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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**
16

17 FEDERAL TRADE COMMISSION,
18
19 Plaintiff,
20
21 v.
22 PRECISION PATIENT OUTCOMES, INC.,
23 a corporation; and
24 MARGRETT PRIEST LEWIS,
25 individually and as CEO of Precision
26 Patient Outcomes, Inc.,
27
28 Defendants.

Case No.: 3:22-cv-7307-VC

**FIRST AMENDED
COMPLAINT FOR
PERMANENT INJUNCTION,
MONETARY RELIEF, CIVIL
PENALTY JUDGMENT, AND
OTHER RELIEF**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), for its Complaint alleges:

1. Plaintiff brings this action under Sections 5(a)(1), 5(m)(1)(A), 12, 13(b), 16(a)(1), and 19 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 52, 53(b), 56(a)(1), 57b, and the COVID-19 Consumer Protection Act (“COVID-19 Act”), Section 1401, Division FF, of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, which authorize the Plaintiff to seek, and the Court to order, permanent injunctive relief, monetary relief, civil penalties, and other relief for Defendants’ acts or practices in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52. The alleged violations are in connection with Defendants’ claims that

1 vitamin supplements that Defendants manufacture and sell are proven to treat, prevent, or
2 mitigate COVID-19.

3 **SUMMARY OF CASE**

4 2. Defendants have developed, labeled, advertised, marketed, distributed, offered
5 for sale, or sold a dietary supplement under the names COVID Resist and VIRUS Resist. The
6 product contains 500 milligrams of Vitamin C, 37 micrograms of Vitamin D3, 37 micrograms
7 of Vitamin K2, 35 milligrams of Zinc, and 500 milligrams of Quercetin Dihydrate.

8 3. Defendants have explicitly or implicitly claimed that COVID Resist/VIRUS
9 Resist can treat, prevent, or mitigate COVID-19. Defendants have further claimed that there is
10 research and studies to support their health claims. Defendants lack any reasonable basis for
11 their health claims and misrepresent the research and studies they allege support their health
12 claims.

13 4. The Commission notified Defendants that deceptive advertising associated with
14 the treatment, cure, prevention, or mitigation of COVID-19 violates the FTC Act and the
15 COVID-19 Act. Defendants nonetheless continued to make false and unsubstantiated COVID-
16 19-related health claims. The Commission therefore files this suit to seek permanent injunctive
17 relief, monetary relief, a civil penalty judgment, and other relief in order to prevent the harms
18 caused by Defendants' ongoing misrepresentations.

19 **JURISDICTION AND VENUE**

20 5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
21 § 1331 because it arises under the laws of the United States. It also has subject matter
22 jurisdiction over this action pursuant to 28 U.S.C. § 1337(a) because it arises under an Act of
23 Congress regulating interstate commerce or protecting trade and commerce against restraints
24 and monopolies, and under 28 U.S.C. § 1345 because the FTC is the Plaintiff.

25 6. The Court has personal jurisdiction over Defendants because both Defendants
26 reside in this District and because the alleged acts giving rise to the claim occurred in this
27 District.

1 7. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1), (b)(2), (c)(1),
2 (c)(2), and (d), and 15 U.S.C. § 53(b) because Defendants reside or transact business in this
3 District, Defendants reside in California, and because a substantial part of the events or
4 omissions giving rise to the claims occurred in this District. Pursuant to Civil L.R. 3-3(c) venue
5 is proper in the Oakland Division because a substantial part of the events or omissions which
6 give rise to the claims occurred in the Oakland Division.

7 **DEFENDANTS**

8 8. Defendant Precision Patient Outcomes, Inc. (“PPO”), is a California corporation
9 with its principal office or place of business at 808 Gilman Street, Berkeley, California 94710.
10 PPO transacts or has transacted business in this District and throughout the United States. At all
11 times material to this Complaint, acting alone or in concert with others, PPO has advertised,
12 marketed, distributed, offered for sale, or sold dietary supplements, COVID Resist and/or
13 VIRUS Resist, to consumers throughout the United States.

14 9. Defendant Margrett Priest Lewis (“Lewis”) is PPO’s co-founder, Chief
15 Executive Officer, Chief Financial Officer, Director, and Secretary. At all times relevant to this
16 Complaint, acting alone or in concert with others, she has formulated, directed, controlled, had
17 the authority to control, or participated in the acts and practices of PPO, including the acts and
18 practices set forth in this Complaint. As alleged below, Lewis has been actively involved in
19 PPO’s business affairs and developed COVID Resist and VIRUS Resist. She has participated
20 in the promotion of COVID Resist and VIRUS Resist through, among other things, PPO’s
21 website, posts on PPO’s Facebook, Instagram, and TikTok accounts, her personal social media
22 accounts, sales calls with potential customers, and personal appearances in videos posted on
23 Facebook, Instagram, and TikTok. Lewis is quoted in these social media posts and videos
24 about the purported efficacy of COVID Resist and VIRUS Resist to treat, prevent, or mitigate
25 COVID-19. Lewis has been involved in all aspects of offering the sale of or selling COVID
26 Resist and VIRUS Resist to consumers throughout the United States, including labeling,
27 advertising, marketing, and distribution. She resides in this District and, in connection with the
28 matters alleged herein, transacts or has transacted business in this District and throughout the

1 United States.

2 **COMMERCE**

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

6 **DEFENDANTS’ BUSINESS ACTIVITIES**

7 ***Defendants’ Communications with the FTC and Their Response***

8 11. In or around May 2021, Defendants began advertising, marketing, and offering
9 the sale of COVID Resist on their website, www.ppo-health.com. Defendants made deceptive
10 health claims on their website and social media pages that COVID Resist can treat, prevent, or
11 mitigate COVID-19.

12 12. PPO sent a letter dated May 5, 2021, to the Acting Chair of the Commission.
13 Lewis signed the letter as PPO’s CEO. (*Ex. 1*).

14 13. Defendants’ letter stated that they were “planning to launch COVIDresist™, a
15 multi-vitamin or dietary supplement, and invite[d] the FTC staff to review [Defendants’]
16 website at: <https://ppo-health.com>.”

17 14. Defendants’ letter stated that their “statements are supported with competent and
18 reliable scientific evidence” and that the products they sell are “clearly in compliance with the
19 FTC, [the Dietary Supplement Health and Education Act of 1994], and [the Food and Drug
20 Administration’s] regulations.”

21 15. Defendants requested a “written, detailed response” if the Commission had any
22 issue with the website, product labels, or other promotional materials. Defendants concluded
23 that if they did not receive a response, they would “trust that [they] are in compliance.”

24 16. On May 18, 2021, the Commission sent Defendants a written, detailed response.
25 (*Ex. 2*). The Commission’s response explained that the Commission “does not pre-review
26 advertising materials to opine on their compliance with the FTC Act or any other applicable
27 laws” and that it is “the advertiser’s sole responsibility to ensure compliance with truth-in-
28 advertising laws and [that Defendants] should consult legal counsel if [they] seek an opinion on

1 the legality of [their] advertising.”

2 17. The Commission’s response directed Defendants to several publicly available
3 resources that help marketers stay in compliance with the FTC Act, including the Commission’s
4 advertising guide for dietary supplements.

5 18. The Commission’s response informed Defendants of the Commission’s Policy
6 Statement on Deception, which explains the framework the FTC uses to determine whether
7 advertising is deceptive, including the manner in which the Commission evaluates the “net
8 impression” of ads considering all visual, textual, and aural elements of an ad.

9 19. The Commission’s response also included specific information on the
10 Commission’s efforts to protect consumers from deceptive claims about products that claim to
11 treat, cure, prevent, or mitigate COVID-19. It included a link to the roughly 400 warning letters
12 the Commission had sent to marketers advising that it is unlawful to advertise that products can
13 prevent, treat, or cure human disease unless they possess competent and reliable scientific
14 evidence, including, when appropriate, well-controlled human clinical studies, substantiating
15 that the claims are true at the time they are made.

16 20. The Commission’s response notified Defendants that the Commission “sent
17 numerous warning letters to marketers of supplements that include one or more of the same
18 ingredients as [Defendants’] proposed COVIDresist supplement.”

19 21. The Commission’s response also notified Defendants of a recent enforcement
20 action taken by the Commission against a chiropractor who claimed that Vitamin D and Zinc
21 (both of which are ingredients in Defendants’ products) were scientifically proven to treat or
22 prevent COVID-19. The response notified Defendants that this was the “first enforcement
23 action under the recently-enacted COVID-19 Consumer Protection Act, Section 1401, Division
24 FF, of the Consolidated Appropriations Act, 2021, P.L. 116-260.”

25 22. The Commission’s response notified Defendants that, “[p]ursuant to this law,
26 marketers who make deceptive claims about the treatment, cure, prevention, or mitigation of
27 COVID-19 are subject to a civil penalty of up to \$43,792 per violation and may be required to
28 pay back money to consumers.”

1 23. After receiving the Commission’s response letter, Defendants changed the name
2 of their product from COVID Resist to VIRUS Resist. Although Defendants removed the word
3 “COVID” from their product name, they continued to explicitly or implicitly claim that VIRUS
4 Resist can treat, prevent, or mitigate COVID-19.

5 24. In or around September 2021, Defendants created a new website,
6 www.ppolab.com. This new website also advertised, promoted, and sold the product under the
7 VIRUS Resist name.

8 25. Despite the Commission’s letter, Defendants continued to advertise and market
9 VIRUS Resist as a proven immunity booster that can treat, prevent, or mitigate COVID-19.

10 ***COVID Resist and VIRUS Resist***

11 26. COVID Resist and VIRUS Resist are the same product. According to
12 Defendants, each capsule of COVID Resist/VIRUS Resist consists of 500 milligrams of
13 Vitamin C, 37 micrograms of Vitamin D3, 37 micrograms of Vitamin K2, 35 milligrams of
14 Zinc, and 500 milligrams of Quercetin Dihydrate. (*Exs. 3, 4*).

15 27. COVID Resist/VIRUS Resist is an ingestible product offered for sale in capsule
16 form. Each bottle of COVID Resist/VIRUS Resist contains 60 capsules. (*Exs. 3, 4*).

17 28. Defendants instruct consumers to “take two (2) capsules daily, preferably with a
18 meal, or as directed by your physician.” (*Exs. 3, 4*).

19 29. Defendants have offered to sell COVID Resist/VIRUS Resist for \$34.95 a bottle.
20 Defendants have offered discounts for their product under both names, including when
21 consumers sign up for a subscription plan, and when consumers use the promotional code
22 “Resilience” when purchasing from the company’s websites.

23 ***Defendants’ Marketing of COVID Resist and VIRUS Resist***

24 30. On March 2, 2021, PPO filed an application to trademark COVID Resist.

