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U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

MY DOCTOR SUGGESTS LLC (d/b/a
My Health Supplier), a Utah corporation,
GP SILVER LLC, a Utah corporation and
GORDON PEDERSEN, an individual,

Defendants.

Case No.

**FILED UNDER SEAL PURSUANT
TO COURT ORDER**

COMPLAINT

Judge: Case: 2:20-cv-00279
Assigned To : Kimball, Dale A.
Assign. Date : 4/27/2020
Description: Sealed v. Sealed

The United States of America, by and through its undersigned attorneys, complains against the Defendants as follows:

1. The United States brings this action for an *ex parte* temporary restraining order, preliminary and permanent injunctions, and other equitable relief under 18 U.S.C. § 1345, to

enjoin Defendants' ongoing commission of a criminal mail and wire fraud scheme where they fraudulently market silver products for the prevention and treatment of coronavirus disease 2019 (COVID-19), the disease at the center of the current global pandemic, in violation of 18 U.S.C. §§ 1341 and 1343. The United States seeks to prevent continuing and substantial injury to the victims of this fraud.

2. Since at least 2014, Defendants Gordon Pedersen, My Doctor Suggests, LLC, and GP Silver LLC have promoted silver products as a treatment for various diseases, including arthritis, diabetes, influenza and pneumonia. All of the products list the precious metal silver as an ingredient for consumers to ingest or apply topically, and are marketed under various names, including, without limitation, "Silver Solution," "Silver Gel," "Silver Soap," and "all Natural Silver Lozenge" (collectively, "My Doctor Suggests silver products").

3. In early 2020, Defendants began fraudulently promoting My Doctor Suggests silver products as effective protection against, and treatment for, COVID-19 through YouTube videos, podcasts, and websites. In these promotions, Defendant Gordon Pedersen falsely claims that My Doctor Suggests silver products can destroy coronavirus, and remove it from the body, assuring the user will never get COVID-19. He then directs listeners to the website MyDoctorSuggests.com where Defendants sell My Doctor Suggests silver products and ship them in interstate commerce.

4. For the reasons stated herein, the United States requests injunctive relief pursuant to 18 U.S.C. § 1345 to enjoin Defendants' scheme to defraud using the mail and wires in violation of 18 U.S.C. §§ 1341 and 1343.

JURISDICTION AND VENUE

5. The Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. § 1345 and 28 U.S.C. §§ 1331 and 1345.

6. Venue lies in this district pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

7. Plaintiff is the United States of America.

8. Defendant My Doctor Suggests LLC is, and was at all times relevant to this action, a corporation organized and existing under the laws of the State of Utah, whose registered business address is 2547 S Honeysuckle Dr., Saratoga Springs, Utah 84045. My Doctor Suggests LLC sometimes transacts business under the name “My Health Supplier.” In connection with the matters alleged herein, My Doctor Suggests transacts or has transacted business in the District of Utah and throughout the United States.

9. Defendant GP Silver LLC is, and was at all times relevant to this action, a corporation organized and existing under the laws of the State of Utah, whose registered business address is 4526 Cherry Court, Cedar Hills, Utah 84062. In connection with the matters alleged herein, GP Silver transacts or has transacted business in the District of Utah and throughout the United States.

10. Defendant Gordon Pedersen (Pedersen) exercises control over the business operations of My Doctor Suggests LLC and GP Silver LLC. Pederson is a resident of Cedar Hills, Utah, and in connection with the matters alleged herein, transacts or has transacted business in the District of Utah and throughout the United States.

DEFENDANTS ONGOING FRAUDULENT COVID-19 SCHEME

11. Beginning in early 2020, Defendants commenced, and have continued to conduct, a mail and wire fraud scheme to defraud consumers throughout the United States, promoting and selling My Doctor Suggests silver products based on fraudulent claims of protection against, and treatment for, COVID-19, in the midst of a worldwide pandemic.

12. There is no recognized cure for COVID-19, and no drug product has been proven safe and effective for the prevention, treatment, or cure of COVID-19.

