

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Joseph J. Simons, Chairman**
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter
 Christine S. Wilson

In the Matter of

BIONATROL HEALTH, LLC, a corporation,

**ISLE REVIVE, LLC, also d/b/a ISLE REVIVE CBD,
a corporation,**

**MARCELO TORRE, individually and as an owner
and manager of BIONATROL HEALTH, LLC
and ISLE REVIVE, LLC,**

and

ANTHONY MCCABE.

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that Bionatrol Health, LLC, a corporation, Isle Revive, LLC, also d/b/a Isle Revive CBD, a corporation, Marcelo Torre, individually and as an owner and manager of Bionatrol Health, LLC and Isle Revive, LLC, and Anthony McCabe (collectively, “Respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Bionatrol Health, LLC (“Bionatrol”) is a Utah corporation with its principal place of business at 1269 W. Spencer Rd., Pleasant Grove, Utah 84062. Bionatrol’s business registration with the State of Utah expired on May 14, 2020.
2. Respondent Isle Revive, LLC (“Isle Revive”), also doing business as Isle Revive CBD, is a Utah corporation with its principal place of business at 1269 W. Spencer Rd., Pleasant

Grove, Utah 84062. The company's business registration status with the State of Utah is in a delinquent status. Isle Revive processed payments from consumers who purchased CBD products from Bionatrol and, as recently as April 2020, offered Bionatrol Full-Spectrum CBD Oil Extract for sale at www.islerevivecbd.com.

3. Respondent Marcelo Torre has managed Bionatrol and serves as the company's registered agent. Torre also has owned and managed Isle Revive. Individually or in concert with others, he controlled or had the authority to control, or participated in the acts and practices alleged in this complaint. Torre resides in Salt Lake City, Utah.

4. Respondent Anthony McCabe was the manager and owner of Bionatrol. He also managed and owned part or all of Isle Revive. Individually or in concert with others, he controlled or had the authority to control, or participated in the acts and practices alleged in this complaint. McCabe resides in San Diego, California.

5. Respondents Bionatrol and Isle Revive (collectively, "Corporate Respondents") have operated as a common enterprise while engaging in the unlawful acts and practices alleged below. Corporate Respondents have conducted the business practices described below through an interrelated network of companies that have common ownership, officers, business functions, business and mailing addresses, and unified advertising and marketing. Because these Corporate Respondents have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. Respondents Torre and McCabe formulated, directed, controlled, had the authority to control, or participated in the acts and practices of the common enterprise alleged in this Complaint.

6. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

Respondents' Marketing of CBD Products

7. Cannabidiol ("CBD") is a substance naturally occurring in, and that can be extracted from, the hemp plant, *cannabis sativa*. Respondents advertised, promoted, offered for sale, sold, and distributed products containing CBD ("CBD Products") that are intended for human use. These CBD Products are "food" and/or "drugs," within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

8. Through the website bionatrolcbd.com, Respondents sold Full-Spectrum CBD Oil Extract in bundles of one, three, and five bottles for, respectively, \$64.99 (plus \$7.95 shipping), \$149.97, and \$199.95. During the ordering process, the website offered "upsells" for, among other things, one bottle of Full-Spectrum CBD Oil Extract Sleep Aid capsules at a cost of \$49.99 and one bottle of Full-Spectrum CBD Gummies at a cost of \$54.95.

9. From approximately December 2019 through April 2020, Respondents disseminated or caused to be disseminated advertisements for CBD Products, including but not necessarily limited to the attached Exhibits A through C. Respondents promoted CBD Products through a variety of means, including through their websites bionatrolcbd.com and islerevivecbd.com and

an Instagram account at www.instagram.com/bionatrol_cbd. These advertisements contained the following statements and depictions:

Warning: Due to extremely high media demand, there is **limited supply** of bionatrol CBD Oil in stock as of **January 14, 2020. HURRY! 09:23.06**

bionatrol Get My Free Bottle! Voted #1 CBD Product in USA **RUSH MY ORDER**

100% PURE CBD

POWERFUL NATURAL PAIN RELIEF

Safe, Non-Addictive, Effective and 100% Legal!

