

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

**STATE OF MISSOURI ex rel., Attorney)
General Catherine L. Hanaway, and the)
MISSOURI DEPARTMENT OF)
HEALTH AND SENIOR SERVICES,)**

Plaintiffs,

v.

**RELAX RELIEF REJUVENATE)
TRADING LLC d/b/a EDP KRATOM,)
DUSTIN ROBINSON,)
AJAYKUMAR PATEL, and JOE)
GALLAGHER,)**

Defendants.

Case No.

Division

Jury Trial Demanded

**PETITION FOR INJUNCTION, CIVIL PENALTIES
AND OTHER RELIEF**

I. INTRODUCTION

1. On March 20, 2025, Relax Relief Rejuvenate Trading LLC employee James Wingard emailed a document to three new hires: “Please read the attached a good ten times so you understand 7OH chemically, what it does, and it’s [sic] uses.” That attachment, crassly entitled “So you wanna be a Mitragynacologist?” laid out the company’s talking points for sales calls. Among those points: 7-hydroxymitragynine, or “7-OH,” “is not classified as an opioid[.]” False. It “offers a safer alternative to heroine, [sic] over the counter or prescription pain killers.” False. “You can not [sic] overdose on it” alone. False. “Studies have not been done on interactions with other drugs. What we do know, however, is you can’t die[.]” Absolutely false. Indeed, Defendants’ own 2025 product catalogue admits that the compound’s “overall impact and safety require further investigation.” Defendants sell it anyway.

2. 7-OH is just one of a variety of psychoactive compounds Defendants sell derived from the plant *mitragyna speciosa*, or “kratom.” Defendants sell these drugs without having obtained approval by state or federal regulators—in clear violation of Missouri law, which prohibits selling new drugs without prior safety testing and federal sign-off. § 196.105.1, RSMo. Defendants thus use Missourians as guinea pigs for their products—even after the FDA concluded in 2025 that 7-OH is “a potent opioid that poses an emerging public health threat,” and a “dangerous substance.” FDA, 7-HYDROXYMITRAGYNINE (7-OH): AN ASSESSMENT OF THE SCIENTIFIC DATA AND TOXICOLOGICAL CONCERNS AROUND AN EMERGING OPIOID THREAT (hereinafter FDA 7-OH REPORT) 4 (2025), <https://www.fda.gov/media/187899/download?attachment>.

3. In fact, Defendants continued selling these products even after the FDA warned them that doing so was unlawful. Letter from Ann M. Oxenham, Director, Office of Compliance and Enforcement, Human Foods Program, Food and Drug Admin., to Dustin Robinson and Ajaykumar Patel, Owners, Relax Relief Rejuvenate Trading LLC (June 25, 2025) (hereinafter “FDA Warning Letter”), <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/relax-relief-rejuvenate-trading-llc-dba-rrr-trading-or-edp-kratom-709475-06252025>. Defendants still persisted after the United States Department of Justice seized thousands of their products. Press Release, U.S. Dep’t of Just., Justice Department Seizes Unlawful 7-OH Products at Three Warehouses, (Dec. 2, 2025), <https://www.justice.gov/usao-wdmo/pr/justice-department-seizes-unlawful-7-oh-products-three-warehouses>.

4. Even if products containing these compounds were not drugs, but rather “dietary supplements,” as Defendants might claim, they would still be illegal: Any supplement containing the deleterious and unapproved kratom alkaloids mitragynine, 7-hydroxymitragynine, or DiHydro-7-Hydroxymitragynine (“MGM-15”), all of which Defendants peddle, would constitute an

unlawfully adulterated food product. §§ 196.015(1)–(3), 196.070.1(2), RSMo.; 21 U.S.C. §§ 331(a)–(b); 350b(a), (d).

5. These products are also dangerous. Like other opioids, they pose significant risks of addiction, overdose, and other harms. Contrary to Defendants’ sales spiel, these products have already killed a number of Missourians—and that number continues to grow. Thus, their sale in violation of state and federal law also violates the Missouri Merchandising Practices Act, or “MMPA.” 15 CSR 60-8.020; 15 CSR 60-8.090. Additionally, Defendants fail to adequately warn consumers of the attendant risks and mislead consumers as to the purported benefits of their use, including by suggesting that they are appropriate for the treatment of medical conditions like “mood disorders,” “anxiety,” “depression,” and ADHD. This, too, is unlawful under the MMPA. § 407.020.1, RSMo.

6. Defendants have exposed Missouri consumers to dangerous drugs without the oversight of state or federal regulators and sold those drugs through deception and unethical business practices. Defendants have reaped the benefits. Missouri’s people have suffered the costs.