13. Since at least 2014, Defendant Pedersen has used a number of companies to promote and distribute ingestible silver products, including My Doctor Suggests LLC, GP Silver LLC and the Silver Health Institute, which identifies Defendant Pedersen as its “Medical Director.” The promotions generally direct consumers to an online sales platform, such as MyDoctorSuggests.com, where they can purchase the silver products directly, and My Doctor Suggests silver products are also available on Amazon.com and Shopify.

14. Defendants market My Doctor Suggests silver products through various promotions on separate websites that direct consumers back to the online sales platform at MyDoctorSuggests.com.

15. The promotions are often under the guise of medical authority. For example, Defendant Pedersen often uses using the title “Dr.” Additionally, the My Doctor Suggests home page (www.mydoctorsuggests.com) contains an image of Defendant Pedersen in a white coat with a stethoscope around his shoulders, creating the appearance of a treating physician, even though Defendant Pedersen does not hold a Doctor of Medicine (M.D.) degree, and is not licensed as a medical provider in the State of Utah.

16. Defendants' promotions appear through radio broadcasts and on websites such as YouTube and Facebook to broadcast claims that My Doctor Suggests silver products provide safe and effective protection against viruses generally and COVID-19 specifically. For example:

- a.** On January 30, 2020, Defendant Pedersen posted a video promotion on YouTube, entitled, "Coronavirus Best Solution! Hand Sanitizers! Structured Silver Gel from Dr. Gordon Pedersen," in which he claims that having silver in his bloodstream will "usher" any coronavirus out of his body. Pedersen further explains that he is "going to go out and shake hands with people, doctors, patients, people who are infected possibly with the flu... and I'm going to have a confidence level that I have protection."
- b.** On February 3, 2020, a group called the Silver Health Institute issued a press release quoting Pedersen as stating that, "because the Coronavirus is a virus and it has been proven that Alkaline Structured Silver will destroy all forms of viruses, it will protect people from the Coronavirus, as well as will help people recover more quickly that are suffering from it." Their website, (www.silverhealthinstitute.com) also contains a "recent addition," entitled "Silver & Viruses," where Pedersen tells potential consumers that it is important to talk about viruses right now "because they are very contagious and they can have negative impacts on our health, our economy, on our social life." Pedersen then continues to assert that once in the blood stream, silver nanoparticles can block the virus from attaching to their cells, and thus "prevent[] the disease totally and completely." He recommends two teaspoons

of silver nanoparticles twice daily to “help your immune system prevent viral infections.”

- c. On February 14, 2020, in another YouTube promotional interview, Defendant Pedersen claimed that the My Doctor Suggests Silver Solution has destroyed related coronaviruses and, notwithstanding disclaimers, he would expect a similar outcome against “the Wuhan version COVID-19.” He further represented that “if all of this problem is coming in and out of your sinuses and mouth, it’s as easy as taking a silver lozenge and now you got 25 minutes of silver protection. What is the protection? This destroys viruses.” Defendant Pedersen then holds up the product for consumers to see, and the video includes a link to the My Doctor Suggests website where they can buy the product.
- d. On March 26, 2020, Pedersen was interviewed on a podcast and was asked what he recommends for people considering what they “need to do” if they are prepping for the COVID-19 outbreak. Pedersen replies: “If you remember nothing else, remember this: silver in this liquid gel and aerosol form and lozenge form destroys bacteria, and viruses, and yeast, and it does it all at the same time, and there is no drug that man has made that can do the same. This is natural, that's why it can do it...If you have the silver in you, when the virus arrives, the silver can isolate and eliminate that virus.” Pedersen also explained, “If you don't want to get a germ that's floating around there like the coronavirus, [take liquid silver] twice a day.” At the end of the video, listeners

are encouraged to call for a link to Defendant Pedersen's website where they can purchase the "really amazing" products.

