UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION, Plaintiff, v. WELLCO, INC., a corporation, and GEORGE M. MOSCONE, individually and as an officer of WELLCO, INC., Defendants.	**Case No. _____** **COMPLAINT FOR PERMANENT INJUNCTION, MONETARY RELIEF, AND OTHER RELIEF**

Plaintiff, the Federal Trade Commission ("FTC"), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), which authorizes the FTC to seek, and the Court to order, permanent injunctive relief, rescission or reformation of contracts, the refund of monies paid, restitution, disgorgement of ill-gotten monies, and other relief for Defendants' acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). Defendants' violations are in connection with the advertising, marketing, distribution, and sale of television antennas and related amplifiers.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345.

3. Venue is proper in this District under 28 U.S.C. § 1391(b)(1), (b)(2), (c)(1), (c)(2), and (d), and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States Government created by the FTC Act, which authorizes the FTC to commence this district court civil action by its own attorneys. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

DEFENDANTS

5. Defendant Wellco, Inc. ("Wellco"), formerly Wellco Media, Inc., is a New York Corporation with its principal place of business at 580 5th Ave., Suite 34, New York, NY 10036. Wellco transacts or has transacted business in this District and throughout the United States.

6. At all times relevant to this Complaint, acting alone or in concert with others, Wellco has advertised, marketed, distributed, or sold television antenna products to consumers throughout the United States.

7. Defendant George M. Moscone ("Moscone") is the President, Chief Executive Officer, and owner of Wellco. At all times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Wellco, including the acts and practices set forth in this Complaint. He is responsible for the day-to-day management of Wellco, researches and identifies the specific products sold by Wellco, assists in determining the price at which the products will be sold, and assists in the development of the packaging for the products. Defendant Moscone reviewed and approved Wellco's web pages, including those challenged in this Complaint. Moscone was aware, and sometimes directed, that substantial portions of the text and images for those web pages, including text and images at issue in this Complaint, were copied from web

pages advertising competing sellers' TV antenna products. He communicates with Wellco's payment processors and its performance marketing agency, the entity that recruits and manages marketing affiliates. He has been involved in the development of policies for handling consumer inquiries and complaints and supervising customer service representatives. He co-created templates for Defendants' customer service representatives to use to respond to customer service inquiries and complaints about performance of Defendants' antenna products. Defendant Moscone resides in this District and, in connection with the matters alleged herein, transacts or has transacted business in this District and throughout the United States.

COMMERCE

8. At all times relevant to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS' BUSINESS ACTIVITIES

9. Since 2017, Defendants have advertised, offered for sale, sold, and distributed indoor, television antennas and associated television antenna amplifiers. They have sold the antennas and amplifiers under the TV Scout, SkyWire, SkyLink, and Tilt TV brand names. The television antennas sold under each brand name have all, with one exception in early 2017, been one identical model (the "Wellco TV Antenna"). The television antenna amplifiers sold under each brand name have all been one identical model (the "Wellco TV Amplifier").

10. Defendants began using the TV Scout brand to sell their antennas and amplifiers ("TV Scout Antennas and Amplifiers") in March 2017. The focus of Defendants' marketing shifted to using the SkyWire brand for their antennas and amplifiers ("SkyWire TV Antennas

and Amplifiers") in July 2017, although some sales of the TV Scout Antennas and Amplifiers continued. In June 2018, Defendants adopted the SkyLink brand for their antennas and amplifiers ("SkyLink Antennas and Amplifiers"), and ceased marketing SkyWire Antennas and Amplifiers by July 2018 due to trademark issues. In January 2019, Defendants introduced Tilt TV brand antennas and amplifiers ("Tilt TV Antennas and Amplifiers"), but continued marketing SkyLink Antennas and Amplifiers.