25 31. On May 25, 2021, PPO filed an application to trademark VIRUS Resist.

26 32. Beginning no later than May 2021, Defendants advertised the sale of COVID
27 Resist on their website, ppo-health.com. Their website depicted images of COVID Resist
28 bottles, identified the formula and ingredients, and stated that there was research to support their

1 claims. Specifically, the website included a page titled “Our Research” with quotes and
2 references that Defendants claim support their claims.

3 33. Shortly after receiving the Commission’s response letter, Defendants also began
4 advertising VIRUS Resist on their website, ppo-health.com.

5 34. Thereafter, Defendants stopped advertising COVID Resist on ppo-health.com.
6 Defendants began to replace images of and references to COVID Resist with images of and
7 references to VIRUS Resist. The website, however, continued to include COVID-19-related
8 health claims about COVID Resist, even though it was no longer offered for sale on the website.

9 35. In or around September 2021, Defendants created a new website, ppolab.com.
10 Defendants only sold VIRUS Resist on their new website. Although Defendants did not
11 advertise the sale of COVID Resist on their new website, they nonetheless made COVID-19-
12 related health claims about COVID Resist on ppolab.com.

13 36. In or around December 2021, Defendants automatically redirected anyone
14 visiting ppo-health.com to their new website, ppolab.com.

15 37. Between May 2021 and June 2022, PPO has promoted its product, initially
16 COVID Resist and then VIRUS Resist, on its social media pages, including Facebook,
17 Instagram, and TikTok.

18 38. Lewis also has promoted COVID Resist and VIRUS Resist on her personal
19 social media pages, including Facebook, Instagram, and TikTok.

20 39. To induce consumers to purchase COVID Resist/VIRUS Resist, Defendants
21 have represented that their product treats, prevents, or mitigates COVID-19. Defendants also
22 have represented that COVID Resist/VIRUS Resist is scientifically proven to treat, prevent, or
23 mitigate COVID-19. For example, Defendants’ websites and social media pages have contained
24 the following statements and depictions:

25 A. **Website PPO-Health.com (captured Oct. 4, 2021)**

- 26 • “COVIDresist Boosting Your Immunity, Naturally.” (*Ex. 5*).
- 27 • “VIRUS resist™ provides a foundation for a healthy immune system,
28 boosting the effectiveness of your body’s natural defenses against the

1 virus and aiding the protection provided by the vaccine.” (Ex.6; page
2 16).

- 3 • Under an image of a bottle and label of VIRUS Resist, Defendants
4 state: “Research & Studies

5 ...

6 We’re committed to evidence-based products and cite our sources.

7 ...

8 Vitamin D: ‘The rationale for using vitamin D is based largely on
9 immunomodulatory effects that could potentially protect against
10 COVID-19 infection or decrease the severity of illness.’

11 [https://www.covid19treatmentguidelines.nih.gov/supplements/vitami
12 n-d/](https://www.covid19treatmentguidelines.nih.gov/supplements/vitamin-d/)

13 ...

14 Zinc: ‘Zinc 30-50 mg/day (elemental zinc). Zinc is essential for
15 innate and adaptive immunity. In addition, Zinc inhibits RNA
16 dependent RNA polymerase *in vitro* against SARS-CoV-2 virus.’

17 [https://www.evms.edu/media/evms_public/departments/internal_medi
18 cine/Marik_Critical_Care_COVID-19_protocol.pdf](https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik_Critical_Care_COVID-19_protocol.pdf).

19 ...

20 Quercetin: ‘Quercetin has direct viricidal properties against a range of
21 viruses, including SARS-CoV-2, and is a potent antioxidant and anti-
22 inflammatory agent....’

23 [https://www.evms.edu/media/evms_public/departments/internal_medi
24 cine/Marik_Critical_Care_COVID-19_Protocol.pdf](https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik_Critical_Care_COVID-19_Protocol.pdf).” (Ex. 6; page
25 17).

- 26 • On the website’s homepage, which describes VIRUS Resist and
27 includes multiple images of bottles of VIRUS Resist, under a section
28 titled “Blog” Defendants state: “Vitamins You Need Before Your

1 COVID Vaccine, Doctor Says ... Myers said research he collected
2 with his co-author, Grace McComsey, MD, ‘indicates that insufficient
3 levels of vitamin K2 ... are directly related to our susceptibility to
4 COVID-19 and the seriousness of the outcomes...’ (*Ex. 6; page 18*).

5 • “There is a dearth of research and information on what supplements
6 would assist the immune system for respiratory diseases, including
7 COVID. There is, however, evidence that suggests the supplements in
8 the Marik COVID-19 Prophylaxis Protocol (Quercetin, Zinc, Vitamin
9 D and Vitamin C) may act synergistically against respiratory viruses,
10 including COVID.” (*Ex. 7*).

11 • On a page titled “Our Research” Defendants explain “the reasoning
12 behind why [they] chose [their] ingredients...why you should still
13 take the COVID resist supplement despite getting vaccinated... how
14 Americans have been impacted by anxiety and mental health issues
15 during the pandemic, and how COVID resist can help alleviate some
16 of the concerns about returning to post pandemic life.” Defendants
17 then provide a series of quotes, including, but not limited to:

18 “The following ‘cocktail’ may have a role in the
19 prevention/mitigation of COVID-19 disease. This cocktail is
20 inexpensive, safe, and widely available’ ... ‘Vitamin D3 2000-4000
21 iu/day ... Vitamin C 500 mg (twice daily) ... Quercetin 250-500 mg
22 (twice daily) ... Zinc (maintenance dose) (...) 30-50 mg/day.’ *Marik*
23 *Protocol: Eastern Virginia Medical School.*

24 ...

25 “Zinc, Vitamin D and Vitamin C: Perspectives for COVID-19 With a
26 Focus on Physical Tissue Barrier Integrity ‘Some nutrients play
27 key roles in maintaining the integrity and function of the immune
28 system, presenting actions in steps determinant for the immune

1 response. Among these elements, zinc and vitamins C and D stand
2 out for having immunomodulatory functions and playing roles in
3 preserving physical tissue barriers (...) Thus, during the COVID-19
4 pandemic, the adequate intake of zinc and vitamins C and D may
5 represent a promising pharmacological tool due to the high demand
6 for these nutrients in the case of contact with the virus and onset of
7 the inflammatory process. Ongoing clinical trials will help to clarify
8 the role of these nutrients for COVID-19 management.’

9 <https://www.frontiersin.org/articles/10.3389/fnut.2020.606398/ful>
10 (*Ex. 8; page 23*).

11 **B. Website PPOLab.com (captured Oct. 4, 2021)**

- 12 • Next to an image of VIRUS Resist, Defendants state: “‘A dose of this
13 formula a day keeps viruses away’ ... and their variants. Take
14 COVID resist™ daily or for pre-exposure prophylaxis (PrEP), post
15 exposure prophylaxis (PEP), or as a therapeutic.” (*Ex. 9*).
- 16 • Under a section titled “Our Research” and next to an image of a bottle
17 of VIRUS Resist, Defendants state: “A Medical Protocol Published in
18 2020 By The Eastern Virginia Medical School, Showed That A
19 Powerful Cocktail Of Over The Counter Vitamins Could
20 Significantly Reduce The Mortality And Severity Of Illness From
21 COVID-19. Our Formula Follows The Same Recipe That This
22 Protocol Dictates.” (*Ex. 10*).
- 23 • Under a section titled “OUR EDGE” and next to an image of a bottle
24 of VIRUS Resist, Defendants state: “Proprietary Immune-Boosting
25 Blend ... Our proprietary blend of Vitamins C, D, K, Zinc, and
26 Quercetin is formulated based on data from clinical studies.” (*Ex. 11*).
- 27 • Under a section titled “WHY OUR INGREDIENTS” and next to an
28 image of a bottle of VIRUS Resist, Defendants state: “Vitamin D

1 could potentially protect against COVID-19 infection and
2 deficiencies have been linked to more serious infections. It's as
3 essential as sunshine." (*Ex. 12*).

4 C. **Facebook PPO Cover Page (captured Jan. 7, 2022)**

- 5 • PPO's Facebook page included an image with the words "Introducing
6 COVIDresist™" next to a medical facemask emblazoned with the
7 words "WE WILL WIN." (*Ex. 13*).

8 D. **Facebook PPO May 3, 2021 (captured July 12, 2021)**

- 9 • Defendants posted an image of COVID Resist's label, which states:
10 "COVID Resist ... Clinically Formulated For Resiliency...Builds
11 Immunity ... Balance Deficiencies ... Respiratory Resilience."
12 (*Ex. 4*).

13 E. **Facebook PPO May 4, 2021 (captured Jan. 7, 2022)**

- 14 • On a post that included an image of a bottle of COVID Resist,
15 Defendants stated: "COVIDRESIST™ IS NOT A SUBSTITUTE
16 FOR VACCINES, MASKS, NOR SOCIAL DISTANCING. IT IS
17 ANOTHER LAYER OF PERSONAL PROTECTION TO BE USED
18 IN ADDITION TO VACCINES, MASKS, & SOCIAL
19 DISTANCING." The image included a comment with the hashtags
20 "#covidresist #commonsenseimmunity." (*Ex. 14*).

21 F. **Facebook PPO Aug. 27, 2021 (captured Jan. 10, 2022)**

- 22 • Defendants posted a video of Lewis promoting VIRUS Resist, and
23 included the comment: "For all of us that are trying to keep our
24 immune system strong, healthy and Abell [sic] to handle everything
25 that's going on. Please, consider Virus Resist." (*Ex. 15*).

26 G. **Facebook PPO Aug. 27, 2021 (captured Jan. 19, 2022)**

- 27 • In a video, Lewis states: "Our Virus Resist is a boost to your immune
28 system ... Take your vitamins, because vitamins keep viruses away.

1 So, vitamins are your best way to keep it away. Keep your immune
2 [sic] strong.” Defendants include the hashtags “#VirusResist
3 #immunebooster #HealthEngineering #broadspectrum #AllNatural
4 #Nontoxic.” (*Ex. 16*).

5 H. **Instagram PPO Nov. 8, 2021 (captured Jan. 10, 2022)**

- 6 • Days after it was publicly announced that NFL quarterback Aaron
7 Rodgers had tested positive for COVID-19, Defendants posted a
8 video of Rodgers stating: “I’m thankful for my medical squad...I’ve
9 been taking monoclonal antibodies, ivermectin, zinc, Vitamin C and
10 D, HCQ, and I feel pretty incredible.” Defendants captioned the
11 video: “NFL Quarterback Aaron Rodgers explained on Sunday that
12 his world class medical staff has him taking Vitamin C, Zinc and
13 Vitamin D to help boost his immune system. These are three of the
14 main ingredients now found in our product Virus Resist! Find it now
15 at: ppolab.com.” (*Ex. 17*).

