

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Terry Green

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13 PEOPLE OF THE STATE OF CALIFORNIA [NO FEE - Govt. Code § 6103]

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA,  
18  
19 Plaintiff,  
20  
21 v.  
22  
23 KNATURE CO., INC., a California  
24 corporation, D/B/A INSAN HEALING, INC.,  
25 and INSAN HEALING; ANGELA OH, an  
26 individual; and DOES 1 through 10, inclusive,  
27  
28 Defendants.

Case No. 20STCV18300

**COMPLAINT FOR PERMANENT  
INJUNCTION, CIVIL PENALTIES,  
RESTITUTION, AND OTHER  
EQUITABLE RELIEF**

[VERIFIED ANSWER REQUIRED  
PURSUANT TO CODE OF CIVIL  
PROCEDURE SECTION 446]

1 Plaintiff, the People of the State of California, appearing through their attorney, Michael  
2 N. Feuer, City Attorney for the City of Los Angeles, alleges the following on information and  
3 belief:

#### 4 INTRODUCTION

5 1. People around the world, including those living in Los Angeles, are in the midst of a  
6 devastating pandemic caused by the rapid spread of the novel coronavirus SARS-CoV-2 and the  
7 disease it causes, COVID-19. Over 70,000 Californians are suffering from COVID-19. Nearly  
8 3,000 have died. In addition to these devastating public health outcomes, Angelenos are  
9 adapting to critically important “safer-at-home” guidance, the closure of schools and many  
10 businesses, and other disruptions to normal life in order to mitigate the spread of this disease.  
11 But even so, the public health impacts and economic effects of the pandemic proceed apace.

12 2. There is an urgent need for an effective treatment or cure for COVID-19. Not only  
13 to aid those who are suffering from the disease and to protect the most vulnerable in our society,  
14 but also to ease the burdens on the heroic efforts of first responders and medical professionals.  
15 An effective treatment or cure would also enable the “re-start” of pre-pandemic economic  
16 conditions and alleviate the growing economic suffering of those who have lost jobs and other  
17 opportunities, are housing insecure, and have made sacrifices to help protect neighbors, co-  
18 workers, and the community from COVID-19.

19 3. With this urgent need, the marketplace has seen a rise in companies and individuals  
20 willing to making false claims that they have products that protect against SARS-CoV-2 and  
21 COVID-19; the worst are the malefactors who are willing to sell false hopes for a fast dollar.

22 4. Defendants KNATURE CO., Inc. d/b/a Insan Healing Inc. and Angela Oh are  
23 marketing and selling a new fake drug that they claim, if taken daily, “protects” against and  
24 “prevents” COVID-19.

25 5. Defendants claim that their new product is the “must-have product for the protection  
26 and prevention of the COVID-19.”

27 6. This “must-have product” is a mixture of approximately 80% radish paste, garlic,  
28 ginger, and other herbs. Defendants recommend that consumers take it up to three times a day.

1 7. There is no evidence, however, that any radish paste—even radish paste “[c]reated  
2 from white radish harvested during frost” —can offer “protection and prevention” from the  
3 novel coronavirus SARS-CoV-2 and COVID-19.

4 8. Defendants also are marketing their “must-have” radish paste in violation of state  
5 and federal food and drug laws. Under the law, all products making claims that they can be  
6 “used or [are] intended for use in the diagnosis, cure, mitigation, treatment, or prevention of  
7 disease in human beings” are drugs. Drugs can only be marketed and sold in California if they  
8 are approved by the federal Food and Drug Administration (“FDA”) and comply with  
9 applicable state laws.

10 9. Defendants’ radish paste is not a drug registered with the FDA. As a result, they  
11 cannot claim that it offers “protection and prevention” from SARS-CoV-2 and COVID-19.  
12 Such a claim is inherently untested and unreviewed, and if consumers rely on Defendants’  
13 radish paste to keep them “protected” from COVID-19, Defendants’ claim is unsafe.

14 10. The harms of the COVID-19 pandemic are made worse by the spread of confusion,  
15 misinformation, and the proliferation of consumer scams and frauds regarding this novel  
16 coronavirus.

