



## II. JURISDICTION AND STATUTORY AUTHORITY

This enforcement action is brought in the name of the STATE OF TEXAS and in the public interest pursuant to the authority granted by § 17.47 and § 17.48 of the Texas Deceptive Trade Practices–Consumer Protection Act, Tex. Bus. & Com. Code §§ 17.41–17.63 (“DTPA”), by and through the Harris County Attorney’s Office, upon the ground that Defendant has engaged in false, deceptive and misleading acts and practices in the course of trade and commerce as defined in, and declared unlawful by, § 17.46(a) and (b) of the DTPA.

## III. PUBLIC INTEREST AND NOTICE

2. Plaintiff has reason to believe that Defendant has engaged in, and will continue to engage in the unlawful practices set forth in this petition. Plaintiff has reason to believe Defendant has caused and will cause immediate, irreparable injury, loss and damage to consumers of the State of Texas by promoting and selling a fraudulent medical treatment that is potentially dangerous to their health. Therefore, these proceedings are in the public interest. *See* DTPA § 17.47(a).

3. Pre-suit notice is not required under DTPA § 17.47(a) because there is good cause to believe that such an emergency exists—due to the seriousness of the allegations, the potential for hiding or destroying evidence, and the danger to public health—that immediate and irreparable injury, loss, or damage would occur as a result of delay. *Id.*

## IV. VENUE

4. Venue of this suit lies in Harris County, Texas, under the DTPA § 17.47(b), for the following reasons:

- (a) The transactions forming the basis of this suit occurred in Harris County, Texas.
- (b) Defendant has done business in Harris County, Texas..

**V. TRADE AND COMMERCE**

5. At all times described below, Defendant and his agents have engaged in conduct constituting “trade” and “commerce,” defined in § 17.45(6) of the DTPA, as follows:

“Trade” and “commerce” mean the advertising, offering for sale, sale, lease, or distribution of any good or service, of any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value, wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this state.

**VI. CLAIM FOR RELIEF**

6. Plaintiff seeks nonmonetary, injunctive relief.

**VII. DEFENDANT**

7. Defendant Shane Hawkins, doing business as Genesis II Church of Health and Healing, is an individual doing business in Harris County, Texas. Defendant may be served at 606 Riverside Drive, Angleton, Texas 77515-9116, or wherever he may be found.

**VIII. ACTS OF AGENTS**

8. Whenever in this petition it is alleged that Defendant did any act, it is meant that

- (c) the named Defendant performed or participated in the act, or
- (d) the named Defendant’s officers, successors in interest, agents, partners, trustees or employees performed or participated in the act on behalf of and under the authority of the Defendant.

## IX. FACTUAL BACKGROUND

### ***“Miracle Mineral Solution” and “Secrets of Enlightenment.”***

9. Defendant promotes and sells a dangerous chemical mixture in Harris County known as “Miracle Mineral Solution” (“MMS”). MMS is a 28 percent solution of sodium chlorite mixed with an activator (an acid like citric acid).<sup>1</sup> The chemicals in MMS—sodium chlorite and citric acid—when mixed together become chlorine dioxide, a powerful bleaching agent. Both chemicals are the active ingredients in disinfectants and have other industrial uses, according to the federal Food & Drug Administration (“FDA”).<sup>2</sup>

10. MMS is promoted as a “miracle” cure that promoters claim can cure “95% of all known diseases”—including cancer, diabetes, autism, HIV/AIDS, Parkinson’s, Alzheimer’s, hepatitis, and even the common cold.<sup>3</sup> However, there is no known medical research that MMS is effective in treating any of these diseases.<sup>4</sup> Promoters of MMS nevertheless prey upon consumers using unsupported claims that MMS “is able to overcome most diseases known to mankind” and “hundreds of thousands of lives have been saved” with MMS, coupled with questionable testimonials from some of the “20,000,000” users of MMS. <http://miraclemineral.org>.

11. MMS, when used as directed, can cause serious harm to health.<sup>5</sup> In very low concentrations, chlorine dioxide can be used as a water purifier; however at the suggested doses

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<sup>1</sup> <http://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlerts>; “‘Miracle’ Treatment Turns Into Potent Bleach” <http://www.fda.gov/forconsumers/consumerupdates/ucm228052.htm>.

<sup>2</sup> *Id.*

<sup>3</sup> <http://miraclemineral.org>.

<sup>4</sup> <http://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlerts>; “‘Miracle’ Treatment Turns Into Potent Bleach” <http://www.fda.gov/forconsumers/consumerupdates/ucm228052.htm>

<sup>5</sup> *Id.*

the chemical is toxic to humans. Health authorities warn consumers that drinking the MMS mixture can cause severe nausea, vomiting, diarrhea, dehydration, and can be life-threatening.<sup>6</sup>

12. Recently, federal and state authorities have stepped up enforcement efforts against promoters of MMS. One promoter of MMS was recently convicted for fraud and selling misbranded drugs over the internet. <https://www.justice.gov/opa/pr/seller-miracle-mineral-solution-convicted-marketing-toxic-chemical-miracle-cure>. Another promoter, who claimed MMS should be given to cure autism in children, was investigated by state authorities in Illinois and agreed to stop presenting seminars and conferences in Illinois to promote MMS. <http://www.nbcchicago.com/investigations/illinois-attorney-general-lisa-madigan-miracle-mineral-solution-autism-309703521.html>.