16 I. **Instagram PPO Nov. 9, 2021 (captured Jan. 10, 2022)**

- 17 • Defendants posted a video of podcaster Joe Rogan asking Dr. Mark
18 Gordon, “If you’re going to put someone on a preventative protocol
19 for COVID, you would recommend Quercetin... at what dose?”
20 Defendants captioned the video, “Dr Mark Gordon, MD recommends
21 taking 500 mg of Quercetin and 30 mg of Zinc to promote immune
22 health. These are the exact dosages of Quercetin and Zinc found in
23 our product Virus Resist! Get it now at PPOLAB.com or
24 [https://www.amazon.com/stores/PrecisionPatientOutcomes/page/050](https://www.amazon.com/stores/PrecisionPatientOutcomes/page/050591FD-A52A-416B-92D3-15F4e7A5CA18?ref_=ast_bln)
25 [591FD-A52A-416B-92D3-15F4e7A5CA18?ref_=ast_bln](https://www.amazon.com/stores/PrecisionPatientOutcomes/page/050591FD-A52A-416B-92D3-15F4e7A5CA18?ref_=ast_bln).” (*Ex. 18*).

26 J. **Facebook PPO Nov. 12, 2021 (captured Jan. 19, 2022)**

- 27 • Defendants posted a video of Dr. Rhonda Patrick on Joe Rogan’s
28 podcast stating, “In Indonesia... almost one hundred percent... of

1 patients that die with COVID-19 were Vitamin D deficient. Only four
2 percent were Vitamin D sufficient.” Defendants captioned the video,
3 “Dr. Rhonda Patrick, Ph.D in Biomedical Science, explains the
4 importance of Vitamin D supplementation for boosting the bodies
5 [sic] immune system. Our product Virus Resist contains 37 mcg’s of
6 Vitamin D3 per serving! Find it now at PPOLAB.com.” (*Ex. 19*).

7 40. There are no competent and reliable human clinical studies substantiating that
8 COVID Resist/VIRUS Resist is effective in the treatment, prevention, or mitigation of COVID-
9 19.

10 41. Defendants cite to scientific studies, but ignore the studies’ conclusions and
11 limitations and instead rely on them for specific, deceptive claims about the quantitative
12 efficacy of their product and the ingredients in their product. For example:

13 A. Defendants cite a National Institute of Health (“NIH”) webpage to
14 support their claims regarding the efficacy of Vitamin D to treat, prevent,
15 or mitigate COVID-19. The very first sentence of the webpage — titled
16 “Recommendation” — states: “There is insufficient evidence to
17 recommend either for or against the use of vitamin D for the prevention
18 or treatment of COVID-19.” Although there are observational studies that
19 have explored correlations between low Vitamin D levels and an elevated
20 risk of infection or severe illness from the coronavirus, such
21 observational studies are not designed, and do not prove causation, *i.e.*,
22 that Vitamin D supplementation causes positive health outcomes in
23 connection with COVID-19.

24 B. Defendants cherry-picked quotes from an article to support their claims
25 about the efficacy of Vitamin C, failing to include the article’s warning
26 that the studies relied on “had a small number of participants, had a short
27 duration (only 3 days) and did not investigate the effects of using vitamin
28 C alone.” The article also states that “[d]espite the limitations of these

1 studies with COVID-19 patients, their results highlight the importance of
2 a more detailed investigation of the use of vitamin C in this disease
3 treatment, since this micronutrient plays a key role in the development,
4 maintenance and expression of the immune response, factors that affect
5 the risk and severity of viral infection, such as SARS-CoV-2.”

6 C. To support their claims related to Vitamin K, Defendants quote a lifestyle
7 website’s interview of the authors of the book “Simplifying the COVID
8 Puzzle: How Two Essential Vitamins Fortify the Immune System.”
9 Defendants, however, fail to cite or quote from the book itself, which
10 specifically states that “[s]tatements made in this work have not been
11 evaluated by the FDA and are not intended to diagnose, treat, cure, or
12 prevent any disease.”

13 D. Contrary to Defendants claims, the sole published, completed randomized
14 clinical trial investigating the efficacy of Zinc as a preventive or
15 treatment for COVID-19 found no therapeutic benefit; and there are no
16 reliable published studies to support Defendants’ claims regarding the
17 efficacy of Quercetin to treat, prevent, or mitigate COVID-19.

18 42. Based on the facts and violations of law alleged in this Complaint, the FTC has
19 reason to believe that Defendants are violating or are about to violate the FTC Act and the
20 COVID-19 Act.

21 **THE FTC ACT**

22 43. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive
23 acts or practices in or affecting commerce.”

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

26 45. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any
27 false advertisement in or affecting commerce for the purpose of inducing, or which is likely to
28 induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section

1 12 of the FTC Act, 15 U.S.C. § 52, COVID Resist/VIRUS Resist is a “food” or “drug” as
2 defined in Section 15(b) and (c) of the FTC Act, 15 U.S.C. §§ 55(b), (c).

3 **THE COVID-19 ACT**

4 46. Under Section (b)(1) of the COVID-19 Act, for the duration of the ongoing novel
5 coronavirus (COVID-19) public health emergency, it is unlawful for any person, partnership, or
6 corporation to engage in a deceptive act or practice in or affecting commerce in violation of
7 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), that is associated with the treatment, cure,
8 prevention, mitigation, or diagnosis of COVID-19. COVID-19 Act, § 1401(b)(1).

9 47. On January 31, 2020, Secretary of Health and Human Services Alex M. Azar II,
10 pursuant to his authority under section 319 of the Public Health Service Act, Pub. L. No. 104-
11 321, codified at 42 U.S.C. § 247d, declared a public health emergency after he determined that a
12 public health emergency exists and has existed since January 27, 2020, nationwide, because of
13 the 2019 novel coronavirus (COVID-19).

14 48. The COVID-19 Act became law on December 27, 2020. As of the date of the
15 filing of this complaint, the public health emergency remains in effect.

16 49. A violation of Section (b)(1) of the COVID-19 Act is treated as a violation of a
17 rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the
18 FTC Act, 15 U.S.C. § 57a(a)(1)(B). COVID-19 Act, § 1401(c)(1).

19 50. Each dissemination of an advertisement in which Defendants violated the
20 COVID-19 Act by making one or more of the deceptive representations described above after
21 December 27, 2020, constitutes a separate violation for which Plaintiff seeks monetary civil
22 penalties.

23 51. Defendants violated the COVID-19 Act as described above, with the knowledge
24 required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

25 52. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as modified by
26 Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, the
27 Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-
28 74, sec. 701, 129 Stat. 599 (2015), and Section 1.98(d) of the FTC’s Rules of Practice,

1 16 C.F.R. § 1.98(d), authorizes this Court to award monetary civil penalties of not more than
2 \$50,120 for each violation of the COVID-19 Act after January 11, 2023, including penalties
3 whose associated violation predated January 11, 2023.

4 **COUNT ONE**

5 **FTC Act: False or Unsubstantiated Efficacy Claims —**

6 **COVID Resist and VIRUS Resist**

7 53. In numerous instances in connection with the advertising, marketing, promotion,
8 offering for sale, or sale of COVID Resist/VIRUS Resist, including through the means
9 described in Paragraphs 39-41 of this Complaint, Defendants have represented, directly or
10 indirectly, expressly or by implication, that COVID Resist/VIRUS Resist can treat, prevent, or
11 mitigate COVID-19.

12 54. On or after December 27, 2020, Defendants made the representations set forth in
13 Paragraph 53, which are associated with the treatment, prevention, or mitigation of COVID-19.

14 55. The representations set forth in Paragraph 53 are false or misleading, or were not
15 substantiated at the time the representations were made.

16 56. Therefore, the making of the representations as set forth in Paragraph 53 of this
17 Complaint constitutes a deceptive act or practice and the making of false advertisements in
18 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52.

19 57. Defendants committed the violations set forth in Paragraph 53 with the
20 knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

21 **COUNT TWO**

22 **FTC Act: False Scientific Proof Claims —**

23 **COVID Resist and VIRUS Resist**

24 58. In numerous instances in connection with the advertising, marketing, promotion,
25 offering for sale, or sale of COVID Resist/VIRUS Resist, including through means described in
26 Paragraphs 39-41 of this Complaint, Defendants have represented, directly or indirectly,
27 expressly or by implication, that COVID Resist/VIRUS Resist is scientifically proven to treat,
28 prevent, or mitigate COVID-19.

1 59. On or after December 27, 2020, Defendants made the representations set forth in
2 Paragraph 58, which are associated with the treatment, prevention, or mitigation of COVID-19.

3 60. In truth and in fact, no well-controlled human clinical study has been conducted
4 on the efficacy of COVID Resist/VIRUS Resist, or its individual ingredients, to treat, prevent,
5 or mitigate COVID-19, and COVID Resist/VIRUS Resist is not scientifically proven to treat,
6 prevent, or mitigate COVID-19.

7 61. Therefore, the making of the representations as set forth in Paragraph 58 of this
8 Complaint constitutes a deceptive act or practice and the making of false advertisements in
9 violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52.

10 62. Defendants committed the violations set forth in Paragraph 58 with the
11 knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

12 **CONSUMER INJURY**

13 63. Consumers are suffering, have suffered, and likely will continue to suffer
14 substantial injury as a result of Defendants' violations of the FTC Act. Absent injunctive relief
15 by this Court, Defendants are likely to continue to injure consumers and harm the public
16 interest.