7. Plaintiffs, State of Missouri, at the relation of Attorney General Catherine L. Hanaway, and the Department of Health and Senior Services therefore bring this Petition for Injunction, Civil Penalties, and Other Relief against Defendants Relax Relief Rejuvenate Trading LLC (“RRR”), Dustin Robinson, Ajaykumar Patel, and Joe Gallagher. Upon information and belief, Plaintiffs state the following:

II. PARTIES

8. Plaintiff Catherine L. Hanaway is the Attorney General of the State of Missouri and brings this action on behalf of the State of Missouri pursuant to Chapters 196 and 407 of the Revised Statutes of Missouri.

9. Plaintiff Missouri Department of Health and Senior Services (“DHSS”), the State agency that supervises and manages all public health functions and programs in Missouri, § 192.005.1, RSMo., brings this action under its explicit statutory authority to seek injunctions of the sale of unapproved new drugs and adulterated food products. § 196.020, RSMo.

10. Defendant Relax Relief Rejuvenate Trading LLC is a Missouri limited liability company with a registered principal office address of 715 Armour Road Apartment 712, Kansas City, MO 64116-3678. RRR registered the fictitious name “EDP Kratom” with the Missouri Secretary of State on February 11, 2025. RRR registered the fictitious name “EDP Energy” with the Missouri Secretary of State on September 16, 2025.

11. Defendant Dustin Robinson, an individual domiciled in Missouri, is the organizer, President, Chairman, co-owner, and managing partner of Relax Relief Rejuvenate Trading LLC.

12. Defendant Ajaykumar Patel, an individual domiciled in Missouri, is the organizer and co-owner of Relax Relief Rejuvenate Trading LLC.

13. Defendant Joe Gallagher, an individual domiciled in Missouri, is Vice President and a managing partner of Relax Relief Rejuvenate Trading LLC.

III. JURISDICTION

14. This Court has subject matter jurisdiction pursuant to Article V, § 14 of the Missouri Constitution and § 478.070, RSMo.

15. This Court has further subject matter jurisdiction over this action pursuant to § 407.100, RSMo, of the Missouri Merchandising Practices Act, which allows the Attorney General to seek injunctive relief, civil penalties and other relief against those who violate § 407.020, RSMo.

16. This Court also has subject matter jurisdiction over this action pursuant to § 196.020, RSMo., which authorizes DHSS to seek a temporary or permanent injunction restraining any

person from selling a new drug or adulterated food product that has not been approved by state or federal regulators, as applicable. *See* §§ 196.015(1)–(4), 196.105, RSMo.

17. This Court has personal jurisdiction over RRR pursuant to Missouri’s long-arm statute, § 506.500.1 RSMo, because it is a limited liability company with a place of business in Missouri, has transacted such business in Missouri, and has committed tortious acts within Missouri to be performed within Missouri. Specifically, RRR has violated Missouri law prohibiting the sale of new drugs and/or dietary ingredients without state or federal approval; and RRR has engaged in unfair and deceptive practices by commissioning the manufacture of, and distributing, mitragynine, 7-OH, MGM-15, and other kratom products in the State of Missouri and selling them, directly and/or through independent distributors and retailers, to Missouri consumers through misleading claims and with inadequate warnings.

18. This Court has personal jurisdiction over Defendants Robinson, Patel, and Gallagher, because each has transacted business in Missouri giving rise to this action, and has committed tortious acts within Missouri to be performed within Missouri. § 506.500.1, RSMo. Specifically, each has violated Missouri law prohibiting the sale of new drugs and/or dietary ingredients without state or federal approval; and each has engaged in unfair and deceptive practices by commissioning the manufacture of, and distributing, mitragynine, 7-OH, MGM-15, and other kratom products in the State of Missouri and selling them, directly and/or through independent distributors and retailers, to Missouri consumers through misleading claims and with inadequate warnings.

IV. VENUE

19. Venue is proper in this Court pursuant to § 407.100, RSMo, which provides that “[a]ny action under this section may be brought in the county in which the defendant resides, in which the violation alleged to have been committed occurred, or in which the defendant has his principal

place of business.” § 407.100.7. For any claims not arising under the MMPA, venue is likewise proper pursuant to § 508.010, for the same reason. §§ 508.010.1(3), 508.010.2, 508.010.4, RSMo.

20. Defendants have violated Section 407 of the Revised Statutes of Missouri by selling kratom products, including 7-OH products, to retailers and consumers located in Cole County, which makes this Court an appropriate venue. § 407.100.7, RSMo.

V. FACTS COMMON TO ALL COUNTS

21. Kratom is a substance derived from the leaves of the plant *mitragyna speciosa* (the scientific name for a plant that itself is also commonly referred to as kratom).

22. *Mitragyna speciosa* and many products derived from it contain various psychoactive alkaloids, including mitragynine and 7-hydroxymitragynine, or “7-OH.”

