

**IN THE CIRCUIT COURT OF
STONE COUNTY, MISSOURI**

STATE OF MISSOURI ex rel.)	
Attorney General Eric S. Schmitt,)	
)	
Plaintiff,)	
vs.)	Case No.
)	Division:
JIM BAKKER)	
)	
Serve in Stone County at:)	
Jim Bakker)	
180 Grace Chapel Road)	
Blue Eye, MO 65611)	
)	
and)	
)	
MORNINGSIDE CHURCH)	
PRODUCTIONS, INC. d/b/a)	
Jim Bakker Show Ministry,)	
)	
Serve Registered Agent in)	
Greene County at:)	
Spenserv-Springfield, Inc.)	
2144 E. Republic Road)	
Suite B-300)	
Springfield, MO 65804)	
)	
Defendants.)	

APPLICATION FOR TEMPORARY RESTRAINING ORDER

Plaintiff, State of Missouri, at the relation of Attorney General Eric Schmitt moves this Court to restrain Defendants from advertising or selling Silver Solution and related products as treatments for coronavirus. For its Application for Temporary Restraining Order, Plaintiff states as follows:

Introduction

Defendants Jim Bakker and Morningside Church Productions, Inc., d/b/a Jim Bakker Show Ministry (collectively, “Defendants”) have violated or are violating the Missouri Merchandising Practices Act (Chapter 407, RSMo.) by falsely promising to consumers that Silver Solution can cure, eliminate, kill or deactivate coronavirus and/or boost elderly consumers’ immune system and help keep them healthy when there is, in fact, no vaccine, pill, potion or other product available to treat or cure coronavirus disease 2019 (COVID-19).

Legal Authority

1. Pursuant to § 407.100.2, RSMo., the Attorney General may, in any action brought under the Missouri Merchandising Practices Act, Chapter 407 RSMo., seek and obtain temporary restraining orders and preliminary injunctions.

2. Pursuant to Rule 92.02(d) no bond is required where the application for a temporary restraining order or injunction is filed by the State on its own behalf.

3. The Attorney General is authorized by § 407.100.2 to seek temporary restraining orders and preliminary orders for violations of the Missouri Merchandising Practices Act (Chapter 407 RSMo.). The State need not establish the inadequacy of legal remedies as a prerequisite to an

injunction issued pursuant to § 407.100. *State ex rel. Nixon v. Telco Directory Publishing*, 863 S.W.2d 596, 599 (Mo. banc. 1993).

Factual Basis for Application

4. Jim Bakker is an individual located at 180 Grace Chapel Road, Blue Eye, Missouri, 65611. Defendant Bakker advertised, solicited, sold, and offered to sell merchandise in Missouri.

5. Jim Bakker is an individual located at 180 Grace Chapel Road, Blue Eye, Missouri, 65611. Defendant Bakker advertised, solicited, sold, and offered to sell merchandise in Missouri.

6. Morningside Church Productions, Inc. is a Missouri for-profit corporation which was incorporated on December 30, 2014. Morningside does business as Jim Bakker Show Ministry at 180 Grace Chapel Road as indicated by the Registration of Fictitious Name on file with the Missouri Secretary of State's Office. Defendant Morningside transacted business in Missouri and, specifically, within Stone County as Jim Bakker Show Ministry.

7. At all times relevant to the facts alleged in this petition, Defendants Jim Bakker and Morningside, doing business as Jim Bakker Show Ministry, engaged or directed their agents to engage in the unlawful practices alleged in this petition.

8. Any acts, practices, methods, uses, solicitations or conduct of the

Defendants alleged in this Petition include the acts, practices, methods, uses, solicitations or conduct of the Defendants' employees, agents, or other representatives acting under Defendants' direction, control, or authority.

9. Since at least February 12, 2020, Defendants advertised, offered to sell, and sold "Silver Solution", also referred to as "Silver Sol" and "Optivida Silver Solution" created by American Biotech Labs.

10. On the Jim Bakker Show, aired on multiple networks across the country, and on Jim Bakker Show website Defendants solicited the business of Missouri and non-Missouri consumers to purchase Silver Solution as a product to "support your immune system", "speed up natural processes that have positive effects on the body", and "resonating at just the right frequency"... to ... "disrupt foreign elements without disturbing the body's natural environment."