17 **PRAYER FOR RELIEF**

18 Wherefore, Plaintiff, pursuant to Sections 5(a)(1), 5(m)(1)(A), 12, 13(b), 16(a)(1), and
19 19 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 52, 53(b), 56(a)(1), 57b, Section
20 1401(c)(2)(A) of the COVID-19 Act, and the Court's own equitable powers, requests that the
21 Court:

22 A. Enter a permanent injunction to prevent future violations of the FTC Act and the
23 COVID-19 Act by Defendants;

24 B. Award monetary and other relief within the Court's power to grant;

25 C. Award Plaintiff monetary civil penalties from Defendants for each violation of
26 Section 5(a) of the FTC Act pursuant to the COVID-19 Act; and

27 D. Award Plaintiff any additional relief as the Court determines to be just and
28 proper.

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Respectfully Submitted,

Dated: January 13, 2023

 /s/ Abdiel T. Lewis
ABDIEL T. LEWIS
EVAN ROSE
Federal Trade Commission
Western Region San Francisco
90 7th St., Suite 14-300
San Francisco, CA 94103
Tel.: (415) 848-5100

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

TABLE OF EXHIBITS

Page	Exhibit	Description
1	1	May 5, 2021 letter sent from Margrett Lewis, as CEO of PPO, to the Acting Chair of the Commission
6	2	May 18, 2021 letter sent from the Commission to Margrett Lewis, as CEO of PPO
9	3	Screen capture of ppolab.com's product page for Virus Resist (captured Sept. 28, 2021)
11	4	Screen capture of May 3, 2021 Facebook post by PPO (captured July 12, 2021)
13	5	Screen capture of ppo-health.com's "Cart" page (captured Oct. 4, 2021)
15	6	Screen capture of ppo-health.com's home page (captured Oct. 4, 2021)
19	7	Screen capture of ppo-health.com's "About Us" page (captured Oct. 4, 2021)
21	8	Screen capture of ppo-health.com's "Our Research" page (captured Oct. 4, 2021)
27	9	Screen capture of ppolab.com's product page for Virus Resist (captured Oct. 4, 2021)
29	10	Screen capture of ppolab.com's product page for Virus Resist (captured Oct. 4, 2021)
31	11	Screen capture of ppolab.com's product page for Virus Resist (captured Oct. 4, 2021)

33	12	Screen capture of ppolab.com's home page (captured Oct. 4, 2021)
35	13	Screen capture of the PPO's Facebook cover page (captured Jan. 7, 2022)
37	14	Screen capture of May 4, 2021 Facebook post by PPO (captured Jan. 7, 2022)
39	15	Screen capture of Aug. 27, 2021 Facebook post by PPO (captured Jan. 10, 2022)
41	16	Screen capture of Aug. 27, 2021 Facebook post by PPO (captured Jan. 19, 2022)
43	17	Screen capture of Nov. 9, 2021 Instagram post by PPO (captured Jan. 10, 2022)
45	18	Screen capture of Nov. 9, 2021 Instagram post by PPO (captured Jan. 10, 2022)
47	19	Screen capture of Nov. 12, 2021 Facebook post by PPO (captured Jan. 19, 2022)

Exhibit 1



Precision Patient Outcomes, Inc.
808 Gilman St
Berkeley, CA 94710

May 5, 2021

Honorable Rebecca Kelly Slaughter
Acting Chairwoman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Telephone: (202) 326-2222

Re: Dietary supplement CovidResist™ – Follows E. Virginia Medical School Protocol

Dear Acting Commissioner Rebecca Kelly Slaughter:

We are planning to launch COVIDresist™, a multi-vitamin or dietary supplement, and invite the FTC staff to review our website at: <https://ppo-health.com>. We believe our product(s) are not in violation of the FTC Act and we are in compliance with FTC and FDA and have included our reasoning below for your consideration.

COVIDresist™ multi-vitamin is clearly labeled and identified, to wit:

2 Capsules Daily | **With Or After Food** | **Take Daily**

Suggested Use: As a dietary supplement, take two (2) capsules daily, preferably with a meal, or as directed by your physician.

VEGAN | **NON-GMO** | **GLUTEN FREE**

Warning: NOT INTENDED FOR USE BY PERSONS UNDER THE AGE OF 18. If you are pregnant, breast feeding, have known medical conditions (including kidney or liver disease) or are taking prescription or OTC medication(s) consult with your healthcare practitioner before using this product. Discontinue use two weeks prior to surgery.

Keep out of reach of children. Do not use if safety seal is damaged or missing. Store in a cool, dry place.

Precision Patient Outcomes

COVIDresist™

Clinically Formulated For Resiliency*

- Zinc
- Vitamin C
- Vitamin D3
- Vitamin K2
- Quercetin

Builds Immunity*

Balance Deficiencies*

Respiratory Resilience*

Dietary Supplement
60 Vegan Capsules

Amount Per Serving	%DV
Vitamin C (as Ascorbic Acid)	500 mg 500%
Vitamin D3 (as Cholecalciferol)	37 mcg 199%
Vitamin K2 (as Menaquinone MK-7)	37 mcg 95%
Zinc (as Zinc Oxide)	35 mg 325%
Quercetin Dihydrate	500 mg †

Supplement Facts
Serving Size: 2 Capsules
Servings Per Container: 30

* Percent DV are based on a 2,000 calorie diet † Daily Value not established

OTHER INGREDIENTS: Cellulose (capsule) and Magnesium Stearate.

DEVELOPED BY: Berkeley Engineering and Research, Inc. 808 Gilman St., Berkeley, CA 94710

*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Running low? Visit www.ppo-health.com for more or to learn about resiliency. A portion of the proceeds will be donated to Blue Survivor programs. **www.ppo.com**

The natural components are: Vitamin C, Vitamin D, Vitamin K, Zinc and Quercetin. We discuss them in detail below. We clearly state, "COVIDresist™ is not a substitute for vaccines, masks, nor social distancing. It is another potential layer of personal protection to be used in addition to vaccines, masks, and social distancing. The vitamins zinc and Quercetin in the formulation are all considered safe and sold over the counter. The combination is recommended as a COVID "prophylaxis protocol" on the Eastern Virginia

Medical School website.¹ COVIDresist™ dietary supplement² may be used before, during and/or after being vaccinated giving Consumers the opportunity to try safe and potentially effective nutraceuticals. The zinc ionophore activity of quercetin has been demonstrated in NIH cited papers³ and found to cause no harm in a clinical trial.⁴ A nutraceutical is a food containing potential health-giving additives and having medical benefits. We provide you with a detailed description of the components and peer reviewed articles discussing each, as follows:

Vitamin C: “The body also needs vitamin C to make collagen, a protein required to help wounds heal. In addition, vitamin C improves the absorption of iron from plant-based foods and helps the immune system work properly to protect the body from disease.”<https://ods.od.nih.gov/factsheets/VitaminC-Consumer/>

Vitamin D: “The rationale for using vitamin D is based largely on immunomodulatory effects that could potentially protect against COVID-19 infection or decrease the severity of illness.”
<https://www.covid19treatmentguidelines.nih.gov/supplements/vitamin-d/>

Vitamin K: “Getting adequate amounts of vitamin K and vitamin D is essential for your health. But some sources claim that supplementing with vitamin D is harmful if you are low in vitamin K ... One of vitamin D’s main functions is to ensure adequate levels of calcium in your blood. Vitamin K promotes calcium accumulation in your bones, while reducing its accumulation in soft tissues such as blood vessels.”
<https://www.healthline.com/nutrition/vitamin-d-and-vitamin-k>

Zinc: “Zinc 30–50 mg/day (elemental zinc). Zinc is essential for innate and adaptive immunity. In addition, Zinc inhibits RNA dependent RNA polymerase *in vitro* against SARS- CoV-2 virus.”

1 https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik-Covid-Protocol-Summary.pdf.

2 Congress defined the term "dietary supplement" in the Dietary Supplement Health and Education Act (DSHEA) of 1994, under President Bill Clinton. A dietary supplement is a product taken by mouth that contains a "dietary ingredient" intended to supplement the diet. The "dietary ingredients" in these products may include: vitamins, minerals, herbs or other botanicals, amino acids, and substances such as enzymes, organ tissues, glandulars, and metabolites. Dietary supplements can also be extracts or concentrates, and may be found in many forms such as tablets, capsules, softgels, gelcaps, liquids, or powders.
<https://www.fda.gov/food/information-consumers-using-dietary-supplements/questions-and-answers-dietary-supplements>.

3 <https://pubmed.ncbi.nlm.nih.gov/25050823/>. Zinc Ionophore Activity of Quercetin and Epigallocatechin-gallate: From Hepa 1-6 Cells to a Liposome Model. J. Agric. Food Chem. 2014, 62, 32, 8085–8093, July 22, 2014.

4 The Study of Quadruple Therapy Zinc, Quercetin, Bromelain and Vitamin C on the Clinical Outcomes of Patients Infected With COVID-19,
<https://clinicaltrials.gov/ct2/show/NCT04468139?term=zinc&cond=COVID19&draw=3&rank=6>.

https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik_Critical_Care_COVID-19_Protocol.pdf

Quercetin: “Quercetin has direct viricidal properties against a range of viruses, including SARS-CoV-2, and is a potent antioxidant and anti-inflammatory agent. In addition, quercetin acts as a zinc ionophore. It is likely that vitamin C and quercetin have synergistic prophylactic benefit.”

https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik_Critical_Care_COVID-19_Protocol.pdf

Additional Articles and Research:

How to make COVID vaccines more effective: give people vitamin and mineral supplements. If we’re going to rely on COVID-19 vaccines to bring an end to the pandemic, we need to maximize their effects. But one thing that risks undermining their protectiveness is nutritional deficiency, particularly in the elderly. <https://theconversation.com/how-to-make-covid-vaccines-more-effective-give-people-vitamin-and-mineral-supplements-154974>

These Are the Vitamins You Need Before Your COVID Vaccine, Doctor Says “Supplemental nutrition is the most direct way to impact your immune health and function in the near term, and the following nutrients are essential as a part of your immune-boosting efforts,” Andrew Myers, MD. “The stronger an individual’s immune system, the more responsive they are to a vaccine.” <https://bestlifeonline.com/news-vitamins-covid-vaccine/>

“COVID-19: is there a role for immunonutrition, particularly in the over 65s?” “Public health strategies to prevent the spread of this highly infective virus include social distancing, prevention of gatherings, wearing masks, and hand hygiene. The focus has not been on the immune system and foods that could help boost the immune system, write the researchers. <https://www.news-medical.net/news/20201126/Immunonutrition-may-improve-COVID-19-patients-recovery.aspx>

Do vitamin D, zinc, and other supplements help prevent COVID-19 or hasten healing? “The appeal of safe, natural treatments is undeniable. It’s true for age-old conditions such as the common cold, and for new diseases, especially if they have no known cure. So it makes sense that there would be a lot of interest in supplements for COVID-19, whether as prevention or treatment. (...) Indeed, zinc, melatonin, vitamin C, vitamin D, and other supplements have been commonly prescribed from the earliest days of the pandemic.” <https://www.health.harvard.edu/blog/do-vitamin-d-zinc-and-other-supplements-help-prevent-covid-19-or-hasten-healing-2021040522310>

In conclusion, our statements are supported with competent and reliable scientific evidence. The product(s) we sell are clearly in compliance with the FTC, DSHEA, and FDA’s regulations. We have not made any false or misleading claims. If you have a

substantive issue with any of our website, product labels, or other promotional materials, we respectfully request a written, detailed response before we begin officially launching our product for sale. If we do not receive a written response, we will trust that we are in compliance.

Best regards,

A handwritten signature in cursive script that reads "Margrett L".