23. Kratom is commonly consumed in powder or liquid form.

24. When kratom products are consumed, certain psychoactive alkaloids bind to the user’s opioid receptors. In other words, kratom is an opioid, and functions like an opiate.

25. Although naturally occurring in trace amounts in *mitragyna speciosa* after harvest, and present in small amounts in many kratom products, 7-OH is sometimes extracted and consumed in more concentrated form through products that seek to magnify kratom’s psychoactive effects.

26. According to the United States Food and Drug Administration (“FDA”), research consistently shows that the 7-OH molecule is substantially more potent than morphine. FDA 7-OH REPORT 18.

27. MGM-15 and 7-OH are both opioids derived from kratom, although early studies show that the former is even more potent than the latter.

28. The use of kratom has significantly increased in recent years, in part due to its ease of access relative to other opioids. Kratom products are commonly available at smoke shops, vape

shops, and convenience stores throughout Missouri. They are also easily purchased online without age or identity verification.

29. There is no consensus among qualified medical experts that kratom products containing mitragynine, 7-OH, MGM-15, or any other alkaloid are safe for use, particularly when sold over the counter without a prescription. With respect to 7-OH in particular, the FDA has concluded that “[t]he pharmacological profile, abuse liability, and emerging patterns of non-medical use establish 7-OH as a dangerous substance” and an “emerging threat to American public health.” FDA 7-OH REPORT 4.

30. Adverse events from the use of kratom and its alkaloids can include respiratory depression, overdose, and death. Indeed, studies show that “7-OH produces respiratory depression with more than 3-fold greater potency than morphine.” FDA 7-OH REPORT 5; *see also id.* at 17 (“7-OH may expose individuals to similar risks as classic opioids, including respiratory depression.”). MGM-15 likely carries all of these risks, and may even induce seizures in some users.

31. Sustained kratom use can lead to tolerance. Habitual users therefore must use increasing dosages to experience the same effects.

32. Kratom products are chemically addictive and their habitual use can lead to physical dependence.

33. The use of kratom products can frustrate the sobriety of individuals addicted to other opioids.

34. Some first-time kratom users may believe that it is safe or no more addictive than common substances like caffeine because it is so easily available in retail stores.

35. Kratom dependency is common within Missouri’s homeless population and contributes to vagrancy and crime in Missouri’s cities.

36. When an individual addicted to kratom ceases its use, such cessation can lead to withdrawal symptoms. These symptoms are similar to withdrawal from other opioids, and particularly acute from products with high levels of 7-OH.
37. In recent years, reports of serious physical health effects from kratom exposure have sharply increased, both in Missouri and around the country.
38. According to a recent report published by the Centers for Disease Control and Prevention, hospitalizations for single-substance kratom exposure reports increased 1,200 percent from 2015 to 2025, and hospitalizations for multi-substance exposures increased by 1,300 percent. Eleanor Blair Towers et al., *Increases in Kratom-Related Reports to Poison Centers—National Poison Data System, United States, 2015-2025*, 75 U.S. CENTERS FOR DISEASE CONTROLS AND PREVENTION MORBIDITY AND MORTALITY WEEKLY REPORT 141 (2026), <https://www.cdc.gov/mmwr/volumes/75/wr/pdfs/mm7511a1-H.pdf>. These reports spiked significantly in 2025, around the time that 7-OH products became widely available on the United States market. *Id.*
39. Missouri consumers have suffered significant adverse events from kratom use, including addiction, withdrawal, and overdose.
40. Overdose from kratom products has caused the death and permanent disability of Missouri residents.
41. RRR commissions the manufacture of kratom products containing mitragynine, 7-OH, MGM-15, and other psychoactive alkaloids like pseudoindoxyl, and sells them directly to consumers via its website and through intermediary distributors and retail stores.
42. RRR sells these kratom products to consumers, distributors, and retailers in states other than Missouri, and delivers them from warehouses located in Missouri.

43. RRR also gives away kratom products to consumers, distributors, and retailers in Missouri and other states, for example in response to consumer complaints about product quality.

44. These kratom products are marketed and sold under RRR's "Electro Dream Plant" or "EDP" brand.

45. EDP products bear prominent "bee" branding, obliquely implying that the products will give consumers a "buzz" like street drugs. In fact, one EDP product is explicitly branded "BUZZZ." Defendants also advertise these products as substitutes for legal and illegal cannabis products, including in publications directed at the cannabis industry and consumers, and as substitutes for street opioids like fentanyl and heroin.

46. Defendants Robinson, Patel, and Gallagher had actual or constructive knowledge of RRR's sale, delivery, and giving away of these kratom products, as well as its marketing of those products and the contents of that marketing. Robinson, Patel, and Gallagher were actively involved in the company's day-to-day pricing, sales, and advertising decisions.