- Reduces Pain & Chronic Aches
- Relieves Anxiety & Stress
- Enhances Focus & Clarity
- Promotes Healthy Sleep
- Does Not Show on Drug Test

100% PURE CBD OIL

100% SATISFACTION GUARANTEE

100% NATURAL INGREDIENTS

MADE IN USA

MADE IN USA

SECURE VERIFIED MasterCard. by VISA SecureCode

bionatrol Full-Spectrum CBD Oil Extract 250MG 1 fl. oz. (30ml) DISTRICT DISPENSARY

STEP 1 - TELL US WHERE TO SEND YOUR BOTTLE

First Name Last Name

Address

City/Territory

Country State/Province

Zip/Post Code

Phone Number E-mail Address

RUSH MY ORDER

[Ex. A (excerpt from www.bionatrolcbd.com) (captured Jan. 14, 2020)]

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Step 2

NATURAL, FAST RELIEF

Your results with CBD Hemp Oil will improve with continued use. CBD is **100% non-habit forming** and is completely safe. It can be taken daily, has **NO psychoactive properties**, and will not harm you in any way. Plus, your satisfaction is 100% guaranteed.

[Ex. A (excerpt from www.bionatrolcbd.com) (captured Jan. 14, 2020)]

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THE SCIENCE OF

CBD (CANNABIDOIL) [sic]

The endocannabinoid system (ECS) regulates everything from relaxation to eating, sleeping, inflammation and even cognitive function.... CBD Oil has been medically proven to positively regulate your ECS addressing issues such as **anxiety, insomnia, chronic pain, hypertension and even cardiovascular issues.**

- **Physical Benefits:** Stimulates an anti-inflammatory response which helps reduce all forms of chronic aches and pains. . . .
- **Psychological Benefits:** Helps positively regulate mood patterns which help reduce anxiety and stress. It also promotes better sleep cycles and in some cases may offer a safe remedy for depression and bipolar disorders.
- **Neurological Benefits:** Our CBD Oil's positive impact on the neural system helps reduce age-related cognitive decline. It also helps support focus, alertness & memory recall while reducing the frequency of migraines and headaches.

[Ex. A (excerpt from www.bionatrolcbd.com) (captured Jan. 14, 2020)]

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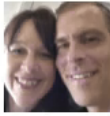
**WHY IS
FULL SPECTRUM CBD
SO POPULAR NOW?**

CBD Oil works WITH your body to **ELIMINATE YOUR PAIN FROM WITHIN.** And it goes to work quickly. After over 20,000 clinical studies, it has been proven over and over again ... The cannabinoids found in bionatrol CBD Oil are the SAME compounds that regulate mood and pain in the brain and body. In just days, the cannabinoids in bionatrol CBD Hemp Oil will tune your entire endocannabinoid system (the network of receptors found throughout your body, including your brain, organs, glands)... leaving you pain free and feeling years younger. Muscle pain, joint pain, arthritis pain, headaches, body aches - all eliminated.

It is important to note that the bionatrol CBD 100% Pure Hemp Oil used in the study was the real deal and exceeds the studies product potency using proprietary methods.

[Ex. B (excerpt from www.bionatrolcbd.com, identified by Respondents as BIO00018)]

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★★★★★ Pam C.

I have 2 herniated discs in my lower back, and was on oxycontin for 7 years. CBD has completely replaced my need for prescription painkillers. Why aren't more people talking about this??