11. Defendants have operated websites to advertise, market, and sell their Wellco TV Antennas and Amplifiers at gettvscout.com, skywiretvantenna.com, getskylinktvantenna.com, skylinktvantenna.com, gettilttv.com, and tilttvantenna.com domains. Defendants' performance marketing agency recruited affiliates who published or disseminated advertising, including email marketing, social media ads, native ads, and search ads, that directed consumers to one of the versions of Defendants' web pages. Defendants concurrently hosted multiple versions of their web pages for each antenna brand, and the page on Defendants' websites to which any consumer was directed varied by affiliate and affiliate advertisement.

12. The Wellco TV Antenna is a thin, black, rectangular antenna that is approximately 8¼ inches wide by 4¾ inches tall. It has an approximately ten foot long coaxial cable to connect to a television. Antennas such as the Wellco TV Antenna are sometimes referred to as "mud flap" style antennas.

13. The Wellco TV Amplifier is a boxlike device, measuring approximately 2 x 1¼ x ½ inches. One end of the Wellco TV Amplifier attaches to the Wellco TV Antenna's coaxial cable; and the other end of the amplifier has a coaxial cable that connects to a television. The amplifier also has a cable that attaches to a USB port for power.

14. The price of one Wellco TV Antenna ranged from $22.53 to $39.95. The price of one Wellco TV Amplifier was $32.00. When customers purchased multiple antennas or amplifiers, the price per device was reduced. Defendants sold more than 800,000 SkyWire, SkyLink, and Tilt TV Antennas and more than 272,000 TV Scout, SkyWire, SkyLink, and Tilt TV Amplifiers, resulting in approximately $35 million in sales after product returns.

15. Defendants have disseminated or caused to be disseminated advertisements for Wellco TV Antennas and Amplifiers. Advertisements for Wellco TV Antennas and Amplifiers include, but are not necessarily limited to, the attached Exhibits A through F. These materials contain the following statements and depictions, among others:

A. SkyWire TV Antenna Web Page

SKYWireTV
ANTENNA

The #1 rated indoor HDTV
antenna in America.

…

SKYWIRE ANTENNA TECHNOLOGY ALLOWS YOU TO
WATCH FREE TV IN 1080 HD

The average home pays over $750 for cable in just one year! Consumers are getting ripped off by the big cable companies and there is nothing they can do about it… until now. A NASA scientist created this antenna so that the little guy could "fight back" and enjoy their favorite TV shows in HD without handing over their hard-earned cash to the cable companies.

CUTTING-EDGE TECHNOLOGY

Developed by a NASA scientist using military technology to capture full 1080 HD signals.

Up to 30 mile range, operational anywhere in the United States (even in the countryside!)

Dual band reception- VHF/UHF, Antenna has 20 dB gain.

GET YOUR FAVORITE CHANNELS IN HD

Watch local news & weather

Watch live sports (NFL, NBA, MLB, NHL, NASCAR, Golf, College, Tennis, etc)

Watch your favorite TV shows

Receive up to 100+ premium channels in HD

SUPER EASY SETUP

Quick and easy 2-minute setup

Just place the antenna anywhere indoors - on the wall, window or wherever you please - with the included adhesive tape, channel scan and you are all set!

The easy installation and compact 8.3 inch x 4.7 inch design makes it great for use in homes, RVs or campers while traveling or even in your office.

– WHAT PEOPLE ARE SAYING –

"I was very skeptical that a flat antenna facing the wrong way, facing an inward courtyard, in a city brick 1929 building had a chance of finding any broadcast signal. To my great surprise, I am now enjoying over 55 crystal clear HD channels ... This is a WINNER! Bye bye Cable!"

-Jerry Hopkins from Indianapolis, IN

"Bought this for my daughter, no trouble with installation, works great for her location and now has all of her favorite channels to watch for free. Great product, it really works great!"

-Angela Kelley from Palo Alto, CA

"I live in the city and wasn't sure that this antenna would perform after being disappointed with others I had tried but this antenna delivers what it promises. I get 46 clear channels. What a deal! It's goodbye to cable and I'll be saving about $1000 a year.

-Robert Goodwin from Chicago, IL

Are you ready to cut the cord and stop paying a monthly cable bill?
(Take advantage of our one-time fire sale – it's ending soon!)

