

IronMag Labs Dismissal Reversed by Ninth Circuit, Allowing Ostarine Case to Proceed

A federal appeals court ruled a judge improperly dismissed a lawsuit against seller of Ostarine sports supplements

LOS ANGELES, CALIFORNIA, USA, January 29, 2018 /EINPresswire.com/ -- A 9th U.S. Circuit Court of Appeals panel handed client Nutrition Distribution LLC a victory today in its ongoing battle to prevent IronMag Labs LLC from its false advertising of its sports supplements containing Ostarine, a substance developed by pharma giant GTx to treat degenerative muscle diseases and

cancers, announced Robert Tauler of [Tauler Smith LLP](#) in Los Angeles. The lawsuit alleges that IronMag Labs sells Ostarine without a prescription and markets Ostarine as a bodybuilding supplement, even though Ostarine is still in clinical trials. IronMag does not disclose to its customers that Ostarine has well known side effects, according to the lawsuit.



“

It is important that the creators of drugs like Ostarine are able to protect their inventions and the integrity of the clinical trial process to ensure the safety of products.”

Attorney Robert Tauler

In 2016, U.S. District Judge Manuel Real dismissed the lawsuit under a legal theory called primary jurisdiction, holding that because the FDA had not yet determined if Ostarine was a new drug requiring further study and testing before it could be distributed, the court could not interfere by making its own determination.

The 9th Circuit reversed and remanded, ruling that the lower court had abused its discretion and misapplied the law. “We are pleased that the Ninth Circuit recognized the Plaintiff’s right to move forward with its claims,” explained Tauler.

Nutrition Distribution’s position was bolstered by an amicus curiae brief filed by GTx Inc., which said that Ostarine is being investigated as a new drug, is the subject of clinical trials, and, as such, cannot be sold in supplements.

“We are pleased that the Ninth Circuit acknowledged GTx’s position that since Ostarine is the subject of publicly disclosed clinical trials, it cannot subsequently be marketed as a dietary supplement. It is important that the creators of drugs like Ostarine are able to protect their inventions and the integrity of the clinical trial process to ensure the safety of products,” Tauler said.

For more information about the case, [click here](#) [and here](#).

Tauler Smith LLP represents both plaintiffs and defendants in commercial litigation, including false advertising, business disputes, and unfair competition.

Robert Tauler
Tauler Smith LLP
310-590-3927
[email us here](#)

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases.

© 1995-2018 IPD Group, Inc. All Right Reserved.