17 11. In this public health emergency, consumers require—and under California law are  
18 entitled to—accurate, reliable, and truthful information about COVID-19. The health, and even  
19 the lives, of California consumers depend on it.

## 20 **PARTIES**

21 12. Plaintiff, the People of the State of California (the “People”), is the sovereign power  
22 of the State of California (Gov. Code § 100), authorized to enforce Business and Professions  
23 Code section 17200 et seq. (“Unfair Competition Law” or “UCL”) and Business and  
24 Professions Code section 17500 et seq. (“False Advertising Law” or “FAL”) in civil law  
25 enforcement actions. The People have an interest in ensuring that the individuals and entities  
26 doing business in this state comply with all applicable laws. The People act here by and  
27 through Michael N. Feuer, Los Angeles City Attorney, under the authority granted to his office  
28 by Business and Professions Code sections 17535, 17536, 17204, and 17206.

1           13. Defendant KNATURE CO., INC., doing business as Insan Healing Inc. and as  
2 Insan Healing (“Insan”), is a California corporation, operating and with a principal place of  
3 business in Los Angeles, California. At all relevant times, Insan has transacted business in  
4 California, including Los Angeles City and County. Insan claims its radish paste “protects” and  
5 prevents” from the disease COVID-19.

6           14. Defendant Angela Oh is the CEO of Insan and is a resident of Culver City,  
7 California. At all relevant times, Oh has transacted business in California, including Los  
8 Angeles City and County. Oh has personally visited Insan manufacturing facilities on several  
9 occasions and personally uses and endorses Insan products. She also represents on the Insan  
10 Healing website that “[m]ost people have reported very positive results and have reordered  
11 more healing products” and that “several medical experts whom have tried our products are  
12 very excited to introduce these revolutionary products to their patients.”

13           15. Defendants sued herein as Does 1 through 10, inclusive, are presently unknown to  
14 the People, who therefore sue these unknown Defendants by such fictitious names. When the  
15 true names and capacities of any unknown Defendants have been ascertained, the People will  
16 ask leave of the Court to amend this Complaint and to insert in lieu of such fictitious names the  
17 true names and capacities of any fictitiously named Defendants. The People are informed and  
18 believe that Does 1 through 10 participated in, and are responsible for, the wrongful conduct  
19 alleged in this Complaint.

20           16. Each Defendant is a “person” within the meaning of Business and Professions Code  
21 sections 17506 and 17201.

22           17. Whenever this Complaint refers to “Defendants,” it includes any and all Defendants  
23 named in paragraphs 13 through 15 of this Complaint.

24           18. At all relevant times, some or all Defendants acted as the agent of the others, and all  
25 Defendants acted within the scope of their agency if acting as an agent of another.

26           19. At all relevant times, Defendants together comprised an “organization of persons”  
27 within the meaning of Business and Professions Code section 17201, in that they associated  
28 together for the common purpose of engaging in a course of unlawful, unfair, and fraudulent



1 Angeles County because the violations of law alleged in this Complaint occurred, in whole or in  
2 part, in Los Angeles County.

### 3 **STATUTORY BACKGROUND**

#### 4 **I. THE UNFAIR COMPETITION LAW**

5 27. Business and Professions Code section 17200 provides that “unfair competition  
6 shall mean and include unlawful, unfair or fraudulent business practice.”

7 28. Business and Professions Code section 17203 provides that “(a)ny person  
8 performing or proposing to perform an act of unfair competition within this state may be  
9 enjoined in any court of competent jurisdiction.” Section 17203 also permits recovery of any  
10 “interest in money or property, real or personal” acquired by a violation of the Unfair  
11 Competition Law.

12 29. Business and Professions Code section 17206, subdivision (a), provides that any  
13 person violating section 17200 “shall be liable for a civil penalty not to exceed two thousand  
14 five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil  
15 action brought in the name of the people of the State of California . . . by any city attorney of a  
16 city having a population in excess of 750,000.”