11. In a February 12, 2020, Jim Bakker Show #3861, Bakker has the following exchange with Sherill Sellman, referred to as a "naturopathic doctor" and "natural health expert":

Bakker: This influenza that is now circling the globe, you're saying that silver solution would be effective.

Sellman: Well, let's say it hasn't been tested on this strain of the coronavirus, but it has been tested on other strains of the coronavirus and has been able to eliminate it within 12 hours.

Bakker: Yeah.

Sellman: Totally eliminate it, kills it. Deactivates it.

Bakker: Yeah.

Sellman: And it boosts your immune system so then you can support the recovery, 'cause when you kill the virus then the immune system comes into action to clear it out, so you want a vibrant immune system as well as an ability to deactivate these viruses.

Sellman: Silver Sol has been proven by the government that it has the ability to kill every pathogen it has ever been tested on including SARS and HIV.

Bakker then offers Silver Sol products for viewers should they offer donations to the show at levels such as \$80 or \$125.

12. The Jim Bakker Show website includes prominent stories about the coronavirus and the course it is running across the globe. One update on the site is titled, "Covid-19 Coronavirus, building immunity, staying healthy, and the benefits of Silver Solution." When the link is clicked, a lengthy discussion of the corona virus outbreak is described with references to Covid-19's close relationship to the SARS virus. There, the update refers to the Sellman interview of February 12 and "the use of Silver Solution and ... many coronaviruses and other deadly diseases we face." Dr. Sellman is

described as “a worldwide known Board-Certified Integrative Naturopathic Doctor and mind-body psychotherapist.”

13. The website goes on to say that “what you really want to do is build a strong immune system” and refers to the “most vulnerable people that dies from flu and things” as the elderly.

14. On March 6, 2020, the Food and Drug Administration and the Federal Trade Commission issued warning letters to Defendant Jim Bakker and other companies for selling unapproved coronavirus drugs. The letter states:

This is to advise you that the United States Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) reviewed your website at the Internet address www.jimbakkershow.com on February 21, 2020 and February 13, 2020, respectively. We have also reviewed your social media page at <https://www.facebook.com/jimbakkershow/>, where you provide a link to your website www.store.jimbakkershow.com to purchase your products. The FDA has determined that your website offers products labeled to contain silver, such as “Silver Sol Liquid,” for sale in the United States and that these products are intended to mitigate, prevent, treat, diagnose, or cure COVID-19 in people. FDA has determined that these products are unapproved new drugs sold in violation of the Federal Food, Drug, and Cosmetic Act (FD&C Act), 21 U.S.C. § 355(a). Furthermore, these products are misbranded drugs under section 502 of the FD&C Act, 21 U.S.C. § 352. The introduction or delivery for introduction of these products into interstate commerce is prohibited under section 301(a) and (d) of the FD&C Act, 21 U.S.C. § 331(a) and (d).

15. The FDA letter also advises that “there are currently no vaccines, potions, lotions, lozenges or other prescription or over-the-counter products available to treat or cure coronavirus disease 2019 (Covid-19).

16. Because Defendants have engaged in, and are likely to continue to engage in, unfair practices, immediate and irreparable injury, loss, or damage is likely to result in the absence of relief. Further, once a violation of the Missouri Merchandising Practices Act (§§407.010 et seq.) is found to have occurred or is about to occur, irreparable harm, and harm to the public, are presumed. *State ex rel. Nixon v. Beer Nuts, Ltd*, 29 S.W.3d 828, 837-38 (Mo. App. E.D. 2000).

Relief

WHEREFORE, Plaintiff asks this Court to issue a Temporary Restraining Order enjoining and prohibiting Defendants and their officers, agents, employees, sales persons, contractors, representatives, assigns, successors in interest and any other individuals acting on their behalf or at their direction from the following specific practices:

A. Selling, offering for sale or advertising Silver Solution as a treatment for coronavirus in and from the state of Missouri.

Respectfully submitted,

ERIC S. SCHMITT
Attorney General

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