Exhibit A. This web page was disseminated from February 2018 through June 2018. A nearly identical version of this web page promoting the SkyLink TV Antenna was disseminated from June 2018 through February 2019. A nearly identical version of this web page promoting the Tilt TV Antenna, except that "Receive up to 100+ premium channels in HD" was replaced with "Receive channels in HD," was disseminated from January 2019 through March 2019.

B. SkyWire TV Antenna Web Page

SKYWIRETV
ANTENNA
…

Never Pay For Cable Or Subscriptions Again? This Device Allows You To Watch Your Favorite Channels For Free

With Over 1.5 Million Units Sold Worldwide, Here Is The Best Solution To Watch Your Favorite Channels, Programs And Movies For Free!

We all know how frustrating invoices and subscriptions can be.

We pay for cable, for Netflix, for movies and sports on demand … it accumulates.

And of course, there are all the electronics. The receiver, the AppleTV, the Firesticks, and the DVD player are often expensive.

It is no wonder that more and more people are looking for cheaper and simpler ways to reduce their bills and get rid of all the electronics.

Fortunately, there is a solution to watch HDTV for free and legally!

A US-based company has just created a new, innovative and inexpensive device that is changing the way people use the media.

What is it about ?

From SkyWire TV Antenna, a new antenna capable of receiving up to 100 channels or more completely free and legally.

Developed with military technology, the SkyWire TV Antenna uses a design that offers a more reliable and technologically advanced antenna than almost any other on the market. That means more channels, movies, and shows for free, without any subscription and in a completely legal way.

How it works ?

It's easy! Simply plug your SkyWire TV Antenna into any TV. All connections are included in the package. Then turn your TV on, run a channel scan from the Menu of your TV and within 10 seconds, you can be watching your favorite shows.

But how can you watch all this for free? The secret lies behind a law that no television operator in the world wants you to know. This specifies that they must provide, in addition to the conventional signal, a signal per radio. In order not to break the law, all operators therefore broadcast this signal.

…

SkyWire TV Antenna launch video

[*Embedded video with superimposed text that included "SKYWIRE TV ANTENNA," "DIGITAL INDOOR TV ANTENNA" "Get Instant Access to Live TV Programs in Your Area For FREE" with logos of ten television networks displayed, "Watch LOCAL NEWS," "Watch SPORT EVENTS," "Watch FAVORITE SHOWS," "Cut-the-Cord Today with THE ULTIMATE INDOOR ANTENNA," and "ENSURES CRYSTAL CLEAR RECEPTION." The video closes with the prominently displayed words "WATCH FREE CABLE TV!" next to a picture of the antenna.*]

But is it legal?

YES ! Without a doubt. Its use is entirely legal since the television operators themselves distribute the signal completely free of charge.

Obviously television operators do not like it at all, but they can not [sic] do anything about it. They are required by law to maintain the signal. And now, with advanced antennas like SkyWire TV Antenna, you can finally capture it.

…

[*Posts that appear to be social media postings discussing the antenna*]

Gabrielle Sharp
Wow it looks amazing, is anyone already tested? [sic]
Like Reply [*like symbol*] 1 1 h

> **June Holmes**
> Yes, my husband and I are fans! Super easy to navigate and you can watch everything you want.
> Like Reply [*like symbol*] 2 24 min

Exhibit B. This web page was disseminated from February 2018 through June 2018. A nearly identical version of this web page promoting the SkyLink TV Antenna was disseminated from

June 2018 through March 2019. A nearly identical version of this web page promoting the Tilt TV Antenna was disseminated from January 2019 through March 2019.

C. SkyLink TV Antenna Web Page

Never Pay For Cable Or Subscriptions Again!

[*depiction of SkyLink TV antenna superimposed over image of couple watching television*]

This Device Allows You To Watch Your Favorite Channels For Free

With Over 1.5 Million Units Sold Worldwide, Here Is The Best Solution To Watch Your Favorite Channels, Programs And Movies For Free!

