

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

United States of America,

Plaintiff,

v.

Undetermined quantities of bottles of
articles of drug, each bottle con-
taining 120, 90, or 60 capsules,
labeled in part:

(bottle)

**** Advantage *** NUTRACEUTICALS ***
EllagiMax® All Natural Dietary
Supplement *** 120 Capsules ***
Distributed by Advantage
Nutraceuticals, LLC *** Shalimar,
FL ****"

(bottle)

**** Advantage *** NUTRACEUTICALS ***
Coral Max™ Coral Calcium Formula ***
Robert Barefoot's Dream Formulation
*** Dietary Supplement *** 90
Capsules *** Distributed by Advantage
Nutraceuticals, LLC *** Shalimar,
FL ****"

(bottle)

**** Advantage *** NUTRACEUTICALS ***
Coral Max™ Coral Calcium Formula ***
Robert Barefoot's Dream Formulation
*** Dietary Supplement *** 90
Capsules *** Without Iron ***
Distributed by Advantage
Nutraceuticals, LLC *** Shalimar,
FL ****"

(bottle)

No. 3:06cv376-LAC/MD

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF FLA.
PENSACOLA, FLORIDA

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**** Advantage *** NUTRACEUTICALS ***
Advanced Arthritis Support *** With
CMO, Devil's Claw, Glucosamine &
Chondroitin *** Dietary Supplement
*** 60 Capsules *** Distributed by
Advantage Nutraceuticals, LLC ***
Shalimar, FL ****"

undetermined quantities of brochures
and audio cassette tapes, and bottle
labels, labeling for the articles of
drug, labeled in part:

(brochure)

**** Advantage *** NUTRACEUTICALS ***
EllagiMax™ All Natural *** Dietary
Supplement *** Prevent the Mutation
of Cells! *** may be the most
effective way to fight the battle
with Cancer ****"

(brochure)

**** Advantage *** NUTRACEUTICALS ***
Coral Max™ Coral Calcium Formula ***
Robert Barefoot's Dream Formulation
*** 100% Pure Sango Coral Calcium
Containing every mineral found in the
human body ****"

(brochure)

**** Advantage *** NUTRACEUTICALS ***
www.WelcometoAdvantage.com *** Dare
to feel better about yourself ****"

(cassette tape)

**** Barefoot & Healthy "The Secret
of Coral Calcium" *** Robert
Barefoot ****"

(bottle label)

**** Advantage *** NUTRACEUTICALS ***
Advanced Arthritis Support *** With
CMO, Devil's Claw, Glucosamine &
Chondroitin *** Dietary Supplement
*** 60 Capsules *** Distributed by
Advantage Nutraceuticals, LLC ***
Shalimar, FL ****"

and

all other articles of drug in any size or type container, labeled or unlabeled, that can be shown to contain any of the aforesaid products, and are located anywhere on the premises of Advantage Nutraceuticals L.L.C., 906 Skipper Avenue, Fort Walton Beach, Florida,
 Defendants.

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The plaintiff, United States District of America, by and through the United States Attorney for the Northern District of Florida, shows the Court the following in support of this Complaint for Forfeiture in rem:

1. That this complaint is filed by the United States of America, and requests seizure and condemnation of articles of drug, as described in the caption, in accordance with the Federal Food, Drug, and Cosmetic Act (Act), 21 U.S.C. 301et seq.
2. That this Court has jurisdiction under 28 U.S.C. 1345 and 21 U.S.C. 334.
3. That there are at Fort Walton Beach, Florida, in the possession of Advantage Nutraceuticals L.L.C., 906 Skipper Avenue, or elsewhere within the jurisdiction of this Court, articles of drug, as described in the caption, which articles consist in whole or in part of components that were shipped in interstate commerce from outside the State of Florida.
4. That the articles are drugs within the meaning of 21 U.S.C. 321(g)(1) that may not be introduced or delivered for introduction into interstate commerce, 21 U.S.C. 355(a), because they are "new drugs" within the meaning of 21 U.S.C. 321(p) and no approvals of applications filed pursuant to 21 U.S.C. 355(b) are in effect for such drugs.
5. That the articles are misbranded while held for sale after shipment in interstate commerce, within the meaning of the Act, 21 U.S.C. 352(f)(1), in that their labeling fails to bear adequate directions for use and they are not exempt from such requirement under 21 CFR 201.115 because the articles are unapproved new drugs.
6. That by reason of the foregoing, the articles are held illegally within the jurisdiction of this Court and are liable to seizure and condemnation.

WHEREFORE, The United States prays that process issue against the articles; that all persons having any interest in the articles be cited to appear herein and answer the allegations of the complaint; that this Court decree the condemnation of the articles and grant plaintiff the costs of this proceeding against the claimant of the articles; that the articles be disposed of as this Court may direct pursuant to the provisions of the Act; and that plaintiff have such other and further relief as the case may require.

Respectfully submitted,

GREGORY R.MILLER
United States Attorney



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850/444-4000

VERIFICATION OF ASSISTANT U.S. ATTORNEY J.D. ROY ATCHISON

I, J.D. Roy Atchison, hereby verify and declare under penalty of perjury that I am an Assistant United States Attorney with the United States Attorney's Office, in Pensacola, Florida. I have read the foregoing Verified Complaint in rem and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, information and belief.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, and information supplied to me by the Food and Drug Administration, Department of Health and Human Services.

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

Dated this 5th day of September, 2006.



J.D. ROY ATCHISON
Assistant U.S. Attorney