Margrett Lewis
CEO
707-266-3133

Exhibit 2



Serena Viswanathan
Associate Director
Division of Advertising Practices

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

May 18, 2021

VIA EMAIL TO margrett.lewis@gmail.com

Margrett Lewis, CEO
Precision Patient Outcomes, Inc.
808 Gilman St.
Berkeley, CA 94710

Dear Ms. Lewis,

Thank you for your letter of May 5, 2021 to FTC Acting Chairwoman Rebecca Kelly Slaughter. In that letter, you stated that you are planning to launch a dietary supplement called COVIDresist that contains Vitamins C, D3, and K2, Zinc, and Quercetin, and invited us to review your website <https://ppo-health.com>. You also stated your belief that your marketing of this product is not in violation of the FTC Act, and requested a “written, detailed response” if the agency has “a substantive issue with any of our website, product labels, or other promotional materials.” You concluded your letter by stating that if you did not receive a written response, you would trust that you are in compliance.

The FTC does not pre-review advertising materials to opine on their compliance with the FTC Act or any other applicable laws. It is the advertiser’s sole responsibility to ensure compliance with truth-in-advertising laws and you should consult legal counsel if you seek an opinion on the legality of your advertising.

However, we can direct you to several resources the FTC has made publicly available to help marketers stay in compliance with the FTC Act. Our online business center¹ provides extensive information to marketers on numerous topics. In particular, we would draw your attention to *Dietary Supplements: An Advertising Guide for Industry*.² Notably, the *Guide* emphasizes the requirement for advertisers to have adequate scientific support for the health claims in their ads. In addition, we direct your attention to the FTC’s Policy Statement on Deception,³ which explains the framework the FTC uses to determine whether advertising is deceptive, including the manner

¹ Available at <https://www.ftc.gov/tips-advice/business-center>.

² Available at <https://www.ftc.gov/system/files/documents/plain-language/bus09-dietary-supplements-advertising-guide-industry.pdf>.

³ Available at https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf.

Ms. Margrett Lewis
Precision Patient Outcomes, Inc.
May 18, 2021
Page 2

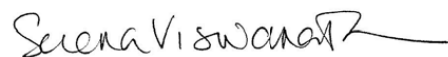
in which we evaluate the “net impression” of ads taking into account all visual, textual, and aural elements of an ad. We note that the trade name of a product would be considered as part of an ad’s net impression in determining whether the advertising is deceptive.

For more specific information related to our efforts to protect consumers from deceptive claims about products claimed to prevent, treat, or cure coronavirus, we direct you to <https://www.ftc.gov/coronavirus/enforcement>. This page includes links to the roughly 400 warning letters we have sent to marketers of such products, as well as links to press releases announcing our formal enforcement actions. You will note that in our warning letters,⁴ we advise marketers that it is unlawful to advertise that a product can prevent, treat, or cure human disease unless they possess competent and reliable scientific evidence, including, when appropriate, well-controlled human clinical studies, substantiating that the claims are true at the time they are made. We have sent numerous warning letters to marketers of supplements that include one or more of the same ingredients as your proposed COVIDresist supplement.

Recently, we took action against a chiropractor who allegedly claimed that vitamin D and zinc are scientifically proven to treat or prevent COVID-19.⁵ This case was our first enforcement action under the recently-enacted COVID-19 Consumer Protection Act, Section 1401, Division FF, of the Consolidated Appropriations Act, 2021, P.L. 116-260. Pursuant to this law, marketers who make deceptive claims about the treatment cure, prevention, or mitigation of COVID-19 are subject to a civil penalty of up to \$43,792 per violation and may be required to pay back money to consumers.

We appreciate your interest in remaining compliant with the FTC Act and encourage you to learn more about your legal responsibilities and consult with an attorney or other professional if you require further assistance.

Very truly yours,



Serena Viswanathan
Associate Director
Division of Advertising Practices

⁴ See <https://www.ftc.gov/coronavirus/enforcement/warning-letters>.

⁵ See FTC, “In First Action Under COVID-19 Consumer Protection Act, FTC Seeks Monetary Penalties for Deceptive Marketing of Purported Coronavirus Treatments” (Apr. 15, 2021), available at <https://www.ftc.gov/news-events/press-releases/2021/04/first-action-under-covid-19-consumer-protection-act-ftc-seeks>.

Exhibit 3

Website ppolab.com - Virus resist page (captured on Sept. 28, 2021)

WE LABEL WITH TRANSPARENCY



Suggested Use: As a dietary supplement, take two (2) capsules daily, preferably with a meal, or as directed by your physician.

VEGAN NON-GMO GLUTEN FREE

Warning: NOT INTENDED FOR USE BY PERSONS UNDER THE AGE OF 18. If you are pregnant, breast feeding, have known medical conditions (including kidney or liver disease) or are taking prescription or OTC medication(s) consult with your healthcare practitioner before using this product. Discontinue use two weeks prior to surgery.

Keep out of reach of children. Do not use if safety seal is damaged or missing. Store in a cool, dry place.



Precision Patient Outcomes PPO

VIRUS resist™

BROAD SPECTRUM

Dietary Supplement For Resiliency*

Vitamin C
Vitamin D3
Vitamin K2
Zinc
Quercetin

60 Vegan Capsules



Buils Immunity*



Balance Deficiencies*



Respiratory Resilience*

Supplement Facts

Serving Size: 2 Capsules
Servings Per Container: 30

Amount Per Serving	%DV
Vitamin C (as Ascorbic Acid)	500 mg 560%
Vitamin D3 (as Cholecalciferol)	37 mcg 190%
Vitamin K2 (from Menaquinone, MK-7)	37 mcg 30%
Zinc (as Zinc Bisglycinate)	35 mg 320%
Quercetin Dihydrate	500 mg †

* Percent DV are based on a 2,000 calorie diet
† Daily Value not established

OTHER INGREDIENTS: Cellulose (capsule) and Magnesium Stearate.

DEVELOPED BY:
Precision Patient Outcomes, Inc.
808 Gilman St., Berkeley, CA 94710

*These statements have not been evaluated by the food and drug administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Running low? Visit www.ppo-health.com for more or to learn about resiliency. A portion of the proceeds will be donated to Burn Survivor programs.



PN90-2435.308 REV2

Exhibit 4

Facebook post on May 3, 2021 (captured July 12, 2021)

PPO-Health & Wellness
May 3 · 🌐

#commonsenseimmunity

Like Comment Share

Write a comment...
Press Enter to post.

Precision Patient Outcomes

COVID resist™

Clinically Formulated For Resiliency*

Zinc
Vitamin C
Vitamin D3
Vitamin K2
Quercetin

Builds Immunity*

Balance Deficiencies*

Respiratory Resilience*

Dietary Supplement
60 Vegan Capsules

Supplement Facts
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Servings Per Container: 30

Amount Per Serving	%DV
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Vitamin K2 (from Menaquinone, MK-7)	37 mcg 30%
Zinc (as Zinc Bisglycinate)	35 mg 320%
Quercetin Dihydrate	500 mg †

* Percent DV are based on a 2,000 calorie diet † Daily Value not established

OTHER INGREDIENTS: Cellulose (capsule) and Magnesium Stearate.

DEVELOPED BY:
Berkeley Engineering and Research, Inc.
808 Gilman St., Berkeley, CA 94710

*These statements have not been evaluated by the food and drug administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Running low? Visit www.ppo-health.com for more or to learn about resiliency.
A portion of the proceeds will be donated to Burn Survivor programs. P1990-2435.308

Suggested Use: As a dietary supplement, take two (2) capsules daily, preferably with a meal, or as directed by your physician.

Warning: NOT INTENDED FOR USE BY PERSONS UNDER THE AGE OF 18. If you are pregnant, breast feeding, have known medical conditions (including kidney or liver disease) or are taking prescription or OTC medication(s) consult with your healthcare practitioner before using this product. Discontinue use two weeks prior to surgery.

Keep out of reach of children. Do not use if safety seal is damaged or missing. Store in a cool, dry place.

VEGAN NON-GMO GLUTEN FREE

2 Capsules Daily With Or After Food Take Daily

FDA USA GMP

Exhibit 5

Website ppo-health.com - Cart page (captured on Oct. 4, 2021)

PPO
Preclude Patient Outcomes

Home Shop Research About Us Checkout

Cart

VIEWING YOUR CART

COVIDresist

Boosting Your Immunity, Naturally.

Your cart is currently empty.

[Return to shop](#)

PPO-Health & Wellness

Address
808 Gilman St
Berkeley, CA 94710

Phone
707-266-3133

Home
Buy Now
Research
About Us
My account

Follow Us

Email
productspecialist@
ppo-health.com

Exhibit 6


Website ppo-health.com – home page (captured on Oct. 4, 2021)



Home Shop Research About Us Checkout




BROUGHT TO YOU BY PPO HEALTH AND WELLNESS



VIRUS resist™

BUY NOW



VIRUS RESIST™ PROVIDES A FOUNDATION FOR A HEALTHY IMMUNE SYSTEM, BOOSTING THE EFFECTIVENESS OF YOUR BODY'S NATURAL DEFENSES AGAINST THE VIRUS AND AIDING THE PROTECTION PROVIDED BY THE VACCINE.

VEGAN

GLUTEN FREE

NON-GMO

Made with Ingredients Free of Soy, Dairy, Tree Nuts, and Legumes.

WHY THESE FIVE INGREDIENTS?

These are legacy vitamins, each with a very well-known safety profile. Time tested by Doctors and Researchers. Approved by Moms and GrandMoms. We put our time and money into making a safe and useful vitamin supplement which can be used daily or when you need a little extra protection. We have custom blended these five ingredients into each capsule.



Vitamin C is an essential nutrient and a potent antioxidant that is critical to immune-cell function.



Vitamin D could potentially protect against COVID-19 infection and deficiencies have been linked to more serious infections. It's as essential as sunshine.



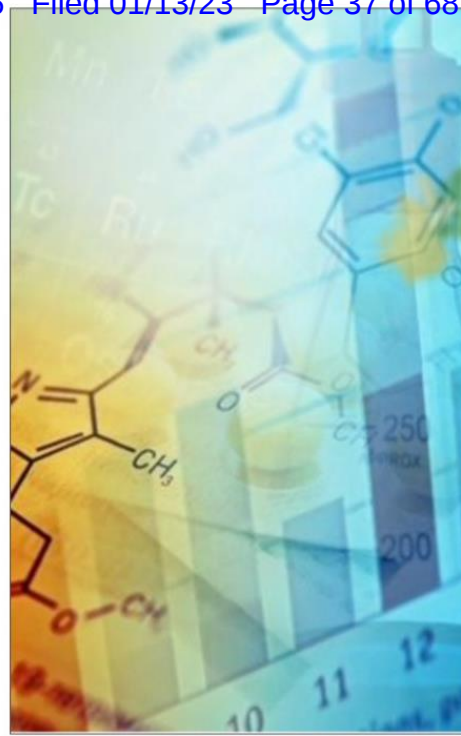
Vitamin K2 activates proteins in bones and blood vessels that bind calcium, making bones harder and blood vessels softer.