[*picture of man*] JOHN ANDERSON [*date*] [*numbers of Facebook Likes, Tweets, and Pin It Shares*] TRENDING 8,974 VIEWS

…

We all know how frustrating invoices and subscriptions can be.

We pay for cable, for Netflix, for movies and sports on demand … it accumulates.

And of course, there are all the electronics. The receiver, the AppleTV, the Firesticks, and the DVD player are often expensive.

It's no wonder that more and more people are looking for cheaper and simpler ways to reduce their bills and get rid of all the electronics.

Fortunately, there is a solution to watch HDTV for free and legally!

A US-based company has created a new, innovative and inexpensive device that is changing the way people use the media.

What is it about?

From SkyLink Antenna, a new antenna capable of receiving up to 100 channels or more completely free and legally.

Developed with military technology, the SkyLink TV Antenna uses a design that offers a more reliable and technologically advanced antenna than almost any other on the market. That means more channels, movies, and shows for free without any subscription and in a completely legal way.

RELATED ARTICLES

[*four thumbnail pictures and article titles*]

JOIN OUR NEWSLETTER
Don't miss out. Subscribe to our weekly newsletter
Your Email Submit

CUSTOMER REVIEWS

[*photo*] **Jerry Hopkins**
from Indianapolis, IN
[*five stars*]
"*I was very skeptical that a flat antenna facing the wrong way, facing an inward courtyard, in a city brick 1929 building had a chance of finding any broadcast signal. To my great surprise, I am now enjoying over 55 crystal clear HD channels… This is a WINNER! Bye bye Cable!*"

[*photo*] **Angela Kelley**
from Palo Alto, CA
[*five stars*]
"*Bought this for my daughter, no trouble with installation, works great for her location and now has all of her favorite channels to watch for free. Great product, it really works great!*"

How it works?

It's easy! Simply plug your SkyLink TV Antenna into any TV. All connections are included in the package. Then turn your TV on, run a channel scan from the Menu of your TV and within 10 seconds, you can be watching your favorite shows.

But how can you watch all this for free? The secret lies behind a law that no television operator in the world wants you to know. This specifies that they must provide, in addition to the conventional signal, a signal per radio. In order not to break the law, all operators therefore broadcast this signal.

…

SkyLink TV Antenna launch video

[*Embedded video with superimposed text that included "SKYLINK TV ANTENNA," "DIGITAL INDOOR TV ANTENNA" "Get Instant Access to Live TV Programs in Your Area For FREE", with logos of ten television networks displayed, "Watch LOCAL NEWS," "Watch SPORT EVENTS," "Watch FAVORITE SHOWS," "Cut-the-Cord Today with THE ULTIMATE INDOOR ANTENNA," and "ENSURES CRYSTAL CLEAR RECEPTION." The video closes with the prominently displayed words "WATCH FREE CABLE TV!" next to a picture of the antenna.*]

But is it legal?

YES ! Without a doubt. Its use is entirely legal since the television operators themselves distribute the signal completely free of charge.

Obviously television operators do not like it at all, but they can not [sic] do anything about it. They are required by law to maintain the signal. And now, with advanced antennas like SkyWire TV Antenna, you can finally capture it.

…

Start watching your favorite channels for free …

…

COMMENTS
347 comments
…

[*photo*] Segio Lima de Oliveira
I just received it! I can really watch all the channels! I have already bought one for my mother. Thank you for this great product!
Like Reply [*6 likes*] 1 h

[*photo*] **Robert Goodwin**
from Chicago, IL
[*five stars*]
"*I live in the city and wasn't sure that this antenna would perform after being disappointed with others I had tried but this antenna delivers what it promises. I get 46 clear channels. What a deal! It's goodbye to cable and I'll be saving about $1000 a year.*

Exhibit C. This web page was disseminated from November 2018 through January 2019. A nearly identical version of this web page promoting the Tilt TV Antenna was disseminated from January 2019 through March 2019. A version of this web page in which the "John Anderson"

byline appears directly under the headline, "Never Pay For Cable Or Subscriptions Again! This Device Allows You To Watch Your Favorite Channels For Free," was also disseminated from January 2019 through March 2019.