47. On June 25, 2025, the United States Food and Drug Administration issued a warning letter to Defendants. The letter informed Defendants that "introducing or delivering [a product containing 7-OH] for introduction into interstate commerce violat[ed] the Federal Food, Drug, and Cosmetic Act[.]" FDA Warning Letter, *supra*.

48. On November 3, 2025, the Missouri Department of Health and Senior Services issued a statewide health advisory "warning Missourians about the serious health risks associated with" 7-OH. Press Release, Missouri Dep't of Health and Senior Servs., Missouri DHSS issues Health Advisory on 7-OH (Nov. 3, 2025), <https://content.govdelivery.com/accounts/MODHSS/bulletins/3f96178>.

49. On November 20, 2025, The Missouri Attorney General’s Office publicly issued civil investigative demands to a number of recipients, pursuant to the MMPA, § 407.040, RSMo. These recipients included Shaman Botanicals, LLC, and CBD American Shaman, LLC, the manufacturers of the majority of Defendants’ kratom products. On December 11, 2025, the Missouri Attorney General’s Office issued civil investigative demands, pursuant to the MMPA, to six more recipients, including RRR. Each CID indicated that the Attorney General had reason to believe that the recipient or others in the state were involved in the manufacturing, shipping, sale, and distribution of kratom and 7-OH products in violation of state law.

50. On December 2, 2025, the United States Department of Justice announced the seizure of 73,000 units of 7-OH product from warehouses operated by Shaman Botanicals LLC and RRR. Press Release, U.S. Dep’t of Just., Justice Department Seizes Unlawful 7-OH Products at Three Warehouses, (Dec. 2, 2025), <https://www.justice.gov/usao-wdmo/pr/justice-department-seizes-unlawful-7-oh-products-three-warehouses>. Justice Department officials stated that “[p]roducts containing 7-OH are illegal under federal law,” and that they “pose risks to consumers, including children[.]” *Id.*

51. On March 31, 2026, Plaintiffs filed suit against Shaman Botanicals, LLC; CBD American Shaman, LLC; their owner; and related entities, seeking injunctive relief and civil penalties in connection with the manufacture, distribution, and sale of kratom products, including 7-OH products. *State of Missouri et al. v. Shaman Botanicals, LLC*, 2616-CV11773 (Cir. Ct. Jackson Cnty. 2026).

VI. CAUSES OF ACTION

Count I: Violation of the Missouri Merchandising Practices Act

52. Plaintiffs incorporate each allegation set out *supra* as if fully set out herein.

53. The “fundamental purpose” of the Missouri Merchandising Practices Act is “the protection of consumers.” *Huch v. Charter Communications, Inc.*, 290 S.W.3d 721, 724 (Mo. banc 2009) (internal citation and quotation omitted).

54. One provision of the MMPA, § 407.020, RSMo., provides in pertinent part:

The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement, or solicitation.

55. “Person” is defined as “any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.” § 407.010.5, RSMo.

56. “Merchandise” is defined as “any objects, wares, goods, commodities, intangibles, real estate, or services.” § 407.010.4, RSMo.

57. “Sale” is defined as “any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or on credit.” § 407.010.6, RSMo.

58. “Trade” or “commerce” is defined as “the advertising, offering for sale, sale, or distribution, or any combination thereof, of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated. The terms ‘trade’ and ‘commerce’ include any trade or commerce directly or indirectly affecting the people of this state.” § 407.010.7, RSMo.

59. By advertising and selling kratom products, including 7-OH and MGM-15 products, Defendants have sold merchandise in trade or commerce within the meaning of § 407.010, RSMo.

60. The General Assembly “granted the attorney general authority to promulgate ‘all rules necessary to the administration and enforcement’ of the provisions of the [MMPA], which includes the authority to promulgate rules setting out the scope and meaning of the act.” *Huch*, 290 S.W.3d at 724–25 (citing § 407.145, RSMo.).

61. The Attorney General has promulgated rules explaining and defining terms used in the MMPA. The relevant rules include, but are not limited to, the provisions of 15 CSR 60-8.010 to 15 CSR 60-9.110. Under 15 CSR 60-8.020(1):

“An unfair trade practice is any practice which –

(A) Either –

1. Offends any public policy as it has been established by the Constitution, statutes or common law of this state, or by the Federal Trade Commission, or its interpretive decisions; or

2. Is unethical, oppressive or unscrupulous; and

(B) Presents a risk of, or causes, substantial injury to consumers.”

62. “Deception is any method, act, use, practice, advertisement or solicitation that has the tendency or capacity to mislead, deceive or cheat, or that tends to create a false impression.” 15 C.S.R 60-9.020(1).