Zinc is a broad-spectrum antiviral which supports immune cell function and cell signaling but the molecules are large and therefore harder to get inside cell walls.



Quercetin acts as an ionophore, transporting zinc inside cell walls. It's a naturally occurring dietary flavonoid that modulates the activity of numerous signaling and metabolic pathways.



We Label With Transparency

3rd Party Independent Lab Tested



Suggested Use: As a dietary supplement, take two (2) capsules daily, preferably with a meal, or as directed by your physician.

VEGAN NON-GMO GLUTEN FREE

Warnings: NOT INTENDED FOR USE BY PERSONS UNDER THE AGE OF 18. If you are pregnant, breast feeding, have known medical conditions, including kidney or liver disease, or are taking prescription or OTC medications, consult with your healthcare provider before using this product. Discontinue use two weeks prior to surgery.

Keep out of reach of children. Do not use if safety seal is damaged or missing. Store in a cool, dry place.

Precision Patient Outcomes

VIRUS, resist™

BROAD SPECTRUM

Dietary Supplement For Resiliency*

Vitamin C
Vitamin D3
Vitamin K2
Zinc
Quercetin

60 Vegan Capsules

Supplement Facts

Serving Size: 2 Capsules
Servings Per Container: 30

Amount Per Serving	%DV
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Zinc (as Zinc Glycinate)	35 mg 320%
Quercetin Dihydrate	500 mg

* Percent DV are based on a 2,000 calorie diet. † Daily Value not established.

OTHER INGREDIENTS: Cellulose (capsule) and Magnesium Stearate

DEVELOPED BY: Precision Patient Outcomes, Inc. 808 Gorman St., Berkeley, CA 94710

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Burning low? Visit www.opp-health.com for more or to learn about resiliency. A portion of the proceeds will be donated to Burn Survivor programs. made 2022.108.1810

Research & Studies

We're committed to evidence-based products and cite our sources.

Vitamin C: "The body also needs vitamin C to make collagen, a protein required to help wounds heal. In addition, vitamin C improves the absorption of iron from plant-based foods and helps the immune system work properly to protect the body from disease."
<https://ods.od.nih.gov/factsheets/VitaminC-Consumer/>

Vitamin D: "The rationale for using vitamin D is based largely on immunomodulatory effects that could potentially protect against COVID-19 infection or decrease the severity of illness."
<https://www.covid19treatmentguidelines.nih.gov/supplements/vitamin-d/>

Vitamin K: "Getting adequate amounts of vitamin K and vitamin D is essential for your health. But some sources claim that supplementing with vitamin D is harmful if you are low in vitamin K...One of vitamin D's main functions is to ensure adequate levels of calcium in your blood. Vitamin K promotes calcium accumulation in your bones, while reducing its accumulation in soft tissues such as blood vessels."
<https://www.healthline.com/nutrition/vitamin-d-and-vitamin-k>

Zinc: "Zinc 30-50 mg/day (elemental zinc). Zinc is essential for innate and adaptive immunity. In addition, Zinc inhibits RNA dependent RNA polymerase *in vitro* against SARS-CoV-2 virus."
https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik_Critical_Care_COVID-19_Protocol.pdf

Quercetin: "Quercetin has direct viricidal properties against a range of viruses, including SARS-CoV-2, and is a potent antioxidant and anti-inflammatory agent. In addition, quercetin acts as a zinc ionophore. It is likely that vitamin C and quercetin have synergistic prophylactic benefit."
https://www.evms.edu/media/evms_public/departments/internal_medicine/Marik_Critical_Care_COVID-19_Protocol.pdf

OUR RESEARCH

OUR RESEARCH

Blog

Vitamins You Need Before Your COVID Vaccine, Doctor Says

Myers said research he collected with his co-author, [Grace McCormey, MD](#), "indicates that insufficient levels of vitamin K2 ... are directly related to our susceptibility to COVID-19 and the seriousness of the outcomes

[Read More...](#)

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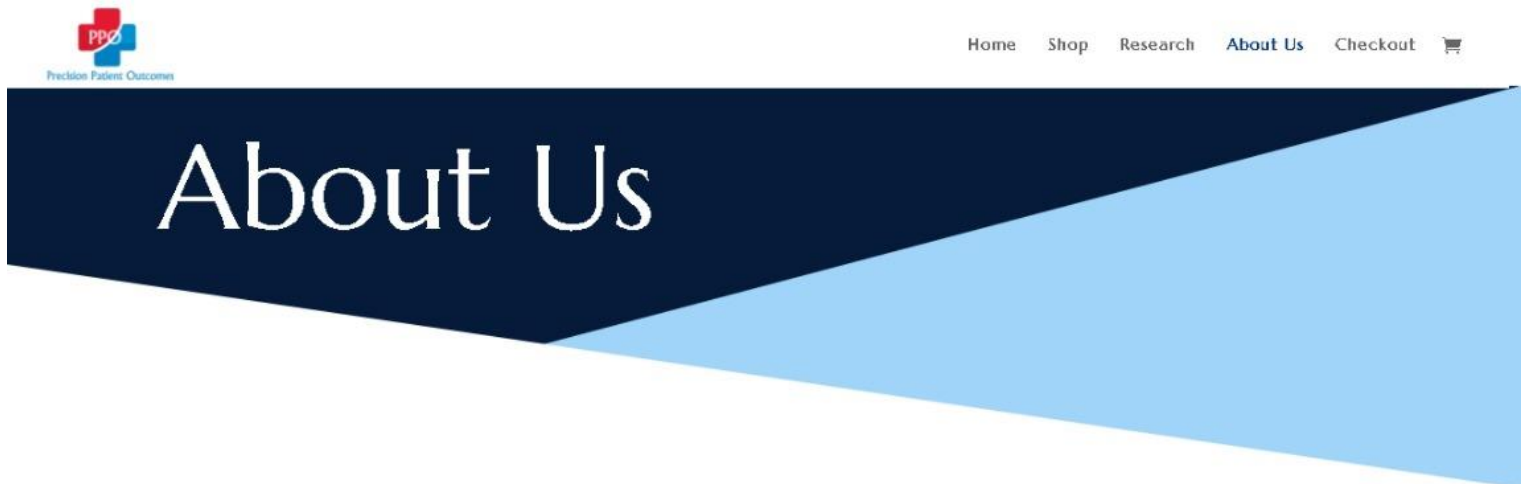


Email

productspecialist@ppo-health.com

Exhibit 7

Website ppo-health.com - About Us page (captured on Oct. 4, 2021)



Keeping people healthy has been a priority to us for over five years. We understand how it feels to worry about developing some tools to prepare for post-pandemic life.

There is a dearth of research and information on what supplements would assist the immune system for respiratory diseases, including COVID. There is, however, evidence that suggests the supplements in the Marik COVID-19 Prophylaxis Protocol (Quercetin, Zinc, Vitamin D and Vitamin C) [1] may act synergistically against respiratory viruses, including COVID [2][3][4].

Exhibit 8

Website ppo-health.com – Our Research page (captured on Oct. 4, 2021)



Home Shop **Research** About Us Checkout

Our Research

Research

We are committed to evidence-based products and cite our sources for you to review.

We have broken up our research into three different segments:

1. The first provides a foundation for the reasoning behind why we chose our ingredients .
2. The second discusses why you should still take the COVID resist supplement despite getting vaccinated.
3. The third goes into how Americans have been impacted by anxiety and mental health issues during the pandemic, and how COVID resist can help alleviate some of the concerns about returning to post pandemic life.

Section 1:

The foundation of our reasoning



How to make COVID vaccines more effective: give people vitamin and mineral supplements

Nutritional deficiencies may undermine protectiveness

"If we're going to rely on COVID-19 vaccines to bring an end to the pandemic, we need to maximize their effects. But one thing that risks undermining their protectiveness is nutritional deficiency, particularly in the elderly."



Link: <https://theconversation.com/how-to-make-covid-vaccines-more-effective-give-people-vitamin-and-mineral-supplements-154974>



"The following "cocktail" may have a role in the prevention/mitigation of COVID-19 disease. This cocktail is inexpensive, safe, and widely available"

"Vitamin D3 2000-4000 iu/day
 Vitamin C 500 mg (twice daily)
 Quercetin 250-500 mg (twice daily)
 Zinc (maintenance dose) (...) 30-50 mg/day."

Marik Protocol: Eastern Virginia Medical School

Link: https://secureservercdn.net/192.169.220.85/62t.653.myftpupload.com/wp-content/uploads/2021/04/EVMS_Critical_Care_COVID-19_Protocol-1.pdf

Zinc, Vitamin D and Vitamin C: Perspectives for COVID-19 With a Focus on Physical Tissue Barrier Integrity

"Some nutrients play key roles in maintaining the integrity and function of the immune system, presenting synergistic actions in steps determinant for the immune response. Among these elements, zinc and vitamins C and D stand out for having immunomodulatory functions and for playing roles in preserving physical tissue barriers.(...) Thus, during the COVID-19 pandemic, the adequate intake of zinc and vitamins C and D may represent a promising pharmacological tool due to the high demand for these nutrients in the case of contact with the virus and onset of the inflammatory process. Ongoing clinical trials will help to clarify the role of these nutrients for COVID-19 management."



Link: <https://www.frontiersin.org/articles/10.3389/fnut.2020.606398/full>

Zinc Ionophore Activity of Quercetin and Epigallocatechin- gallate: From Hepa 1-6 Cells to a Liposome Model

"A tiny fraction of total intracellular zinc that is loosely bound to proteins and easily interchangeable - modulates the activity of numerous signalling and metabolic pathways. Dietary plant polyphenols such as the flavonoids quercetin and epigallocatechin-gallate act as antioxidants and as signaling molecules. Remarkably, the activities of numerous enzymes that are targeted by polyphenols are dependent on zinc. We have previously shown that these polyphenols chelate zinc cations and hypothesized that these flavonoids might be also acting as zinc ionophores, transporting zinc cations through the plasma membrane."



Link: https://www.researchgate.net/publication/264127862_

Dr. Fauci: 3 everyday things you can do to help boost your immune system

"Here are certain practices that we know can help end the COVID-19 pandemic, like wearing a mask, washing your hands and avoiding people. And when it comes to your individual health, there are habits that can help your immune system function at its best, according to leading infectious disease expert Dr. Anthony Fauci.