D. SkyLink TV Antenna Web Page

SkyLink
Antenna

Home > Trending> Television >

New York: Seniors Are Taking Advantage of New 2018 Rule That Allows Americans To Get FREE TV In HD, Causing Millions To Cancel Cable

[*Date*] By John Wilson

…

If you could stop paying for cable or satellite TV and still get all of your favorite TV channels in HD for FREE, would you do it? Millions of senior citizens are taking advantage of a brand new rule in 2018 that allows certain regions to access free TV.

Cable and satellite TV can be a big monthly charge, and they're going up around 6 percent per year. If you're fed up paying high bills to watch TV or find that you don't use all the channels you pay for, there's a new rule that allows you to watch all of your favorite channels in HD for free.

The truth is, anybody who is paying for a cable or satellite subscription is getting ripped off. The average American spends $850 per year on cable or satellite TV alone and is set to increase to over $1000 per year in another 3 years.

That's expensive and quite simply, a big waste of money.

Thankfully, if you live in an area where this new rule went into effect, you no longer need to give your hard earned money away to the big cable companies. As a result, Americans are now cutting the cord on their cable companies in record numbers, saving them thousands of dollars.

The new 2018 rule cable companies don't want you to know about…

Up until 2018, cable companies were allowed to "scramble" their channels so that the general public could not access them without paying for the service. However, that all

changed in 2018 with the government ruling that TV signals are public property and "belong to the people". Ever since the rule went into effect, the big cable companies are panicing [sic] because many Americans will no longer need to pay for cable or satellite tv to get their favorite channels in HD. As long as you live in a publicly broadcasted area, it is now possible to watch all of your favorite channels for free with a TV antenna.

However, not all TV antenna's [sic] will work. In an attempt to block the public from picking up their TV signals, the cable companies are broadcasting their signals at very low frequencies since most antenna's will not be able to pick them up. The trick is to get an antenna that can reliably pick up these low frequency signals, and up until now, there hasn't been an antenna advanced enough to pick these signals up reliably. (There are other antenna's [sic] out on the market, but they fail miserably in comparison to this one)

Developed by a NASA engineer using military technology, the SkyLink HDTV Antenna was just released this year so that it could specifically pick up these signals reliably and has been hailed as the only "super" HDTV antenna. It uses a discrete mud flap modern design which makes it the most reliable and technologically advanced antenna to hit the market today. It can pick up signals out to 60 miles with no problem (as well as the low frequency signals) to enable you to receive crystal-clear HD channels.

We tested it out for ourselves …

When we first heard about this new "super" HDTV antenna, we were a bit skeptical. So, we decided to buy one ourselves and test it out.

The antenna is supposed to work flawlessly in both the city and the country side, but for our purposes, we drove out to the country side to conduct our test.

Setup was fast and easy. We simply plugged it in to the TV and stuck the antenna to the window (you don't have to stick it to the window, you can stick it anywhere you want). …

What happened next was astonishing …

We turned the TV on and found ourselves staring back at an incredibly clear channel in HD. We kept flipping through channels and to our amazement, every channel was crystal clear. Best of all, we received almost all of the most popular channels you would get with cable.

All in all, we were able to access 68 channels in 1080 HD. It was as if we were getting free cable or satellite TV.

Now, before you cancel your cable or satellite subscription, it is important to note that there were a few some channels that we could not get with the antenna. But in the end,

we were able to receive about 85% of the of same channels and more importantly, they were the most popular channels that people actually watch.