[Ex. C (partial screen grab from recording of purchase at www.bionatrolcbd.com on Jan. 23, 2020, time index 0:14)]

10. Respondents have not conducted any studies demonstrating that their CBD products cure, treat, alleviate, or prevent diseases or health conditions. There are no competent and reliable human clinical studies in the scientific literature to substantiate that these products or their ingredients cure, treat, mitigate, or prevent the diseases or health conditions mentioned in the advertising excerpts set forth in Paragraph 9

11. Consumers who visited www.bionatrolcbd.com saw a webpage, a portion of which is depicted below, with the statements “Get My Free Bottle!” and “STEP 1 – TELL US WHERE TO SEND YOUR BOTTLE,” and a request for the consumers’ contact information.

Ex. C 2020-01-23 Bionatrolcbd.com Purchase
https://bionatrolcbd.com/

Warning: Due to extremely high media demand, there is **limited supply** of bionatrol CBD Oil in stock as of **January 23, 2020. HURRY! 04:24.00**

bionatrol Get My Free Bottle! **RUSH MY ORDER**
Voted #1 CBD Product in USA

100% PURE CBD

POWERFUL NATURAL PAIN RELIEF

Safe, Non-Addictive, Effective and 100% Legal!

- Reduces Pain & Chronic Aches
- Relieves Anxiety & Stress
- Enhances Focus & Clarity
- Promotes Healthy Sleep
- Does Not Show on Drug Test

100% PURE CBD OIL
100% SATISFACTION GUARANTEE
100% NATURAL INGREDIENTS
MADE IN USA

STEP 1 - TELL US WHERE TO SEND YOUR BOTTLE

First Name* Last Name*
Address*
City/Territory*
City*
Country* State/Province*
Select Country Select State
Zip/Post Code*
Zip Code*
Phone Number*
Phone Number* Email Address*

[Ex. C (partial screen grab from recording of purchase at www.bionatrolcbd.com on Jan. 23, 2020, time index 0:01)]

12. After inputting the contact information and clicking the “Rush My Order” button for the free bottle of CBD oil, consumers were presented with a screen, a portion of which is depicted below, that stated, “APPROVED! Free Bottle Packages Confirmed” and presented three purchase options: “BUY 1 BOTTLE” for \$64.99 plus \$7.95 shipping, “BUY 2 + GET 1 FREE” for \$149.97 and free shipping, or “BUY 3 + GET 2 FREE” for \$199.95 and free shipping. The radial button next to the BUY 1 BOTTLE offer was prechecked, and consumers could not uncheck it. To advance the order, consumers had to input their name, address, and credit card information. A disclosure above the information fields stated, “You will see a charge on your credit card from Bionatrol....”

The screenshot shows a web browser window with the URL <https://bionatrolcbd.com/checkout.php?prospectId=82100>. The page features the Bionatrol logo and a navigation bar with three steps: 1. Shipping Info, 2. Finish Order (highlighted), and 3. Summary. A green banner reads "APPROVED! Free Bottle Packages Confirmed" with a note: "Limited supply available as of Thursday 1/23/2020. We currently have product in stock and ready to ship within 24 hours. Sell Out Risk: HIGH".

Three purchase options are displayed:

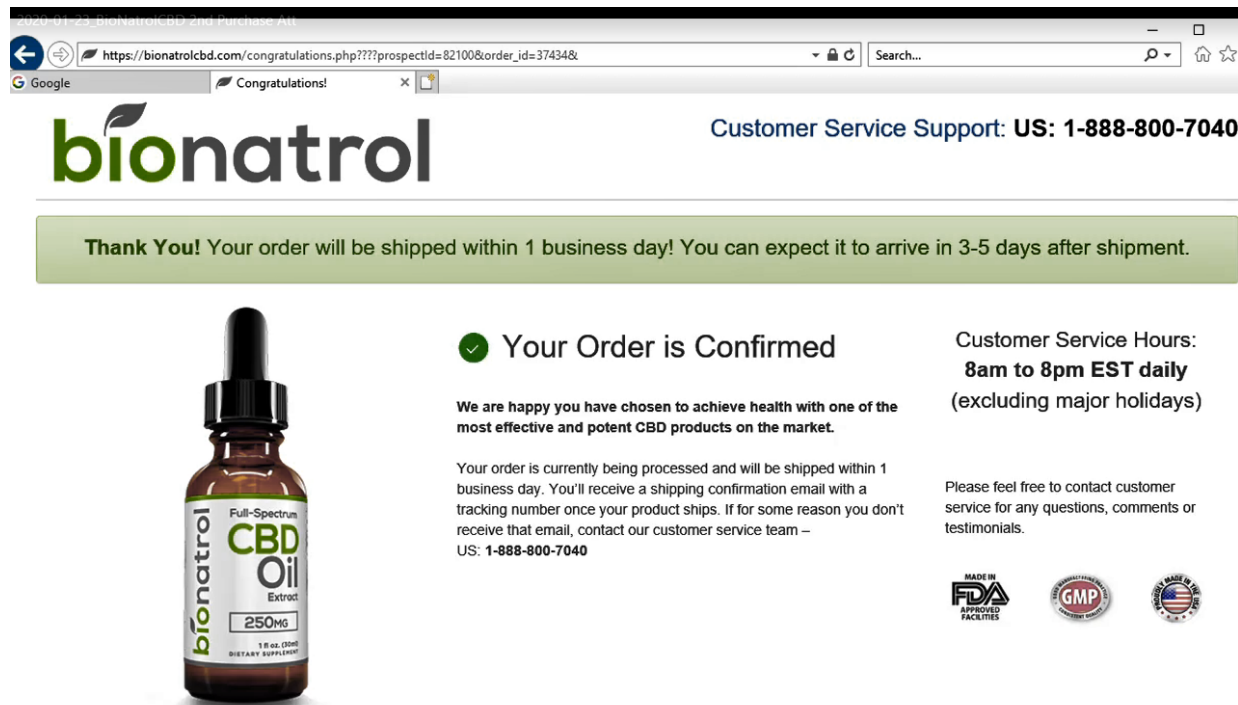
- BUY 1 BOTTLE**: Includes \$7.95 shipping. The price is **JUST PAY \$64.99**, with a normal price of \$79.95 crossed out. A banner indicates a **SAVE \$14.96**. The option is marked as **SELECTED!**.
- BUY 2 + GET 1 FREE**: Includes **FREE SHIPPING**. The price is **JUST PAY \$149.97**. A banner indicates a **SAVE \$89.88** and **SAME AS \$49.99 EA**. The option is marked **SELECT PACKAGE**.
- BUY 3 + GET 2 FREE**: Includes **FREE SHIPPING**. The price is **JUST PAY \$199.95**. A banner indicates a **SAVE \$199.78** and **SAME AS \$39.99 EA**. The option is marked **SELECT PACKAGE**.

The right side of the page is titled **FINAL STEP: PAYMENT INFORMATION**. It asks, "Is your Billing Address the same as your Shipping Address?" with radio buttons for Yes (selected) and No. Below this are logos for VISA and MasterCard, and a disclosure: "You will see a charge on your card from Bionatrol442037465408 or bionatrol8888007040".

Payment fields include: "Select Card Type" (dropdown menu), "Card Number" (input field), "Card Expiry Date" (month/year dropdowns), and "Security Code" (input field with a link "Where can I find my Security Code?"). A "Secure 256-bit SSL Encryption" icon is present. A large green button reads **RUSH MY ORDER!**. At the bottom, there is a checkbox for "Yes, please include InsureShip Shipping Insurance (\$2.95)" and a "Verified by MasterCard" logo.

[Ex. C (partial screen grab from recording of purchase at www.bionatrolcbd.com on Jan. 23, 2020, time index 3:27-31 and 4:00-03)]

13. Clicking the “RUSH MY ORDER” button took consumers through a series of “upsell” offers for other products before they were presented with an order confirmation screen. That screen, a portion of which is depicted below, showed an image of a single bottle of CBD oil and provided no information about the quantity of bottles ordered or the amount, if any, charged to the consumers’ credit card.