Fauci previously said that for those who have vitamin D deficiency, taking supplements can reduce susceptibility to infection (and Fauci himself takes vitamin D) and that vitamin C is good antioxidant. But Fauci has stressed that supplements are not a silver bullet or a replacement for things like social distancing or wearing a mask."

Link: <https://www.cnn.com/2020/09/18/dr-fauci-how-to-help-keep-your-immune-system-healthy.html>



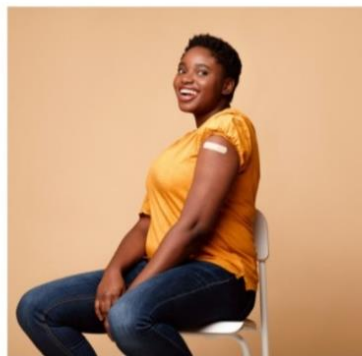
Section 2:

How does COVIDresist™ help support your immune system?



These Are the Vitamins You Need Before Your COVID Vaccine, Doctor Says

"Supplemental nutrition is the most direct way to impact your immune health and function in the near term, and the following nutrients are essential as a part of your immune-boosting efforts," Andrew Myers, MD. "The stronger an individual's immune system, the more responsive they are to a vaccine."



Link: <https://bestlifeonline.com/news-vitamins-covid-vaccine/>

Section 3:

Why COVIDresist™ can relieve stress and anxiety in post pandemic life.



“COVID-19: is there a role for immunonutrition, particularly in the over 65s?”

“Public health strategies to prevent the spread of this highly infective virus include social distancing, prevention of gatherings, wearing masks, and hand hygiene. The focus has not been on the immune system and foods that could help boost the immune system, write the researchers.

The research duo feels that public health strategies should also focus on immunonutrition as a form of prehabilitation to prevent the spread of the infection, boost recoveries and reduce the burden on the healthcare systems due to an increase in hospital admissions.”



Link: <https://www.news-medical.net/news/20201126/Immunonutrition-may-improve-COVID-19-patients-recovery.aspx>

Do vitamin D, zinc, and other supplements help prevent COVID-19 or hasten healing?

“The appeal of safe, natural treatments is undeniable. It’s true for age-old conditions such as the common cold, and for new diseases, especially if they have no known cure. So it makes sense that there would be a lot of interest in supplements for COVID-19, whether as prevention or treatment.

Indeed, zinc, melatonin, vitamin C, vitamin D, and other supplements have been commonly prescribed from the earliest days of the pandemic.”



Link: <https://www.health.harvard.edu/blog/do-vitamin-d-zinc-and-other-supplements-help-prevent-covid-19-or-hasten-healing-2020040522310>

Coping with Stress

The COVID-19 pandemic has had a major effect on our lives. Many of us are facing challenges that can be stressful, overwhelming, and cause strong emotions in adults and children. Public health actions, such as social distancing, are necessary to reduce the spread of COVID-19, but they can make us feel isolated and lonely and can increase stress and anxiety. **Learning to cope with stress in a healthy way will make you, the people you care about, and those around you become more resilient.**



Link: <https://www.frontiersin.org/articles/10.3389/fnut.2020.606398/full>

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Exhibit 9

Website ppolab.com -Virus Resist page (captured on Oct. 4, 2021)

Supplement Facts		
Serving Size: 2 Capsules Servings Per Container: 30		
Amount Per Serving		%DV
Vitamin C (as Ascorbic Acid)	500 mg	560%
Vitamin D3 (as Cholecalciferol)	37 mcg	190%
Vitamin K2 (from Menaquinone, MK-7)	37 mcg	30%
Zinc (as Zinc Bisglycinate)	35 mg	320%
Quercetin Dihydrate	500 mg	†

* Percent DV are based on a 2,000 calorie diet
† Daily Value not established

OTHER INGREDIENTS: Cellulose (capsule) and Magnesium Stearate.

DEVELOPED BY:
Precision Patient Outcomes, Inc.
808 Gilman St., Berkeley, CA 94710



VIRUS RESIST™ DAILY MULTIVITAMIN FOR IMMUNE SUPPORT

A 30-day supply of VIRUS resist™ Immune Support Multivitamins: a convenient daily supply of immune supporting vitamins.

\$29.95

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Benefits



Builds Immunity*



Balance Deficiencies*



Respiratory Resilience*

- > [Ingredients](#)
 - > [Why You Need This](#)
 - v [Details & How to Use](#)
- As a dietary supplement, take two a day with or without food. You take can take them once in the AM and once in the PM or take two together, once daily.
- "A dose of this formula a day keeps viruses away"...and their variants. Take COVID resist™ daily or for pre-exposure prophylaxis (PrEP), post exposure prophylaxis (PEP), or as a therapeutic.
-
- > [FAQs](#)

Exhibit 10

Website ppolab.com -Virus Resist page (captured on Oct. 4, 2021)

OUR RESEARCH

A Medical Protocol Published In 2020 By The Eastern Virginia Medical School, Showed That A Powerful Cocktail Of Over The Counter Vitamins Could Significantly Reduce The Mortality And Severity Of Illness From COVID-19.¹ Our Formula Follows The Same Recipe That This Protocol Dictates. We Have Reduced The Amount Of Zinc, And Eliminated Melatonin From Our Formula To Prevent Stomach Upset And Fatigue.

[Read More](#)



Exhibit 11

Website ppolab.com -Virus Resist page (captured on Oct. 4, 2021)



OUR EDGE

Powerful 500mg Dose of Quercetin

Quercetin is an ionophore that helps your body move Zinc ions into cells, boosting your immune response to viral infections.*

Independent Lab Verified

Our capsules are tested by 3rd party, independent labs to ensure the quality and purity of our ingredients.

We Use a Superior Zinc Compound

Our formula contain Zinc Bisglycinate instead of Zinc Picolinate because it is easier on the stomach and has higher bioavailability.*

Vitamin K and D at a One-to-One Ratio

Our research shows that Vitamin K and Vitamin D at a one-to-one ratio increases the absorption of Vitamin D into your bones to make it more bioavailable.

Proprietary Immune-Boosting Blend

Our proprietary blend of Vitamins C, D, K, Zinc, and Quercetin is formulated based on data from clinical studies. See below for more information.



Exhibit 12

Website ppolab.com - home page (captured on Oct. 4, 2021)

WHY OUR INGREDIENTS

Vitamin C is an essential nutrient and a potent antioxidant that is critical to immune-cell function.

Vitamin D could potentially protect against COVID-19 infection and deficiencies have been linked to more serious infections. It's as essential as sunshine.

Vitamin K2 activates proteins in bones and blood vessels that bind calcium, making bones harder and blood vessels softer. It increases bioavailability of Vitamin D over longer periods of time.

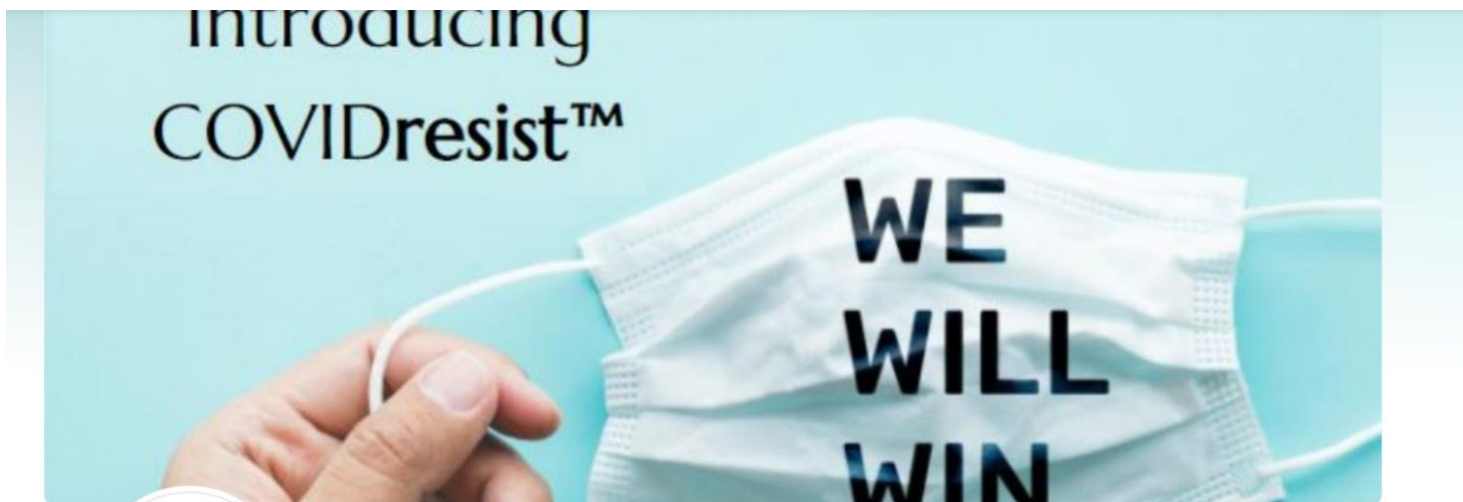
Zinc is a broad-spectrum anti-viral which supports immune cell function and cell signaling but the molecules are large and therefore harder to get inside cell walls.

Quercetin acts as an ionophore, transporting zinc inside cell walls. It's a naturally occurring dietary flavonoid that modulates the activity of numerous signaling and metabolic pathways.



Exhibit 13

Facebook cover page (captured on Jan. 7, 2022)



PPO-Health & Wellness

@precisionpatientoutcomes · Vitamins/supplements

 WhatsApp

Exhibit 14

Facebook post on May 4, 2021 (captured on Jan. 7, 2022)

OBSERVED ON MAY 4TH, 2021

INTERNATIONAL FIREFIGHTERS DAY

WE SUPPORT ALL FIRST RESPONDERS AND FIREFIGHTERS 24/7/365.

MAY

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Firefighters' Day

Precision Patient Outcomes PPO

COVID resist™

COVIDRESIST™ IS NOT A SUBSTITUTE FOR VACCINES, MASKS, NOR SOCIAL DISTANCING. IT IS ANOTHER LAYER OF PERSONAL PROTECTION TO BE USED IN ADDITION TO VACCINES, MASKS, & SOCIAL DISTANCING.

LEARN MORE: [HTTPS://PPO-HEALTH.COM](https://ppo-health.com)

PPO-Health & Wellness
May 4, 2021 · 🌐

Much love to our International Firefighters!
#InternationalFirefightersDay
#firefighters

#covidresist
#commonsenseimmunity

Visit the COVID-19 Information Center for vaccine resources.
[Get Vaccine Info](#)

1 Like 1 Share

Like Comment Share

Write a comment...
Press Enter to post.