The verdict: If you want to save thousands of dollars and stop paying for cable or satellite tv, and don't mind losing out on a few random channels you probably won't even watch, you should try the SkyLink HDTV Antenna. …

*Update: [*date*] – Since the creation of the 2018 program earlier this year, the HDTV Antenna is so popular it has sold over 1.8 million units. To help seniors take advantage of this opportunity, they've decided to offer a one-time discount of 50% off to seniors. …

9 Comments

[*"Add comments" box*]

Roxi Overo Tyler, Texas
Has anybody compared this antenna to other antenna's [sic] out there on the market?
…

Cheryl Rackers Perry High School, Perry, GA
Yes! There are so many antenna's [sic] on the market that simply don't work, and trust me, I've tested my fair share of antennas! THIS antenna ACTUALLY WORKS and is head and shoulders above all the other ones on the market.
…

Wilma Kingsleigh Indiana University Kokomo
It looks crazy, but that antenna works as well as a cable hookup

…

Mandy Simmons Chicago, Illinois
I just received mine in the mail today, took about 4 days to arrive. It is really very easy and simple to use. I am not tech savvy at all and it was a breeze to setup. When I initially scanned for channels, my tv was able to detect 68 channels, but only about 50 or so channels had strong enough signals to pick up reliably. Overall, I really like this antenna especially since I don't have to pay for cable anymore.

Exhibit D. This web page was disseminated from June 2018 through February 2019. A nearly identical version of this web page promoting the Tilt TV Antenna was disseminated from January 2019 through March 2019.

E. TV Scout Amplifier Web Page

POWERFUL RANGE EXTENSION FOR YOUR TV Scout

ANTENNA!

Pull in MORE STATIONS in crystal clear HDTV when you add the TV Scout Amplifier to your deal! Remember, you will get more FREE Stations and increase your range up to 50 MILES!

You won't pay ~~$80.00~~ for this powerful amplifier. Not even ~~$60.00~~. If you buy now and add it to your order, you'll pay the crazy low price of $32.00 per unit!

[*Depiction of television screen showing four scenes, including ones from Game of Thrones, which appears on HBO, Westworld, which appears on HBO, Walking Dead, which appears on AMC, and Pretty Little Liars, which appeared on ABC Family*]

ADD ONE x1 TV Scout Amplifier to your Order

TVScout
amplifier

Double Your Signal
Double Your Distance
Get More Free Channels!

[*Depiction of SkyLink TV Amplifier*]

[*Depiction of split screen "before" and "after" images from Game of Thrones with the before side very fuzzy*]

Pull in more free TV Stations - Increase range up to 50 miles! Change fuzzy stations into crystal-clear stations. It's the perfect combination with your TV Scout to get the optimum pleasure of watching everything come in FREE! So easy to use. Just connect one wire between your TV Scout and your TV set and you are **READY TO GO! GRAB THIS NOW AT A LOW LOW PRICE!!**

Exhibit E. This web page was displayed to consumers who were in the process of ordering the TV Scout Antenna. It was disseminated from March 2017 through April 2019. A nearly identical version of this web page promoting the SkyWire TV Amplifier was disseminated from July 2017 through July 2018. A nearly identical version of this web page promoting the SkyLink TV Amplifier was disseminated from June 2018 through March 2019. A Spanish language version of this web page promoting the TV Scout Antenna, attached as Exhibit F, was disseminated from May 2017 through April 2019.

16. In creating web pages promoting Wellco TV Antennas, Defendants copied consumer endorsements from websites promoting competing antenna products.

17. When potential customers emailed Wellco inquiring about the channels they would receive, a Wellco representatives would often respond by email:

> We cannot guarantee specific channel reception but we can tell you what our current customers have reported back to us. Customers who live in remote parts of the world may receive as few as 10 channels whereas customers in more densely populated, urban areas, receive upwards of 100 channels. We hope this information helps and look forward to your business.

Wellco representatives wrote this to over 15,000 potential customers.

18. Based on the facts and violations of law alleged in this Complaint, the FTC has reason to believe that Defendants are violating or are about to violate laws enforced by the Commission because, among other things: Defendants engaged in their unlawful acts and practices repeatedly over a period of two years; Defendants engaged in their unlawful acts and practices knowingly; Defendants continued their unlawful acts or practices despite knowledge of thousands of consumer complaints; and Defendants stopped their unlawful conduct only after they received a Civil Investigative Demand from the FTC.