17 30. Under Business and Professions Code section 17205, these remedies and penalties  
18 are “cumulative to each other and to the remedies or penalties available under all other laws of  
19 this state.”

#### 20 **II. THE FALSE ADVERTISING LAW**

21 31. Business and Professions Code section 17500 provides that it is unlawful for any  
22 person “with the intent directly or indirectly to dispose of real or personal property . . . to make  
23 or disseminate or cause to be made . . . any statement, concerning that real or personal property .  
24 . . which is untrue or misleading, and which is known, or which by the exercise of reasonable  
25 care should be known, to be untrue or misleading.”

26 32. Business and Professions Code section 17535 authorizes “any city attorney” to seek  
27 an injunction to prevent such untrue or misleading statements, and to provide restitution for  
28 victims of such statements.

1           33. Business and Professions Code section 17536 provides that any person violating  
2 section 17500 “shall be liable for a civil penalty not to exceed two thousand five hundred  
3 dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action  
4 brought in the name of the people of the State of California . . . by any . . . city attorney.” These  
5 civil penalties are cumulative to those obtained under Section 17200.

6 **III. THE SHERMAN FOOD, DRUG, AND COSMETIC LAW**

7           34. Health and Safety Code section 109875 et seq. regulates the marketing and sale of  
8 drugs in California (including incorporation of relevant federal standards).

9           35. Health and Safety Code section 109925 defines “drug” as “[a]ny article recognized  
10 in an official compendium. . . . “ and “(b) [a]ny article used or intended for use in the diagnosis,  
11 cure, mitigation, treatment, or prevention of disease in human beings or any other animal.”  
12 (Health & Saf. Code § 109925.)

13           36. Health and Safety Code section 109980 defines “new drug” as “[a]ny drug the  
14 composition of which is such that the drug is not generally recognized, among experts qualified  
15 by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe  
16 and effective for use under the conditions prescribed, recommended, or suggested in the  
17 labeling or advertising thereof.” (Health & Saf. Code § 109980.)

18           37. It is unlawful to “sell, deliver, or give away any new drug” in California unless  
19 that drug complies with all applicable federal regulations. (Health & Saf. Code, § 111550.)

20           38. “It is unlawful for any person to disseminate any false advertisement of any . . .  
21 drug. . . An advertisement is false if it is false or misleading in any particular.” (Health & Saf.  
22 Code § 110390.)

23           39. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any  
24 drug that is falsely advertised. (Health & Saf. Code § 110395.)

25           40. It is unlawful for any person to advertise any drug that is misbranded. (Health &  
26 Saf. Code § 110398.)



1 insanhealing.com, Defendants claim that the Radish Paste:

2 A. “Keep your lungs and respiratory strong.”

3 B. “A Must-have product to enhance immunity.”

4 C. “Coronavirus causes respiratory disease (similar like cold or flu), however it can  
5 lead to death when the lungs are weak and for those with weak immunity. This is  
6 why it is so important to keep your lungs and respiratory strong.”

7 D. “Radish Paste is an immunity boost to your lungs! **A must-have product for the  
8 protection and prevention of the COVID-19, cold and flu season.**”<sup>5</sup>

9 47. A claim that a product is for protection from or prevention of a disease is a claim  
10 that a product is a drug. (Health & Saf. Code § 109925.)

11 48. Defendants have no registered drugs—including Radish Paste—in the FDA drug  
12 registration database.<sup>6</sup>

13 **FIRST CAUSE OF ACTION:**

14 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17500**

15 **(UNTRUE OR MISLEADING REPRESENTATIONS)**

16 **(Against All Defendants)**

17 49. The People restate and incorporate herein each and every allegation set forth in  
18 paragraphs 1–48 above, as though fully alleged herein.