17. Defendants further represent that My Doctor Suggests silver products can permit users to travel freely without fear of contracting coronavirus. For example:

- a. On March 26, 2020, Defendant Pedersen was interviewed on a podcast and explained that he so "believed" in My Doctor Suggests silver products that he was going to "fly through Italy" for a conference on infection control and that "my wife and I are going on a cruise the day the convention is over. Is there a worse petri dish in the world? If you can keep yourself separate from this virus, you can be confident[.]" He further claimed he would be going into the "lion's den" while traveling, but that he was "confident" because of Defendants' silver products.
- b. On March 31, 2020, Defendant Pedersen published a video on YouTube asserting that Defendants' silver products steal particles from pathogens and rupture their membranes. He tells viewers that "I've been to Italy. I was in Paris...I've been in all these tough areas and I've been drinking the liquid silver, I've been using the gel on my hands, I put the liquid in my [Continuous Positive Airway Pressure (CPAP)] machine... Isn't that kind of a ventilator? Isn't that what they're kind of doing right now when people get really really sick?"
- c. On April 14, 2020, Pedersen was interviewed by LATalkRadio and explained "when I just got back from going to Paris, and Rome, and on a cruise ship

down through Egypt, let's see those are three of the four most hot areas for the problems that we're having today, I put the gel on all of my skin that was exposed and it was a real benefit to me because I knew I had a barrier layer of silver anywhere my skin was exposed."

- d. On April 23, Pedersen was interviewed on YouTube and explained, "Whenever I was around someone within six feet [while traveling], I had a silver lozenge in my mouth. Now this works because I've taken silver and put it in a proprietary way into a lozenge."

18. Defendants' promotions often direct consumers to opportunities to purchase My Doctor Suggests silver products through websites, including the My Doctor Suggests Store Page (www.mydoctorsuggestsstore.com) where an orange digital stamp assures consumers that the store is "100% Legal."

19. The list prices on the My Doctor Suggests website range up to \$299.95 for a gallon of the Silver Solution, a mix of water, sodium bicarbonate (commonly known as, "baking soda") and extract from silver wire—the company's self-described "flagship product."

20. Through the My Doctor Suggests Store Page and other websites, Defendants solicit orders for My Doctor Suggests silver products and collect money from consumers who have been told the products can provide protection from, and treatment for, COVID-19. Consumers can place orders through a customer service phone line (1-866-660-9868), or by adding products to an online shopping cart, which then prompts consumers to fill out an online order form on the website to purchase products. For both options, credit card payment is accepted.

21. Defendants distribute My Doctor Suggests silver products by sending them from facilities in Utah through the U.S. mail or other common carriers throughout the United States in interstate commerce.

22. Defendants utilize interstate wires in furtherance of their scheme, including the My Doctor Suggests LLC customer service phone line, their online storefronts and related emails, as well as promotional broadcasts through the internet and LATalkRadio.

23. Defendants have experienced a substantial increase in sales since they began marketing My Doctor Suggests silver products as effective for the prevention and treatment of COVID-19 in early 2020.

24. Defendants know that My Doctor Suggests silver products are not a proven cure or treatment for COVID-19. They are also aware that they cannot legally promote My Doctor Suggests silver products for the prevention and/or treatment of COVID-19, and distribute them in interstate commerce. Indeed, Defendant Pedersen has stated that, “[w]e are not a cure for the coronavirus—there is none,” and acknowledged that he does not actually know whether the products “kill” coronavirus. Further, all of the Defendants either know or consciously avoid knowing that their promotional statements give consumers the false and fraudulent impression that My Doctor Suggests LLC silver products can be used to prevent or treat COVID-19.

25. Defendants’ conduct is reckless and harmful to consumers.

26. Defendants are inducing consumers to spend money based on fraudulent claims and the concealment of material facts.

27. Defendants are creating a false sense of security that may cause consumers to avoid conventional medical treatment and to ignore travel restrictions and social-distancing that slow the spread of COVID-19.

28. Without injunctive relief, the Defendants' actions will continue to harm consumers.

COUNT I
(18 U.S.C. § 1345)

29. The United States realleges and incorporates by reference paragraphs 1 through 28 of this Complaint as though fully set forth herein.

30. By reason of the conduct described herein, Defendants have violated, are violating, and are about to violate 18 U.S.C. § 1341 by executing a scheme or artifice to defraud or for obtaining money or property by means of false or fraudulent representation with the intent to defraud, and, in so doing, using the United States mails and/or private or commercial interstate carrier.

31. By reason of the conduct described herein, Defendants have violated, are violating, and are about to violate 18 U.S.C. § 1343 by executing a scheme or artifice to defraud or for obtaining money or property by means of false or fraudulent representation with the intent to defraud, transmitted through wire, radio or television communication in interstate commerce.