Exhibit 15

Facebook video post on Aug. 27, 2021 (captured on Jan. 10, 2022)

The screenshot shows a Facebook video player interface. At the top, there are navigation tabs: 'Watch', 'Home', 'Music', 'Shows', 'Explore', 'Saved Videos', and 'Your Watchlist'. A search bar on the right contains the text 'Search videos'. The video player displays a woman with blonde hair and glasses. Text overlaid on the video reads 'POV: Friends & Fam code: RESILIENCE'. A TikTok logo and the text 'TikTok @ppolab' are visible in the bottom left corner of the video frame. To the right of the video, the post is attributed to 'PPO-Health & Wellness' on 'August 27, 2021'. A blue 'Follow' button is present. The post text reads: 'For all of us that are trying to keep immune system strong, healthy and Abell to handle everything that's going on. Please, consider Virus Resist. It's pure, healthy and natural. #takeyourvitamins'. Below the text is a 'See less' link and the prompt 'Be the first to leave a comment.' At the bottom of the video player, a partial caption is visible: 'For all of us that are trying to keep immune system strong, healthy and Abell to handle everything that's going on. Please, consider Virus Resist...'. A three-dot menu icon is located to the right of the caption.

Exhibit 16

Facebook video post on Aug. 27, 2021 (captured on Jan. 19, 2022)¹

Watch Home Music Shows Explore Saved Videos Your Watchlist Search videos

PPO-Health & Wellness
August 27, 2021 · [Follow](#)

www.ppolab.com #VirusResist #ImmuneBooster
#HealthEngineering #broadpectrum #AllNatural #Nontoxic

Most relevant

[Redacted]
Just got mine today!! Can't wait to try it! ...
Like · Reply · 20w · 1

↳ 1 Reply

“Our Virus Resist is a boost to your immune system ... Take your vitamins, because vitamins keep viruses away. So, vitamins are your best way to keep it away. Keep your immune [sic] strong. ... #VirusResist #immunebooster.”

www.ppolab.com #VirusResist #ImmuneBooster #HealthEngineering
#broadpectrum #AllNatural #Nontoxic

¹ The personal information of the commenter has been redacted to protect the individual’s privacy.

Exhibit 17

Instagram post on Nov. 8, 2021 (captured on Jan. 10, 2022)

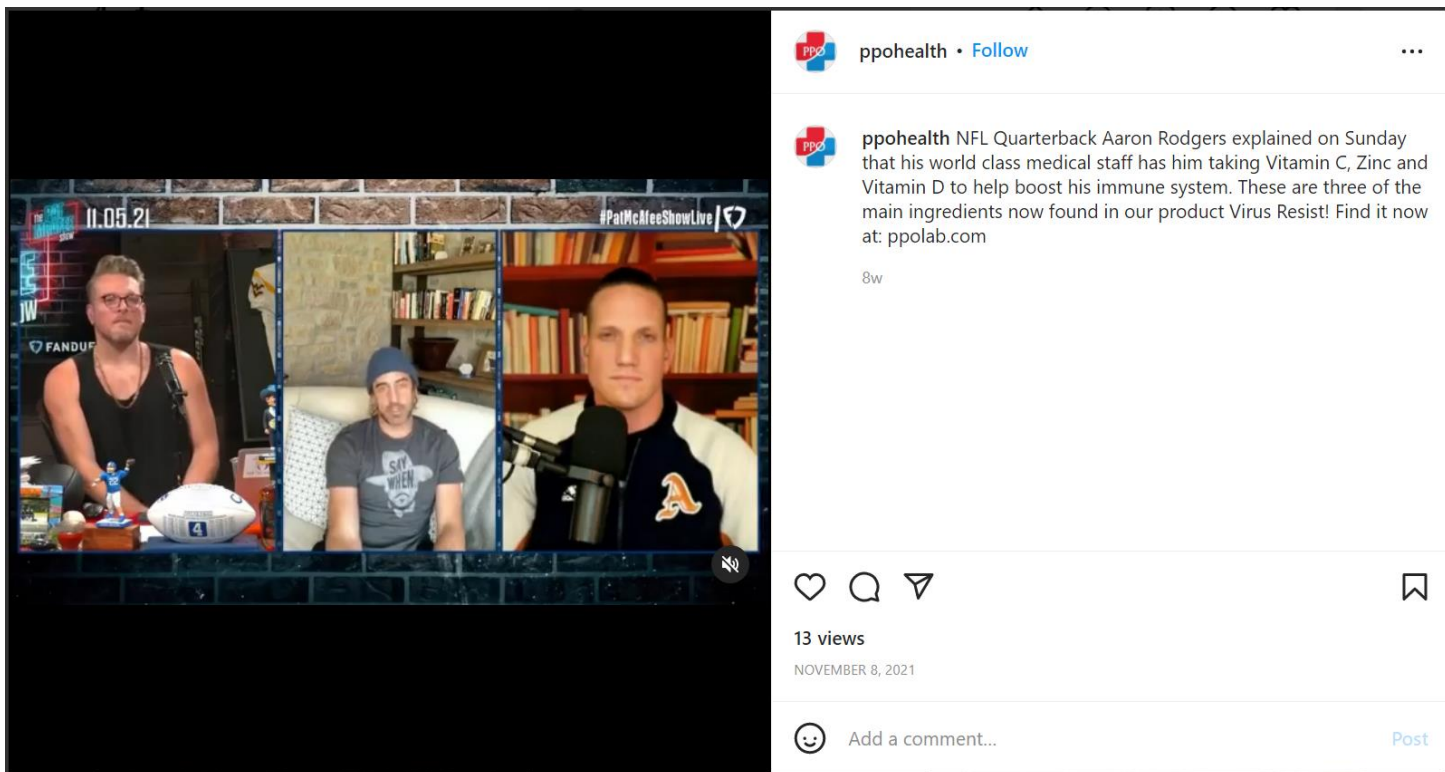
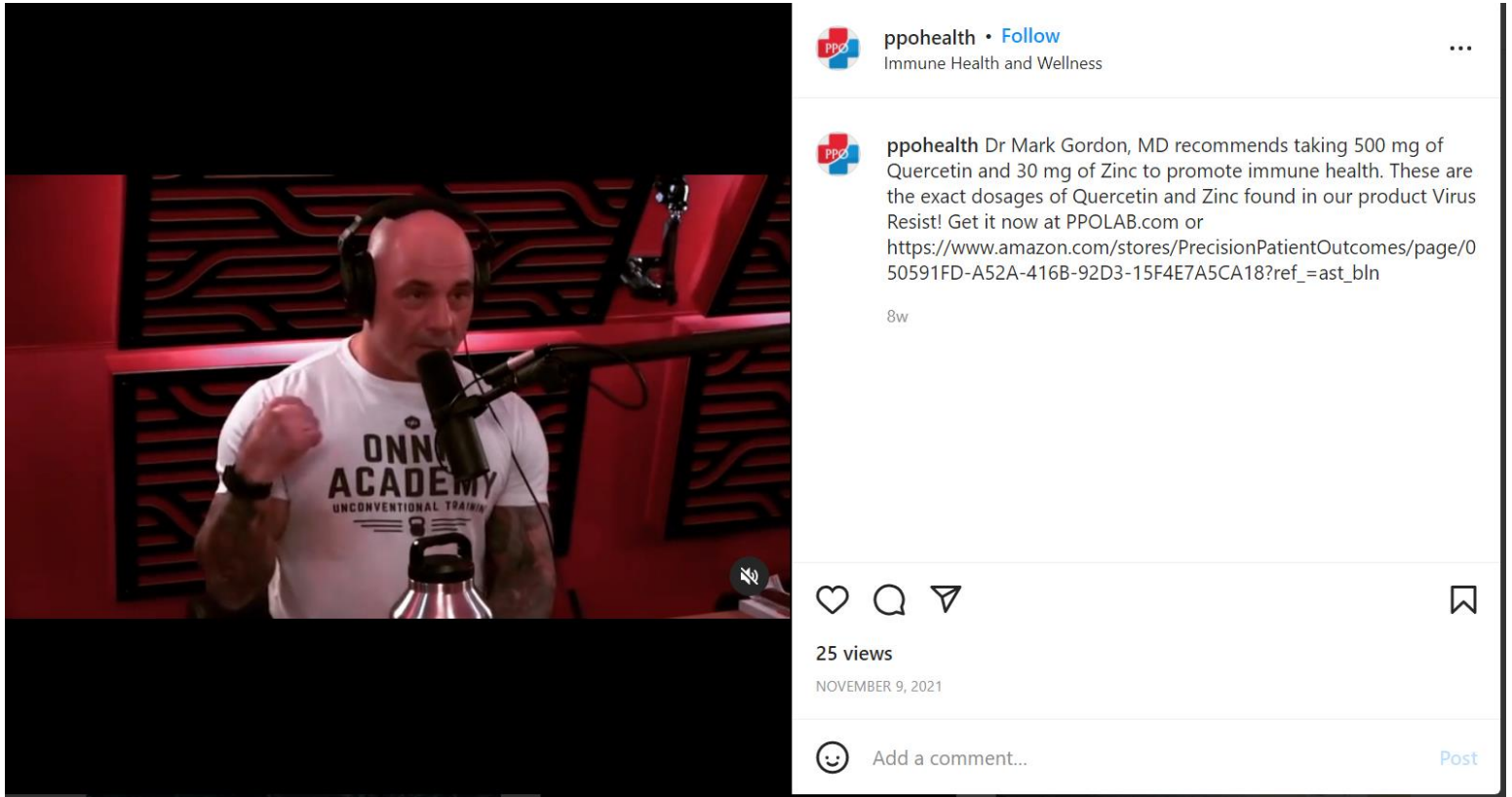


Exhibit 18

Instagram post on Nov. 9, 2021 (captured on Jan. 10, 2022)



In the video, Rogan asks Dr. Mark Gordon, “If you’re going to put someone on a preventative protocol for COVID, you would recommend Quercetin... at what dose?”

Exhibit 19

Facebook post on Nov. 12, 2021 (captured on Jan. 19, 2022)

Watch Home Music Shows Explore Saved Videos Your Watchlist Search videos

PPO-Health & Wellness November 12, 2021 · [Follow](#)

Dr. Rhonda Patrick, Ph.D in Biomedical Science, explains the importance of Vitamin D supplementation for boosting the bodies immune system. Our product Virus Resist contains 37 mcg's of Vitamin D3 per serving! Find it now at PPOLAB.com

See less

Be the first to leave a comment.

0:05 / 0:21

Dr. Rhonda Patrick, Ph.D in Biomedical Science, explains the importance of Vitamin D supplementation for boosting the bodies immune system...

In the video, a guest on the Joe Rogan show is seen saying, “In Indonesia... almost one hundred percent... of patients that die with COVID-19 were Vitamin D deficient. Only four percent were Vitamin D sufficient.”