19 50. Beginning no later than April 10, 2020, and continuing to the present, Defendants,  
20 and each of them, with each other or with other unknown persons, have engaged in and continue  
21 to engage in, aided and abetted and continue to aid and abet, and conspired to and continue to  
22 conspire to violate Business and Professions Code section 17500 by making or disseminating  
23 untrue or misleading statements, or causing untrue or misleading statements to be made in the in  
24 the City and County of Los Angeles, with the intent to induce the purchase of unapproved  
25

26 \_\_\_\_\_  
27 <sup>5</sup> <https://www.insanhealing.com/> (accessed May 12, 2020) (emphasis added).

28 <sup>6</sup> <https://www.accessdata.fda.gov/scripts/cder/drls/default.cfm> (accessed May 12, 2020).

1 drugs, when they knew or by the exercise of reasonable care should have known the statements  
2 were untrue, misleading, and unsubstantiated. Defendants’ untrue or misleading representations  
3 include, but are not limited to, the following:

4       A. Representing with respect to Defendants’ Radish Paste, that the paste can “Keep  
5 your lungs and respiratory strong.” This advertisement, when viewed with other  
6 advertising statements such as “coronavirus . . . can lead to death when the lungs  
7 are weak and for those with weak immunity,” and that radish paste can protect  
8 and prevent COVID-19, gives the false or misleading impression that Defendants’  
9 Radish Paste is a drug for sale in California that can protect consumers from  
10 COVID-19 and lung and respiratory issues, and therefore is an FDA-approved  
11 drug or medical countermeasure against COVID-19.

12       B. Representing with respect to Defendants’ Radish Paste, that the paste is a “A  
13 Must-have product to enhance immunity.” This advertisement, when viewed with  
14 other advertising statements such as “coronavirus . . . can lead to death when the  
15 lungs are weak and for those with weak immunity,” and claims that radish paste  
16 can protect and prevent COVID-19, gives the false or misleading impression that  
17 Defendants’ Radish Paste is a drug for sale in California that can prevent  
18 consumers from developing COVID-19, can protect consumers from SARS  
19 COV-2, and that it is an FDA-approved drug or medical countermeasure against  
20 COVID-19.

21       C. Representing with respect to Defendants’ Radish Paste, that “Coronavirus causes  
22 respiratory disease (similar like cold or flu), however it can lead to death when the  
23 lungs are weak and for those with weak immunity. This is why it is so important  
24 to keep your lungs and respiratory strong.” This advertisement, when viewed  
25 with other advertising statements such as “Keep your lungs and respiratory  
26 strong,” and claims that radish paste can protect and prevent COVID-19, gives the  
27 false or misleading impression that Defendants’ Radish Paste is a drug for sale in  
28 California that can prevent consumers from developing COVID-19, can protect

1 consumers from SARS COV-2, and that it is an FDA-approved drug or medical  
2 countermeasure against COVID-19.

3 D. Representing with respect to Defendants' Radish Paste, that ""Radish Paste is an  
4 immunity boost to your lungs! **A must-have product for the protection and**  
5 **prevention of the COVID-19**, cold and flu season." This advertisement gives  
6 the false or misleading impression that Defendants' Radish Paste is a drug for sale  
7 in California that can prevent consumers from developing COVID-19, can  
8 protect consumers from SARS COV-2, and that it is an FDA-approved drug or  
9 medical countermeasure against COVID-19.

10 51. Defendants knew, or by the exercise of reasonable care should have known at the  
11 time of making the statements, or causing the statements to be made, that the statements set  
12 forth in Paragraphs 50.A. through 50.D. were untrue or misleading.

13 52. These violations render each Defendant liable to the People for civil remedies of up  
14 to \$2,500 for each violation under Business and Professions Code section 17536 and provide  
15 the basis for other remedies.

16 53. Defendants' conduct, which began in or around April 2020, is in continuing  
17 violation of the False Advertising Law and has occurred within four years of the filing of this  
18 Complaint.

19 **SECOND CAUSE OF ACTION:**

20 **VIOLATION OF BUSINESS AND PROFESSIONS CODE 17200**

21 **(UNFAIR COMPETITION)**

22 **(Against All Defendants)**

23 54. The People restate and incorporate herein each and every allegation set forth in  
24 paragraphs 1 through 53 above, as though fully alleged herein.

