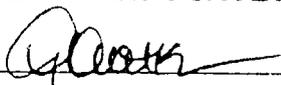
**Free Bottle of Total Cleanse**

September 29, 2008.



7. Ms. Oprah Winfrey has never approved or agreed to have her image or name used in conjunction with the sale and marketing of any acai berry related product.

FURTHER AFFIANT SAYETH NOT

  
\_\_\_\_\_

VP and Treasurer for OW Licensing Company, LLC

August 18, 2009  
Date

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth are true and correct, except as to such matters stated therein stated to be on information and belief and to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_

VP and Treasurer for OW Licensing Company, LLC

August 18, 2009  
Date

SERVICE LIST LARBY AMIROUCHE

- (1) LARBY AMIROUCHE  
835 WOODBINE RD  
HIGHLAND PARK, IL  
60035-3733

SERVICE LIST-ADVANCED WELLNESS RESEARCH INC.

(1) Advanced Wellness Research Inc.,  
500 South Pointe Drive, # 230  
Miami Beach FL 33139

(2) Nicholas Molina  
500 South Pointe Drive, # 230  
Miami Beach FL 33139 same as above

If both Defendants are not there then try them at:  
1000 South Pointe Drive #1901  
Miami Beach, FL 33139

If Advanced Wellness Research Inc. is not at the first two addresses then try serving

Homer Bonner, PA as Registered Agent of Advanced Wellness Research Inc. at  
1200 Four Season Tower  
1441 Brickell Ave.  
Miami, FL 33131

(3) Netalab, Inc.  
940 Lincoln Road, #215  
Miami Beach, FL 33139

Nick Molina if not at the first two addresses  
940 Lincoln Road, #215  
Miami Beach, FL 33139