32. Upon a showing that Defendants are committing or about to commit mail fraud, the United States is entitled, under 18 U.S.C. § 1345, to a temporary restraining order, a preliminary injunction, and a permanent injunction, restraining all future fraudulent conduct and any other action that this Court deems just in order to prevent a continuing and substantial injury to the victims of fraud.

33. Upon a showing that Defendants are committing or about to commit wire fraud, the United States is entitled, under 18 U.S.C. § 1345, to a temporary restraining order, a preliminary injunction, and a permanent injunction, restraining all future fraudulent conduct and any other action that this Court deems just in order to prevent a continuing and substantial injury to the victims of fraud.

34. As a result of the foregoing, Defendants' conduct should be enjoined pursuant to 18 U.S.C. § 1345.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff United States of America requests of the Court the following relief:

- (a) A temporary restraining order under 18 U.S.C. § 1345 as follows:
- i. Enjoining Defendants, their agents, officers and employees, and all other persons and entities in active concert or participation with them from committing mail fraud, as defined by 18 U.S.C. § 1341;
 - ii. Enjoining Defendants, their agents, officers and employees, and all other persons and entities in active concert or participation with them from committing wire fraud, as defined by 18 U.S.C. § 1343;
 - iii. Enjoining Defendants, their agents, officers and employees, and all other persons and entities in active concert or participation with them from using interstate telephone calls, mail or private interstate carrier, or electronic communications, including wire, radio, television and internet publication to:

1. Distribute silver products, including without limitation, silver products sold on behalf of Gordon Pedersen, My Doctor Suggests LLC or GP Silver LLC in interstate commerce;
 2. Distribute any product that represents, directly or indirectly, expressly or impliedly that it is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease, including, without limitation, products that are intended for use in the diagnosis, cure, mitigation, treatment or prevention of COVID-19;
- iv. Ordering Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them to remove any active sales listings for My Doctor Suggests silver products, wherever those listings may appear, including without limitation, on the Defendants' own website (MyDoctorSuggestsStore.com), as well as third parties such as Amazon and Shopify.
 - v. Ordering Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them to preserve all business, financial, accounting and other records concerning the sale of their silver products, including, without limitation, records maintained by My Doctor Suggests LLC and GP Silver LLC and any other corporate entity operated by the Defendants;
 - vi. Ordering Defendants to prepare accounting of their scheme.
- (b) A separate temporary restraining order under 18 U.S.C. § 1345 to freeze any assets held by Defendants Gordon Pedersen, My Doctor Suggests LLC, and GP Silver LLC that

might otherwise be used to facilitate their fraudulent business and/or that might be employed to provide restitution for fraud victims. This should include an order restraining and enjoining all persons and entities with direct or indirect control over any Defendants' assets from transferring, setting off, receiving, changing, selling, pledging, assigning, liquidating or otherwise disposing of or withdrawing the assets, including items of physical values, such as vehicles and precious metals gold and silver, cash and accounts with financial institutions, such as banks, brokerage firms, and mutual funds;

- (c) A preliminary injunction on the same basis and to the same effect as the temporary restraining orders in sections (a) and (b), *supra*;
- (d) A permanent injunction under 18 U.S.C. § 1345 on the same basis and to the same effect except that paragraphs (a)v, (a) vi and (b) *supra* shall be excluded from the final order;
and
- (e) Such other and further relief as the Court shall deem just and proper.

Dated this day, the 27th of April, 2020

Respectfully submitted,

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS United States of America
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Joel A. Ferre, USAO
111 S Main, Suite 1800
Salt Lake City UT 84111

DEFENDANTS
MY DOCTOR SUGGESTS LLC; GP SILVER LLC; GORDON PEDERSEN
County of Residence of First Listed Defendant Utah County
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
X 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
PERSONAL INJURY
REAL PROPERTY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
PROPERTY RIGHTS
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
X 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. 1345
Brief description of cause:
Injunctive relief for violations of 18 U.S.C. 1341 & 1343

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE DOCKET NUMBER

DATE 04/27/2020
SIGNATURE OF ATTORNEY OF RECORD Joel A. Ferre
Case: 2:20-cv-00279

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP
Assigned To : Kimball, Dale A.
Assign. Date : 4/27/2020

Description: Sealed v. Sealed