25 55. Beginning no later than April 2020 and continuing to the present, Defendants, and  
26 each of them, with each other or other unknown persons, have engaged in and continue to  
27 engage in, aided and abetted and continue to aid and abet, and conspired to and continue to  
28 conspire to engage in acts or practices that constitute unfair competition because they are unfair,

1 unlawful and/or fraudulent as defined by Business and Professions Code section 17200. Such  
2 acts or practices include, but are not limited to, the following:

- 3 A. Violating Business and Professions Code section 17200, because  
4 Defendants' actions as described above, as well as similar conduct, are  
5 unfair, deceptive, untrue, and/or misleading advertising under section 17200;
- 6 B. Violating Business and Professions Code section 17500, by making or  
7 disseminating, or causing to be made or disseminated, statements before the  
8 public with respect to the Radish Paste that Defendants knew were untrue  
9 and misleading and which were and are known by Defendants to be untrue  
10 and misleading, as described above;
- 11 C. Violating Health and Safety Code section 110390, by disseminating false  
12 advertisements for a drug, as described above, which advertisements are false  
13 or misleading in any particular;
- 14 D. Violating Health and Safety Code section 110395, by manufacturing, selling,  
15 delivering, holding, or offering for sale any drug that is falsely advertised;
- 16 E. Violating Health and Safety Code section 110398, by advertising any drug or  
17 that is misbranded; and
- 18 F. Violating Health and Safety Code section 111550, as described above, by  
19 selling or offering for sale a new device that has not been approved under the  
20 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 355;

21 56. By committing the acts alleged above, at all times material to this complaint, each  
22 Defendant has engaged in unlawful business practices that constitute unfair competition within  
23 the meaning of Business and Professions Code section 17200.

24 57. By committing the acts alleged above, Defendants are liable to the People for civil  
25 penalties of up to \$2,500 for each violation.

26 58. Defendant's unlawful, unfair, and fraudulent business acts or practices, as described  
27 above, present a continuing threat to members of the public.

28 59. Defendants' conduct, which began in or around April 2020, is in continuing

1 violation of the Unfair Competition Law and has occurred within four years of the filing of this  
2 Complaint.

3 **PRAYER FOR RELIEF**

4 Wherefore, the People pray for judgment as follows:

5 60. That pursuant to Business and Professions Code sections 17203 and 17204 and the  
6 equitable powers of the Court, Defendants, and their successors, agents, representatives,  
7 employees, and all persons who act in concert with Defendants be permanently enjoined from  
8 engaging in unfair competition as defined in Business and Professions Code section 17200 et  
9 seq., including, but not limited to, the acts and practices alleged in this Complaint.

10 61. That pursuant to Business and Professions Code section 17206, Defendants be  
11 assessed a civil penalty of \$2,500 for each violation of Business and Professions Code section  
12 17200 et seq. that they committed, caused, aided and abetted or conspired to commit, as proved  
13 at trial.

14 62. That pursuant to Business and Professions Code section 17535, Defendants, their  
15 successors, agents, representatives, employees, and all persons who act in concert with  
16 Defendants be permanently enjoined from making any untrue or misleading statements in  
17 violation of Business and Professions Code section 17500 et seq., including but not limited to,  
18 the untrue or misleading statements alleged in the Complaint.

19 63. That pursuant to Business and Professions Code section 17536, Defendants be  
20 assessed a civil penalty of \$2,500 for each violation of Business and Professions Code sections  
21 17500 et seq. that they committed, caused, aided and abetted, or conspired to commit, as proved  
22 at trial.

23 64. That Defendants be ordered to make direct restitution of any money or other  
24 property that may have been acquired by the violations of Business and Professions Code  
25 section 17200 et seq. and 17500 et seq.

26 65. That the People recover the costs of this action.

27 66. Such other relief that the Court deems just and proper.  
28

1 Dated: May 13, 2020

Respectfully Submitted,

2  
3 MICHAEL N. FEUER  
Los Angeles City Attorney

4 By:   
5 WILLIAM R. PLETCHER  
6 Deputy City Attorney

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