63. The MMPA also incorporates the requirements of state and federal public protection law. Under 15 C.S.R. 60-8.090, it is an unfair practice to engage in any practice which:

(A) Violates state or federal law intended to protect the public; and

(B) Presents a risk of, or causes substantial injury to consumers.

64. Due to the physical and psychological harms associated with kratom use, addiction, and abuse, the unregulated sale of such products presents a risk of, and causes, substantial injury to consumers.

65. Defendants Robinson, Patel, and Gallagher, who among other things, supervised and directed the work of RRR's other staff, had actual or constructive knowledge of, and participated in, the actionable wrongs described in sections A–C of this count.

A. Defendant's sale of kratom products without state or federal approval violates the MMPA.

66. At the federal level, the Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. § 355(a), prohibits any person from "introduc[ing] or deliver[ing] for introduction into interstate commerce any new drug, unless an approval of an application [by the Food and Drug Administration] . . . is effective with respect to such drug."

67. Under federal law, the term "drug" is defined to include "articles (other than food) intended to affect the structure or any function of the body of man or other animals," 21 U.S.C. § 321(g)(1)(C), "articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals," 21 U.S.C. § 321(g)(1)(B), and "articles intended for use as a component of [such] article[.]" 21 U.S.C. § 321(g)(1)(D). A "new drug" includes

[a]ny drug (except a new animal drug or animal or an animal drug or an animal feed containing a new animal drug) the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, except that such a drug not so recognized shall be deemed to be a "new drug" if at any time prior to June 25, 1938, it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use. 21 U.S.C. § 321(p)(1).

68. "Interstate commerce" is defined to include "commerce between any state or territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body." 21 U.S.C. § 321(b).

69. Since 1943, Missouri law has prohibited “[t]he sale, delivery for sale, holding for sale, or offering for sale any article in violation of section . . . 196.105.” § 196.015(4), RSMO. Section 196.105, in turn, provides that:

No person shall deliver, offer for sale, hold for sale or give away any new drug unless:

- (1) An application with respect thereto has become effective under 21 U.S.C.A. § 355; or
- (2) When not subject to the federal act¹ unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug, there has been filed with the department [of health and senior services] an application setting forth full reports of investigations which have been made to show whether or not such drug is safe for use; a full list of the articles used as components of such drug; a full statement of the composition of such drug; a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; such samples as such drug and of the articles used as components thereof as the department may require; and specimens of the labeling proposed to be used for such drug. § 196.105.1, RSMO.

70. Under Missouri statute, “drugs” include “articles, other than food, intended to affect the structure or any function of the body of man or other animals,” “articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals,” and “articles intended for use as a component of [such] articles.” § 196.010(5)(b)–(d), RSMo, A “new drug” is:

any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended or suggested in the labeling thereof; or any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions[.] 196.010(11).

¹ “The term ‘federal act’ means the Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. 301 et seq.; 52 State 1040 et seq.)[.]” § 196.010(6), RSMo.

71. Kratom is subject to Sections 196.015 and 196.105 because it was not “sold in this state prior to the enactment of sections 196.010 to 196.120” in 1943 or introduced into interstate commerce prior to the enactment of the FDCA in 1938. §§ 196.105.3(2); 196.010(6), RSMo.; *see also* FDA, *Import Alert 54-15* (Feb. 21, 2025), https://www.accessdata.fda.gov/CMS_IA/importalert_1137.html (“[T]o the best of the agency’s knowledge, there is no information demonstrating that this substance was marketed as a dietary ingredient in the United States before October 15, 1994.”).

72. Because they are psychoactive, and thus, when consumed, are “intended to affect the function of the body” of the person using them, kratom products are “drugs” under both Missouri and federal law. § 196.010(5)(c), RSMo; 21 U.S.C. § 321(g)(1)(C).

73. Kratom products, as sold by Defendants, are also drugs under state and federal law because Defendants label and market them for the cure, mitigation, and treatment of disease, including: chronic pain; mood disorders like depression; other psychiatric conditions like anxiety and ADHD; muscle tension; and chronic fatigue. § 196.010(5)(b), RSMo; 21 U.S.C. § 321(g)(1)(B).

74. Because they are not generally recognized by experts as safe, mitragynine, 7-OH, MGM-15, and other kratom alkaloids are “new drugs” under both state and federal law, and, because Defendants have introduced them into interstate commerce by selling them to other states, “subject to the federal act.” 21 U.S.C. § 321(p)(1); *Cf. U.S. v. Undetermined Quantities of Articles of Drug*, 145 F.Supp.2d 692, 696–701 (D. Md. 2001) (herbal products that claimed to mimic the euphoric effects of illegal street drugs were subject to FDCA even when labeled as dietary supplements).

75. Because mitragynine and 7-OH are subject to the federal act, they are not legal to sell in Missouri absent federal approval. § 196.105.1(1)–(2), RSMo. Even if state approval were an

available avenue for legal sale, however, Defendants have failed to comply with the process for such approval. §§ 196.105.1(2), 196.105.2, RSMo.

76. Defendants have never submitted an application for any kratom or 7-OH product to the FDA under 21 U.S.C. § 355, nor has any such application become effective. There are no FDA-approved drugs containing kratom or kratom-derived drug substances such as 7-OH for the treatment or prevention of any medical condition. FDA 7-OH REPORT 5. Neither Defendants nor any other applicant has ever submitted an application for any kratom product to DHSS under § 196.105.1(2), RSMo.

77. Because Defendants' illicit sale of kratom products offends the public policy of this state and presents a risk of, or causes, substantial risks to consumers, it constitutes an "unfair practice." 15 C.S.R. 90-8.020(1). Unfair practices violate the MMPA, § 407.020, RSMo., and entitle the Attorney General to injunctive relief and civil penalties. § 407.100, RSMo.

B. By flouting state and federal regulations on food additives and dietary supplements, Defendants violate the MMPA.

78. The FDCA prohibits "[t]he introduction or delivery of any food, drug, device, tobacco product, or cosmetic that is adulterated or misbranded" and "the adulteration or misbranding of any food, drug, device, tobacco product, or cosmetic in interstate commerce." 21 U.S.C. § 331(a)–(b).

79. A food product is adulterated under the FDCA if it "contains any poisonous or deleterious substance which may render it injurious to health," 21 U.S.C. § 342(a)(1). Additionally, under 21 U.S.C. § 342(f), a dietary supplement is considered an adulterated food product if it:

(A) presents a significant or unreasonable risk of illness or injury under—

(i) conditions of use recommended or suggested in labeling, or

(ii) if no conditions of use are suggested or recommended in the labeling, under ordinary conditions of use;

- (B) Is a new dietary ingredient for which there is inadequate information to provide reasonable assurances that such ingredient does not present a significant or unreasonable risk of illness or injury;
- (C) the Secretary [of the Department of Health and Human Services] declares to pose an imminent hazard to public health or safety . . . ; or
- (D) is or contains a dietary ingredient that renders it adulterated under [21 U.S.C. § 342(a)(1)] under the conditions of use recommended or suggested in the labeling of such dietary supplement.

80. Under federal law, any dietary ingredient not marketed in the United States prior to October 15, 1994 is a “new dietary ingredient,” and any supplement containing it is deemed adulterated, except under certain circumstances not present here. 21 U.S.C. § 350b(a), (d).

81. The FDA has determined that “[k]ratom is not appropriate for use as a dietary supplement. FDA has concluded from available information, including scientific data, that kratom is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury and, therefore, dietary supplements that are or contain kratom are adulterated under section 402(f)(1)(B) of the FD&C Act.” FDA, *FDA and Kratom* (Dec. 2, 2025), <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>; *see also* FDA, *Import Alert 54-15* (Feb. 21, 2025), https://www.accessdata.fda.gov/CMS_IA/importalert_1137.html (“[I]n the absence of a history of use or other evidence of safety, . . . kratom and kratom-containing dietary supplements . . . are adulterated under Section 402(f)(1)(B).”).

82. Similarly, Missouri law prohibits the manufacture, sale, delivery, holding, or offering for sale of any food that is adulterated or misbranded. § 196.015(1)–(3), RSMo.

83. Under Missouri law, “food” consists of “articles used for food or drink for man or other animals, chewing gum, and articles used for components of any such article.” § 196.010(7), RSMo. In Missouri, a food is adulterated “[i]f it bears or contains any added poisonous or added

deleterious substance which is unsafe within the meaning of section 196.085.” § 196.070.1(2), RSMo. Under Section 196.085, such substance consists of “[a]ny poisonous or deleterious substance added to any food,” except under certain circumstances not relevant here.

84. The psychoactive alkaloids present in kratom products are poisonous and deleterious substances because they are hazardous to consumers’ health and potentially lethal. Their addition to any food or drink product is therefore adulteration contrary to Missouri law.

85. Defendants have added mitragynine, 7-OH, and MGM-15 to a number of flavored tablets and liquid “shots” labeled as “dietary supplements.”

86. Even if they are not new drugs, and if Defendants’ “dietary supplements” are properly categorized as food products, Defendants’ adulteration thereof violates state and federal laws intended to protect the public and presents a risk of substantial injury to consumers. It is therefore an unfair practice. 15 CSR 60-8.090. Unfair practices violate the MMPA, § 407.020, RSMo., and entitle the Attorney General to injunctive relief and civil penalties. § 407.100, RSMo.

C. Even if Defendants’ sale of kratom products did not violate the public policy of Missouri, their unscrupulous, deceptive and misleading marketing would still constitute an MMPA violation.

87. Defendants have engaged in deceptive and misleading practices by selling kratom products, including MGM-15, with deliberately confusing and vague packaging. For example, Defendants have sold kratom products that do not disclose their active ingredients, instead labeling those products as containing “proprietary mitragyna speciosa metabolites.” Defendants have also labeled MGM-15 products as “MHQ,” when that term does not appear in scientific literature or popular media and such misnomer therefore prevents consumers from researching the risks associated with the compound. In sum, these misleading and deceptive practices prevent Missouri consumers from making informed decisions about whether to consume those products.

88. Defendants further mislead and deceive consumers by underplaying the risks associated with 7-OH consumption. Among other things, Defendants have stated that 7-OH is “natural,” when it is synthetically produced, and only present in trace amounts in the natural kratom leaf; that it is “more healthy” than alternatives to relieve chronic pain, including prescription pain relievers; that it “is not classified as an opioid,” when it is in fact a highly selective opioid receptor agonist; that it can lead to “dependency,” rather than “addiction;” that it is “less addictive” than other opioids, when it is highly addictive; and that users “can’t die” from any quantity of 7-OH, even in combination with other drugs, when it can, like other opioids, kill users via respiratory depression.

89. Defendants further mislead consumers by suggesting that 7-OH is an appropriate treatment or therapy for a variety of medical conditions, when it has not undergone testing or approval for such use. Defendants even suggest that 7-OH is a safe way for opioid addicts to “detox,” when there is no credible scientific or clinical evidence that this is the case.

90. For the foregoing reasons, both Defendants’ product packaging and their advertising tend to mislead, deceive, and create a false impression in the minds of consumers in violation of § 407.020, RSMo.; *see also* 15 C.S.R 60-9.020(1).

91. Because Defendants’ misleading claims and inadequate disclosures are deceptive, they are unfair practices under the MMPA. § 407.020, RSMo.

92. Defendants have also shipped free 7-OH products to consumers whom Defendants knew to have serious addictions to those products, maintaining the cycle of addiction and therefore maintaining Defendants’ future revenue stream. This is an unethical and unscrupulous practice that presents a risk of serious harm to consumers, and thus an unfair practice under the MMPA. 15 C.S.R. 60-8.020(1):

93. Unfair practices violate the MMPA, § 407.020, RSMo., and entitle the Attorney General to injunctive relief and civil penalties. § 407.100, RSMo.

94. Plaintiffs are entitled to preliminary and permanent injunctive relief on this count. *See State ex rel. Director of Revenue v. Gabbert*, 925 S.W.2d 838, 839–40 (Mo. banc 1996). The State of Missouri and its citizens are irreparably harmed by the continued sale of unregulated, addictive, and dangerous drugs in violation of the law. *Cf. Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers); *Labrador v. Poe by and Through Poe*, 144 S. Ct. 921, 923 (2024) (Gorsuch, joined by Thomas and Alito, JJ., concurring); *id.* at 929 (Kavanaugh, joined by Barrett, JJ., concurring). The availability of these drugs has created a public health crisis, burdening publicly funded services, including medical services caring for persons suffering from addiction and overdoses, and law enforcement dealing with the vagrancy and crime that flows from such addiction. Equally, the State has a *parens patriae* interest in the wellbeing of its citizens, and the harms flowing from these drugs thus irreparably impact the State. *See In re Care and Treatment of Norton*, 123 S.W.3d 170, 174 (Mo. banc 2003) (“The State has a compelling interest in protecting the public from crime.”). That Defendants continue to manufacture, distribute, and sell these products after repeated warnings from state and federal agencies that doing so is unlawful demonstrates the need for judicial intervention. *See* ¶¶3, 47–51, *supra*. For these same reasons, the balance of the equities and the public interest favor preliminary injunctive relief and a temporary restraining order. Indeed, in MMPA cases like this one, irreparable harm and the public interest are presumed to favor the State. *State ex rel. Nixon v. Beer Nuts, Ltd.*, 29 S.W.3d 828, 837–38 (Mo. App. E.D. 2000).

Count II: Violation §§ 196.015(1), (4), and 196.105.1, RSMo.

95. Plaintiffs incorporate each allegation set out *supra* as if fully set out herein.

96. By selling kratom products, including 7-OH and MGM-15, without first obtaining the required regulatory approvals, Defendants have violated 196.015(1)–(4) and 196.105.1, RSMo. *See* ¶¶ 66–77, 78–85, *supra*. This analysis applies regardless of whether the Court determines that Defendants’ kratom products are new drugs, adulterated food products, or both.

