NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged**:**	Originating Application - Form 15 - Rule 8.01(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	21/09/2026 3:52:37 PM AEST
Date Accepted for Filing:	22/09/2026 5:20:29 PM AEST
File Number:	QUD642/2026
File Title:	DEPARTMENT OF HEALTH, DISABILITY AND AGEING v GARRY SANDY VEREB
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 15
Rules 8.01(1); 8.04(1)

Originating application

No. QUD of 2026

Federal Court of Australia

District Registry: Queensland

Division: General

Secretary of the Department of Health, Disability and Ageing

Applicant

Garry Sandy Vereb

Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing: [Registry will insert time and date]

Place: Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane QLD 4000

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

Signed by an officer acting with the authority of the District Registrar

Filed on behalf of (name & role of party)	Secretary, Department of Health, Disability and Ageing (Applicant)
Prepared by (name of person/lawyer)	Michael Sullivan
Law firm (if applicable)	Norton Rose Fulbright Australia (Attn: Michael Sullivan & Tristan Dimmock)
Tel	02 6110 3019
Email	michael.sullivan@nortonrosefulbright.com & tristan.dimmock@nortonrosefulbright.com
Address for service (include state and postcode)	Norton Rose Fulbright Australia (Attn: Michael Sullivan & Tristan Dimmock) Level 6, Constitution Place, 1 Constitution Avenue, Canberra ACT 2601

Details of claim

This application is made under ss 21 and 43 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) and ss 42Y(1) of the *Therapeutic Goods Act 1989* (**TG Act**). On the grounds stated in the Concise Statement, the Applicant claims:

Declarations

Import, Manufacture and Supply

1. In the period 7 September 2021 to about August 2024 (**Relevant Period**), the respondent contravened section 19D(1)(a)(i) of the TG Act by importing into Australia therapeutic goods for use in humans, being megazyme forte enzyme capsules, to which none of the provisions of s 19D(1)(b) of the TG Act applied.

2. In the Relevant Period, the respondent contravened section 19D(1)(a)(iii) of the TG Act by manufacturing in Australia therapeutic goods for use in humans, being the goods listed in Annexure 1 to this application, to which none of the provisions of s 19D(1)(b) of the TG Act applied.

3. In the Relevant Period, the respondent contravened section 35A of the TG Act by carrying out at premises in Australia steps in the manufacture of therapeutic goods for use in humans, being the goods listed in Annexure 1 to this application, where:

    a. the respondent did not hold a licence authorising the carrying out of that manufacturing step in relation to those goods at those premises;

    b. those goods were not exempt goods under the TG Act none of the provisions of s 19D(1)(b) of the TG Act applied and the respondent was not an exempt person in relation to that manufacture.

4. In the Relevant Period, the respondent contravened section 19D(1)(a)(iv) of the TG Act by supplying in Australia therapeutic goods for use in humans, being the goods listed in Annexure 2 to this application, to which none of the provisions of s 19D(1)(b) of the TG Act applied.

Advertising

5. In the Relevant Period, the respondent caused advertising of therapeutic goods on webpages available for access in Australia (**Respondent's Advertising**), each of which constituted one or more contraventions of TG Act s 42DLB(1) on each day that the relevant webpage was available for access, by the following:

    a. including, without permission under the TG Act, prohibited representations that substances, being amygdalin and B15, were vitamins, thereby engaging s 42DLB(2) – 8 advertising webpages containing a total of 12 contravening representations, each repeated over not less than 537 days of publication on the relevant webpages, and a further three advertising webpages containing a total of 4 contravening representations each repeated over not less than 214 days of publication on the relevant webpages;

    b. including, without permission under the TG Act, prohibited representations regarding the treatment or cure of cancer in relation to the therapeutic goods at Annexure 3, thereby engaging s 42DLB(2) – 6 advertising webpages containing a total of 6 contravening representations, each repeated over not less than 537 days of publication

on the relevant webpages, and a further two advertising webpages containing a total of 2 contravening representations each repeated over not less than 214 days of publication on the relevant webpages;

c. including, without permission under the TG Act, prohibited representations regarding the treatment or cure of mental illness in relation to therapeutic goods, being ketones, thereby engaging s 42DLB(2) – one advertising webpage containing one contravening representation, repeated over 208 days of publication on the relevant webpage;

d. including, without approval or permission under the TG Act, restricted representations referring to serious form of diseases, conditions or ailment being one or more of cancer, asthma, diabetes, epilepsy, polycystic ovarian syndrome, seizure disorders, ADHD, Alzheimer's disease, Parkinson's Disease and Multiple Sclerosis, Autism, stroke, cardiovascular disease and angina in relation to the therapeutic goods at Annexure 4, thereby engaging s 42DLB(4) – 7 advertising webpages containing a total of 20 contravening representations, each repeated over not less than 537 days of publication on the relevant webpages, one advertising webpage containing a total of 11 contravening representations repeated over 208 days, and a further two advertising webpages containing a total of 3 contravening representations each repeated over not less than 214 days of publication on the relevant webpages;

e. including references, without governmental authorisation or requirement, to black salve being goods containing dimethyl sulfoxide (**DMSO**) being a Poisons Standard Schedule 4 substance, where DMSO was not included in Appendix H of the Poisons Standard as a medicine permitted to be advertised, thereby engaging s 42DLB(7) – one advertising webpage containing one contravening reference, repeated over 537 days of publication on the relevant webpage;

f. including references, without governmental authorisation or requirement, to therapeutic goods not entered in the Australian Therapeutic Good Register nor the subject of any exemption, approval or authority under the TG Act or its regulations, being those goods at Annexure 5, thereby engaging s 42DLB(9) – 10 advertising webpages containing a total of 12 contravening references each repeated over not less than 537days of publication on the relevant webpages, one advertising webpage containing a total of 3 contravening references repeated over 208 days, and 4 further advertising webpages containing a total of 4 contravening references repeated over 214 days.

6. In the Relevant Period, on each day that a relevant webpage was available for access, the Respondent's Advertising constituted one or more contraventions of TG Act s 42DMA, by the following matters in relation to therapeutic goods purportedly appropriate for the treatment of cancer or other serious diseases or in relation to substances purporting to be vitamins:

   a. Publishing advertisements that were not accurate, not balanced, or were misleading or likely to be misleading, contrary to s 8(1)(a) of *Therapeutic Goods (Therapeutic Goods Advertising Code) Instrument 2021* (**Advertising Code**) –9 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages, and 2 further advertising webpages over 214 days;

   b. Making statements which represent that the goods are safe, or without harm or side-effects, contrary to s 9(1)(a) of the Advertising Code – 7 advertising webpages, each repeated over 537 days of publication on the relevant webpages;

c. Making statements likely to delay or discourage necessary medical attention, contrary to s 9(3)(b) of the Advertising Code –2 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages, and 1 further advertising webpage over 214 days;

d. Making statements likely to delay or discourage undertaking treatment prescribed by medical practitioner, contrary to s 9(3)(c) of the Advertising Code – 2 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages, and 1 further advertising webpage over 214 days;

e. Making statements which exaggerate, or are likely to exaggerate, the efficacy or performance of the goods advertised, contrary to s 9(3)(d) of the Advertising Code – 10 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages and 2 further advertising webpages over 214 days;

f. Making statements comparing the advertised goods with other therapeutic goods, suggesting the other therapeutic goods are ineffectual, contrary to s 9(3)(f) of the Advertising Code – one advertising webpage, repeated over 537 days of publication on the relevant webpages;

g. Making statements which were not consistent with the body of scientific or clinical evidence applicable to the goods advertised, contrary to s 11(2)(b) of the Advertising Code – 5 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages, and 1 further advertising webpage over 214 days;

h. Making statements which expressly or by implication refer to scientific or clinical research, without identifying the researcher, contrary to s 11(3)(a) of the Advertising Code – 6 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages, one advertising webpage repeated over 208 days, and 2 further advertising webpages over 214 days;

i. Making statements which expressly or by implication refer to scientific or clinical research, without sufficiently identify the research by proper citation to enable consumers to access that research, contrary to s 11(3)(c) of the Advertising Code – 9 advertising webpages, each repeated over not less than 537 days of publication on the relevant webpages, one further advertising webpage repeated over 208 days.

Pecuniary penalties

7. Orders pursuant to s 42Y of the TG Act that the Respondent pay the Commonwealth of Australia such pecuniary penalty as the Court determines appropriate in respect of the contraventions of the TG Act referred to in paragraphs 1 to 6 above.

Other orders

8. An order that the Respondent pay the Applicant's cost of and incidental to these proceedings.

9. Such further order/s as the Court sees fit.

Applicant's address

The Applicant's address for service is:

Place: Level 6, Constitution Place, 1 Constitution Avenue, Canberra ACT 2601

Email: michael.sullivan@nortonrosefulbright.com & tristan.dimmock@nortonrosefulbright.com

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 21 September 2026



Signed by Michael Sullivan
Lawyer for the Applicant

Annexure 1 – Therapeutic Goods Manufactured in Contravention of the TG Act

a. Black salve;

b. B17 (amygdalin);

c. Megazyme Forte;

d. B15.

Annexure 2 – Therapeutic Goods Supplied in Contravention of the TG Act

a. Black salve – 96 instances of supply of a total of 103 jars of black salve; supply of 103 jars;

b. B17 (amygdalin) – 32 instances of supply of a total of 50 bottles of B17 alone, together with 7 instances of supply of a total of 14 further bottles as part of a multipack, being total supply of 64 bottles;

c. Megazyme Forte – 7 instances of supply of a total of 21 bottles as part of a multipack, and 1 instance of supply of a further 2 bottles, being total supply of 23 bottles;

d. B15 – 7 instances of supply of a total of 7 bottles as part of a multipack, and 1 instance of supply of a further single bottle, being total supply of 8 bottles; and

e. metabolic oral therapy package – one instance of supply of one therapy package.

Annexure 3 – Therapeutic Goods where Prohibited Representations Made in Contravention of the TG Act

a. Black salve;

b. B17 (amygdalin);

c. Megazyme Forte;

d. B15;

e. Shiitake mushroom extract;

f. Metabolic oral therapy package;

g. Metabolic injectable therapy package;

h. Ketone products being Keto OS, Keto OS Max and Keto OS Nat.

Annexure 4 – Therapeutic Goods where Restricted Representations Made in Contravention of the TG Act

a. Black salve;

b. Megazyme Forte;

c. B15;

d. Shiitake mushroom extract;

e. Metabolic oral therapy package;

f. Metabolic injectable therapy package;

g. Ketone products being Keto OS, Keto OS Max and Keto OS Nat.

Annexure 5 – Therapeutic Goods Not included on Register, Advertised in Contravention of the TG Act

a. Black salve;

b. B17 (amygdalin);

c. Megazyme Forte;

d. B15;

e. Shiitake mushroom extract;

f. Metabolic oral therapy package;

g. Metabolic injectable therapy package;

h. Ketone products being Keto OS, Keto OS Max and Keto OS Nat.