[Ex. C (partial screen grab from recording of purchase at www.bionatrolcbd.com on Jan. 23, 2020, time index 5:50)]

14. Upon completion of the ordering process for a single bottle, Respondents emailed consumers a purchase confirmation. The email memorialized the purchase of the “Bionatrol CBD Oil 3+2 Package” and indicated that Bionatrol had charged \$199.95 to the consumer’s credit card. In at least one instance, the name listed on the credit card billing statement was “Isle Revive CBD.”

Count I False or Unsubstantiated Efficacy Claims

15. In connection with the advertising, promotion, offering for sale, sale, or distribution of CBD Products, including through the means described in Paragraph 9 of this Complaint, Respondents have represented, directly or indirectly, expressly or by implication, that CBD Products:

- A. treat, alleviate, or cure age-related cognitive decline; bipolar disorder; chronic pain, including arthritis pain; depression; heart disease; hypertension; and migraines;

- B. prevent age-related cognitive decline; chronic pain, including arthritis pain; heart disease; hypertension; and migraines;
- C. can replace the need for prescription painkillers like oxycontin; and
- D. are safe for all consumers.

16. The representations set forth in Paragraph 15 are false or misleading, or were not substantiated at the time the representations were made.

**Count II
False Establishment Claims**

17. In connection with the advertising, promotion, offering for sale, sale, or distribution of CBD Products, including through the means described in Paragraph 9 of this Complaint, Respondents have represented, directly or indirectly, expressly or by implication, that studies or scientific research prove that CBD Products:

- A. improve alertness, focus, and memory recall;
- B. treat, alleviate, or cure age-related cognitive decline; anxiety; bipolar disorder; chronic pain, including arthritis pain; depression; heart disease; hypertension; inflammation; insomnia; and migraines; and
- C. prevent age-related cognitive decline; anxiety; chronic pain, including arthritis pain; heart disease; hypertension; inflammation; insomnia; and migraines.

18. In fact, studies or scientific research do not prove that CBD Products:

- A. improve alertness, focus, and memory recall;
- B. treat, alleviate, or cure age-related cognitive decline; anxiety; bipolar disorder; chronic pain, including arthritis pain; depression; heart disease; hypertension; inflammation; insomnia; and migraines; and
- C. prevent age-related cognitive decline; anxiety; chronic pain, including arthritis pain; heart disease; hypertension; inflammation; insomnia; and migraines.

Therefore, the representations set forth in Paragraph 17 are false or misleading.

**Count III
Deceptive Pricing**

19. In connection with the advertising, promotion, offering for sale, sale, or distribution of CBD products, including through the means described in Paragraphs 11-14 of this Complaint,

Respondents represented, directly or indirectly, expressly or by implication, that they would send consumers one bottle of Full-Spectrum CBD Oil Extract for \$64.99 plus \$7.95 shipping.

20. In fact, consumers who ordered one bottle of Full-Spectrum CBD Oil Extract were charged \$199.95 and sent five bottles. Therefore, the representations set forth in Paragraph 19, above, are false or misleading.

Count IV
Unfairly Charging Consumers without Authorization

21. In connection with the advertising, marketing, promotion, offering for sale, or sale of CBD products, including through the means described in Paragraphs 11-14 of this Complaint, Respondents have caused charges to be submitted for payment to the credit cards of consumers without the express informed consent of those consumers.

22. Respondents' actions caused or were likely to cause substantial injury to consumers that consumers could not reasonably avoid themselves and that was not outweighed by countervailing benefits to consumers or competition. Therefore, Respondents' practices as described in Paragraph 21, above, constitute unfair acts or practices.

Violations of Sections 5 and 12

23. The acts and practices of Respondents as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this _____ day of _____, 20__, has issued this Complaint against Respondents.

By the Commission.

April J. Tabor
Acting Secretary

SEAL: