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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

2015 DEC -4 PM 1:06

CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 5:15-CV-577-OC-30PRL

JAMES R. HILL Individual d/b/a Viruxo LLC

Defendant

ANSWER TO COMPLAINT FOR INJUNCTIVE RELIEF

Defendant James R. Hill ("Viruxo LLC") hereby *pro se*, responds as follows to the original complaint in this litigation, denying everything not given a specific response.

ADMISSIONS AND DENIALS

1. This paragraph describes Plaintiffs judicial complaint, a document that speaks for itself, and no response is required.

2. DENY Defendant sells and promotes this product as a dietary supplement sold as an immune support supplement. This product is compounded with all natural ingredients all which available over the counter and in no way controlled. Any other wording or references are intended for other information only purposes contained on the page including, but not limited to published resources regarding health care knowledge widely available on the World Wide Web.

3. Deny first sentences. ADMIT receiving warning letter and responding to comply. DENY the rest of 3. Defendant complied by totally removing all (17) claims outlined in the warning letter, redesigning the entire website and re-branded the product as immune support supplement. All labeling was also changed and product promotional material giving advice no longer used.

4. DENY

5. ADMIT

6. ADMIT

7. ADMIT

8. ADMIT

9. This paragraph describes 21 U.S.C. 321(g)(1)(B)&(ff)&(G) which speaks for itself, and contains Plaintiffs legal conclusions, which do not require a response.

10. This paragraph describes 21 C.F.R. 201.128, which speaks for itself, and contains Plaintiffs legal conclusions, which do not require a response.

11. ADMIT first sentence DENY all up to (a):

(a.) DENY using (Viruxo is a), which was added by Plaintiff. Admit the other three phrases were used to note other free information regarding this health subject, widely published on the World Wide Web, that was indeed contained on our web page, not referring to the Viruxo product.

(b.) ADMIT All of our research shows that “Viruxo Is The Most Powerful Product Of It’s Type, Available Without A Prescription!”. (Viruxo) is the product name, (product of it’s type) always branded and listed as “immune support supplement”, (available without a prescription) as it is not a drug but, an all natural supplement not requiring a prescription.

(c.) Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation. After searching our webpages Defendant could not find this reference.

(d.) ADMIT the statement speaks for itself. Currently there is no known cure for the herpes virus, as published by the U.S-C.D.C. It is also widely published through university studies and clinically proven research, that a strong healthy immune system, can keep the herpes virus in a dormant inactive state. Most all of the ingredients are widely recognizes to help boost

the immune system.

12. ADMIT we always use this disclaimer on every page:

LEGAL NOTICE - DISCLAIMER

Warning: Statements expressed within this site have not been evaluated by the Food and Drug Administration. Any and all information and/or statements found within this site are for educational purposes only and are NOT intended to diagnose, treat, cure, prevent disease or replace the advice of a licensed healthcare practitioner.

Note also, this web site may contain links to other web sites operated by other parties. These links are provided for your convenience and reference only. Viruxo is not responsible for the content or products of any linked site or the links contained therein.

Viruxo does not dispense medical advice, prescribe, or diagnose illness. Any views and ideas expressed by Viruxo are not intended to be a substitute for conventional medical advice or service. You agree that no responsibility or liability will be incurred to any person or entity with respect to any loss, damage, or injury caused or alleged to be caused directly or indirectly by the information contained within this site. If you have a severe medical condition, please see a licensed healthcare practitioner.

DENY everything else after the first comma in the first sentence, that appears to be the Plaintiffs legal conclusions, which do not require a response.

13. DENY

14. ADMIT

15. ADMIT all citing statements outlined in the warning letter were removed completely within 15 days of receiving the letter.

16. ADMIT

17. ADMIT

18. ADMIT

19. ADMIT

20. ADMIT

21. DENY

22. ADMIT

23. ADMIT

COUNT 1

24. Plaintiffs statement, which do not require a response.

25. This paragraph contains Plaintiffs legal conclusions, which do not require a response.

26. This paragraph contains Plaintiffs legal conclusions, which do not require a response.

27. This paragraph contains Plaintiffs legal conclusions, but Defendant DENIES the claim.

28. ADMIT

29. This paragraph contains Plaintiffs legal conclusions, but Defendant DENIES the claim.

COUNT 2

30. Plaintiffs statement, which do not require a response.

31. This paragraph contains Plaintiffs legal conclusions, which do not require a response.

32. This paragraph contains Plaintiffs legal conclusions, which do not require a response.

33. This paragraph contains Plaintiffs legal conclusions, which do not require a response.

34. DENY Viruxo is a dietary supplement and not a prescribed drug. It is not governed

by any of the mentioned laws or regulations.

35. DENY Viruxo is a dietary supplement and not a prescribed drug. It is not governed by any of the mentioned laws or regulations.

36. DENY Viruxo is a dietary supplement and not a prescribed drug. It is not governed by any of the mentioned laws or regulations.

COUNT 3

37. DENY Viruxo is a dietary supplement and not a prescribed drug. It is not governed by any of the mentioned laws or regulations.

38. Plaintiffs statement, which do not require a response.

39. DENY

40. ADMIT

41. DENY

42. This paragraph contains Plaintiffs legal conclusions, but Defendant DENIES the claim.

Adding, Viruxo has never had a single complaint filed with any federal, state or local consumer protection agencies for any of the allegations outlined in this complaint.

43. DENY

44. ADMIT

45. DENY It is promoted as an all natural supplement. ADMIT There are no known side effects to the ingredients in Viruxo. No side effects have ever been reported while using Viruxo.

46. DENY

47. DENY sentence up to the first comma then ADMIT the rest. Viruxo is manufactured by NutriCap Labs now known as NutraScience Labs of Farmingdale N.Y. They are a GMP FDA compliant, major vitamin and supplement manufacturing company in the list of inc. 500

companies.

48. DENY Defendant has never made this claim that Viruxo is a drug or FDA approved.

49. ADMIT receiving warning letter, Deny everything else in this paragraph.

50. DENY

Plaintiff's prayer for relief does not require a response, but insofar as an answer is deemed necessary, the Defendant DENIES that plaintiff is entitled to the requested relief or to any relief whatsoever.

DEFANDENTS REBUTTLE

1. Defendant admits receiving the mentioned warning letter as per this complaint.

2. Defendant admits to retaining an attorney for legal advice in resolving this warning letter's 17 outlined examples.

3. Defendant then had the entire website redesigned and all references as outlined by the letter removed and totally new verbiage was utilized throughout the website.

4. Defendant then also had new product labels designed as per the advice of council.

5. Defendant truly believes all issues were resolved and he was in total compliance as no further warnings, reviews or contact was made until 11/13/2015 which was over four years later with this complaint.

COUNT 1

6. Defendant Denies, referring to or selling Viruxo in anyway as to classify it as any type of drug, therefore the law applied in the complaint does not apply. Viruxo is an all natural immune support supplement and is marketed and sold as such and therefore not under the laws mentioned in count 1.

COUNT 2

7. The laws stated in count 2 refer to misbranded drugs being introduced into

interstate commerce. As in count 1, Defendant Denies, referring to or selling Viruxo in anyway as to classify it as any type of drug, therefore the law applied in count 2, does not apply. Viruxo is an all natural immune support supplement and is marketed and sold as such.

COUNT 3

8. Defendant Denies promoting Viruxo to cure, mitigate,treat, or prevent a disease.

Viruxo is marketed and sold solely as an all natural immune support supplement.

9. Defendant further Denies any and all fraud allegations brought in this complaint and would like to add there has never been a single consumer claim or allegation filed with any federal, state or local consumer fraud or trade agency against him or Viruxo. Defendants all natural immune support supplements come with a money back guarantee and anyone can receive a free trial, before purchase. Defendant admits to providing quality supplements that are branded and sold as all natural immune support supplements and never to diagnose, treat, cure, prevent disease and includes the earlier mentioned disclaimer in every ad to stipulate this.

DEFANDENTS ACTIONS AFTER COMPLAINT

This complaint was delivered to the Defendant and over 15 agents searched his girlfriends home, where he resides. The Warrant clearly stated under Attachment B identified as B Items to be Seized, as records, information and data, further detailed in lines 1 through line 15. The agents however illegally seized all supplement products on the property as well. These items are listed as, 6 boxes of Immutize product, 1 box of Viruxo bottles and CD bottle Viruxo, on the search warranty inventory list dated 11/13/2015 case number 2147667. This totals approximately 800 bottles of vitamin supplements. The agents also seized his girlfriends phones and computers. These actions caused great distress to the Defendant and his girlfriend and still mentally haunts him every day.

The following actions were taken by the Defendant to relieve this distressing situation. Any and all of these actions were taken voluntarily and are no admission of guilt in anyway. The Defendant strongly Denies all of these allegations in this complaint.

- A. Defendant has voluntarily stopped all business activities.
- B. Defendant has removed all web references, under his control for all products.
- C. Defendant has canceled all domain names.
- D. Defendant has closed all bank accounts and merchant numbers.

Defendant is a single man with an income of less than 20k per year and doesn't feel secure in ever bringing supplement products to market again. It appears to him these type of vitamin supplements are under great scrutiny by several agencies and never wants to go through anything like this ever again.

I would like to apologize and thank the court.

As I could not afford an attorney and had no choice but to bring this answer as, *pro se*. I realize my word usage, formatting and probably everything else is not proper but, I did the best I could. My sincere apologies if this caused any difficulties in it's presentation.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26th day of November, 2015 .


Signature of Defendant

Address:

James R Hill

6 Look out Lane Ocala, Fl. 34482

352-615-8582