***Defendant's Promotion and Sale of MMS in Harris County.***

13. The Defendant in this case promotes and sells MMS in Harris County through a series of “seminars” offered at local hotels. (Ex. A-C) (See also <https://genesis2church.us/sacramental-training-courses> and <http://mmsnews.is/19/-upcoming-genesis-2-church-mms-seminar/347-houston-texas-usa>) These seminars, offered monthly, are referred to as “Sacramental Training Classes” led by Defendant, who refers to himself as “Bishop Shane Hawkins.” (*Id.*) Defendant represents that he is a “bishop” in a “non-religious” church known as Genesis II Church of Health and Healing (Ex. A-C). (Genesis II Church of Health and Healing has no known affiliation with any legitimate religious organization.) The seminars are entitled “Genesis II Church Sacraments: The Fundamentals of MMS” and the sacraments consist of mixing up and consuming MMS. Attendees must pay a \$500 cash “donation” at the door in an envelope labeled

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<sup>6</sup> *Id.*

“Genesis II Church donation c/o Rev. Shane Hawkins.” (Ex. B) The costs include a Genesis II church membership for one year and a “Reverend Certificate” (Minister of Health).

14. Those who finish the course are promised that they will know “how to restore health from 95% of the diseases of mankind” and may “legally” use “Dr.” as a prefix to their name. (Ex. C p. 8).

**X. VIOLATIONS OF THE DTPA: TEX. BUS. & COM. CODE §§ 17.41–17.63**

15. The Plaintiff State of Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this petition.

16. As alleged and detailed above Defendant has, in the conduct of trade and commerce, engaged in false, misleading, or deceptive acts or practices in violation of DTPA § 17.46(a)

17. Defendant, in the course and conduct of trade and commerce, has directly or indirectly engaged in false, misleading, and deceptive acts and practices declared to be unlawful by the DTPA by:

- (a) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in violation of DTPA, § 17.46(b)(2);
- (b) Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, in violation of DTPA, § 17.46(b)(3);
- (c) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection which he does not have, in violation of DTPA, § 17.46(b)(5);

- (d) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another, in violation of the DTPA, § 17.46(b)(7);
- (e) Failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction which the consumer would not have entered had the information been disclosed, in violation of the DTPA, § 17.46(b)(24).

**XI. APPLICATION FOR TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

18. Plaintiff has reason to believe that the Defendant and his agents are engaging in, have engaged in, or are about to engage in acts and practices declared to be unlawful under the DTPA.. Plaintiff believes these proceedings to be in the public interest. Therefore, pursuant to DTPA § 17.47(a) and § 17.60(4), Plaintiff requests relief by way of a Temporary Injunction and Permanent Injunction as set forth in the Prayer.

19. Plaintiff believes immediate injunctive relief by way of a Temporary Injunction is necessary to prevent continuing harm prior to trial.

20. The Court shall issue such injunctive relief without requiring a bond from the Plaintiff. DTPA § 17.47(b). Tex. Civ. Prac. & Rem. Code § 6.001(a).

**XII. REQUEST TO CONDUCT EXPEDITED DISCOVERY PRIOR TO TEMPORARY INJUNCTION HEARING**

21. Plaintiff requests leave of this Court to serve document requests and conduct the deposition of Defendant prior to any scheduled Temporary Injunction hearing. Under Texas law,

Defendant is prohibited from concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, invoices or other written materials—including electronic documents – that may be relevant to the claims alleged herein.

**XIII. TRIAL BY JURY**

22. Plaintiff herein requests a jury trial and tender the jury fee to the Harris County District Clerk's office pursuant to Texas Rule of Civil Procedure 216 and the Texas Government Code § 51.604.

**XIV. CONDITIONS PRECEDENT**

23. All conditions precedent to Plaintiff's claims for relief have been performed or have occurred.

**XV. REQUEST FOR DISCLOSURE**

24. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

**XVI. PRAYER**

25. Plaintiff prays that Defendant be cited according to law to appear and answer herein.

26. Plaintiff prays that, after due notice and hearing, a TEMPORARY INJUNCTION be issued, and upon final hearing a PERMANENT INJUNCTION be issued, restraining, and enjoining Defendant, Defendant's officers, agents, servants, employees, attorneys—and any other person in active concert or participation with Defendant—from engaging in the following acts or practices without further order of the Court:

- (a) Transferring, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, invoices or other written materials—including electronic document relating to the promotion or sale of seminars related to MMS that are currently or hereafter in any of the Defendant's possession, custody or control except in response to further orders or subpoenas in this cause;
- (b) Promoting, marketing, selling, offering for sale, advertising or hosting any seminars or events of any kind related in any way to MMS, Miracle Mineral Solution, Miracle Mineral Supplement, sodium chlorite or chlorine dioxide;
- (c) Promoting, marketing, selling, offering for sale, advertising, or manufacturing any substance, that is offered or intended to be used to treat a disease or condition of the human body unless the substance has been legally approved for such use as required by the Texas Food, Drug & Cosmetic Act, Tex. Health & Safety Code, Chapter 431;
- (d) Promoting, marketing, selling, offering for sale, advertising, or manufacturing of any substance intended to be used to treat a disease or condition of the human body that is adulterated or misbranded as defined in the Texas Food, Drug & Cosmetic Act, Tex. Health & Safety Code, Chapter 431.

27. Plaintiff further pray that this Court grant all other relief to which the Plaintiff, the State of Texas is entitled.

Respectfully submitted,

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Unofficial Copy Office of Chris Daniel District Clerk