VIOLATIONS OF THE FTC ACT

19. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

20. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

Count I

False or Unsubstantiated Efficacy Claims

21. In numerous instances in connection with the advertising, marketing, promotion, offering for sale, or sale of Wellco TV Antennas and Amplifiers, Defendants have represented, directly or indirectly, expressly or by implication, that:

A. The SkyWire, SkyLink, and Tilt TV Antennas are the #1 rated indoor HDTV antenna in America;

B. The SkyWire, SkyLink, and Tilt TV Antennas enable consumers to receive more channels than most other TV antennas on the market;

C. The SkyWire, SkyLink, and Tilt TV Antennas enable consumers to stop paying for cable or satellite TV subscription and still receive all of their favorite TV channels;

D. The SkyWire, SkyLink, and Tilt TV Antennas enable consumers to receive signals that they could previously only receive via cable TV systems or other subscription services;

E. Substantial portions of users of the SkyWire and SkyLink TV Antennas receive 100+ premium channels in HD;

F. Substantial portions of users of the SkyWire, SkyLink, and Tilt TV Antennas receive forty-six or more clear channels;

G. Users of the TV Scout, SkyWire, SkyLink, and Tilt TV antennas receive a minimum of ten channels, regardless of whether they lived in remote parts of the world or densely populated urban areas;

H. The TV Scout, SkyWire, and SkyLink TV Amplifiers substantially increase the number of stations received with the corresponding Wellco TV Antenna, including more distant stations; and

I. With the TV Scout, SkyWire, and SkyLink TV Antennas and the corresponding Wellco TV Amplifier, consumers receive cable or subscription channels, including HBO and AMC.

22. The representations set forth in Paragraph 21 are false or misleading, or were not substantiated at the time the representations were made.

23. Therefore, the making of the representations as set forth in Paragraph 21 of this Complaint constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

Count II

False Advertising Claims Through Consumer Endorsers

24. In numerous instances in connection with the advertising, marketing, promotion, offering for sale, or sale of the Wellco TV Antenna, Defendants have represented, directly or indirectly, expressly or by implication, that consumer endorsements contained in Wellco TV Antenna advertisements represent the actual experiences, findings, opinions, or beliefs of consumers who have used the Wellco TV Antenna.

25. In truth and in fact, Defendants fabricated the consumer endorsements contained in Wellco TV Antenna advertisements, and these endorsements do not represent the actual experiences, findings, opinions, or beliefs of consumers who have used the products.

26. Therefore, the making of the representation set forth in Paragraph 24 of this Complaint constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

Count III

Other Misrepresentations

27. In connection with the advertising, marketing, promotion, offering for sale, or sale of the Wellco TV Antenna, Defendants have represented, directly or indirectly, expressly or by implication, that:

A. Certain of Defendants' Wellco TV Antenna web pages reproduced objective news reports;

B. Objective news reporters have performed independent tests demonstrating the effectiveness of the Wellco TV Antenna; and

C. Legitimate news sources featured the Wellco TV Antenna and its claimed benefits.

28. In truth and in fact:

A. The web pages described in Paragraph 27(A) of this Complaint were advertisements made to appear as objective news reports;

B. Objective news reporters have not performed independent tests demonstrating the effectiveness of the Wellco TV Antenna; and

C. Legitimate news sources have not featured the Wellco TV Antenna and its claimed benefits.

29. Therefore, the making of the representations as set forth in Paragraph 27 of this Complaint constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

30. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

B. Award such relief as the Court finds necessary to address Defendants' violations of the FTC Act, including rescission or reformation of contracts, the refund of monies paid, restitution, and the disgorgement of ill-gotten monies or other relief necessary to redress injury to consumers resulting from Defendants' violations; and

C. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

JAMES REILLY DOLAN
Acting General Counsel

Dated: March 10, 2021

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* *Pro Hac Applications pending or forthcoming*