97. Regardless of whether it gives rise to a cause of action under the MMPA, the violation of § 196.015, RSMo. independently entitles DHSS “to apply to the circuit court for, and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of section 196.015; irrespective of whether or not there exists an adequate remedy at law.” § 196.020, RSMo.

98. In this context, “the term ‘person’ includes individual, partnership, corporation, and association.” § 196.010(13), RSMo. Each Defendant is thus a “person” subject to injunction under the statute. As a result, an injunction is available against each Defendant if the other statutory requirements are satisfied, as they are here.

99. The Attorney General may bring this action on behalf of DHSS under her explicit statutory authority. § 27.060, RSMo.; *State ex rel Hawley v. Pilot Travel Centers, LLC*, 558 S.W.3d 22, 30–31 (Mo. banc 2018).

100. Plaintiffs are entitled to preliminary and permanent injunctive relief on this count. *See Gabbert*, 925 S.W.2d at 839–40. The State of Missouri and its citizens are irreparably harmed by the continued sale of unregulated, addictive, and dangerous drugs in violation of the law. *Cf. King*, 567 U.S. at 1303; *Labrador*, 144 S. Ct. 921 at 923; *id.* at 929. The availability of these drugs has created a public health crisis, burdening publicly funded services, including medical services

caring for persons suffering from addiction and overdoses, and law enforcement dealing with the vagrancy and crime that flows from such addiction. Equally, the State has a *parens patriae* interest in the wellbeing of its citizens, and the harms flowing from these drugs thus irreparably harms the State. *See Norton*, 123 S.W.3d at 174. That Defendants continue to manufacture, distribute, and sell these products after repeated warnings from state and federal agencies that doing so is unlawful demonstrates the need for judicial intervention. *See* ¶¶3, 47–51, *supra*. For these same reasons, the balance of the equities and the public interest favor preliminary injunctive relief and entry of a temporary restraining order.

RELIEF

WHEREFORE, Plaintiffs pray this Court enter Judgment:

101. Temporarily restraining, pursuant to Mo. Sup. Ct. R. 92.02(a), Defendants and their agents, employees, members, representatives, and other individuals acting at their direction from advertising, selling, providing, or accepting payment for any kratom product, including any product containing 7-OH or MGM-15.
102. Finding Defendants violated the Missouri Merchandising Practices Act, § 407.020, RSMo.
103. Finding Defendants violated §§ 196.015(4), and 196.105.1, RSMo.
104. In the alternative, finding Defendants violated §§ 196.015(1)–(3), and 196.105.1, RSMo.
105. Issuing a preliminary injunction, pursuant to § 407.100, RSMo, prohibiting and enjoining Defendants and their agents, employees, members, representatives, and other individuals acting at their direction from advertising, soliciting, selling, providing, or accepting payment for any kratom product, including any 7-OH or MGM-15 product.
106. In the alternative, issuing a preliminary injunction, pursuant to § 196.020, RSMo., prohibiting and enjoining Defendants and their agents, employees, members, representatives, and

other individuals acting at their direction from advertising, soliciting, selling, providing, or accepting payment for any kratom product, including any 7-OH or MGM-15 product, until such product is subject to an effective application under 21 U.S.C. § 355 and legal for sale under 196.105.1, RSMo.

107. Issuing a permanent injunction, pursuant to § 407.100, RSMo, prohibiting and enjoining Defendants and their agents, employees, members, representatives, and other individuals acting at their direction from advertising, soliciting, selling, providing, or accepting payment for any kratom product, including any 7-OH or MGM-15 product.

108. In the alternative, issuing a permanent injunction, pursuant to § 196.020, RSMo., prohibiting and enjoining Defendants and their agents, employees, members, representatives, and other individuals acting at their direction from advertising, soliciting, selling, providing, or accepting payment for any kratom product, including any 7-OH or MGM-15 product, until such product is subject to an effective application under 21 U.S.C. § 355 and legal for sale under 196.105.1, RSMo.

109. Requiring Defendants, pursuant to § 407.140.3, RSMo, to pay the State of Missouri a civil penalty of up to \$1,000.00 per violation of Chapter 407 that the Court finds to have occurred.

110. Requiring Defendants, pursuant to § 407.130, RSMo, to pay all court, investigative, and prosecution costs of this case.

111. Requiring Defendants, pursuant to § 408.040, RSMo, to pay pre- and post-judgment interest.

112. Granting any additional relief this Court deems just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

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/s/ Louis J. Capozzi III

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CERTIFICATE OF SERVICE

I certify that on May 7, 2026, I filed this paper through the Court's electronic-filing system. This filing effects service on all parties of record.

/s/ Louis J. Capozzi III
Solicitor General